Real East Texas

CITY OF LONGVIEW

Unified Development Code

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Article A. UDC Provisions and Procedures

Article Contents:

Section 1. General Provisions

Section 2. Development Review Bodies

Section 3. Submittal and Processing Procedures

Section 4. Contractor Types

Section 1. General Provisions

1.01. Title

This Unified Development Code of the City of Longview, Texas shall be known as, and may be cited and referred to as, the "UDC".

1.02. Authority

These regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically **Chapter 211 of the Texas Local Government Code** and **Chapter 212 of the Texas Local Government Code**.

1.03. Purpose

The purpose of this UDC is to unify the City's development regulations into a single document to reduce repetition and conflict among various ordinances. Additionally, this UDC is intended to implement the City of Longview Comprehensive Plan, Small Area Plans, and any other City-adopted plans.

1.04. Effective Date

The effective date of this UDC shall be January 1, 2021.

1.05. Fees

A. All fees shall be paid in accordance with the City's Fee Schedule, as adopted and may be amended by the City Council.

B. A permit may be denied or revoked by the Building and Fire Code Official for failure to pay any such permit fees or any related fees imposed by ordinance or resolution of the City Council.

C. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing system, or medical gas and vacuum system before obtaining the necessary permits shall pay twice the usual permit fee for each permit required for said work but not obtained before commencement of said work.

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D. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, including without limitation any fees that may be prescribed by ordinance or by resolution of the City Council of the City of Longview.

1.06. Violations and Fines

A. Violations Related to Fire Safety, Zoning, or Public Health and Sanitation

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this UDC related to fire safety, zoning, or public health and sanitation shall be fined not more than two thousand dollars ($2,000) for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

B. All Other Violations

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions all other aspects of this UDC shall be fined not more than five hundred dollars ($500) for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

1.07. Technical Manuals

This UDC references several technical manuals, particularly the Engineering Criteria Manual, which are maintained separately from the UDC. Technical manuals apply to all development in the City limits and Extraterritorial Jurisdiction. These documents are adopted by reference and may be amended by the City as needed.

1.08. Severability

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of Unified Development Code or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Unified Development Code as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Longview, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

1.09. Vested Rights Petition

A. Purpose

The purpose of a vested rights petition is to determine whether one or more standards of these Regulations should not be applied to a plan or application, or whether certain permits are subject to expiration.

B. Applicability

A vested rights petition may be filed for an application, permit, or plan required under these Regulations. Any property owner who believes that he/she has obtained a vested right shall submit

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to the Director of Development Services a petition letter explaining the factual and legal bases upon which the property owner relies in his/her contention that he/she has a particular vested right and, consequently, is exempt or not subject to a particular City order, standard, regulation, ordinance, rule, expiration date, or other properly adopted requirement (herein referred to collectively as "Regulations").

C. Petition Requirements

The vested rights petition shall allege that the petitioner has a vested right that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

1. Narrative Description for Purpose of Petition

   A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific regulation or to an entire project.

2. Copies of Applications

   A copy of each approved or pending application that the City will not apply current standards to the application, which is the subject of the petition.

3. Submittal Date of First Application

   The submittal date of the first application that began the vesting process.

4. Submittal Date of Subsequent Applications

   If applicable, the submittal dates of subsequent applications for the permits for the project.

5. Identification of Vested Regulations

   Identification of all regulations otherwise applicable to the application from which relief is sought.

   a. If a property owner contends that certain City regulations do not apply to a project, the property owner is expected to identify, with particularity, all requirements that the property owner contends do not apply.

   b. Global references to a particular ordinance, or set of criteria, may be deemed insufficient and the City may consider the request for a vested rights determination to be incomplete and, hence, not subject to a staff determination at that time.

6. Identification of Non-Vested Regulations

   Identification of any current regulations that petitioner agrees can be applied to the application at issue.

7. Narrative Description of How Current Regulations Affect Proposed Use

   A narrative description of how the application of current regulations affect proposed use of the land, landscaping or tree preservation, open space, lot size, lot dimensions, coverage or building size shown on the application for which the petition is filed.

8. Copies of Prior Vested Rights Determinations

   A copy of any prior vested rights determination involving the same land.

9. Benchmarking Project Progress for Expiring Permits or Applications

   Whenever the petitioner alleges that a permit or application subject to expiration should not be terminated, a description of the events constituting progress toward completion of the project for which the permit subject to expiration was approved.

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D. Vested Rights Determination

1. Vested Rights Petition Processing

   The applicant shall promptly forward the owner's vested rights request, along with any supporting information or documentation provided along with the request, to the City Attorney for review.

2. Determination by the Director of Development Services

   a. The Director of Development Services, after consultation with the City Attorney, shall issue a final administrative determination of whether a vested right exists in relation to the project, and shall identify, with particularity, all claims for vested rights exists in relation to the project, and shall identify, with particularity, all claims for vested rights that have been granted and all claims for vested rights that have been denied.

   b. The Director of Development Services shall issue a final administrative determination with thirty (30) business days from the receipt of the petition.

3. Vesting Pre-Determination Conference

   Prior to rendering the final determination, the Director of Development Services may request a pre-determination conference with the owner to discuss the owner's vested rights claim and to ensure that the nature of the claim is fully and completely understood by the Director of Development Services prior to a final determination being rendered.

E. Vested Rights Appeal to the City Council

1. If the property owner believes that the Director of Development Services's vested rights determination is in error, the property owner shall have the right to appeal such determination to the City Council, which shall have jurisdiction to hear and decide the appeal.

2. Any vested right petition shall be approved or denied in their entirety and shall not be modified.

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Section 2. Development Review Bodies

2.01. Responsibility Summary Key

Table 1 is a summary of all major application types and the associated responsible authority. In this Table:

- The term “decide” shall mean final decision authority;
- The term “appeals” shall mean the authority to decide on appeals;
- The term “option” shall mean a non-obligatory decision;
- The term “recommend” shall mean the recommending body;
- The term “review” shall mean the responsible body for reviewing;
- The term “approve only” shall the mean a body that can only approve an application and not deny. In cases where the body cannot approve, the application shall be forwarded to another authority;
- The term “implement” shall mean the responsible body for implementation; and
- The term “maintain” shall mean the responsible body for maintaining inventories or applications.

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Table 1. Summary of Approval Authority

Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Historic Preservation Commission	Construction Advisory and Appeals Board	City Manager	Director of Development Services	City Planner	Building and Fire Code Official	Director of Public Works	City Engineer
Zoning-Related Responsibilities											
Zoning District Boundaries Interpretation			Decide								
Classification of New and Unlisted Uses								Decide			
Shared Parking								Decide			
Alternative Compliance	Decide (when decision-maker)	Recom-mend (when recom-mending body)						Decide (when decision-maker)			
Development Site Plan								Decide			
Zoning Map and Text Amendments	Decide	Recom-mend						Review			
Planned Development Application and Review	Decide	Recom-mend						Review			
Specific Use Permit (SUP)	Decide	Recom-mend						Review			
Reinstatement of Nonconforming Use Rights			Decide					Review			
Amortization of Nonconforming Uses	Initiate		Decide					Review			
Zoning Regulation Appeals			Decide					Review			
Zoning Variance			Decide					Review			
Zoning Special Exception			Decide					Review			

Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Historic Preservation Commission	Construction Advisory and Appeals Board	City Manager	Director of Development Services	City Planner	Building and Fire Code Official	Director of Public Works	City Engineer
Subdivision-Related Responsibilities											
Road and Utility Facilities Sizing and/or Appeal of City Engineer's Decision		Decide (Option) and Decide Appeals									Decide (Option)
Determination of Completeness for Subdivision-Related Applications								Decide			
Waiver of Right to 30-Day Action								Decide			
Pre-Submission Proposal Required								Decide (Dual)			Decide (Dual)
Require a Sight-Distance Study and Traffic Impact Analysis											Decide
Review of Construction Plans and Approval of Infrastructure Permit with a Waiver Request or Appeal (Track 1 or Track 2)		Decide						Approve Only			Approve Only
Improvement Agreements (Track 2)											Decide
Final Plat		Decide						Review			
Replat		Decide						Review			
Minor Plat		Decide Appeals or Deferrals						Approve Only (option)			
Amending Plat		Decide Appeals or Deferrals						Approve Only (option)			
Plat Vacation		Decide						Review			
Abandonment of Public Right-of-Ways	Decide							Review			
Abandonment of Public Easements	Decide (By Separate Instrument)							Review			Review
Inspection of Public Improvements, Letter of Compliance, and Record Drawings											Decide

Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Historic Preservation Commission	Construction Advisory and Appeals Board	City Manager	Director of Development Services	City Planner	Building and Fire Code Official	Director of Public Works	City Engineer
Petition for Subdivision Waiver		Decide (when Plat decision-maker)									
Subdivision Proportionality Appeal	Decide	Recom-mend									Review

Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Historic Preservation Commission	Construction Advisory and Appeals Board	City Manager	Director of Development Services	City Planner	Building and Fire Code Official	Director of Public Works	City Engineer
Historic Preservation-Related Responsibilities											
Designation of Local Historic Landmarks	Decide	Recom-mend		Recom-mend				Review	Review		
Designation of Historic Overlay Districts	Decide	Recom-mend		Recom-mend				Review	Review		
Certificate of Appropriateness				Decide				Review	Review		

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Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Historic Preservation Commission	Construction Advisory and Appeals Board	City Manager	Director of Development Services	City Planner	Building and Fire Code Official	Director of Public Works	City Engineer
Other Responsibilities											
Vested Rights Petition	Decide Appeals						Decide				
Appeals of Decisions and Interpretations of Building and Fire Code Official, Fire Marshal and/or City Engineer					Decide						
Construction and Fire Code					Review/ Recom-mend						
Variances for Special Conditions					Decide						
Suspension of Building Trade Licenses					Decide						
New Code/Code Version Adoption	Decide				Recom-mend						
Use of Right-of-Way and Right-of-Way Permits											Decide
Driveway Permit											Decide
Request for Additional Street Lighting											Decide
Exceptions to Requirements for Sidewalks		Decide									
Determination of Need for a Traffic Impact Analysis											Decide
Floodplain Administrator											Administrat ion
Development Permit											Decide
Exceptions to Placement of Utilities Requirements											Decide
Complete Streets Policy										Implement	
Wastewater System Connection Permit (within the City Limits)										Decide	

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Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Historic Preservation Commission	Construction Advisory and Appeals Board	City Manager	Director of Development Services	City Planner	Building and Fire Code Official	Director of Public Works	City Engineer
Wastewater System Connection Permit (Outside of City Limits)	Decide										
Water and Wastewater Main Extensions Outside Corporate Limits	Decide										
Annexation	Decide							Review			Review
Register and License Contractors									Decide		
Issue Building Permits									Decide		
Issue Certificates of Occupancy									Decide		
Revoke Contractors Licenses									Decide		
Issue Stop Work Orders									Decide		
Administer/Enforce Building and Safety Codes									Implement		
Designate Fire Lanes									Decide		
Order Removal of Signs									Decide		

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2.02. City Council

A. Establishment

The City's Code of Ordinances establishes the standards governing the City Council within **Article II of the City's Charter**.

B. Responsibility

Table 2 is a summary of the City Council's major responsibilities within the UDC.

C. Actions of City Council

Overturning a decision of the Planning and Zoning Commission shall require a super-majority vote of the City Council membership.

Table 2. City Council's Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Article B.5.01	Zoning Map and Text Amendments	Decide
Article B.6.01	Alternative Compliance	Decide (when decision-maker)
Article B.5.04	Planned Development Zoning	Decide
Article B.5.05	Specific Use Permit (SUP)	Decide
Article B.5.07	Amortization of Nonconforming Uses	Initiate
Historic Preservation-Related Responsibilities		
Article C.2.01	Designation of Local Historic Landmarks and Historic Overlay Districts	Decide
Subdivision-Related Responsibilities		
Article D.6.02	Subdivision Proportionality Appeal	Decide
Other Responsibilities		
Article A.1.09.E	Vested Rights Appeal to the City Council	Decide
Article E.4.02	Abandonment of Public Right-of-Ways	Decide
Article E.4.03	Abandonment of Public Easements by Separate Instrument	Decide
Article E.2.03.A.1	Wastewater System Connection Permit (outside of City limits)	Decide
Article E.2.04.B	Water and Wastewater Main Extensions Outside Corporate Limits	Decide
-	New Code/Code Version Adoption	Decide
-	Annexation	Decide

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2.03. Planning and Zoning Commission

A. Establishment

The City's Code of Ordinances and **Chapter 211.007 of the Texas Local Government Code** establishes the standards governing the Planning and Zoning Commission within **Chapter 4, Article III of the City's Charter**.

B. Responsibility

Table 3 is a summary of the Planning and Zoning Commission's major responsibilities within the UDC.

Table 3. Planning and Zoning Commission's Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Article B.5.01	Zoning Map and Text Amendments	Recommend
Article B.6.01	Alternative Compliance	Recommend (when recommending body)
Article B.5.04	Planned Development Application and Review	Recommend
Article B.5.05	Specific Use Permit (SUP)	Recommend
Historic Preservation-Related Responsibilities		
Article C.2.01	Designation of Local Historic Landmarks and Historic Overlay Districts	Recommend
Subdivision-Related Responsibilities		
Article D.1.06.D	Road and Utility Facilities Sizing and/or Appeal of City Engineer's Decision	Decide (Option)
Article D.4.04.B	Review of Construction Plans and Approval of Infrastructure Permit with a Waiver Request or Appeal (Track 1 or Track 2)	Decide
Article D.4.07	Final Plat	Decide
Article D.4.08	Replat	Decide
Article D.4.09	Minor Plat	Decide Appeals or Deferrals
Article D.4.10	Amending Plat	Decide Appeals or Deferrals
Article D.4.11	Plat Vacation	Decide
Article D.6.01	Petition for Subdivision Waiver	Decide
Article D.6.02	Subdivision Proportionality Appeal	Recommend
Other Responsibilities		
Article E.1.08	Exceptions to Requirements for Sidewalks	Decide

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C. Membership

1. Composition

Planning and Zoning Commission membership shall be determined in accordance with the provisions of **Chapter 4 Article III of the Code of Ordinances**.

2. Term of Office

The term of office of each member shall be three (3) years pursuant to Ordinance No. 2997 amending Section 4-103 of the City's Boards, Commissions and Committees Ordinance regarding length of terms of the service for certain boards or until a successor is appointed and qualified. No person shall serve more than two (2) consecutive full terms. A person will be eligible for reappointment to the Planning and Zoning Commission one (1) year from and after the expiration of the second of two (2) consecutive terms. Serving the remainder of a term, which has been vacated, shall not be considered in determining terms served.

3. Appointments

Appointments to the Planning and Zoning Commission shall be made in March of each year.

4. Residency

Residency within the corporate limits of Longview, Texas shall be a prerequisite to serving on the Planning and Zoning Commission.

5. Voting

At all meetings of the Planning and Zoning Commission, each member attending shall be entitled to cast one (1) vote. All members present shall cast either an affirmative or negative vote unless he or she has vacated his or her seat because of a conflict of interest. Voting shall be by voice or by roll call, as determined by the Chairperson. The affirmative vote of a majority of the members present and qualified shall be required for the adoption of any item of business. The number of votes cast for and against each motion shall be recorded in the minutes.

6. Conflict of Interest

Any member of the Planning and Zoning Commission who determines that he or she has a conflict of interest on any matter on the Commission's agenda shall explain the nature of such conflict, voluntarily vacate his/her seat and refrain from discussing and voting on said item with the Commissioners. A member shall declare a conflict of interest in a matter under consideration by the Planning and Zoning Commission when:

a. The member has a personal financial interest in the matter;

b. The member is an officer of, has an interest in, or is employed by a firm or corporation which has an interest in the matter; or

c. Any circumstances exist which would in any way affect the ability of the member to give a fair and impartial determination in a matter before the Planning and Zoning Commission.

Any member may raise the question of conflict or interest or possible conflict of interest with respect to any other member present. The question raised must be decided by majority vote of the members present and qualified.

7. Absences

All members shall be present at seventy-five (75) percent of all scheduled meetings per calendar year. Any person unable to meet the attendance requirement shall automatically forfeit their appointment. An attendance record shall be forwarded to the City Manager on a quarterly basis.

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8. Vacancies

   Any vacancy resulting from resignation, removal, or death of a member serving as Chairperson, shall cause the Vice-Chairperson to automatically assume the position of Chairperson and require the election of a new Vice-Chairperson.

9. Training

   Newly appointed members to the Planning and Zoning Commission shall attend an orientation provided by city staff or other appropriate training seminar within six months after appointment.

D. Actions of the Planning and Zoning Commission

1. The Planning and Zoning Commission shall be vested with all powers and duties available to it as specified under Texas Civil Statutes and all amendments thereto.
2. Specifically, the Commission shall:
   a. Cause plans to be prepared for the City of Longview and such other areas, which in the opinion of the Commission, forms the total of the community;
   b. Hold public hearings as provided by law;
   c. Make and recommend policy to the City Council in areas of physical and social development;
   d. Adopt such regulations and rules as may be provided by law;
   e. Recommend and provide plans for such other matters as may be of interest to the public and the Governing Body.
3. Work Plans
   a. The Planning and Zoning Commission shall annually prepare a work program detailing the Commission's prospective activities for the ensuing year, and a written report of its activities for the previous two (2) years. The report shall include a review of the Commission's mission, its accomplishments and activities in general, the attendance record of its membership, and any recommendations or requests deemed appropriate by the Commission.
   b. At least once every two (2) years, the Chairperson shall present to the City Council at a regularly scheduled work session a report of the activities of the Commission since the previous such report or for the last two (2) years, whichever period is shorter in duration.

E. Meetings

1. Regular Meetings
   a. Regular meetings of the Planning and Zoning Commission shall be the third Tuesday of each month, unless such date is a legal holiday, in which case the meeting shall be held on the following day (Wednesday). Unless otherwise publicly announced by the Chairperson, all meetings shall be held in the City Council Chambers of the Jo Ann Metcalf Municipal Building, located at 300 West Cotton Street, Longview, Texas. The regularly scheduled meeting shall commence at 5:30 p.m. Any change in meeting location, time, or date shall be posted on the official notice board in the Municipal Building, for the convenience of persons having business before the Commission.
   b. Members of the Planning and Zoning Commission may engage in discussions of an application or other matter requiring a public hearing with the applicant, the applicant's representative, or the general public prior to the public hearing, but shall maintain neutrality and shall not indicate how the member may vote on the matter. Members receiving

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information from any interested party prior to the Commission meeting shall present that information to the entire Commission at the public hearing called for the purpose of enabling all Commission members and the public to have the full benefit of such information. Members are strictly prohibited from discussing any item before the Commission with other members outside of a properly posted open meeting.

2. Agenda

The Secretary, or other authorized officer, shall prepare an agenda of all matters to come before the Planning and Zoning Commission no later than six days prior to the meeting date. All requests for inclusion on the agenda shall be made known to the secretary by 5:00 p.m., eight days prior to the next regular meeting or by the officially established schedule pertaining to the type of application to be considered.

3. Application Deadlines

The deadline for all zoning requests and preliminary plats is the first Tuesday of the month of the meeting. For replats, the deadline is the last Tuesday of the previous month.

4. Special Meetings

Special meetings may be called by the Chairperson, or in his/her absence, the Vice-Chairperson, or upon written request of any three (3) members of the Planning and Zoning Commission. Notice received by letter, phone call, fax or other acceptable means of communication by Commission members and the news media at least 24 hours prior to the scheduled time shall be considered ample notice.

5. Annual Meetings

The regular meeting during the month of April of each year shall be designated as the annual meeting, at which time the Planning and Zoning Commissioners will prepare a work plan and review the bylaws and amend as necessary.

6. Quorum

A quorum shall consist of a majority of the members of the Planning and Zoning Commission appointed and qualified at any given time. In the absence of a quorum at any meeting, the presiding officer may adjourn the meeting to a specific time, date, and place, which shall be publicly announced.

7. Open Meetings

All meetings of the Planning and Zoning Commission shall be open to the public and to attendance by representatives of the news media, in accordance with Texas Open Meetings Law (Art. 6252-17, Texas Revised Civil Statutes).

8. Minutes Available to Public

The Secretary shall prepare and maintain permanent minutes to be kept available for public view and use.

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2.04. Zoning Board of Adjustment

A. Establishment

There is hereby created a zoning board of adjustment for the City, which shall be officially known as the Zoning Board of Adjustment. The board shall adopt Bylaws to govern its proceedings which are consistent with the City of Longview Unified Development Code and statutes of the State of Texas.

B. Powers/Duties/Responsibilities

1. The Zoning Board of Adjustment (ZBA) was created to make special exceptions and zoning variances to the zoning standards as herein defined. The Zoning Board of Adjustment shall take action when in its judgement, the public convenience and welfare will be substantially or permanently injured.
2. The board shall, from time to time, on its own motion or upon cause, presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the City
3. The board shall hear and decide an appeal that alleges error in an order, requirement, decision or determination mad by an administrative official.
4. **Table 4** further elaborates the Zoning Board of Adjustment's powers, duties and responsibilities.

Table 4. Zoning Board of Adjustment's Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Article B.1.04.A.8	Zoning District Boundaries Interpretation	Decide
Article B.5.06.E.5	Reinstatement of Nonconforming Use Rights	Decide
Article B.5.07	Amortization of Nonconforming Uses	Decide
Article B.6.02	Zoning Regulation Appeals	Decide
Article B.6.03	Zoning Variance	Decide
Article B.6.04	Zoning Special Exception	Decide
Historic Preservation-Related Responsibilities		
Subdivision-Related Responsibilities		
Other Responsibilities		

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C. Membership

1. The Zoning Board of Adjustment shall consist of five (5) members, each to be appointed by the Mayor and subject to confirmation by the City Council for a term of two (2) years and removable for cause by the City Council upon written charges and after public hearing.

2. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant in the same manner as the original appointment was made. Provided, however that the Mayor, subject to confirmation by the City Council, may appoint four (4) alternate members of the Zoning Board of Adjustment who shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager, as the case may be. Alternate members, when appointed, shall serve for the same period as the regular members and any vacancy shall be filled in the same manner and shall be subject to removal as the regular members.

3. All cases to be heard by the Zoning Board of Adjustment will always be heard by a minimum number of four (4) members. (Ordinance No. 1242)

4. The concurring vote of ¾ of the members of the Zoning Board of Adjustment is necessary to:

   a. Reverse an order, requirement, decision, or determination of an administrative official;

   b. Decide in favor of an applicant on a matter on which the Zoning Board of Adjustment is required to pass under a zoning ordinance; or

   c. Authorize a variation from the terms of a zoning ordinance.

5. The City Council shall have the authority, with or without cause, to remove any member of the Zoning Board of Adjustment appointed to the Board by the City Council.

D. Actions of the Board

1. The following persons may appeal to the Zoning Board of Adjustment a decision made by an administrative official:

   a. The person who files the application that is the subject of the decision;

   b. The owner or representative of the owner of the property that is the subject of the decision;

   c. The owner of real property within 200 feet of the property that is the subject of the decision;

   d. Any officer, department, board or bureau of the municipality affected by the decision.

   e. Any person or persons aggrieved by the decision.

2. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof, by posting such notice in the mail addressed to all owners of real property located within three hundred (300) feet of the property on which the appeal is made and by publishing notice of such hearing in the newspaper of general circulation in the City of Longview. Both the posted and published notice shall be given at least ten (10) days prior to the date set for the hearing. Upon the hearing any party may appear in person or by attorney or representative.

3. When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Zoning Board of Adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established.

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a. Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Board of Adjustment of Adjustment or any taxpayer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (20) days after the filing of the decision in the office of the Zoning Board of Adjustment not thereafter

4. The Zoning Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the Board has the same authority as the administrative official.

E. Judicial Review of Zoning Board of Adjustment Decision

1. The decision of the Zoning Board of Adjustment is final and may not be appealed to City Council. In accordance with **Section 211.011 of the Texas Local Government Code**, however, a verified petition stating the at the decision of the Zoning Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality may be made to a district court, county court or county court at law.

2. The petition must be presented within 10 days after the date of the decision is filed in the Zoning Board of Adjustment's office.

F. Meeting Information

1. Meetings shall be held in accordance with the Zoning Board of Adjustment Bylaws.

2. All meetings of the Zoning Board of Adjustment shall be open to the public and in compliance with open meeting laws.

3. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicate such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Adjustment and shall be a public record.

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2.05. Historic Preservation Commission

A. Establishment

There is hereby created a commission to be known as the Longview Historic Preservation Commission.

B. Responsibilities

Table 5 is a summary of the Historic Preservation Commission's responsibilities within the UDC.

Table 5. Historic Preservation Commission's Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Historic Preservation-Related Responsibilities		
Article C.2.01	Designation of Local Historic Landmarks and Historic Overlay Districts	Recommend
Article C.2.10	Certificate of Appropriateness	Decide
Subdivision-Related Responsibilities		
Other Responsibilities		

C. Membership

1. The Historic Preservation Commission shall consist of seven (7) positions with voting members to be appointed by position, to the extent available among the residents of the City, by the City Council as follows:
   a. An architect, planner, or representative of a design profession.
   b. A historian or someone knowledgeable in local history.
   c. A licensed real estate professional.
   d. An attorney.
   e. An owner of a Historic Landmark or property in a Historic Overlay District.
   f. Two member at large positions that demonstrates interest, competence, and knowledge in historic preservation within the City.
2. Ex officio non-voting members shall include:
   a. The Longview Main Street Manager;
   b. A board member of the Gregg County Historical Commission;
   c. The Historic Preservation Officer; and
   d. The Building and Fire Code Official of the City.
3. All Historic Preservation Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City.

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4. The Historic Preservation Commission as a whole shall attempt to represent the ethnic diversity of the City.
5. A quorum for the transaction of business shall consist of not less than a simple majority of all the voting members of the Historic Preservation Commission.
6. Voting Historic Preservation Commission members shall serve on the board as outlined in **Chapter 4, Section 4-102 and Section 4-103 of the Longview City Code**. The initial term of four (4) members shall be two (2) years, and the initial term of three (3) members shall be one (1) year, with the term of each member determined by the City Council. Appointments shall be by position. In the case of vacancies on the Historic Preservation Commission, the City Council shall appoint a replacement to serve the remainder of that term. The unexpired term shall not apply when calculating service for the maximum service of four years. Members may not be reappointed for a period of 2 years after fulfilling 2 concurrent terms. The members of the Historic Preservation Commission shall be subject to all requirements and provisions applicable to all board or committee members as may be established by the City Council.
7. Voting members are subject to the attendance requirements outlined in **Chapter 4, Section 4-105 of the Longview City Code**.
8. The Chairperson of the Historic Preservation Commission shall be appointed by the City Council per Chapter 4 of the Longview City Code. The Historic Preservation Commission shall appoint the Vice Chairperson.

D. Actions of the Historic Preservation Commission

The Historic Preservation Commission shall be empowered to:

1. Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the Historic Preservation Commission.
2. Prepare rules and procedures as necessary to carry out the business of the Historic Preservation Commission, which shall not be effective until ratified by the City Council.
3. Adopt criteria for the designation of Historic Landmarks and the delineation of Historic Overlay Districts, which shall not be effective until ratified by the City Council.
4. Conduct surveys and maintain an inventory of Historic Landmarks and all properties located in Historic Overlay Districts. These records will be maintained and available in the Planning office.
5. Recommend the designation of resources as Historic Landmarks and Historic Overlay Districts.
6. Create committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this article.
7. Maintain written minutes, which record all actions taken by the Historic Preservation Commission and the reasons for taking such actions. These records will be maintained and available in the Planning office.
8. Recommend conferral of recognition upon the owners of Historic Landmarks or of properties within Historic Overlay Districts by means of certificates, plaques, or markers.
9. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
10. Make recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of Historic Landmarks and Historic Overlay Districts.
11. Approve, approve with conditions, or disapprove applications for Certificate of Appropriateness pursuant to this article and **Article C. Historic Preservation**.

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12. Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
13. Prepare specific design guidelines for the review of proposed work on Historic Landmarks and proposed work in Historic Overlay Districts.
14. Recommend the acquisition of a Historic Landmark by the City where preservation of said Historic Landmark is essential to one or more of the purposes set forth in **Article C.1.01. Purpose** and where private preservation is not feasible.
15. Accept on behalf of the City the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of the City Manager (if within City Manager authority) or of the City Council.
16. Propose incentives and incentive programs for Historic Landmarks or Historic Overlay Districts.
17. Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
18. Conduct public hearings and provide comment to the appropriate County Historical Commission on recommendations for nomination of Recorded Texas Historic Landmarks, Official Texas Historical Markers, State Archeological Landmarks, and Historic Texas Cemeteries.
19. Monitor and report to the Texas Historical Commission all actions affecting any Historic Landmark, as deemed necessary.
20. Provide comment to the Texas Historical Commission on any federal undertakings (projects utilizing federal funds or requiring a federal permit) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

E. Meetings

1. The Historic Preservation Commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the Chairman (or Mayor) or on the written request of any two Historic Preservation Commission members. All meetings shall be held in conformance with the Texas Open Meetings Act.
2. A quorum for the transaction of business shall consist of not less than a simple majority of all the voting members of the Historic Preservation Commission.

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2.06. Construction Advisory and Appeals Board

A. Establishment

There is hereby established a construction advisory and appeals board for the City, which shall officially be known as the Construction Advisory and Appeals Board.

B. Responsibilities

Table 6 is a summary of the Construction Advisory and Appeals Board's major responsibilities within the UDC.

Table 6. Construction Advisory and Appeals Board's Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Historic Preservation-Related Responsibilities		
Subdivision-Related Responsibilities		
Other Responsibilities		
Chapter 4 of the Code of Ordinances	Appeals of Decisions and Interpretations of Building and Fire Code Official, Fire Marshal and/or City Engineer	Decide
Chapter 4 of the Code of Ordinances	Construction and Fire Code	Recommend
Chapter 4 of the Code of Ordinances	Variances for Special Conditions	Decide
Chapter 4 of the Code of Ordinances	Suspension of Building Trade Licenses	Decide
-	New Code/Code Version Adoption	Recommend

C. Membership

1. The Construction Advisory and Appeals Board shall consist of nine members, each of whom shall have voting power.
2. As a prerequisite to membership on said board, members shall have the following vocational or educational qualifications:
   a. One (1) member shall be a State of Texas-licensed architect;
   b. One (1) member shall be a State of Texas-registered professional engineer;
   c. One (1) member shall be a commercial building contractor;
   d. One (1) member shall be a homebuilder;
   e. One (1) member shall be a State of Texas-licensed master plumber;
   f. One (1) member shall be a City, State of Texas-licensed master electrician;
   g. One (1) member shall be a State of Texas-licensed mechanical contractor; and
   h. Two (2) members shall be chosen at large from the general public.

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3. Officers

   The chairperson of the Construction Advisory and Appeals Board shall be designated by the City Council in accordance with the provisions of **Chapter 4 of the City Ordinance**. The Board may select from its membership a chairman, vice chairman, and other officers as the Board shall deem appropriate and necessary. A liaison to the Board shall be appointed by the City Manager from the city staff.

4. Term

   The length of term and the filling of vacancies for positions on the Construction Advisory and Appeals Board shall be as by ordinance in **Chapter 4 of the City Ordinance**; provided, however, that the terms of members of the Board shall continue to be staggered terms until such time as the staggering of such terms may be expressly changed by ordinance.

5. Voting, Quorum, and Absences

   Five (5) members shall constitute a quorum. To take official action affirmative votes of the majority present shall be required. Continued service on said board shall be at the discretion of the City Council.

D. Actions of the Board

1. Hear appeals of decisions and interpretations of the Building and Fire Code Official, the Fire Marshal and/or the Fire Code Official;
2. Consider shall consider and grant variances for special conditions;
3. Periodically review the construction and fire codes and make recommendations to the City Council pertaining to minimum construction and fire code safety standards and amendments;
4. Suspend building trades licenses issued by the City;
5. Hear appeals of decisions and interpretations of the City Engineer in accordance with the appeals procedure and jurisdiction set forth in **Article E.1.06.C. Appeals**.
6. Be the successor to all authority, responsibility, and functions, as set out in any and all ordinances of the City, previously exercised by the building code board of appeals, the building code advisory and appeals board, the plumbing and mechanical code advisory and appeals board, the electrical advisory board, and the fire code board of appeals for the City. Any reference in any city ordinance to the building code board of appeals, the building code advisory and appeals board, the plumbing and mechanical code advisory and appeals board, the electrical advisory board, and the fire code board of appeals, or a member of same, shall hereafter be interpreted to mean and said ordinances are hereby amended to refer to the Construction Advisory and Appeals Board and the members thereof.

E. Meetings

The Construction Advisory and Appeals Board shall meet at such frequency as the members of the Board shall determine. In addition to any meetings set by the Board, meetings may be called by the chairperson or the Building and Fire Code Official.

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2.07. City Manager

A. Responsibilities

Table 7 is a summary of the City Manager's responsibilities within the UDC.

Table 7. City Manager's Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Historic Preservation-Related Responsibilities		
Subdivision-Related Responsibilities		
Other Responsibilities		
-	Initiating Any Action in the UDC	Initiates
-	Initiating Any Amendment to the UDC	Initiates

2.08. Director of Development Services

A. Responsibilities

Table 8 is a summary of the Director of Development Services' responsibilities within the UDC.

Table 8. Director of Development Services' Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
-	Sign Inventory for Case Property Postings	Maintain
Historic Preservation-Related Responsibilities		
Subdivision-Related Responsibilities		
Other Responsibilities		
Article A.1.09.D	Vested Rights Determination	Decide

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2.09. City Planner

A. Responsibilities

Table 9 is a summary of the City Planner's responsibilities within the UDC.

Table 9. City Planner's Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Article B.3.02.B	Classification of New and Unlisted Uses	Decide
Article B.4.08.D	Shared Parking	Decide
Article B.6.01	Alternative Compliance	Decide (when decision-maker)
Historic Preservation-Related Responsibilities		
Article C.2.03	Designation of Local Historic Landmarks	Review
Article C.2.04	Designation of Historic Overlay Districts	Review
Article C.2.10	Certificate of Appropriateness	Review
Subdivision-Related Responsibilities		
Article D.2.01.B	Determination of Completeness for Subdivision-Related Applications	Decide
Article D.2.01.D	Waiver of Right to 30-Day Action	Decide
Article D.Section 3	Pre-Submission Proposals	Decide (Dual)
Article D.4.04.B	Review of Construction Plans and Approval of Infrastructure Permit (Track 1 or Track 2)	Review
Article D.4.07	Final Plat	Review
Article D.4.08	Replat	Review
Article D.4.09	Minor Plat	Approve Only
Article D.4.10	Amending Plat	Approve Only
Article D.4.11	Plat Vacation	Review
Other Responsibilities		
-	Annexation	Review
Article A.3.03.I	Development Site Plan	Decide
Article E.4.02	Abandonment of Public Right-of-Ways	Review
Article E.4.03	Abandonment of Public Easements by Separate Instrument	Review

2.10. Building and Fire Code Official

A. Responsibilities

Table 10 is a summary of the Building and Fire Code Official's responsibilities within the UDC.

Table 10. Building and Fire Code Official's Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Historic Preservation-Related Responsibilities		
Article C.2.03	Designation of Local Historic Landmarks	Review
Article C.2.04	Designation of Historic Overlay Districts	Review
Article C.2.10	Certificate of Appropriateness	Review
Subdivision-Related Responsibilities		
Other Responsibilities		
Article A.3.04.B.8	Issue Building Permits	Decide
Article A.3.05	Issue Certificates of Occupancy	Decide
Article A.Section 4	Register and License Contractors	Decide
Article A.4.24	Revoke Contractors Licenses	Decide
Article E.5.04.M	Issue Stop Work Orders	Decide
Article F	Administer/Enforce Building and Safety Codes	Implement
Article F.2.02.A	Designate Fire Lanes	Decide
Article G.5.04	Order Removal of Signs	Decide

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2.11. Director of Public Works

A. Responsibilities

Table 11 is a summary of the Director of Public Works' responsibilities within the UDC.

Table 11. Director of Public Works' Responsibilities

Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Historic Preservation-Related Responsibilities		
Subdivision-Related Responsibilities		
Other Responsibilities		
Article E.1.09.D	Complete Streets Policy	Implement
Article E.2.03.A.1	Wastewater System Connection Permit (within the City limits)	Decide

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2.12. City Engineer

A. Responsibilities

Table 12 is a summary of the City Engineer's responsibilities within the UDC.

Table 12. City Engineer's Responsibilities

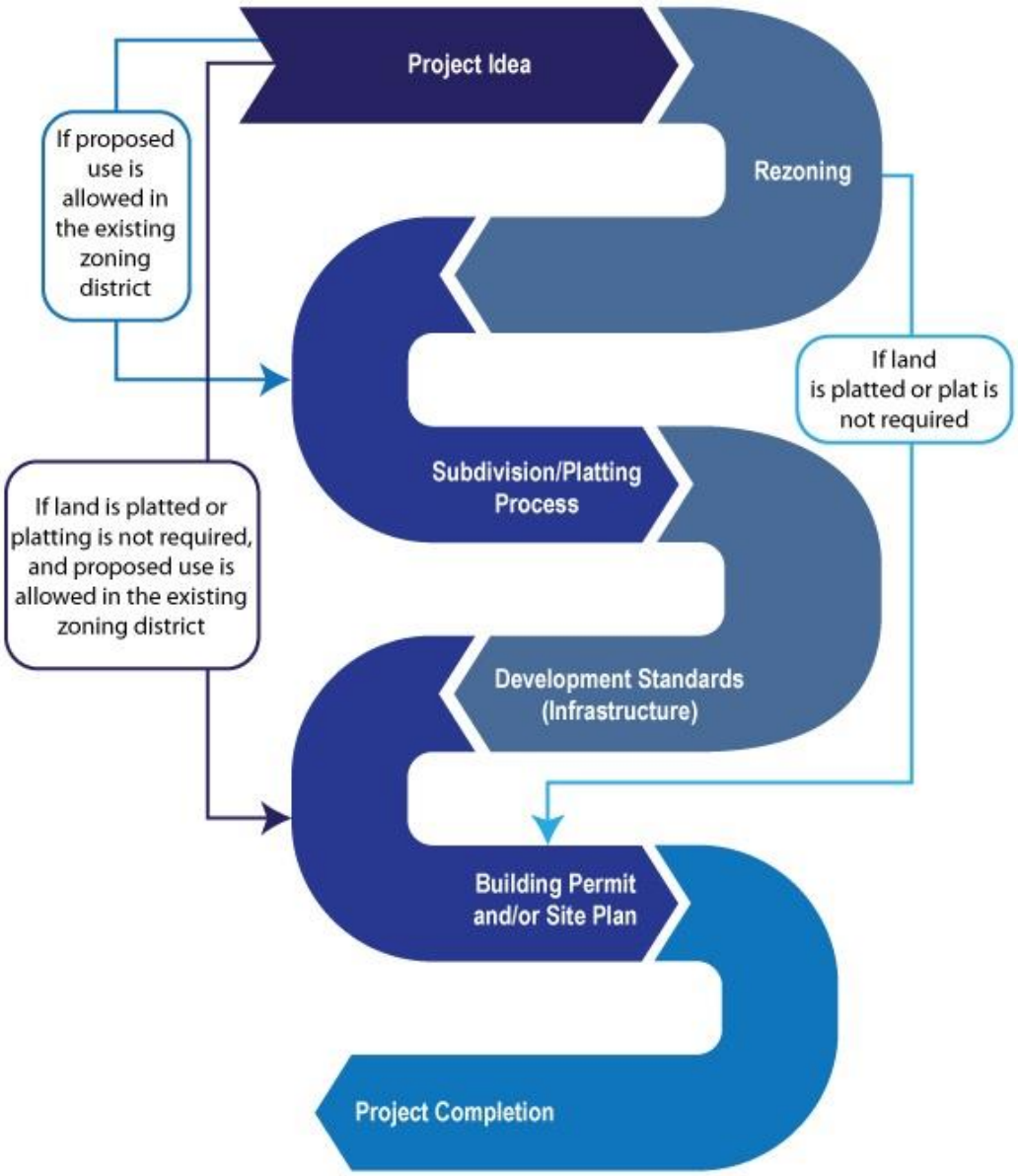
Section Reference	Section Title	Action
Zoning-Related Responsibilities		
Historic Preservation-Related Responsibilities		
Subdivision-Related Responsibilities		
Article D.1.06.D	Road and Utility Facilities Sizing	Decide (Option)
Article D.Section 3	Pre-Submission Proposals	Decide (Dual)
Article D.3.07	Require a Sight-Distance Study and Traffic Impact Analysis	Decide
Article D.4.04.B	Review of Construction Plans and Approval of Infrastructure Permit (Track 1 or Track 2)	Decide
Article D.4.05.B.3	Improvement Agreements (Track 2)	Decide
Article D.4.12	Inspection of Public Improvements, Letter of Compliance, and Record Drawings	Decide
Article D.6.02	Subdivision Proportionality Appeal	Review
Other Responsibilities		
Article E.1.03	Use of Right-of-Way and Right-of-Way Permits	Decide
Article E.1.06.A	Driveway Permit	Approve
Article E.1.07	Requests for Additional Street Lighting	Decide
Article E.1.13.C	Determination of Need for a Traffic Impact Analysis	Decide
Article E.2.01.D	Exceptions to Placement of Utilities Requirements	Decide
Article E.4.02	Abandonment of Public Right-of-Ways	Review
Article E.4.03	Abandonment of Public Easements by Separate Instrument	Review
Article E.5.02	Floodplain Administrator	Administration
Article E.5.02.C	Development Permit	Approve
-	Annexation	Review

Section 3. Submittal and Processing Procedures

3.01. Development Process

The overall development process should generally follow the outline below:

Figure 1. Overall Development Process Summary



NOTES:

If utilities must be relocated or streets/alleyways abandoned, the abandonment process runs concurrently.

If property has outstanding liens/unpaid taxes, permits shall not be issued.

3.02. Universal Application Processing

A. Initiation of Application

1. An application may be initiated by the appropriate representative depending on Permit Types. See individual Permit Types for appropriate initiators.

   a. If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf.

   b. The City Planner may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

B. Waiver of Application Information

The Development Review Team may waive the submission of any information in the application and accompanying materials that is not necessary due to the scope and nature of the proposed activity.

C. Universal Application Contents

1. Application Forms Generally

   The City is hereby authorized to prepare application forms that include information requirements, certification of taxes, checklists, architectural or engineering drawing sizes, applicant contact information, and any other information necessary to show compliance with City codes.

2. All application forms are available through the Development Services Department.

D. Application Fees

1. Every application shall be accompanied by the prescribed fees set forth in the Fee Schedule adopted by City Council.

   Fees shall not be waived or refunded unless allowed by the ordinance.

E. Payment of all Taxes and Fees

1. No application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, City liens, or is otherwise indebted to the City until the taxes, assessments, debts, or obligations have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.

2. It shall be the applicant's responsibility to provide evidence or proof that all taxes and fees have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.

F. Revision of Applications

The applicant may revise any complete application following its Official Vesting Date and prior to the expiration of the period, if any, during which the City is required to act on the application.

1. Modifications Requested by the City

   If the modification is for revisions requested by the City, and the modification is received at least ten (10) business days prior to the time scheduled for decision on the application, then the application shall be decided within the period for decision prescribed by this UDC.

2. Modifications not Requested by the City

   a. Unless otherwise specified, in all other instances (e.g., when the applicant chooses to submit a revised application of his/her own accord because of a change in development

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decisions), submittal of a modified application shall extend the time for deciding the application for a period equal to the time specified in this UDC to decide the original application.

b. The extension of the time for deciding the application shall commence on the date the modified application is submitted.

(1) For plat applications, a modified application shall be accompanied by a properly executed Waiver of Right to 30-Day Action (see **Article D.2.01.D**).

G. Creation of Building Site

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

1. The lot or tract is part of a plat of record, properly approved by the City Planning and Zoning Commission and filed in the plat records of Gregg County or Harrison County.
2. The site plot or tract is all or part of a PD Site Plan officially approved by City Council in a Planned Development District after recommendation by the City Planning and Zoning Commission which PD Site Plan provides all utility and drainage easements, alleys, streets and other Improvements necessary to meet the normal requirements for platting including the designation of building areas and such easements, alleys, and streets have been required and properly dedicated and the necessary Improvements provided.
3. The plot, tract or lot faces upon a dedicated street and was separately owned prior to August 13, 1968 or prior to annexation to the City of Longview, which is applicable, in which event a Building Permit for only one main building may be issued on each such original separately owned parcel without first complying with **1.** above.

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3.03. Development Site Plans

A. The Development Site Plan is a detailed, scaled drawing of all surface improvements, structures and utilities proposed for a commercial development.

1. Development Site Plans are submitted separately from the building plans and civil/infrastructure plans.
2. Except as described in **B.1.g** below, a Development Site Plan is not required for single family or two-family developments; rather, a Plot Plan, which identifies property lines, easements, setbacks, driveways and building footprints shall be included in the residential or two-family permit package. (See the Development Guide for more information on Plot Plans and application requirements.)
3. Planned Developments (rezone) required a PD Site Plan which includes information relevant to the zoning change (building footprint, parking layout etc.) but not all of the information required for construction that is included on the Development Site Plan. (See **Article B.5.04. Planned Development Application and Review** for more information on PDs.)

B. Development Site Plan Required

1. A Development Site Plan shall be required for all new structures or substantial improvements to existing structures, for the following uses, or in the following zoning districts, prior to the issuance of a building permit:
   a. All zoning districts, with the exception of SF and TF zoning districts;
   b. Mobile home parks/subdivisions;
   c. Religious, educational and medical institutions;
   d. Planned development districts;
   e. Uses in the A, Agricultural Zoning District;
   f. Civic, social and fraternal organization uses; and
   g. Where a single-family dwelling or two-family dwelling exists in a zoning district other than SF or TF and a change in occupancy results in a more intensive use.
2. Four (4) copies of the required Development Site Plan shall be submitted to the Development Review Team as a part of the building plan review process.
3. The Development Review Team may determine that a development proposal does not pose any issue that necessitates the submission of a Development Site Plan, which meets all of the requirements of the Zoning Regulations. Upon such a determination, the City Staff may waive the requirement for such a Development Site Plan and may, in place of such Development Site Plan, require such informal submissions as said officials shall deem appropriate.
4. A Field or Construction Office, Temporary as permitted by **Article B.3.03 Permitted Uses** is exempted from the requirements of this section.

C. Disposition and Recording

After the Development Review Team completes review of a Development Site Plan, the applicant shall submit four (4) copies of a final Development Site Plan, with all conditions and modifications required by the Development Review Team satisfied. If a final Development Site Plan is not properly filed within ninety (90) days of the date on which the applicant is notified in writing of all conditions and modifications required by the Development Review Team, the application shall expire, and a new application shall be required. Before the final Development Site Plan is officially

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approved with the building permit, the Development Site Plan shall be dated and approved by the Development Review Team.

D. Amendments

Following approval of a final Development Site Plan, minor amendments may be made upon a showing of a necessity, and with the approval of the Development Review Team, to correct scrivener's errors or to correct errors or omissions in review by the City.

E. Compliance

1. The City may make inspections and certifications as necessary to ensure that development is completed in accordance with the approved Development Site Plan.
2. In the event that the Building and Fire Code Official in consultation with the Development Review Team determines that a condition of the approved Development Site Plan or a provision of an applicable City ordinance has not been met, a stop work order shall be issued. It shall be incumbent upon the owner, contractor or developer to correct the item(s) in violation of the approved Development Site Plan or ordinance before construction may resume. A Certificate of Occupancy shall not be issued until the conditions of the approved Development Site Plan or applicable ordinance(s) have been substantially fulfilled. All action required to bring development into substantial compliance with the approved Development Site Plan shall be at the developer's expense.

F. Development Site Plan Requirements

The Development Site Plan shall be clearly defined and drawn to an appropriate scale to permit accurate review for compliance with City codes and ordinances. The following features, as a minimum, shall be required on all Development Site Plans:

1. Title Block with Legal description, address, property lines, lot size and dimensions;
2. Location, size and names of adjacent or included streets, alleys and easements;
3. Location, setbacks, dimensions, height and square footage of existing/proposed buildings;
4. Location of buildings on adjoining property within ten (10) feet of the subject property;
5. Building construction type;
6. Parking calculation table;
7. Landscape Plan and Landscape Calculation Table;
8. Erosion control plan showing location and details;
9. Construction entrance location and details;
10. Floodplain limits, if applicable;
11. Development Permit;
12. Access to the property, including driveway widths and turn radius for dead-end streets. (Access is defined as unobstructed walking ability with hose and firefighting equipment to three sides of the building);
13. Location of existing and proposed fire hydrants and their distance from proposed structures;
14. Location and dimensions of existing/proposed parking spaces, driveways, vehicle maneuvering areas, curb cuts, loading facilities and sight visibility triangle areas;
15. Existing/proposed surfacing, landscape/buffer areas and screening fences;

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16. Location of facilities for refuse disposal and location of fire hydrants;
17. Location, type and size of all water and sewer lines and meters;
18. Drainage direction and outfall, location, type and size of drainage facilities (drainage calculations when applicable);
19. Proposed use(s), north arrow, engineering scale, vicinity map and date of plan preparation;
20. Any other information necessary to demonstrate compliance with applicable City ordinances, codes, resolutions and construction standards
21. Backflow Devices;
22. Grease Traps in accordance with Development Standards.

G. Calendar of Official Processing Dates

A calendar of official processing dates for items requiring City review, Planning and Zoning Commission recommendation, and City Council approval pursuant to this this section shall be created by the City each calendar year.

H. Fees and Forms

1. Schedule of Fees

The fees relating to the Development Site Plan approval process shall be established by the Fee Schedule.

2. Forms and Standards

The Development Review Team shall establish forms and standards with regard to the content, format and number of copies of information constituting an application for a Development Site Plan.

I. Development Site Plan

1. Development Site Plan Application Procedure and Requirements

a. Development Site Plan Pre-Application Meeting

(1) Before preparing a Development Site Plan, the applicant is encouraged to meet with the Development Review Team to allow the applicant to learn the general procedures for approval and to review the concept of the proposed development, if desired by applicant.

(2) No application for a permit shall be submitted to or accepted for filing during the meeting.

b. Development Site Plan General Application

The property owner or authorized agent shall file an application for the approval of a Development Site Plan. This application shall include the information listed on the Development Site Plan application form, which shall be created and maintained by the City Planner.

c. Development Site Plan Additional Information

The following plans may be required with a Development Site Plan application and approval is necessary prior to final authorization for development:

(1) Final Plat or Replat,

(2) Engineering plans or Construction Plans,

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(3) Traffic Impact Analysis, if applicable,

(4) Façade Plan, if required,

(5) Landscape Plans, if required,

(6) Flood Study, if required, and

(7) Other approvals as required by ordinance or resolution.

d. Development Site Plan Effect

(1) Approval of a Development Site Plan in association with a rezoning application is the City's authorization to apply for or for the issuance of Building Permits, depending on the specific case.

(2) During the time the Development Site Plan remains valid, the City shall not shall not apply any newly adopted requirements concerning building placement, building or fire standard streets, drives, parking, landscaping or screening.

(3) Except where authorized by ordinance, a Development Site Plan shall not be used to approve any variance to development regulations.

(4) Where an approved plan conflicts with an adopted regulation and no Zoning Variance or Zoning Special Exception is expressly approved, the regulation shall apply.

e. Development Site Plan Lapse

(1) One (1) Year Effective Period

The approval of a Development Site Plan shall be effective for a period of one (1) year from the date of filing of the application.

(2) Expired Development Site Plans

(a) Upon expiration of a Development Site Plan, the applicant shall be required to submit a new Development Site Plan and fees subject to the then existing regulations (see **1. Development Site Plan Application Procedure and Requirements).**

(b) Development Site Plan approval shall expire upon completion of the improvements shown on the plan. Permits must remain valid during the construction process.

(c) Subsequent additional development, site modifications and redevelopment shall be considered a new project subject to the then existing ordinances, laws and regulations of the City.

(d) The Development Review Team may extend Development Site Plan approval for up to one (1) additional year.

J. Compliance with other City Regulations Required

Compliance with the following design standards and specifications, as may be amended, is required in addition to the design standards and specification set forth in this Regulation:

1. Building and Safety Code;
2. Subdivision Regulations;
3. Development Standards; and
4. Any additional design standards and specifications approved by the City Council.

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K. Typical Development Site Plan Notes

1. Hard surfaces shall be installed prior to vertical construction;
2. Required fire-hydrants shall be installed and in service prior to vertical construction;
3. Any lighting used to illuminate the business must be directed away from residential property;
4. Visibility triangles must remain free and clear of all structures and vegetation;
5. Signs require separate permit. Approval of a Development Site Plan does not include approval of signs;
6. Dumpster screening required and must meet City specs;
7. Retaining walls require separate permit. Approval of a Development Site Plan does not include approval of retaining wall;
8. Irrigation systems require a separate permit. Approval of a Development Site Plan does not include approval of irrigation systems.

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3.04. Permit Types

A. Zoning

1. Rezone

A request to change or modify the boundaries of any zoning district within the City's Official Zoning District map. See **Article B.5.03. Rezone Application Process** and the Development Guide.

2. Planned Development

A type of rezone application that includes a design statement and concept plan and is used where straight rezoning is not appropriate because of physical constraints of a parcel or parcels. See **Article B.5.04. Planned Development Application and Review** and the Development Guide.

3. Specific Use Permit

A use that has been determined to be more intense or to have a potentially greater impact than a use permitted-by-right within the same zoning district See **Article B.5.05. Specific Use Permit (SUP)** and the Development Guide).

4. Variance

An adjustment of the specific regulations of the Zoning Regulations to a particular parcel of property which, because of special conditions or circumstances, peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. See **Article B.6.03. Zoning Variance** and the Development Guide.

B. Historic Preservation

1. Local Landmark Designation

A request that a building or site be designated a local landmark. See **Article C.2.01. Designation of Local Historic Landmarks and Historic Overlay Districts**.

2. Historic Overlay District

A request from a property owner, HPC, P&Z, City Council or a Longview Historic Preservation officer to designate a boundary for an historic overlay. See **Article C.2.01. Designation of Local Historic Landmarks and Historic Overlay Districts**.

3. Certificate of Appropriateness

Issued by the Historic Preservation Commission, this certificate is required for projects that would alter the exterior appearance of a designated historic property. This includes alterations, additions, demolition, or relocation of a landmark or structure within an historic district or new construction within an historic district. See **Article C.2.06. Certificate of Appropriateness Required for Alteration**.

4. Subdivision Development

a. Pre-Submission Proposal

A document submitted to the City by the applicant prior to submission of the plat, showing the general features of the proposed development to ensure that it conforms to the provisions of the UDC. See **Article D.Section 3. Pre-Submission Proposal Required** and the Development Guide.

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b. Plat

A document filed at the County Clerk's office showing a map or chart of the subdivision, lot, or tract of land. See **Article D.4.07. Final Plat** and the Development Guide.

c. Replat

The re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an Amending Plat and that does not require the vacation of the entire preceding plat. See **Article D.4.08. Replat** and the Development Guide.

d. Minor Plat

A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of the Development Review Team. See **Article D.4.09. Minor Plat** and the Development Guide.

e. Amending Plat

Minor revisions to an existing plat that meets the submission and approval requirements of the Development Review Team. See **Article D.4.10. Amending Plat** and the Development Guide.

f. Plat Vacation

A method of vacating or cancelling an existing plat. See **Article D.4.11. Plat Vacation** and the Development Guide.

5. Development Site Plan

A detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development. Development Site Plans are required on all new commercial buildings and must be approved prior to the issuance of a building permit. See **3.03. Development Site Plans**.

6. Development Standards

a. Development Permit

A permit required by FEMA and issued by the City prior to site work or clearing.

b. Infrastructure Permit

Required for the installation of public or private infrastructure. See **Article E.Section 3. Infrastructure Permit**.

c. Water/Sewer Taps

Application to tap a city water/sewer line or to request that the City tap the lines for a new development project. See **Article E.Section 2. Water and Wastewater**.

d. Driveway Permit

Required for cutting, altering or repairing any curb in the City or State Right-of-Way. See **Article E.1.06.A. Driveway Permit**.

e. Right-of-Way Permit

The holder of a permit shall be deemed to gain only those rights to use as are properly in the city and as the city may have the undisputed right and power to give. See **Article E.1.03. Use of Right-of-Way and Right-of-Way Permits**.

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7. Abandonment of Public Right-of-Ways or Easements
   a. An Abandonment Permit shall be required for the Abandonment of Public Right-of-Ways or Easements.
   b. See **Article E.Section 4. Abandonment of Public Right-of-Ways or Easements**.
8. Building
   a. Plan Review

      This application precedes a building permit when plans are required for commercial construction. See the Development Guide.
   b. Commercial Building

      A permit issued by the Development Review Team before a building is started, improved, enlarged, or altered as proof that such action is in compliance with the City's code. Commercial building permits often require Development Site Plan review which must be issued prior to the issuance of the building permit. See the Development Guide.
   c. Residential Building

      A permit issued by the Development Review Team before a house can be started, improved, enlarged, or altered as proof that such action is in compliance with the City's code. See the Development Guide.
   d. Accessory Structures

      A permit issued for a subordinate building or structure such as a cooling towers, storage buildings, fire pump buildings, a private garage for automobile storage, a tool house, a greenhouse, a home workshop, a children's playhouse, a pool and a garden shelter. See the Development Guide.
   e. Pools

      Pools are permitted as accessory structures. See the Development Guide.
   f. Fire Alarm/Suppression

      A separate permit on a commercial building permit issued to a specialized contractor. These permits are typically issued after the building permit is issued. See the Development Guide.
   g. Irrigation

      A permit issued to irrigation contractors (licensed by TCEQ) for the purpose of installing lawn sprinkler systems and backflow prevention devices. See the Development Guide.
   h. Plumbing/Gas

      A trades permit issued for all residential and commercial plumbing and gas work. See **Article F.Section 5. Plumbing and Gas Code** and the Development Guide.
   i. Electrical

      A trades permit issued for all residential and commercial electrical work. See **Article F.Section 4. Electrical Code** and the Development Guide.
   j. Mechanical

      A trades permit issued for all residential and commercial mechanical work. See **Article F.Section 3. Mechanical Code** and the Development Guide.

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k. Energy

ComChecks (commercial) or ResChecks (residential) are required on all new structures and some alterations and remodels. See the Development Guide.

l. Signs

The permit required by this section for the erection, re-erection, construction, attachment, or alteration of a sign or the replacement of sign faces or rearrangement of neon tubing on a sign. See the Development Guide.

m. Demolition

A permit issued to a demolition contractor for the removal of a residential or commercial structure, or for the removal of critical members of a structure. Asbestos surveys may be required on commercial buildings that do not meet the exceptions outlined in the State and Local Government Code. See the Development Guide, Texas Dept of State Health Services Asbestos Survey and Notification Requirements for Demolition of Buildings Decision Tree Flowchart.

3.05. Project Completion Certificates

A. Commercial Certificate of Occupancy (CO): An official certificate issued by the Development Review Team that indicates conformance with the City's rules and regulations and that authorizes legal use of the premises for a commercial building. See the Development Guide.

1. Issuance

No building hereafter erected, converted or structurally altered shall be used, occupied, or changed in use, and no land may be used nor shall any basic change of use in land or structure be made until a CO has been issued by the Development Services Department stating that the building or proposed use of land or building complies with the provisions of these Zoning regulations and other building laws of the City.

2. Applicability

A certificate of occupancy shall be required for any use of a building and/or land. Issuance of a Building Sign and trades permits approval may be conditioned upon application of a CO. All existing or hereafter created nonconforming uses shall obtain a CO. A certificate of occupancy hall be considered evidence of the legal existence of a nonconforming use as contrasted to an illegal use and violation of this UDC.

3. Statement

A CO shall state that the building or the proposed use of a building or land complies with all the building or health laws or ordinances and with the provisions of these regulations.

4. Expiration

A CO does not expire unless:

a. There is a business name change

b. There is a change of ownership

c. There is something that alters or changes the validity of the CO

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5. Revocation

   Revocation of a CO may occur based on a life safety issue or situation that creates nonconforming use.

B. Temporary Certificate of Occupancy

Issued by the Building and Fire Code Official, with concurrence from the Development Review Team, when items are lacking for completion other than life safety such as landscaping or erosion control. A bond is typically required to accompany this permit and a time frame is established prior to issuance. See Development Guide.

C. Certificate of Completion

1. A certificate of completion shall be issued when the specific use and/or tenant have not been identified.
2. Similar to a Certificate of Occupancy, a Certificate of completion certifies that building construction is complete; however, a certificate of occupancy shall be required once the specific use and/or tenant have been identified.

D. Residential Certificate of Occupancy

An official certificate issued by the Development Review Team that indicates conformance with the City's rules and regulations and that authorizes legal use of the premises for a residence. These permits are typically only issued when electric power services have been terminated and the utility requires inspection prior to restoring power for a new owner/tenant. See the Development Guide.

E. Clean for Show

A permit issued when a property owner needs to show a property to a potential buyer or tenant and needs electrical power to do so. See the Development Guide for more information.

F. IBC Modifications Related to Certificates of Occupancy

See **Article F. Building and Safety Code** for modifications to the International Building Code regarding Certificates of Occupancy.

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3.06. Public Hearings and Notification Requirements

A. Applications Requiring Public Hearings

1. Zoning Map Amendment (Rezoning), see **Article B.5.01.A.1**;
2. Zoning Text Amendment, see **Article B.5.01.A.2**;
3. Planned Development Application and Review, see **Article B.5.04**;
4. Specific Use Permit (SUP), see **Article B.5.05**;
5. Amortization of Nonconforming Uses, see **Article B.5.07**;
6. Zoning Regulation Appeals, see **Article B.6.02**;
7. Zoning Variance, see **Article B.6.03**;
8. Zoning Special Exception, see **Article B.6.04**;
9. Designation of Local Historic Landmarks and Historic Overlay Districts, see **Article C.2.01**;
10. Certificate of Appropriateness, see **Article C.2.06**; and
11. Certain Residential Replats if a variance or exception is requested, see **Article D.4.08**.

B. Review Bodies and the Associated Public Hearings per Application Type

Public hearings shall be conducted for each review body per plan or application type according to **Table 13**.

Table 13. Public Hearing Review Bodies

Section No.	Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Historic Preservation Commission
Article B.5.01.A.1	Zoning Map Amendment (Rezoning)	Hearing	Hearing		
Article B.5.01.A.2	Zoning Text Amendment	Hearing	Hearing		
Article B.5.04	Planned Development Application and Review	Hearing	Hearing		
Article B.5.05	Specific Use Permit (SUP)	Hearing	Hearing		
Article B.5.07	Amortization of Nonconforming Uses			Hearing	
Article B.6.02	Zoning Regulation Appeals			Hearing	
Article B.6.03	Zoning Variance			Hearing	
Article B.6.04	Zoning Special Exception			Hearing	
Article C.2.01	Designation of Local Historic Landmarks and Historic Overlay Districts	Hearing	Hearing		Hearing
Article C.2.10	Certificate of Appropriateness				Hearing
Article D.4.08	Certain Residential Replats		Hearing (if a variance or exception is requested)		

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C. Required Public Notice for Plans and Applications

Public notices shall be required according to **Table 14**.

Table 14. Public Notice Requirements for Public Hearings

	Application Type	Property Posted (Sign) Notice	Published Notice	Mailed Notice
Article B.5.01.A.1	Zoning Map Amendment (Rezoning)	Required	Required	Required
Article B.5.01.A.2	Zoning Text Amendment		Required	
Article B.5.04	Planned Development Application and Review	Required	Required	Required
Article B.5.05	Specific Use Permit (SUP)	Required	Required	Required
Article B.5.07	Amortization of Nonconforming Uses	Required	Required	Required
Article B.6.02	Zoning Regulation Appeals		Required	Required
Article B.6.03	Zoning Variance	Required	Required	Required
Article B.6.04	Zoning Special Exception	Required	Required	Required
Article C.2.01	Designation of Local Historic Landmarks and Historic Overlay Districts	Required	Required	Required
Article C.2.10	Certificate of Appropriateness			
Article D.4.08	Certain Residential Replats		Required (if a variance or exception is requested)	Required

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D. Types of Notice

1. Postings of Signs on Property

   The Director of Development Services shall maintain an inventory of signs to fulfill the notification requirements listed in **Table 14. Public Notice Requirements for Public Hearings**.

2. "Published Notice" and "Mailed Notice" of Public Hearings for Designation of Local Historic Landmarks and Historic Overlay Districts and Zoning Changes Involving Real Property

   a. Published Notice

      Notice of the public hearing to occur before the City Council shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

   b. Mailed Notice (also referred to as "Written Notice")

      (1) Written notice of the public hearing before the Planning and Zoning Commission or the Historic Preservation Commission shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within three hundred (300) feet of any property affected thereby, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held.

      (2) Written notice of the public hearing before the City Council shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within three hundred (300) feet of any property affected thereby, said written notice to be sent before the fifteenth (15th) calendar day prior to the date such hearing is held.

      (3) Said written notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.

   c. Written notice shall include:

      (1) Legal description of the property and the street address or approximate location within the City.

      (2) Present zoning classification of the property and the zoning sought by the applicant. If not a rezoning, then the nature or intent of the application shall be described.

      (3) The date, time, and place of hearing.

      (4) The website that contains the zoning map and agenda regarding the rezoning;

      (5) The phone number and email address where questions may be answered; and

      (6) Other information as may be necessary to provide adequate and timely public notice.

3. "Published Notice" of Public Hearing for Zoning Changes Involving Regulation Text

   a. For requests involving proposed changes to the text of the Zoning Regulations, notice of the City Council public hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

   b. Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require mailed/written notification to individual property owners.

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4. Dual Notification of Historic Preservation Commission Public Hearing(s), Planning and Zoning Commission Public Hearing(s), and City Council Public Hearing(s)

   The City may, at its option, publish the required notifications for a zoning change or Designation of Local Historic Landmarks and Historic Overlay Districts in conformance with **Chapter 211 of the Texas Local Government Code** for public hearings for the Historic Preservation Commission, Planning and Zoning Commission, and/or the City Council at the same time; said notifications must be published ten (10) days prior to the public hearing.

5. "Published Notice" and "Mailed Notice" of an Appeal of a City Administrative or Interpretative Decision to the Zoning Board of Adjustment.

   a. For an Appeal of a City Administrative or Interpretative Decision, the Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice by written notice in the mail addressed to all owners of real property located within three hundred (300) feet of the property on which the appeal is made, and by publication of notice of such hearing in the City's official newspaper.

   b. Both the written/mailed and published notice shall be given at least ten (10) days prior to the date for the hearing.

   c. Upon the hearing, any party may appear in person or by attorney or by agent.

6. Additional Rules and Procedures Established

   a. The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s).

   b. Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

7. Special Notice

   Pursuant to **Section 211.007(d) of the Texas Local Government Code**, the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Planning and Zoning Commission.

8. Notice and Public Hearing Requirements for Certain Residential Replats

   a. A Replat without vacation of the preceding plat must conform to the requirements of this subsection **8.** if:

      (1) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

      (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

   b. If a proposed Replat described by **a.** above requires a variance or exception, a public hearing must be held by the Planning and Zoning Commission and City Council.

   c. Notice of the hearing required under **b.** above shall be given before the fifteenth (15th) day before the date of the hearing by:

      (1) Publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and

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(2) By written notice, with a copy of **d.** below attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within three hundred (300) feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

d. If the proposed Replat requires a variance and is protested in accordance with this subsection, the proposed Replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of both the Planning and Zoning Commission and City Council.

(1) For a legal protest, written instruments signed by the owners of at least twenty (20) percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission and City Council prior to the close of the public hearing.

(2) In computing the percentage of land area under **(1**) above, the area of streets and alleys shall be included.

e. Compliance with **d.** above is not required for approval of a Replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

f. If a proposed Replat described by **a.** above does not require a variance or exception, the municipality shall, not later than the fifteenth (15th) day after the date the replat is approved, provide written notice by mail of the approval of the Replat to each owner of a lot in the original subdivision that is within three hundred (300) feet of the lots to be replatted according to the most recent municipality or county tax roll.

(1) This subsection does not apply to a proposed Replat if the Planning and Zoning Commission and City Council holds a public hearing and gives notice of the hearing in the manner provided by **b.** above.

g. The notice of a Replat approval required by **f.** above must include:

(1) The zoning designation of the property after the Replat; and

(2) A telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

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9. Posting of Sign

   City Staff shall place a sign on the subject property that meets the following standards:

   a. The minimum sign face shall be two (2) feet in height and three (3) feet in width.

   b. The sign shall contain the following:

      (1) The title "Notice" with the words "Public Hearing" below the title;

      (2) The City website that contains the zoning map and general information regarding the case; and

      (3) The phone number and email address where questions may be answered.

      (4) The sign shall be placed ten (10) days prior to the public hearing and removed after action has been made on the item.

10. If written notice and/or published notice as required is not sent by the required deadline prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met.

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Section 4. Contractor Types

4.01. Registration of Contractors

A. Each contractor listed in this section or regulated by the State of Texas shall register with the City of Longview Development Services prior to applying for any permits or beginning any work.

B. Registration will be on a form prescribed by the City of Longview's Building and Fire Code Official and shall provide such proof as reasonably required that the person meets the current applicable City of Longview and State of Texas license and insurance requirements. Insurance and bonds must be provided in a form accepted by the City Attorney.

C. The Building and Fire Code Official may require that every such person register in person.

D. Unless otherwise required by state law, each such registrant shall pay a registration fee to the City of Longview in the amount set by resolution of the City Council.

E. Additionally, each such person shall re-register annually with the Building and Fire Code Official by or before the date on which said person's state license or insurance/bond expires and each such re-registration shall be accompanied by the annual registration fee set by resolution of the City Council.

4.02. Contractors Working Inside the City

All contractors and subcontractors are responsible for the following when working inside the City limits:

A. Following State and City licensing and registration requirements;

B. Following City permitting and inspection processes; and

C. Following the prescribed jobsite safety and cleanliness requirements listed below.

1. Working Areas
   a. Provide safe access to the job site.
   b. Keep walking and working surfaces clean.
   c. Keep stairways, passageways, and gangways free of materials, supplies, and obstructions.
   d. Pick-up and place all debris or trash in its proper container.
   e. Hammer in, bend, or remove any nails protruding from scrap lumber. Cap or bend all exposed steel rebar ends.
   f. Remove any items that are not being used from the work area and store them in their proper place.
   g. Keep lavatory and toilet facilities (stationary or portable) clean and sanitary.
   h. Install and maintain silt fencing in accordance with the City of Longview design guidelines. Remove at job's completion.
2. Waste
   a. Place trash and recycling containers throughout the job site.
   b. Keep waste in metal cans or bins with self-closing covers and remove debris regularly.
   c. Never allow rubbish to fall freely from any level of the project. Use chutes or other approved waste-removal devices.

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d. Seal waste and product drums/containers tightly to reduce evaporation, spillage, and contamination.

e. Ensure the disposal of scraps, waste, recyclables and surplus materials is in accordance with Federal regulations and local codes.

f. Never dispose of any waste into storm or sanitary sewers.

g. Frequently schedule the safe collection and removal of combustible waste.

h. Lock and secure used oil containers and dumpsters.

D. Notice of Change of Address, Name, etc., to be Given

Whenever any person, after registering or applying for registration under the provisions of this section, shall move from the address named in such registration or application or when the name of the registrant or applicant is changed, or when the employment of such registrant or applicant is changed, the registrant or applicant shall, within ten days therefrom, notify the Building and Fire Code Official, in writing, of the registrant's or applicant's former address, name and employment, the registrant's or applicant's present address, name, business telephone number and employment.

E. Certain Acts Prohibited

It shall be unlawful for any person to do any of the following acts:

1. To display or cause or permit to be displayed or to have in one's possession any instrument purporting to be any license or proof of registration for the doing of electrical work, knowing such instrument to be fictitious or to have been expired, canceled, suspended, altered, or otherwise invalid.

2. To lend or knowingly permit the use of any proof of registration under this article or any license for the doing of any electrical work to any person not entitled thereto under the applicable provisions of law.

3. To display or to represent as one's own any proof of registration under this article or any license for the doing of any electrical work when such proof of registration or license has not been lawfully issued to the person so displaying the same.

4. To use a false or fictitious name or give a false or fictitious address in any application for registration under this chapter, or any renewal or duplicate thereof, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud in making any such application.

5. To employ as an electrician any person not then validly registered as provided in this article and licensed to perform the work for which said person is so employed.

6. To perform any character of electrical work for which a license is required without being validly registered as required by this article or without the appropriate license issued by the state, or while such license is suspended or canceled.

Unless otherwise expressly provided by state or federal law, allegation and evidence of culpable mental state are not required by the proof of an offense defined by this section.

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4.03. Residential General Contractor (Homebuilder)

A. This category authorizes the holder to engage in, or manage/supervise the construction and development, renovation and/or repair solely of one or two-family dwelling or associated storage buildings.

B. This registration requires the holder to submit to the City of Longview a surety bond of no less than $25,000.00, with the City of Longview shown as the certificate holder and the contractor listed as residential contractor.

C. Registered Residential General Contractors shall be responsible for the complete and compliant construction, development, and inspection of permitted projects. This includes but is not limited to site preparation and setbacks, water and sewer services and taps, erosion control, foundation and or footers, all aspects of vertical construction, and landscaping. The Residential General Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed. Including third party energy inspections. This category does not permit the holder to install swimming pools, hot tubs, spas, driveways, sidewalks, or curb and gutters.

4.04. Combination General Contractor

A. This category authorizes the holder to engage in, or manage/supervise the construction and development, renovation and/or repair of any structure, including without limitation one and two-family dwellings, multi-family complexes, commercial structures, associated accessory structures and storage buildings, swimming pools, hot tubs, spas, and driveways, sidewalks, curbs and gutters.

B. This registration requires the holder to submit to the City of Longview a surety bond of no less than $50,000.00, with the City of Longview shown as the certificate holder and the contractor listed as a combination contractor.

C. Licensed Combination General Contractors shall be responsible for the complete and compliant construction, development, and inspection of permitted projects. This includes but is not limited to compliance with approved site plan, site preparation and setbacks, erosion control, utility installation, providing as-built drawings of completed infrastructure, water and sewer services and taps, required easements filed, completion of platting, foundation and or footers, all aspects of vertical construction, and landscaping. The Combination General Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed. Including third party energy inspections.

4.05. Swimming Pool Contractor

A. This category authorizes the holder to engage in the construction, renovation and/or repair of swimming pools, hot tubs, and spas.

B. This registration requires the holder to provide proof of a $25,000.00 surety bond with the City of Longview shown as the certificate holder and the contractor listed as a Swimming Pool Contractor.

C. Registered Swimming Pool Contractors shall be responsible for the complete and compliant construction, development, and inspection of permitted projects. This includes but is not limited to fences, gates, alarms, foundation/concrete work, pool equipment, grounding, bonding, and all other code required aspects of installing a swimming pool, hot tub, or spa. The Swimming Pool Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed.

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4.06. Sign Contractor

A. This category authorizes the holder to engage in the construction, installation, renovation, and/or repair of signs.

B. This registration requires the holder to provide proof of a $10,000.00 surety bond with the City of Longview shown as the certificate holder and the contractor listed as a sign contractor. Each sign contractor and subcontractor shall also carry public liability, personal injury or death and property damage insurance in the amounts of $100,000.00 and $50,000.00 respectively, covering said sign contractor's and subcontractor's operations hereunder.

C. Registered Sign Contractors shall be responsible for the complete and compliant construction, installation, renovation and/or repair of signs. The Sign Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed.

4.07. Driveway Sidewalk Curb & Gutter Contractor

A. This category authorizes the holder to engage in the construction, installation, renovation, and/or repair of driveways, sidewalks, and curb and gutters.

B. This registration requires the holder to provide proof of a current $10,000.00 surety bond with the City of Longview shown as the certificate holder and the contractor listed as a driveway and sidewalk contractor.

C. Registered Driveway Sidewalk Curb & Gutter Contractors shall be responsible for the complete and compliant construction, installation, renovation and/or repair of driveways. The Driveway Sidewalk Curb & Gutter Contractor for a permitted project is responsible for ensuring that all required inspections are completed.

4.08. Residential Third Party Energy Inspector

A. This category authorizes the holder to engage in the testing and inspection of residential new construction, alterations, accessories, and additions within the City of Longview for Energy Code Compliance.

B. This registration requires the holder to provide proof of a current certification with either BPI or HERS, verification of a current ICC Residential Energy Inspector/Plans Examiner Certification, and provide current verification of equipment calibration.

C. Registered Residential Third Party Energy Inspectors shall be responsible for the complete and compliant testing, inspection, and reporting of the adopted Energy Code requirements to the City of Longview Development Services.

4.09. Commercial Third Party Energy Inspector

A. This category authorizes the holder to engage in the testing and inspection of residential and commercial new construction, alterations, accessories, and additions within the City of Longview for Energy Code Compliance.

B. This registration requires the holder to provide proof of a current certification with either BPI or HERS, verification of a current ICC Residential Energy Inspector/Plans Examiner Certification, ICC Commercial Energy Inspector Certification, and provide current verification of equipment calibration.

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C. Registered Commercial Third Party Energy Inspectors shall be responsible for the complete and compliant testing, inspection, and reporting of the adopted Energy Code requirements to the City of Longview Development Services.

4.10. Demolition Contractor

A. This category authorizes the holder to engage in the demolition of residential and commercial structures.

B. This registration requires the holder to provide proof of current liability in the amount of $1,000,000.00 with the City of Longview shown as the certificate holder and the contractor listed as a demolition contractor.

C. Registered Demolition Contractors shall be responsible for the complete and compliant demolition and removal of residential and commercial structures. The Demolition Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed. Furthermore, Demolition Contractors are also responsible for providing asbestos reports, abatement letters, capping off water and sewer connections, and coordinating with private utility companies.

4.11. Master Plumber

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of plumbing systems.

B. This registration requires the holder to provide proof of current State of Texas Master Plumbers License, and state required insurance.

C. Registered Master Plumbers shall be responsible for the complete and compliant installation, alteration, repair, or renovation of plumbing systems and for providing all required information regarding backflow devices and backflow test results, and for acquiring all appropriate permits and inspections.

4.12. Master Electrician

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of electrical systems.

B. This registration requires the holder to provide proof of current State of Texas Master Electricians License, and state required insurance.

C. Registered Master Electricians shall be responsible for the complete and compliant installation, alteration, repair, or renovation of electrical systems, and for acquiring all appropriate permits and inspections.

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4.13. Master Sign Electrician

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of electrical systems pertaining to signs.

B. This registration requires the holder to provide proof of current State of Texas Master Sign Electricians License, and state required insurance.

C. Registered Master Sign Electricians shall be responsible for the complete and compliant installation, alteration, repair, or renovation of electrical systems pertaining to signs, and for acquiring all appropriate permits and inspections.

4.14. Air Conditioning & Refrigeration Contractor

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of HVAC systems as allowed by their state license.

B. This registration requires the holder to provide proof of current Class A or B State of Texas Air Conditioning & Refrigeration Contractor License, and state required insurance.

C. Registered Air Conditioning & Refrigeration Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of HVAC systems, and for acquiring all appropriate permits and inspections.

4.15. Landscape/Irrigation Contractor

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation irrigation systems.

B. This registration requires the holder to provide proof of current State of Texas Landscape Irrigators License and a $15,000.00 surety bond with the City of Longview shown as the certificate holder and the contractor listed as a landscape / irrigation contractor.

C. Registered Landscape / Irrigation Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of landscape / irrigation systems and providing all required information regarding backflow devices and backflow test results. The Landscape / Irrigation Contractor for a permitted project is also responsible for ensuring that all licensed trades have the appropriate permits and that all required inspections are completed.

4.16. Fire Protection Sprinkler Contractor

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of fire sprinkler systems.

B. This registration requires the holder to provide proof of current State of Texas Department of Insurance Fire Sprinkler License and state required insurance.

C. Registered Fire Sprinkler Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of fire sprinkler systems from the slab up, and for acquiring all appropriate permits and inspections.

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4.17. Fire Alarm Contractor

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of fire alarm systems.

B. This registration requires the holder to provide proof of current State of Texas Department of Insurance Fire Alarm License and state required insurance.

C. Registered Fire Alarm Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of fire alarm systems, and for acquiring all appropriate permits and inspections.

4.18. Fire Extinguisher Contractor

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of fixed fire extinguisher systems.

B. This registration requires the holder to provide proof of current State of Texas Department of Insurance Extinguisher Certificate Registration and state required insurance.

C. Registered Fire Extinguisher Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of fire extinguisher systems, and for acquiring all appropriate permits and inspections.

4.19. Underground Fire Main Contractor

A. This category authorizes the holder to engage in the installation, alteration, repair, or renovation of underground fire mains.

B. This registration requires the holder to provide proof of current State of Texas Department of Insurance Sprinkler Certificate and state required insurance.

C. Registered Underground Fire Main Contractors shall be responsible for the complete and compliant installation, alteration, repair, renovation, maintenance, or service of water supply piping to any and all types of fire protection sprinkler systems, and for acquiring all appropriate permits and inspections.

4.20. Aboveground & Underground Storage Tank Contractor

A. This category authorizes the holder to engage in the installation and removal of aboveground and underground storage tanks.

B. This registration requires the holder to provide proof of current Texas Commission on Environmental Quality Underground Storage Tank registration and state required insurance.

C. Registered Aboveground and Underground Storage Tank Contractors shall be responsible for the complete and compliant installation and removal of storage tanks, and for acquiring all appropriate permits and inspections. Above and Underground Storage Tank Contractors shall also be responsible for coordinating with City of Longview Code Compliance Division to ensure the correct staff are on site at all times.

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4.21. Utility Contractor

A. This category authorizes the holder to engage in construction, renovation and/or repair and to supervise or manage the construction, renovation and/or repair of utilities. This includes water, sewer, wastewater, storm sewer, streets, and drainage facilities. This license does not represent approval to perform any type of plumbing work regulated by the adopted Plumbing Code of the City of Longview or to install underground fire mains.

B. Utility contractors must secure and maintain insurance during construction. The insurance must include, at a minimum, the following:

1. Workmen's Compensation including Occupational Disease, and Employer's Liability Insurance
2. Public Liability Insurance in an amount not less than One Million Dollars ($1,000,000) for damages arising out of bodily or personal injury, sickness or disease, or death of one person and subject to the same limit for each person in an amount not less than One Million Dollars ($1,000,000) in any one occurrence; and property damage in an amount not less than One Million Dollars ($1,000,000) for all single combined damages arising out of injury to or destruction of property of others in any one occurrence with an aggregate limit in the same amount. The Property Damage portion of this coverage shall include explosion, collapse and underground exposure coverage. In addition, where Completed Operation Insurance coverage is applicable, such coverage will be maintained after completion and acceptance of the project for the full guarantee period.
3. Automobile Liability Insurance coverage on all self-propelled vehicles designed for travel on public roads used in connection with the project, whether owned, non-owned, or hired. The liability limits shall not be less than Two Hundred Fifty Thousand Dollars ($250,000) for injury or death of one person and in an amount not less than Five Hundred Thousand Dollars ($500,000) in any one occurrence; and Property Damage limits of not less than One Hundred Thousand Dollars ($100,000) in any one occurrence.
4. Contractual Liability Coverage: Each and every policy for Liability Insurance carried by each Contractor and Subcontractor will include a "Contractual Liability Coverage" endorsement sufficiently broad to insure the provision titled "Indemnity" hereinafter set forth.
5. Indemnity: The Contractor shall defend, indemnify and hold harmless the City of Longview and the city's officers, agents, servants, and employees; from any and all suits, actions, claims, losses or damage of any character and from all expenses incidental to the defense of such suits, actions or claims, based upon or arising out of or alleged to be based upon or arising out of (1) any injury, disease, sickness or death of any person or persons, (2) any damages to any property including in part loss of use thereof, caused by any act or omission of the Contractor, of any subcontractor of the Contractor, or by their officers, agents, servants, employees, or anyone else under the Contractor's direction and control, and arising out of, occurring in connection with, resulting from, or caused by the performance or failure of performance of any work or services called for by the Contract or from conditions created by the performance or non-performance of said work or services, but not including the sole negligence of any party herein indemnified.
6. The City of Longview must be named as a certificate holder as follows: City of Longview, Attention Public Works Engineering, PO Box 1952, Longview, Texas 75606. In the description line it must reflect City of Longview and must reference the job location.

C. Registered Utility Contractors shall be responsible for the complete and compliant installation, alteration, repair, or renovation of public and private utilities, and for acquiring all appropriate permits and inspections.

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4.22. Exemptions for Residential Homestead Owners

Provided that a permit as required herein shall have first been obtained by the homeowner. Homeowners performing mechanical, electrical, plumbing, or gas work, or managing/supervising the renovation and/or repair of buildings on their own residential homestead as reflected by public records are exempt from the licensing provision of this code. This exemption also applies to storage buildings. Homeowners must provide proof of homestead exemption. All other requirements of this code are still applicable.

4.23. Exemptions for Commercial Owners

Provided that a permit as required herein shall have first been obtained by the owner. Owners performing or managing/supervising the renovation and/or repair of buildings or installing signs that do not require engineered plans on their own commercial property as reflected by public records are exempt from the licensing provision of this code. This exemption does not apply to new construction, swimming pools, complete demolitions, signs that require engineered plans, or any trade work regulated by the state. All other requirements of this code are still applicable.

4.24. Revocation of Contractor's License

A. A contractor's license issued pursuant to this code may be denied or revoked by the Building and Fire Code Official for the following reasons:

1. It has been determined that an applicant for a license or a contractor or builder holding a license knowingly gave false or misleading information on his or her application.
2. The contractor or builder holding a license has been finally convicted of a violation of this code.
3. The contractor or builder applying for or holding a license has been finally convicted of a felony or misdemeanor crime which directly relates to the duties and responsibilities of the licensed occupation.

B. In determining whether a criminal conviction directly relates to the licensed occupation, the Building and Fire Code Official shall consider:

1. The nature and seriousness of the crime;
2. The relationship of the crime to the purposes for requiring a license to engage in the occupation;
3. The extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously has been involved; and
4. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

C. In addition to the other factors that may be considered under this section, the Building and Fire Code Official, in determining the present fitness of a person who has been convicted or a crime, shall consider the following evidence:

1. The extent and nature of the person's past criminal activity;
2. The age of the person at the time of the commission of the crime;
3. The amount of time that has elapsed since the person's last criminal activity;
4. The conduct and work activity of the person prior to and following the criminal activity;

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5. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;
6. Other evidence of the person's present fitness, including letters of recommendation from: prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff and chief of police in the community where the person resides; and any other persons in contact with the convicted person; and
7. It shall be the responsibility of the applicant to the extent possible to secure and provide to the Building and Fire Code Official the recommendations of the prosecution, law enforcement, and correctional authorities as required under this ordinance; the applicant shall also furnish proof in such form as may be required by the Building and Fire Code Official that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted.

D. Any revocation of a contractor's license under this Section 105.1.4 shall be for a minimum period of 30 days up to a maximum period of one year, within the discretion of the Building and Fire Code Official. If the Building and Fire Code Official suspends or revokes a valid license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of a crime and the relationship of the crime to the license, the Building and Fire Code Official shall notify the person in writing:

1. Of the reasons for the suspension, revocation, denial, or disqualification;
2. Of the review procedure provided by section 105.1.5; and
3. Of the earliest date that the person may appeal.

E. 105.1.6 Appeal of license revocation

A decision of the Building and Fire Code Official to revoke a contractor's license may be appealed to the Construction Advisory and Appeals Board by giving written notice of intent to appeal said decision to the Building and Fire Code Official within ten calendar days from the date the contractor or builder is notified of the revocation of the license. Such notice shall contain the reason or reasons why the Board should reverse or modify the decision of the Building and Fire Code Official. Failure to state reason(s) shall result in the termination of the appeal.

F. Upon receipt of said notice of intent to appeal, the Building and Fire Code Official shall schedule a meeting of the Construction Advisory and Appeals Board to consider such appeal. Such meeting shall be held within ten calendar days of the Building and Fire Code Official 's receipt of the notice of intent to appeal, unless the contractor or builder requests a longer period of time.

G. At the hearing set for such appeal, the Construction Advisory and Appeals Board shall receive evidence submitted by the appellant concerning the reason or reasons for reversal or modification as stated in the notice of intent to appeal, and shall also receive evidence from the Building and Fire Code Official as to why the license revocation should be sustained. The Board shall render a decision sustaining, amending, or reversing the decision of the Building and Fire Code Official based upon the evidence present at the hearing.

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4.25. Modifications to the International Building Code

The 2012 International Building Code is hereby amended in the following respects:

A. Section 105.1 is hereby rewritten in its entirety to read as follows:

1. 105.1 Required. Any owner or licensed contractor who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building and Fire Code Official and obtain the required permit. The required permit is in addition to any other license or permit required by law, including without limitation any required contractor's license.

2. 105.1.1 Contractor's License Categories

   a. 105.1.1.1 Commercial contractor (restricted). This category of license authorizes the license holder to construct or to supervise or manage the construction of any structure except a one or two-family dwelling. For purposes of this license restriction, a one or two-family dwelling includes, without limitation, (1) the real property and improvements and appurtenances for such a dwelling; (2) any material improvement to such a dwelling; and (3) any improvement to the interior of an existing one or two-family dwelling.

   b. 105.1.2 Contractor's license and fee. Each and every business entity or individual who, for a fixed price, commission, fee, wage, or other compensation, constructs or supervises or manages the construction of any structure for which a permit is required within the City of Longview shall obtain the appropriate category of contractor's license and pay an annual license fee to the City of Longview in the amount set by resolution of the City Council.

   c. 105.1.3 Registration by Building and Fire Code Official. The Building and Fire Code Official shall register the name of each licensed contractor or builder, giving the name, residence, type of license held and place of business and in case of any subsequent change, the Building and Fire Code Official shall make a corresponding change in the Building and Fire Code Official's records.

   d. 105.1.3.1 Registration of State Licensees. Each Responsible Master Plumber, Master Electrician, Master Sign Electrician, Licensed Irrigator and A or B Air Conditioning and Refrigeration Licensee shall register with the Building and Fire Code Official on a form prescribed by the Building and Fire Code Official and shall provide such proof as the Building and Fire Code Official shall reasonably require that the person meets the current applicable State of Texas license and insurance requirements. The Building and Fire Code Official may require that every such person register in person. Unless otherwise required by state law, each such registrant shall pay a registration fee to the City of Longview in the amount set by resolution of the City Council. Additionally, each such person shall re-register annually with the Building and Fire Code Official by or before the date on which said person's state license expires and each such re-registration shall be accompanied by the annual registration fee set be resolution of the City Council.

3. In determining whether a criminal conviction directly relates to the licensed occupation, the Building and Fire Code Official shall consider:

   a. The nature and seriousness of the crime;

   b. The relationship of the crime to the purposes for requiring a license to engage in the occupation;

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c. The extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously has been involved; and

d. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

4. In addition to the other factors that may be considered under this section, the Building and Fire Code Official, in determining the present fitness of a person who has been convicted or a crime, shall consider the following evidence:

   a. The extent and nature of the person's past criminal activity;

   b. The age of the person at the time of the commission of the crime;

   c. The amount of time that has elapsed since the person's last criminal activity;

   d. The conduct and work activity of the person prior to and following the criminal activity;

   e. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;

   f. Other evidence of the person's present fitness, including letters of recommendation from: prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff and chief of police in the community where the person resides; and any other persons in contact with the convicted person; and

   g. It shall be the responsibility of the applicant to the extent possible to secure and provide to the Building and Fire Code Official the recommendations of the prosecution, law enforcement, and correctional authorities as required under this ordinance; the applicant shall also furnish proof in such form as may be required by the Building and Fire Code Official that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted.

5. Any revocation of a contractor's license under this Section 105.1.4 shall be for a minimum period of 30 days up to a maximum period of one year, within the discretion of the Building and Fire Code Official. If the Building and Fire Code Official suspends or revokes a valid license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of a crime and the relationship of the crime to the license, the Building and Fire Code Official shall notify the person in writing:

   a. Of the reasons for the suspension, revocation, denial, or disqualification;

   b. Of the review procedure provided by section 105.1.5; and

   c. Of the earliest date that the person may appeal.

6. 105.1.6 Appeal of license revocation. A decision of the Building and Fire Code Official to revoke a contractor's license may be appealed to the Construction Advisory and Appeals Board by giving written notice of intent to appeal said decision to the Building and Fire Code Official within ten calendar days from the date the contractor or builder is notified of the revocation of the license. Such notice shall contain the reason or reasons why the Board should reverse or modify the decision of the Building and Fire Code Official. Failure to state reason(s) shall result in the termination of the appeal.

7. Upon receipt of said notice of intent to appeal, the Building and Fire Code Official shall schedule a meeting of the Construction Advisory and Appeals Board to consider such appeal. Such meeting shall be held within ten calendar days of the Building and Fire Code Official's

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receipt of the notice of intent to appeal, unless the contractor or builder requests a longer period of time.

8. At the hearing set for such appeal, the Construction Advisory and Appeals Board shall receive evidence submitted by the appellant concerning the reason or reasons for reversal or modification as stated in the notice of intent to appeal, and shall also receive evidence from the Building and Fire Code Official as to why the license revocation should be sustained. The Board shall render a decision sustaining, amending, or reversing the decision of the Building and Fire Code Official based upon the evidence present at the hearing.

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Article B. Zoning Regulations

Article Contents:

Section 1. General Provisions

Section 2. Zoning Districts

Section 3. Zoning Land Use Regulations

Section 4. Zoning Standards

Section 5. Zoning Development Review Procedures

Section 6. Alternative Compliance and Relief

Section 1. General Provisions

1.01. Enacting Clause

These Zoning Regulations are hereby enacted and adopted within the UDC for the City of Longview, Texas.

1.02. Purpose

A. The Zoning Regulations herein established have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City.

B. The Zoning Regulations have been designed to lessen the congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

C. They have been made with reasonable consideration, among other things, for the character of the districts and their peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a Comprehensive Plan.

1.03. Zoning District Map

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City, said map being a part of this ordinance as fully as if the same were set forth herein in detail.

1.04. Zoning District Boundaries

A. The district boundary lines shown on the Zoning District Maps are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply.

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1. Boundaries indicated, as approximately following the centerlines of Streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lines.
3. Boundaries indicated, as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad lines shall be construed to be the centerline of the Right-of-Way or if no centerline is established, the boundary shall be interpreted to be midway between the Right-of-Way lines.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water should be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in **1.** through **5.** above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.
7. Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
8. If the boundaries cannot be determined or if the boundaries are disputed, then the Zoning Board of Adjustment shall hold a hearing and shall take evidence, to determine the regulations that apply.

1.05. Zoning Upon Annexation

A. Timing

Proceedings to establish the initial zoning of land being considered for annexation into the City shall occur jointly with annexation procedures, but shall occur as a separate and distinct action by the City Council.

B. Annexation Precedes Zoning

City Council shall adopt the annexation ordinance prior to adoption of an ordinance for zoning.

C. All territory hereafter annexed to the City of Longview shall be temporarily classified as "A", Agricultural district, until permanent zoning is established by the City Council of the City of Longview. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

D. In an area temporarily classified as "A", Agricultural district:

1. Any building or structure construction of which was commenced prior to the effective date of the annexation of the territory in which said building or structure is located shall be accorded nonconforming status for its intended use under the provisions of Article 17 of this ordinance; provided that the construction is completed within a period of six (6) months from the effective date of annexation; and further provided that any building or structure is registered in accordance with this section.

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2. Any building or structure, construction of which was commenced prior to the effective date of annexation, shall not be required to conform with the terms of the Building, Plumbing and Electrical Codes provided that the construction is completed within a period of six months from the effective date of annexation.
3. No person shall use, occupy or permit the use or occupancy of any building or structure construction of which was commenced prior to the effective date of annexation of the territory in which such building or structure is located unless:
   a. The owner or builder of such structure files a written registration of such structure stating the owner's or builder's intended use of the same within fifteen (15) days of the effective date of annexation; and
   b. The owner or builder applies for and obtains certificate of occupancy from the Building Inspector. If the Building Inspector determines within his/her sound discretion that such structure is safe and habitable for occupancy for its intended use, he shall issue a certificate of occupancy containing disclaimers concerning the limited scope of inspection. Decisions of the Building Inspector shall be subject to review by the Zoning Board of Adjustment.
4. For the purposes of this section, construction of a structure shall be considered to be commenced if upon the effective date of annexation the plumbing for such structure has been installed to a level above the finished floor elevation of the structure.
5. A reasonable fee may be established by the City Council for the registration and inspections required by this section.

1.06. Compliance Required

All land, buildings, structures or appurtenances thereon located within the City, which are hereafter occupied, used, erected, altered, removed, demolished or converted shall be used, removed, placed and erected in conformance with the Zoning Regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

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Section 2. Zoning Districts

2.01. Zoning Districts Established

A. Purpose

The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development and uses within them, and to establish regulations regarding the physical character and intensity of development in order to protect the public health, safety, and welfare.

B. Zoning Districts Established

All land within the corporate limits shall be classified into one of the following zoning districts.

Zoning Districts	
Primarily Residential Districts	
A, Agricultural Zoning District	TH, Townhome Dwelling District
SF-1, One-Family Dwelling District	TF, Two-Family Dwelling District
SF-2, One-Family Dwelling District	MF, Multi-Family Dwelling District
SF-3, One-Family Dwelling District	
SF-4, One-Family Dwelling District	
SF-5, One-Family Dwelling District	
SF-6, One-Family Dwelling District	
Primarily Nonresidential or Special Districts	
O, Office District	CB, Central Business District
NS, Neighborhood Service District	DT, Downtown Transitional District
GR, General Retail District	IH-20, IH-20 Corridor District
C-1, Light Commercial District	PD, Planned Development District
C-2, Heavy Commercial District	P, Parking District
I-1, Light Industrial District	
I-2, Heavy Industrial District	

2.02. Equivalency Table for Zoning Districts

The following table identifies zoning districts adopted in previous ordinances and the zoning district regulations that now apply in these Zoning Regulations to those districts.

Previous Zoning Designation	Current Zoning District
Residential Zoning Districts	
A, Agricultural District	A, Agricultural District
SF-1, One-Family Dwelling District	SF-1, One-Family Dwelling District
SF-2, One-Family Dwelling District	SF-2, One-Family Dwelling District
SF-3, One-Family Dwelling District	SF-3, One-Family Dwelling District
SF-4, One-Family Dwelling District	SF-4, One-Family Dwelling District
SF-5, One-Family Dwelling District	SF-5, One-Family Dwelling District
-	SF-6, One-Family Dwelling District
TF-1, Two-Family Dwelling District	TF, Two-Family Dwelling District
TF-2, Two-Family Dwelling District	
TF-3, Two-Family Dwelling District	
-	TH, Townhome Dwelling District
MF-1, Multi-Family Dwelling District	MF, Multi-Family Dwelling District
MF-2, Multi-Family Dwelling District	
MF-3, Multi-Family Dwelling District	
Nonresidential Zoning Districts	
O, Office District	O, Office District
NS, Neighborhood Service District	NS, Neighborhood Service District
GR, General Retail District	GR, General Retail District
C-1, Light Commercial District	C-1, Light Commercial District
C-2, Heavy Commercial District	C-2, Heavy Commercial District
CB, Central Business District	CB, Central Business District
-	DT, Downtown Transitional District
I-1,Light Industrial District	I-1, Light Industrial District
I-2, Heavy Industrial District	I-2, Heavy Industrial District
-	IH-20, IH-20 Corridor District
PD, Planned Development District	PD, Planned Development District
P, Parking District	P, Parking District

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2.03. A, Agricultural Zoning District

A. Purpose Statement

This district is intended to provide for rural atmosphere and agricultural type uses with minimum 1 acre lot size requirement. Corresponding future land use designations generally include Low-Density Residential and Floodplain.

B. Dimensional Standards

See **Table 15. A District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

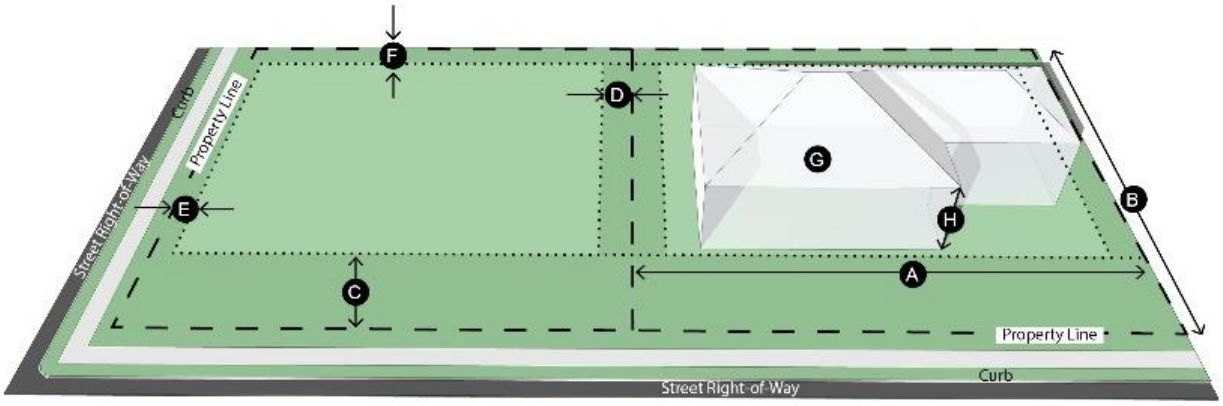
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09 Off-Street Loading**

Table 15. A District Dimensions

	Min. Lot Area	1 acre
A	Min. Lot Width	150’
B	Min. Lot Depth	150’
C	Min. Front Yard Setback	40’
D	Min. Side Yard Setback	10’
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	1,200 SF
H	Max. Stories	2.5
	Max. Building Coverage	20%

Lot Width is measured at the Setback Line



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2.04. SF-1, One-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units with a minimum lot size of 20,000 square feet. Corresponding future land use designations generally include Low-Density Residential.

B. Dimensional Standards

See **Table 16. SF-1 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

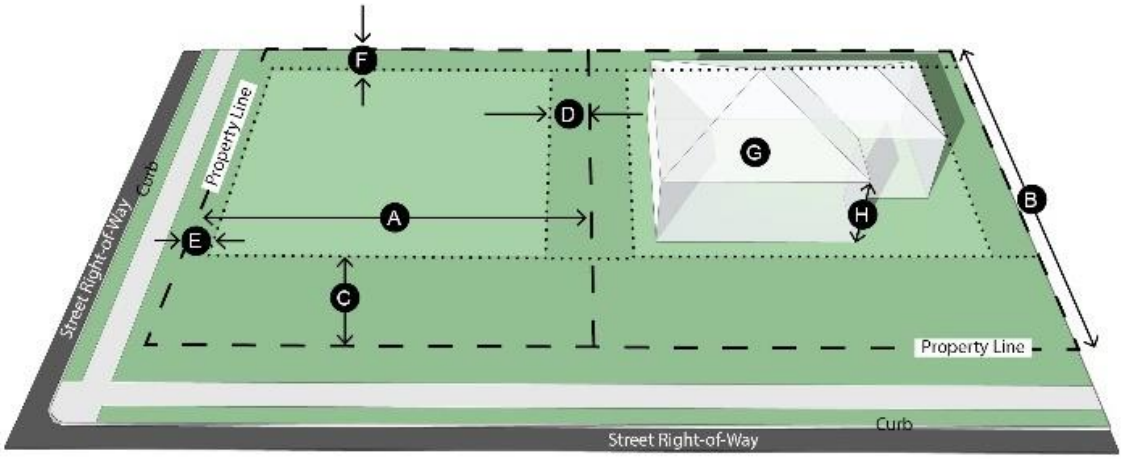
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 16. SF-1 District Dimensions

	Min. Lot Area	20,000 SF
A	Min. Lot Width	100’
B	Min. Lot Depth	120’
C	Min. Front Yard Setback	40’
D	Min. Side Yard Setback	10’
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	1,500 SF
H	Max. Stories	2.5
	Max. Building Coverage	35%
	Max. Impervious Surface in Front of Front Façade	50%

Lot Width is measured at the Setback Line



2.05. SF-2, One-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units with a minimum lot size of 12,000 square feet. Corresponding future land use designations generally include Low-Density Residential.

B. Dimensional Standards

See **Table 17. SF-2 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

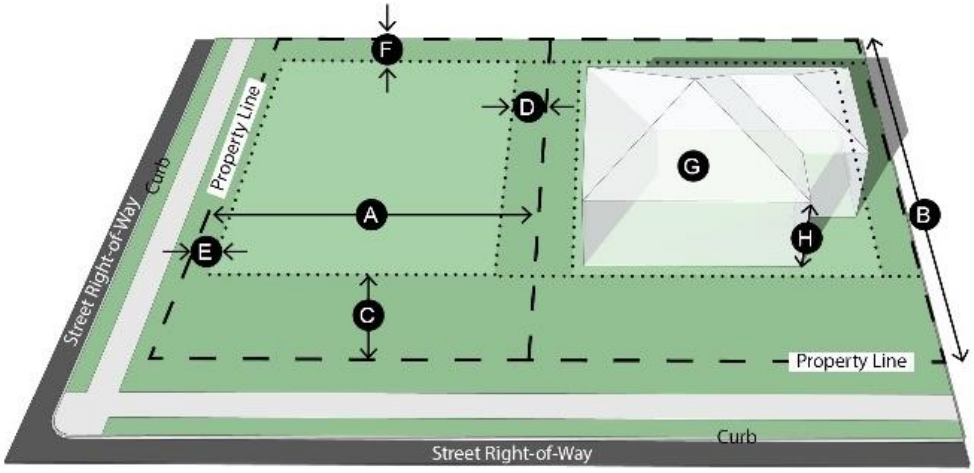
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 17. SF-2 District Dimensions

	Min. Lot Area	12,000 SF
A	Min. Lot Width	80’
B	Min. Lot Depth	120’
C	Min. Front Yard Setback	35’
D	Min. Side Yard Setback	8’
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	1,400 SF
H	Max. Stories	2.5
	Max. Building Coverage	35%
	Max. Impervious Surface in Front of Front Façade	50%

Lot Width is measured at the Setback Line



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2.06. SF-3, One-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units with a minimum lot size of 10,000 square feet. Corresponding future land use designations generally include Low-Density Residential.

B. Dimensional Standards

See **Table 18. SF-3 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

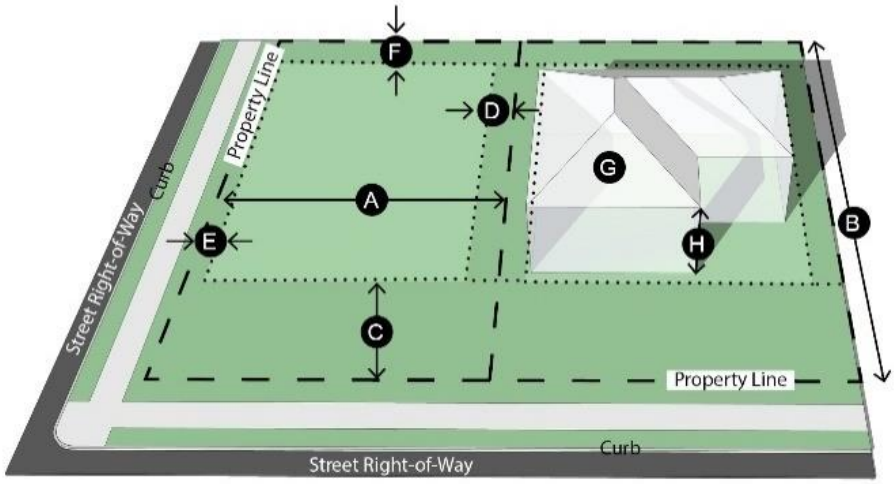
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 18. SF-3 District Dimensions

	Min. Lot Area	10,000 SF
A	Min. Lot Width	70’
B	Min. Lot Depth	120’
C	Min. Front Yard Setback	35’
D	Min. Side Yard Setback	6’
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	1,300 SF
H	Max. Stories	2.5
	Max. Building Coverage	35%
	Max. Impervious Surface in Front of Front Façade	50%

Lot Width is measured at the Setback Line



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2.07. SF-4, One-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units with a minimum lot size of 7,500 square feet. Corresponding future land use designations generally include Low-Density Residential.

B. Dimensional Standards

See **Table 19. SF-4 District Dimensions**.

C. Permitted Uses

See **3.03 Permitted Uses**

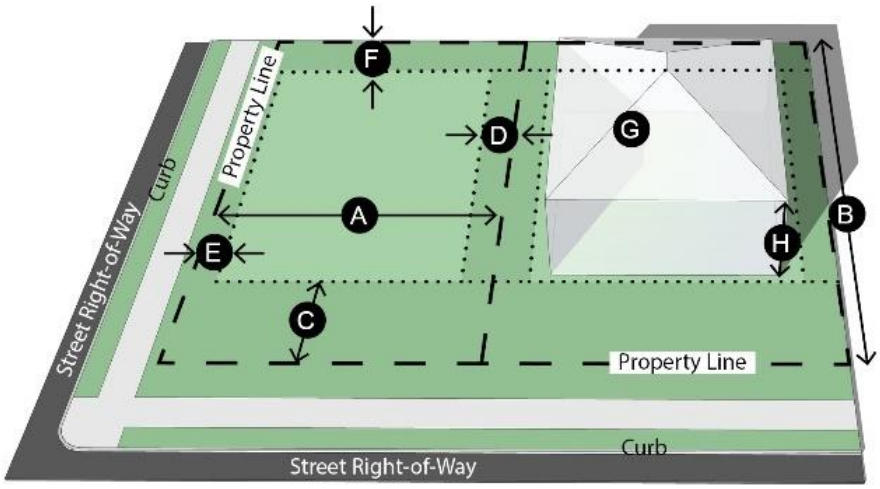
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 19. SF-4 District Dimensions

	Min. Lot Area	7,500 SF
A	Min. Lot Width	60’
B	Min. Lot Depth	100’
C	Min. Front Yard Setback	30’
D	Min. Side Yard Setback	6’
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	1,200 SF
H	Max. Stories	2.5
	Max. Building Coverage	40%
	Max. Impervious Surface in Front of Front Façade	50%

Lot Width is measured at the Setback Line



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2.08. SF-5, One-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units with a minimum lot size of 5,000 square feet. Corresponding future land use designations generally include Low-Density Residential.

B. Dimensional Standards

See **Table 20. SF-5 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

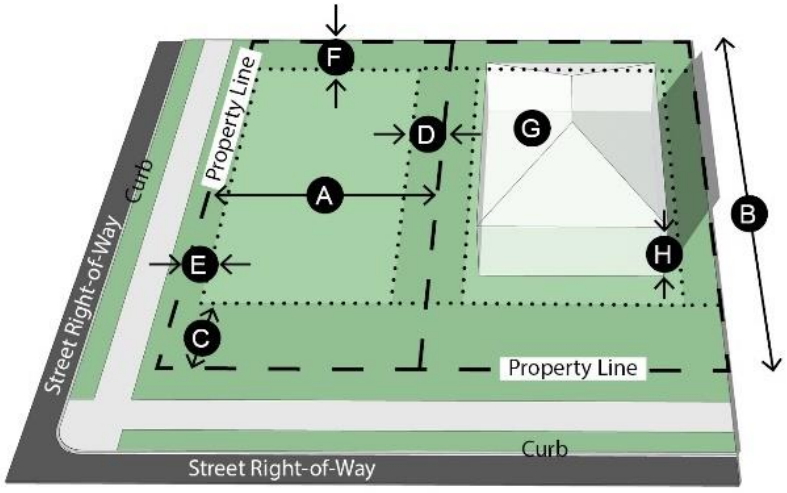
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 20. SF-5 District Dimensions

	Min. Lot Area	5,000 SF
A	Min. Lot Width	50’
B	Min. Lot Depth	100’
C	Min. Front Yard Setback	25’
D	Min. Side Yard Setback	4’
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	800 SF
H	Max. Stories	2.5
	Max. Building Coverage	40%
	Max. Impervious Surface in Front of Front Façade	50%

Lot Width is measured at the Setback Line



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2.09. SF-6, One-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units with a minimum lot size of 4,000 square feet. This district is intended to accommodate larger dwellings than those of SF-5. Corresponding future land use designations generally include Low-Density Residential.

B. Dimensional Standards

See **Table 21. SF-6 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

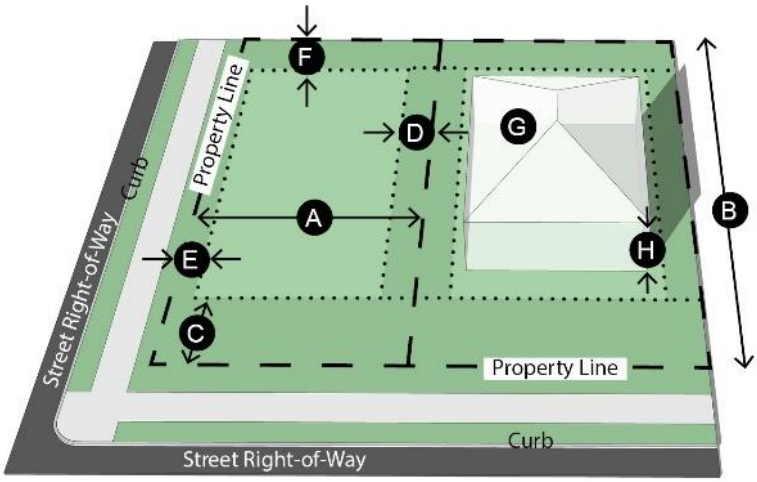
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 21. SF-6 District Dimensions

	Min. Lot Area	4,000 SF
A	Min. Lot Width	40’
B	Min. Lot Depth	80’
C	Min. Front Yard Setback	20’
D	Min. Side Yard Setback	4’
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	1,000 SF
H	Max. Stories	2.5
	Max. Building Coverage	60%
	Max. Impervious Surface in Front of Front Façade	50%

Lot Width is measured at the Setback Line



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2.10. TH, Townhome Dwelling District

A. Purpose Statement

This district is intended to provide for development of multiple-attached units on separate lots, built to accommodate five (5) to twelve (12) dwelling units per acre. The maximum number of units attached shall not exceed six (6). Corresponding future land use designations generally include Low-Density Residential and Medium-Density Residential.

B. Dimensional Standards

See **Table 22. TH District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

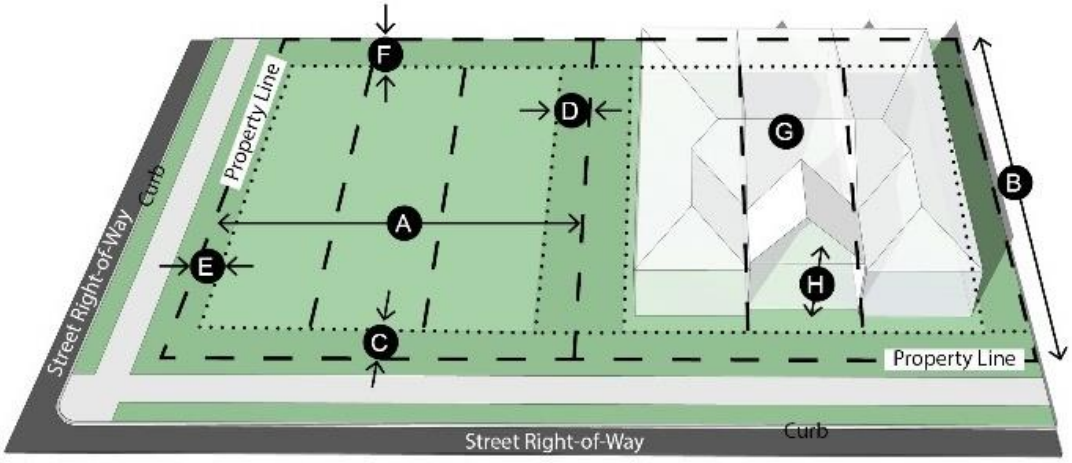
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 22. TH District Dimensions

	Min. Lot Area	2,500 SF
A	Min. Lot Width	25’
B	Min. Lot Depth	100’
C	Min. Front Yard Setback	20’
D	Min. Side Yard Setback	0’ between attached units, 7.5’ on end units
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	800 SF
H	Max. Stories	2.5
	Max. Building Coverage	80%

Lot Width is measured at the Setback Line



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2.11. TF, Two-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of two-family attached dwelling units with a minimum lot size of 5,000 square feet and a minimum dwelling area of 600 square feet per unit. Corresponding future land use designations generally include Low-Density Residential and Medium-Density Residential.

B. Dimensional Standards

See **Table 23. TF District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

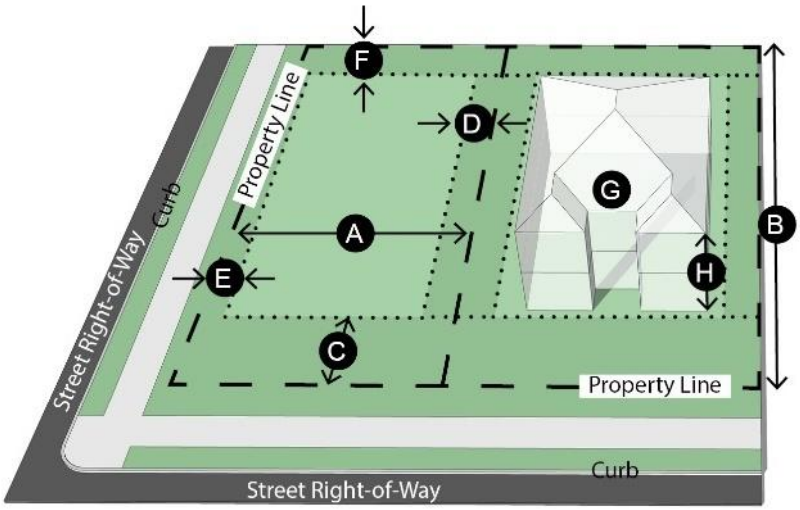
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 23. TF District Dimensions

	Min. Lot Area	5,000 SF per duplex
A	Min. Lot Width	50' per duplex
B	Min. Lot Depth	100'
C	Min. Front Yard Setback	25'
D	Min. Side Yard Setback	6'
E	Min. Corner Side Setback	10' (20' when covered parking provided)
F	Min. Rear Yard Setback	10'
G	Min. Floor Area	600 SF per dwelling unit
H	Max. Stories	2.5
	Max. Building Coverage	40%

Lot Width is measured at the Setback Line



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2.12. MF, Multi-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of attached residential units, such as multi-family developments, at a maximum residential density of approximately 29 dwelling units per acre. Corresponding future land use designations generally include Medium-Density Residential and High-Density Residential.

B. Dimensional Standards

See **Table 24. MF District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

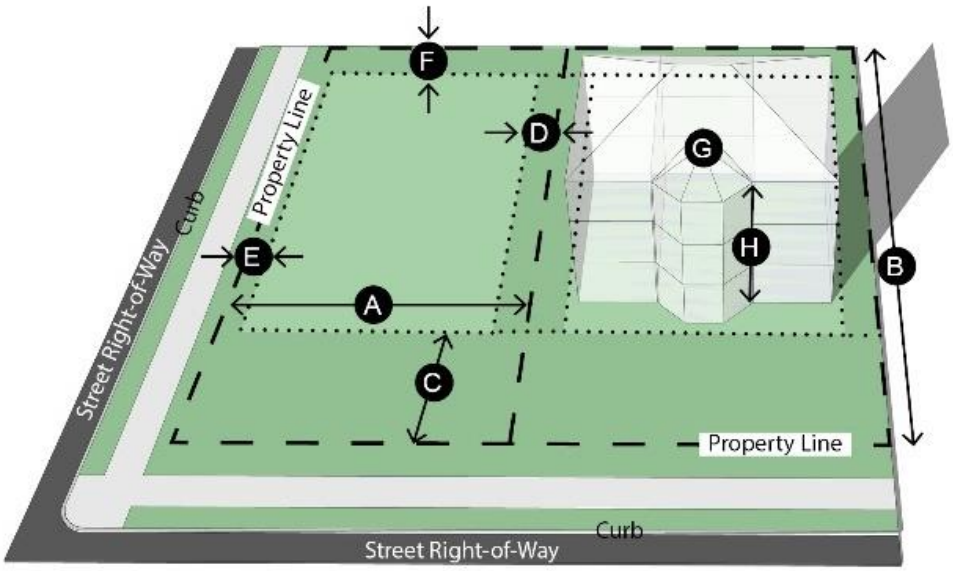
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.10. Multi-Family Development**

Table 24. MF District Dimensions

	Min. Lot Area	7,500 SF or 1,500 SF/unit, whichever is greater
A	Min. Lot Width	60’
B	Min. Lot Depth	120’
C	Min. Front Yard Setback	25’
D	Min. Side Yard Setback	6’
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	525 SF
H	Max. Stories	3
	Max. Density	29 dwelling units/acre
	Max. Building Coverage	40%

Lot Width is measured at the Setback Line



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2.13. O, Office District

A. Purpose Statement

This district is intended to provide for low intensity office, businesses and professional uses. Corresponding future land use designations generally include Office and Business Campus.

B. Dimensional Standards

See **Table 25. O District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

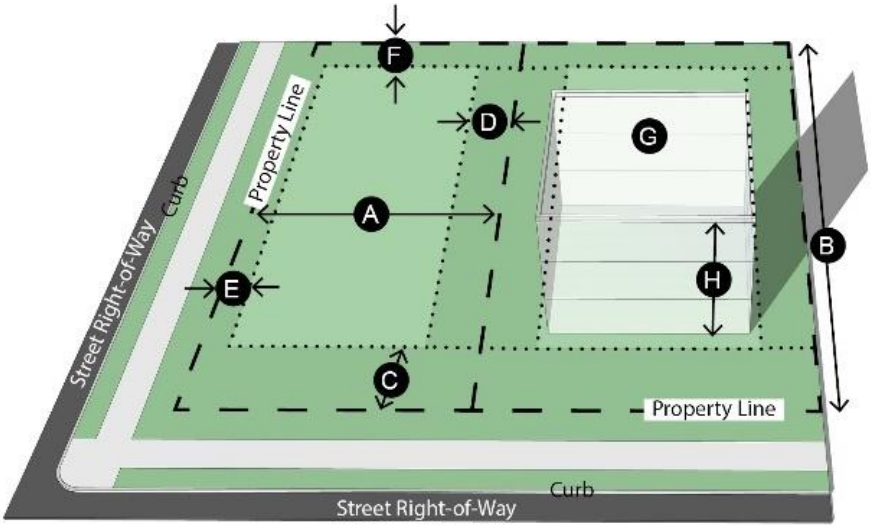
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.14. Nonresidential Design**

Table 25. O District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	15’
D	Min. Side Yard Setback	0’ or 10’ when abutting residential district
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	N/A
H	Max. Stories	3
	Max. Building Coverage	N/A

Lot Width is measured at the Setback Line



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2.14. NS, Neighborhood Service District

A. Purpose Statement

This district is intended to provide for low intensity neighborhood scale retail and services. Corresponding future land use designations generally include Retail and Office.

B. Dimensional Standards

See **Table 26. NS District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

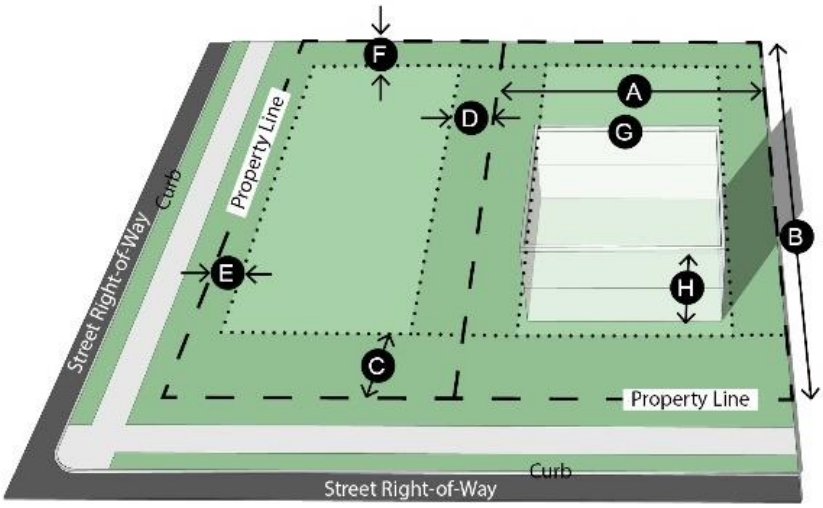
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.14. Nonresidential Design**

Table 26. NS District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	25’
D	Min. Side Yard Setback	0’, or 10’ when abutting residential district
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	N/A
H	Max. Stories	2
	Max. Building Coverage	N/A

Lot Width is measured at the Setback Line



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2.15. GR, General Retail District

A. Purpose Statement

This district is intended to provide for various types of medium intensity retail and services. Corresponding future land use designations generally include Retail and Office.

B. Dimensional Standards

See **Table 27. GR District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

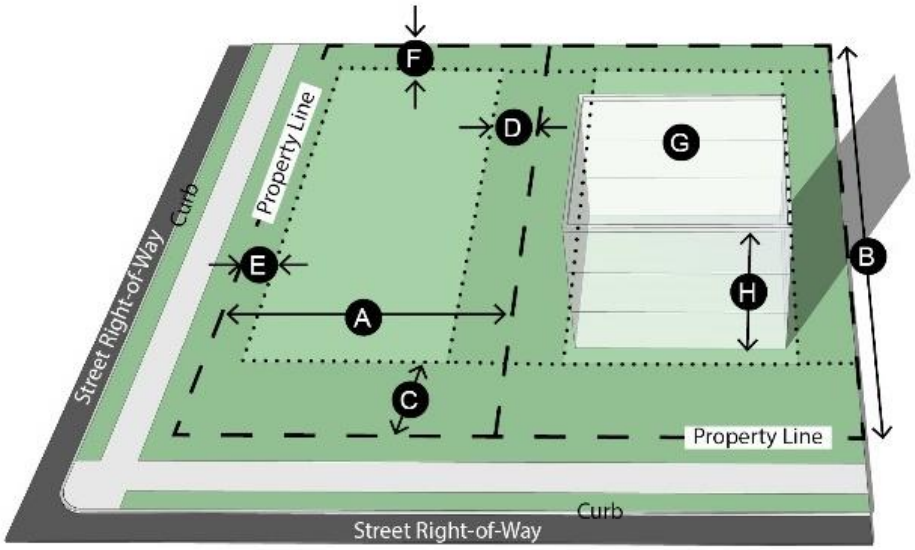
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.14. Nonresidential Design**

Table 27. GR District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	25’
D	Min. Side Yard Setback	0’, or 10’ when abutting residential district
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	10’
G	Min. Floor Area	N/A
H	Max. Stories	3
	Max. Building Coverage	N/A

Lot Width is measured at the Setback Line



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2.16. C-1, Light Commercial District

A. Purpose Statement

This district is intended to provide for locations for medium intensity commercial uses and activities. Corresponding future land use designations generally include Commercial.

B. Dimensional Standards

See **Table 28. C-1 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

D. Other Applicable Standards

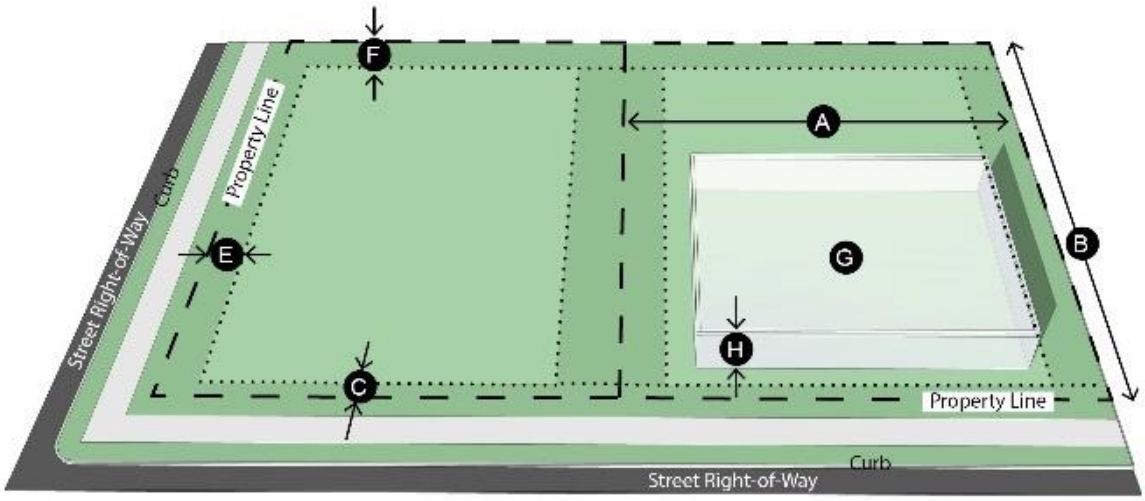
1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.14. Nonresidential Design**

Table 28. C-1 District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	See Note
D	Min. Side Yard Setback	0', or 10' when abutting residential district
E	Min. Corner Side Setback	10' (20' when covered parking provided)
F	Min. Rear Yard Setback	10'
G	Min. Floor Area	N/A
H	Max. Stories	20
	Max. Building Coverage	2:1 FAR

Lot Width is measured at the Setback Line

Note: No structure may be erected nearer than thirty (30) feet to centerline of any street upon which the structure fronts, nor may any building be erected ahead of any building line established by Ordinance.



2.17. C-2, Heavy Commercial District

A. Purpose Statement

This district is intended to provide for locations for high intensity commercial uses and activities, storage, and warehousing facilities. Corresponding future land use designations generally include Commercial.

B. Dimensional Standards

See **Table 29. C-2 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

D. Other Applicable Standards

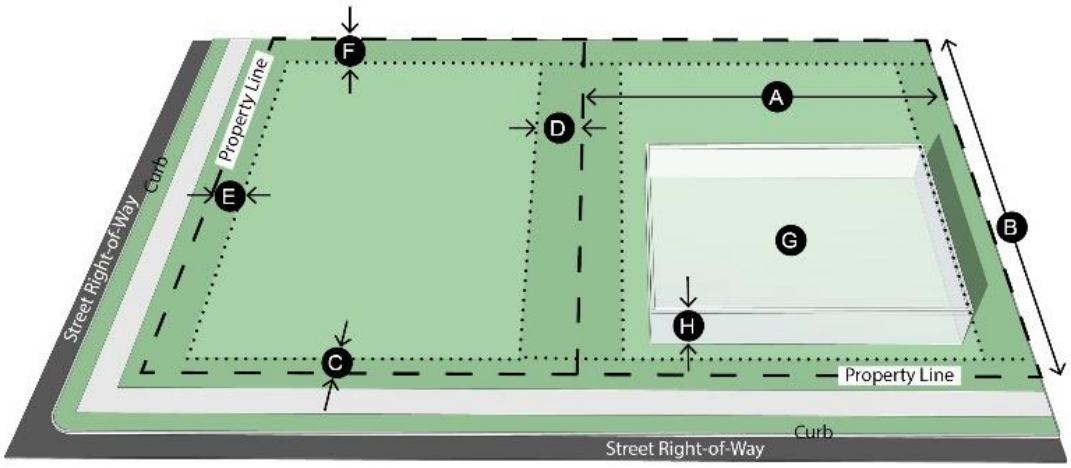
1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.14. Nonresidential Design**

Table 29. C-2 District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	See Note
D	Min. Side Yard Setback	0', or 10' when abutting residential district
E	Min. Corner Side Setback	10' (20' when covered parking provided)
F	Min. Rear Yard Setback	10'
G	Min. Floor Area	N/A
H	Max. Stories	20
	Max. Building Coverage	2:1 FAR

Lot Width is measured at the Setback Line

Note: No structure may be erected nearer than thirty (30) feet to centerline of any street upon which the structure fronts, nor may any building be erected ahead of any building line established by Ordinance.



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2.18. CB, Central Business District

A. Purpose Statement

This district is intended to provide specific guidelines for the core Downtown area and implement the Small Area Plan recommendations. Corresponding future land use designations generally include Central Business District, Retail, Office, Mixed Use, and High-Density Residential.

B. Dimensional Standards

See **Table 30. CB District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

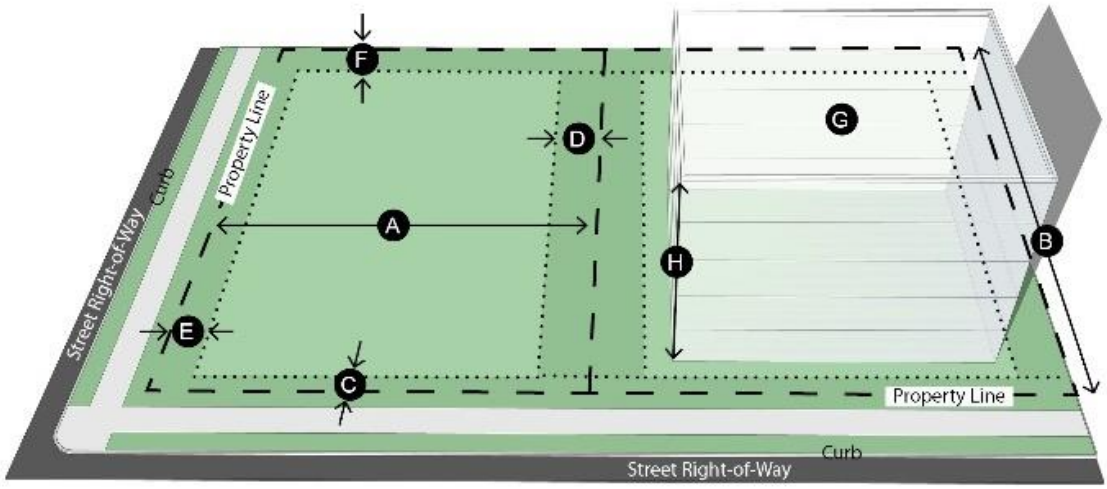
D. Other Applicable Standards

1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.11. CB, Central Business District Development**

Table 30. CB District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Max. Front Yard Setback	15’
D	Min. Side Yard Setback	0’, or 10’ when abutting residential district
E	Min. Corner Side Setback	10’ (20’ when covered parking provided)
F	Min. Rear Yard Setback	0’, or 10’ when abutting residential district
G	Min. Floor Area	N/A
H	Max. Stories	20
	Max. Building Coverage	15:1 FAR

Lot Width is measured at the Setback Line



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2.19. DT, Downtown Transitional District

A. Purpose Statement

This district is intended to provide specific guidelines for the areas transitioning from the core Downtown area and implement the Small Area Plan recommendations. Corresponding future land use designations generally include Central Business District, Retail, Office, Mixed Use, and High-Density Residential.

B. Dimensional Standards

See **Table 31. DT District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

D. Other Applicable Standards

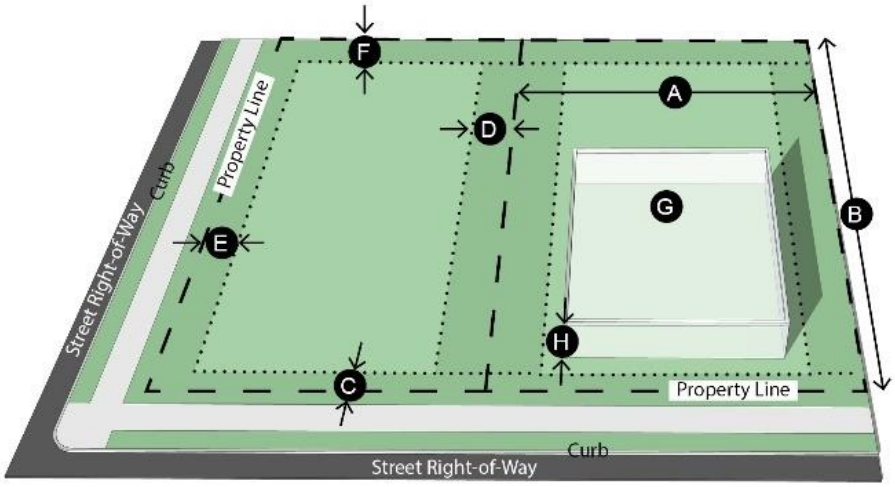
1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.12. DT, Downtown Transitional District Development**

Table 31. DT District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	See Note
D	Min. Side Yard Setback	0', or 10' when abutting residential district
E	Min. Corner Side Setback	10' (20' when covered parking provided)
F	Min. Rear Yard Setback	0', or 10' when abutting residential district
G	Min. Floor Area	N/A
H	Max. Stories	20
	Max. Building Coverage	15:1 FAR

Lot Width is measured at the Setback Line

Note: No structure may be erected nearer than thirty (30) feet to centerline of any street upon which the structure fronts, nor may any building be erected ahead of any building line established by Ordinance.



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2.20. I-1, Light Industrial District

A. Purpose Statement

This district is intended to provide for locations for small-scale basic or primary industrial uses that involve extensive processing, manufacturing or assembly of various products or equipment. Corresponding future land use designations generally include Industrial.

B. Dimensional Standards

See **Table 32. I-1 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

D. Other Applicable Standards

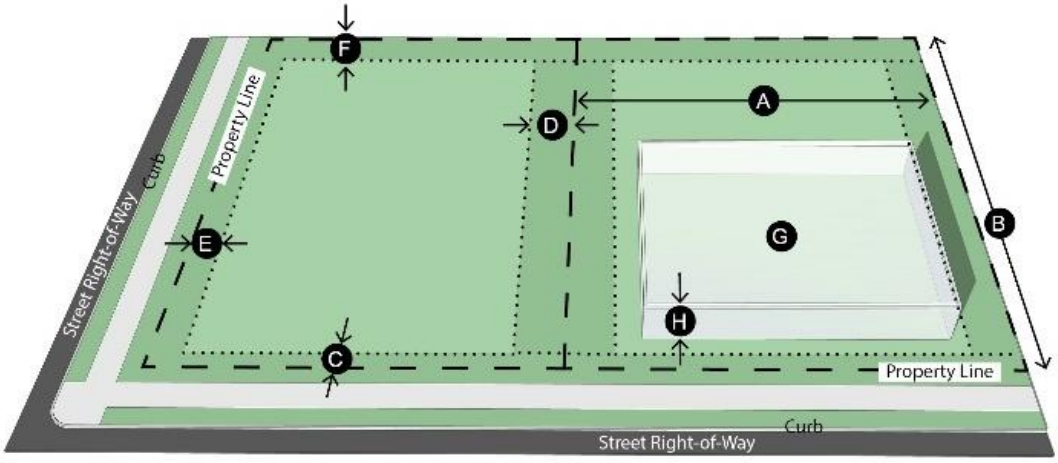
1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 32. I-1 District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	See Note
D	Min. Side Yard Setback	0', or 10' when abutting residential district
E	Min. Corner Side Setback	10' (20' when covered parking provided)
F	Min. Rear Yard Setback	0', or 10' when abutting residential district
G	Min. Floor Area	N/A
H	Max. Stories	20
	Max. Building Coverage	2:1 FAR

Lot Width is measured at the Setback Line

Note: No structure may be erected nearer than thirty (30) feet to centerline of any street upon which the structure fronts, nor may any building be erected ahead of any building line established by Ordinance.



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2.21. I-2, Heavy Industrial District

A. Purpose Statement

This district is intended to provide for locations for large-scale basic or primary industrial uses that involve extensive processing, manufacturing or assembly of large products or equipment. Corresponding future land use designations generally include Industrial.

B. Dimensional Standards

See **Table 33. I-2 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

D. Other Applicable Standards

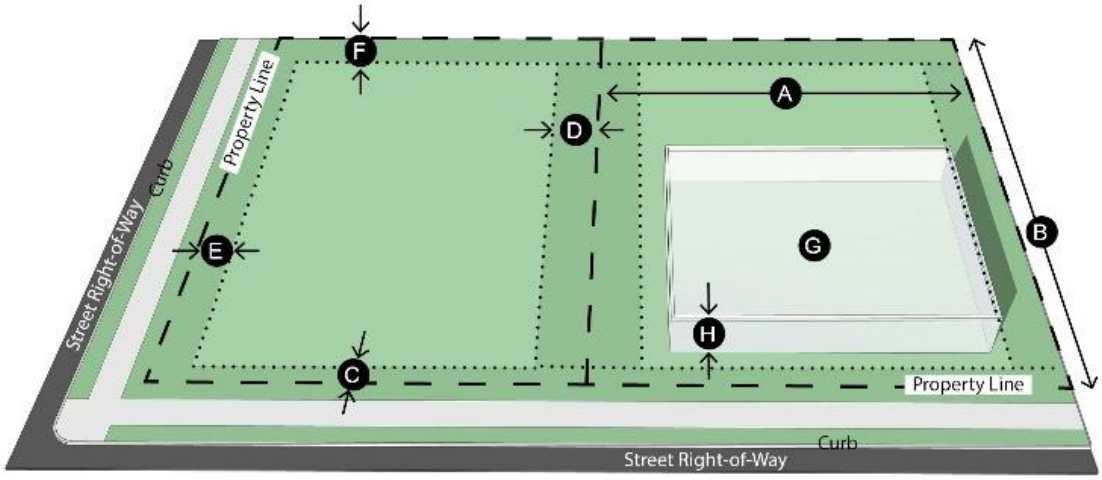
1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**

Table 33. I-2 District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	See Note
D	Min. Side Yard Setback	0', or 10' when abutting residential district
E	Min. Corner Side Setback	10' (20' when covered parking provided)
F	Min. Rear Yard Setback	0', or 10' when abutting residential district
G	Min. Floor Area	N/A
H	Max. Stories	20
	Max. Building Coverage	1:1 FAR

Lot Width is measured at the Setback Line

Note: No structure may be erected nearer than thirty (30) feet to centerline of any street upon which the structure fronts, nor may any building be erected ahead of any building line established by Ordinance.



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2.22. IH-20, IH-20 Corridor District

A. Purpose Statement

This district is intended to provide specific guidelines for the IH-20 Corridor and implement the Small Area Plan recommendations. Corresponding future land use designations generally include Retail, Commercial, and Office.

B. Dimensional Standards

See **Table 34. IH-20 District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

D. Other Applicable Standards

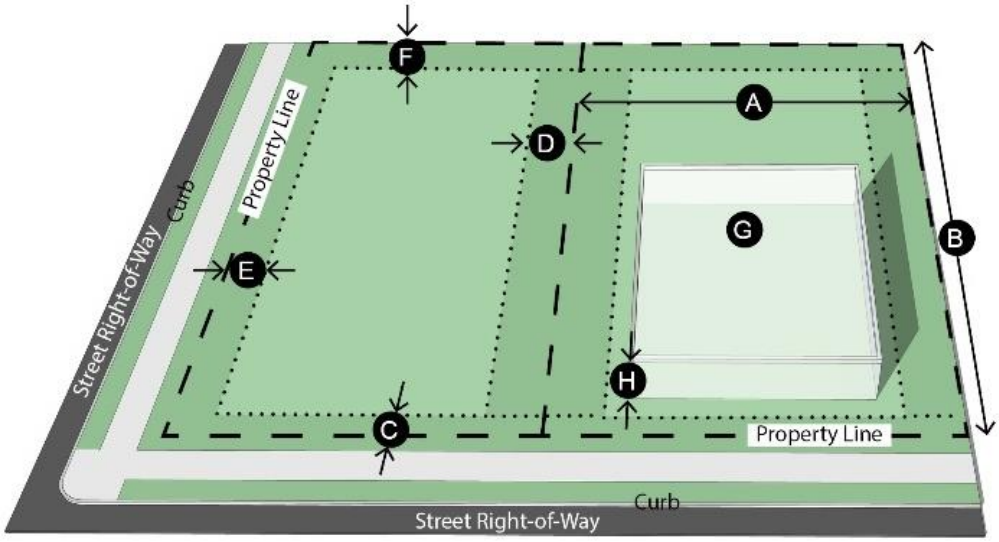
1. See **4.02. Dwelling and Building Location**
2. See **4.03. Accessory Buildings and Uses**
3. See **4.04. Fencing and Screening**
4. See **4.05. Buffer Yards**
5. See **4.06. Landscaping**
6. See **4.07. Tree Preservation**
7. See **4.08. Vehicle Parking**
8. See **4.09. Off-Street Loading**
9. See **4.13. IH-20, IH-20 Corridor District Development**

Table 34. IH-20 District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	See Note
D	Min. Side Yard Setback	0', or 10' when abutting residential district
E	Min. Corner Side Setback	10' (20' when covered parking provided)
F	Min. Rear Yard Setback	10'
G	Min. Floor Area	N/A
H	Max. Stories	20
	Max. Building Coverage	N/A

Lot Width is measured at the Setback Line

Note: No structure may be erected nearer than thirty (30) feet to centerline of any street upon which the structure fronts, nor may any building be erected ahead of any building line established by Ordinance.



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2.23. P, Parking District

A. Purpose Statement

This district is intended to provide locations for off-site parking for areas where on-site parking is not available for retail and businesses. Corresponding future land use designations generally include Office, Retail, Commercial, and Central Business District.

B. Dimensional Standards

Parking structures shall not exceed twenty (20) stories.

C. Permitted Uses

See **3.03. Permitted Uses**

D. Other Applicable Standards

1. See **4.05. Buffer Yards**
2. See **4.06. Landscaping**
3. See **4.07. Tree Preservation**
4. See **4.08. Vehicle Parking**
5. See **4.09. Off-Street Loading**

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2.24. PD, Planned Development District

A. Purpose Statement

The purpose of this district is to encourage higher quality development in the City by allowing flexibility in the planning and development of projects. A PD, Planned Development District may be used to permit new or innovative concepts in land utilization or diversification that could not be achieved under conventional zoning approaches. Any combination of residential, commercial, light industrial, public or recreational uses as approved by the City Council may be permitted.

B. Dimensional Standards

See **Table 35. PD District Dimensions**.

C. Permitted Uses

See **3.03. Permitted Uses**

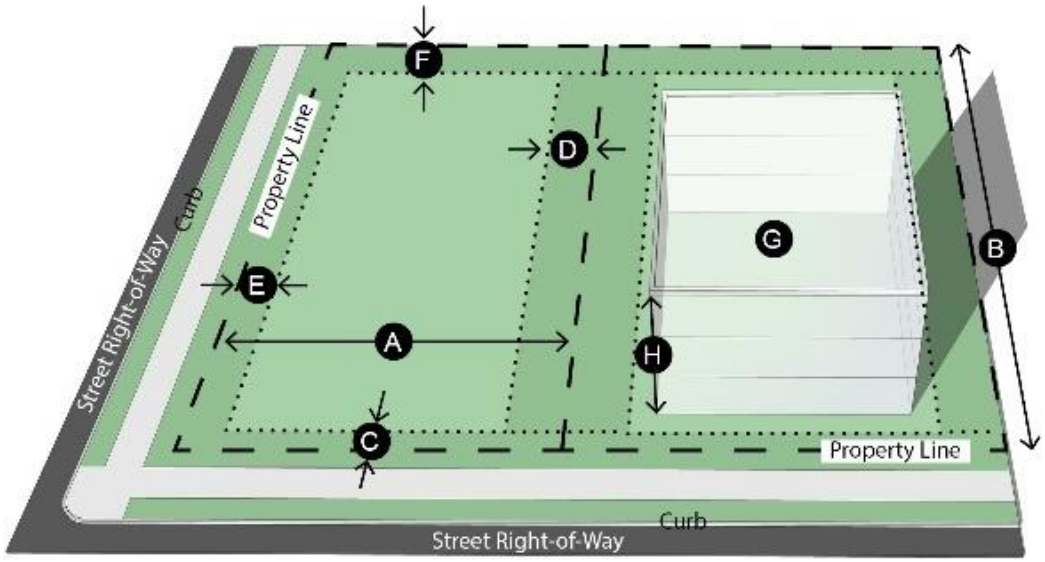
D. Other Applicable Standards

See **5.04. Planned Development Application and Review**

Table 35. PD District Dimensions

	Min. Lot Area	N/A
A	Min. Lot Width	N/A
B	Min. Lot Depth	N/A
C	Min. Front Yard Setback	Established by Site Plan, which is part of the amending ordinance
D	Min. Side Yard Setback	
E	Min. Corner Side Setback	
F	Min. Rear Yard Setback	
H	Max. Stories	
G	Min. Floor Area	N/A
	Max. Building Coverage	N/A

Lot Width is measured at the Setback Line



2.25. Summary of the Dimensional Standards

A. The dimensional standards are summarized in **Table 36** and **Table 37**.

B. In case of conflict between the summary table for dimensional standards and the dimensions outlined within each district, the more restrictive regulation shall apply.

Table 36. Summary of Residential District Dimensional Standards

Dimension	A	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	TH	TF	MF
Min. Lot Area	1 acre	20,000 SF	12,000 SF	10,000 SF	7,500 SF	5,000 SF	4,000 SF	2,500 SF	5,000 SF per duplex	7,500 SF or 1,500 SF/unit, whichever is greater 29 dwelling units/acre
Min. Lot Width	150’	100’	80’	70’	60’	50’	40’	25’	50’ per duplex	60’
Min. Lot Depth	150’	120’	120’	120’	100’	100’	80’	100’	100’	120’
Min. Front Yard Setback	40’	40’	35’	35’	30’	25’	20’	20’	25’	25’
Min. Side Yard Setback	10’	10’	8’	6’	6’	4’	4’	0’ between attached units, 7.5’ on end units	6’	6’
Min. Corner Side Setback	10’ (20’ when covered parking provided)									
Min. Rear Yard Setback	10’	10’	10’	10’	10’	10’	10’	10’	10’	10’
Min. Floor Area	1,200 SF	1,500 SF	1,400 SF	1,300 SF	1,200 SF	800 SF	1,000 SF	800 SF	600 SF per dwelling unit	525 SF
Max. Stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	3
Max. Building Coverage	20%	35%	35%	35%	40%	40%	60%	80%	40%	40%
Max. Impervious Surface in Front of Front Façade	N/A	50%	50%	50%	50%	50%	50%	N/A	N/A	N/A

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Table 37. Summary of Nonresidential District Dimensional Standards

Dimension	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD
Min. Lot Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Min. Lot Width	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Min. Lot Depth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Min. Front Yard Setback	15’	25’	25’	No structure may be erected nearer than thirty (30) feet to centerline of any street upon which the structure fronts, nor may any building be erected ahead of any building line established by Ordinance.		15’	No structure may be erected nearer than thirty (30) feet to centerline of any street upon which the structure fronts, nor may any building be erected ahead of any building line established by Ordinance.				N/A	Established by Site Plan, which is part of the amending ordinance
Min. Side Yard Setback	0’, or 10’ when abutting residential district										N/A	
Min. Corner Side Setback	10’ (20’ when covered parking provided)										N/A	
Min. Rear Yard Setback	10’	10’	10’	10’	10’	0’, or 10’ when abutting residential district				10’	N/A	
Min. Floor Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Max. Stories	3	2	3	20	20	20	20	20	20	20	20	Established by Site Plan, which is part of the amending ordinance
Max. Building Coverage	N/A	N/A	N/A	2:1 FAR	2:1 FAR	15:1 FAR	15:1 FAR	2:1 FAR	1:1 FAR	N/A	N/A	N/A

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Figure 2. Method for Measuring Building Height

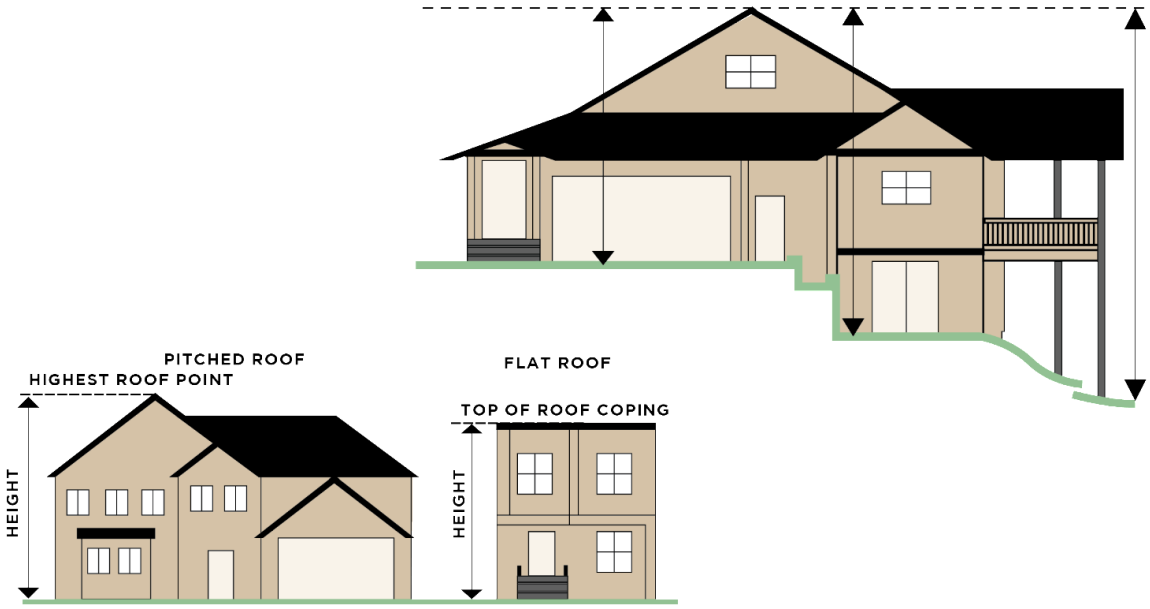


Figure 3. Method for Measuring Lot Depth

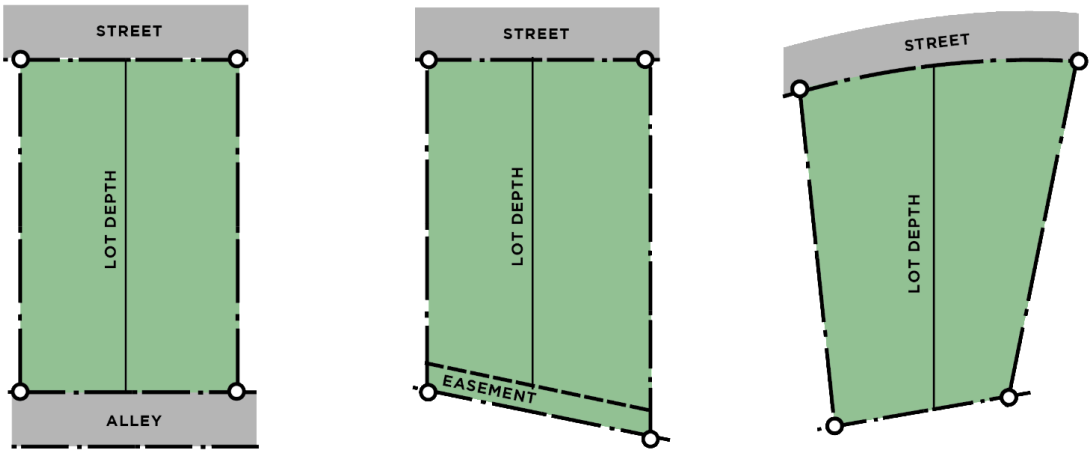
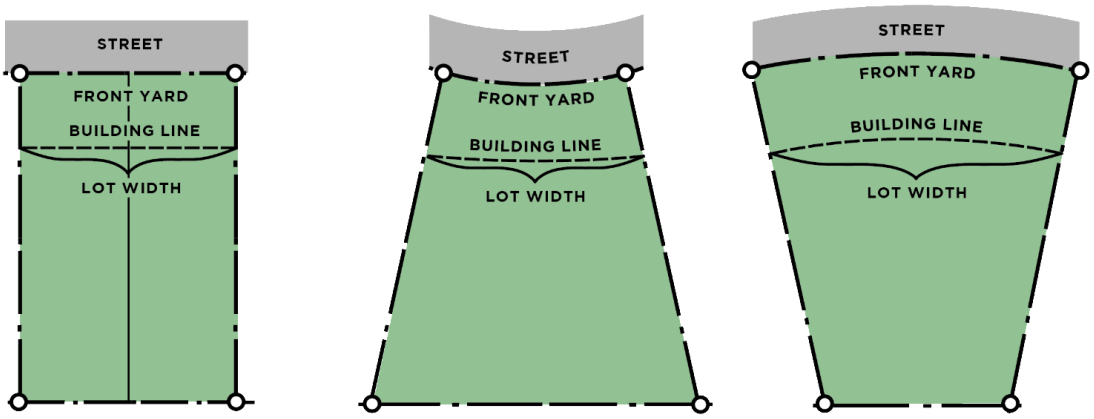


Figure 4. Method for Measuring Lot Width



Section 3. Zoning Land Use Regulations

3.01. Uses Permitted by District

Land and buildings in each of the zoning districts may be used for any of the specified uses in the Use Chart. No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which the property is located.

Legend for Use Chart	
P	Use is permitted in district indicated
S	Use is permitted in district upon approval of a Specific Use Permit (SUP)
	Use is prohibited in district indicated

3.02. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use shall be made as follows:

A. The new or unlisted use will be referred to the City Planner who will make a determination as to the appropriate classification of the new or unlisted use based on findings of fact in relation to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, amount of noise, odor, fumes, light, dust, toxic material and vibration likely to be generated and the general requirements for public utilities.

B. The City Planner shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such uses shall be permitted.

C. In such cases that any party may be aggrieved by the decision of the City Planner, the matter may be appealed to the Zoning Board of Adjustment.

3.03. Permitted Uses

A. Use Chart

The Use Chart is contained in the tables on the following pages.

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Primary Residential Uses																								
Assisted Living										P	P	P	P	P	P	P	P			P		P		1 : 525 sf
Bed and Breakfast/Short-Term Residential Rental	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P			P			4	2 : structure, plus 1 : guestroom
Community Home for People with Disabilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		6 persons or fewer: 2 : dwelling unit More than 6 persons: 1 : 6 beds
Group Home										P	P	P	P	P	P	P	P	P	P	P		P		1.5 : bed
Dorm										P	P	P	P	P	P	P	P	P	P	P		P		1 : 2 beds
Halfway House															P			P	P			P		1 : 4 beds
Manufactured Home	P																							2 : dwelling unit
Manufactured Home Park	S													S	S			S	S	S		P		2 : dwelling unit
Mobile Home																								2 : dwelling unit
Modular Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		P	8	2 : dwelling unit
Multiple-Family Dwelling, Condominium or Apartment										P	P	P	P	P	P	P	P	P	P	P		P		1 : 525 sf Plus 1 : 10 dwelling unit (RV storage)
Nursing Home										P	P	P	P	P	P	P	P			P		P		1 : 6 beds plus 1 : self-contained dwelling unit and 1 : 2 employees on largest shift
One-Family Dwelling Attached (Townhome)								P	P	P	S	S	S	S	S	S	S			S		P		2 : dwelling unit
One-Family Dwelling Detached	P	P	P	P	P	P	P	P	P	S	S	S	S	S	S	S	S			S		P		2 : dwelling unit
Rescue Mission/Home															P			P	P			P		1 : 4 beds
Retirement Community										P	P	P	P	P	P	P	P			P		P		1 : 525 sf
Trailer/RV Camp	S									S			S	S	S			S	S	S		P		2 : dwelling unit
Two-Family Dwelling (Duplex)									P	P	S	S	S	S	S	S	S			S		P		2 : dwelling unit

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Educational, Institutional and Special Uses																								
Art Gallery or Museum										S	P	P	P	P	P	P	P	P	P	P		P		1:200 sf
CDBG Public Service Center	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P		P		1 : 250 sf
Cemetery, Columbarium, or Mausoleum	P																					P		-
Child Care Home, ≤6 Children	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		-
Child Care Home, 6+ Children	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P		P		P		-
Child Care Facility, Children's Home										S	P	P	P	P	P	P	P	P		P		P	12	1 : 250 sf
Community Center, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		3 : 1,000 sf
Day Camp	P		S	S	S	S	S	S	S	S			P	P	P			P	P	P		P	12	1 : 250 sf
Daycare											P	P	P	P	P	P	P	P		P		P	12	1 : 250 sf
Fairground or Exhibition Area	S													S	P			P	P	S		P		20 : acre
Fraternal Organization Lodge or Civic Club											S		P	P	P	P	P	P	P	P		P		1 : 500 sf
Hospital	S									S	P	P	P	P	P	P	P	P	P	P		P		3 : bed
Library, Public										P	P	P	P	P	P	P	P	P	P	P		P		1 : 500 sf
Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		1 : 4 fixed seats in auditorium/sanctuary, or 1 : 28 sf if no fixed seats Plus 1 : 250 sf of classrooms, meeting rooms, and other public assembly areas
School, Business or Trade											P	P	P	P	P	P	P	P	P	P		P		1 : 3 students, plus 1 : full-time employee
School, College or University	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P		P		1 : 3 students, plus 1 : full-time employee
School, Primary or Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	12	1.5 : kindergarten classroom; 3.5 : high/middle school classroom; 9.5 : high school classroom
Urgent Care Facility/ Emergency Room											P	P	P	P	P	P	P	P	P	P		P		2 : bed

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Utility, Accessory and Incidental Uses																								
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		-
Electrical Generating Plant	S													P	P			P	P	P		P		2 spaces
Field or Construction Office, Temporary																							5	2 spaces
Fire Station and Similar Public Safety Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		Fire Station – 1:500 sf Others – 1: 300 sf
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	6	-
Local Utility Distribution Lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		1 : employee on largest shift
Model Home/Sales Office	P	P	P	P	P	P	P	P	P	S	S	S	S	S	S	S	S			P		P		2 : dwelling unit
Outdoor Display, Storage, and Sales														P	P			P	P			P		-
Outside Display, Storage, and Sales (Temporary)													P	P	P			P	P			P		-
Private Utility Shop or Storage	S												S	S	S	S	S	P	P	S				1, plus 1 : 500 sf
Radio, Television, Cellular or Microwave Tower	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P		S	9	2 spaces
Sewage Pumping Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		2 spaces
Sewage Treatment Plant	S												S	S	S			P	P	S		P		4 spaces
Small-Cell Network Node	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P		P	P	11	-
Telephone Exchange, Switching Relay and Transmitting Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		2 spaces
Water Reservoir, Water Pumping Station or Well	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		2 spaces
Water Treatment Plant	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	P	P		4 spaces

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Recreational and Entertainment Uses																								
Amusement, Indoor													S	P	P	P	P	P	P	P		P		1 : 100 sf
Amusement, Outdoor (Permanent)													S	S	P	P	P	P	P				1	1 : 200 sf of gfa, plus 1 : 400 sf of additional site area
Amusement, Outdoor (Temporary)													S	S	P	P	P	P	P	S			1	1 : 200 sf of gfa, plus 1 : 400 sf of additional site area
Billiard Parlor/Pool Hall														P	P	P	P	P	P	P		P		1 : 200 sf
Game Room																								-
Golf Course, Private	P	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P		P		1 : 200 sf, plus 5 : golf course green
Golf Course, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		5 : golf course green
Public Playfield or Stadium	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		1 : 3 seats
Rodeo Ground	S														P			P	P					1 : 3 seats
Sexually Oriented Business															P			P	P				10	1 : 250 sf
Stable													S	S	P			P	P	S		P		5, plus 1 : stall
Swim or Tennis Club	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	P		P		1 : 2 persons provided for in a locker room, plus additional for restaurant or bar
Theater, Drive-In	S													S	P			P	P					1 : employee, plus 100 per screen
Theater, Other													P	P	P	P	P	P	P	P		P		1 : 4 seats
Land Use	**A**	**SF-1**	**SF-2**	**SF-3**	**SF-4**	**SF-4.5**	**SF-5**	**TH**	**TF**	**MF**	**O**	**NS**	**GR**	**C-1**	**C-2**	**CB**	**DT**	**I-1**	**I-2**	**IH-20**	**P**	**PD**	**Use-Based Regs.**	**Parking (number of spaces : square feet, unit, etc.)**
Alcohol Related Uses																								
Bar/Nightclub													S	S	P	P	P	P	P	P		P	2	1 : 100 sf
Neighborhood Pub/Tavern (<2,500 sf)													P	P	P	P	P	P	P	P		P	2	1 : 3 persons based upon the maximum occupancy as posted in the facility
Liquor Package Store															P	P	P	P	P				2	1 : 250 sf

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Transportation Related Uses																								
Airport, Landing Field or Heliport	S										S		S	P	P	P	P	P	P	S		P		1 : 200 sf
Bus Station or Terminal															P	P	P	P	P			P		1:100 sf
Hauling or Storage Company															P	P	P	P	P			P		1 : 1,000 sf
Motor or Railroad Freight Terminal															P	P	P	P	P			P		1 : 1,000 sf
Railroad Passenger Station															P	P	P	P	P			P		1:100 sq. ft
Truck Parking Lot															P	P	P	P	P			P		2 spaces in addition to truck parking space
Land Use	**A**	**SF-1**	**SF-2**	**SF-3**	**SF-4**	**SF-4.5**	**SF-5**	**TH**	**TF**	**MF**	**O**	**NS**	**GR**	**C-1**	**C-2**	**CB**	**DT**	**I-1**	**I-2**	**IH-20**	**P**	**PD**	**Use-Based Regs.**	**Parking (number of spaces : square feet, unit, etc.)**
Automobile Service Uses																								
Auto Glass, Muffler or Seat Cover Shop													S	P	P	P	P	P	P	P		P		1 : 200 sf (sales), plus 1 : 500 sf (storage)
Auto Parts Sales, Inside Display													P	P	P	P	P	P	P	P		P		1 : 200 sf (sales), plus 1 : 500 sf (storage)
Auto Parts Sales, Outside Display																			P					1 : 3,000 sf of site area
Auto Repair, Major															P	P	P	P	P			P	3	1 : 500 sf
Auto Repair, Minor													P	P	P	P	P	P	P	P		P		1 : 500 sf
Auto Sales and Repair (Inside Only, Minor Repair)													P	P	P	P	P	P	P	P		P	3	1 : 200 sf (sales), plus 1 : 500 sf (other indoor area)
Auto Sales and Repair (Outside, Major Repair)															P			P	P				3, 13	1 : 2,000 sf of site area
Auto Wrecking or Salvage Yard																			S				13	1 : employee on largest shift plus 3 visitor spaces
Car Wash, Tunnel														S	P			P	P	P		P	12	1 : employee on largest shift
Car Wash, Detail Shop													P	P	P	P	P	P	P	P		P	12	2 : 1,000 sf (including wash bays and retail)
Gas Station													P	P	P	P	P	P	P	P		P		1 : 500 sf
Gas Pump												S	P	P	P	P	P	P	P	P		P		-
Parking Lot, Commercial														P	P	P	P	P	P	P	P	P		1 (in addition to parking supply)
Parking Lot, Incidental														P	P	P	P	P	P	P	P	P		-
Used and Scrap Tire Generators																		S	P				13	1 : employee on largest shift plus 3 visitor spaces

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Retail and Service Type Uses																								
Antique Shop												S	P	P	P	P	P	P	P	P		P		1 : 350 sf
Bakery or Confectionary Shop, Retail												P	P	P	P	P	P	P	P	P		P		1 : 500 sf
Cleaning, Dry Cleaners Pick-up and Drop-Off												P	P	P	P	P	P	P	P	P		P	12	1 : 200 sf
Cleaning, Laundromat												P	P	P	P	P	P	P	P	P		P		1 : 200 sf
Clothing Resale Shop													P	P	P	P	P	P	P	P		P		1 : 200 sf
Credit Access Business													S	P	P	P	P	P	P	P		P		1 : 350 sf
Custom Personal Service Shop												P	P	P	P	P	P	P	P	P		P		1 : 300 sf
Drapery, Needlework or Weaving Shop												P	P	P	P	P	P	P	P	P		P		1 : 500 sf
Florist											S	P	P	P	P	P	P	P	P	P		P		1 : 350 sf
Crematory														P	P	P	P	P	P	P		P		1 : 500 sf
Funeral Home												S	P	P	P	P	P	P	P	P		P		1 : 300 sf, plus 1 : 2 seats
Furniture Store, New and Used													P	P	P	P	P	P	P	P		P		1 : 1,000 sf
Grocery, Convenience Store											P	P	P	P	P	P	P	P	P	P		P	12	1 : 300 sf
Grocery, Market											S	S	P	P	P	P	P	P	P	P		P		1 : 500 sf
Grocery, Supermarket													P	P	P	P	P	P	P	P		P		1 : 400 sf
Hotel											P		P	P	P	P	P	P	P	P		P		1 : room, plus additional for banquet hall and conference room
Hotel, Extended Stay										S	S	P	P	P	P	P	P	P	P	P		P		1 : room
Motel													S	S	S	S	S	S	S	S		P		1 : room, plus 1: employee on largest shift
Home Tool Rental													P	P	P	P	P	P	P	P		P		1 : 200 sf, plus 1 : 2,000 sf of site area
Household Appliance Service and Repair													P	P	P	P	P	P	P	P		P		1 : 200 sf
Mixed-Use										S	S	S	S	S	S	P	P			P		P	7	1 : 300 sf plus 1 : dwelling unit
Mobile Food Unit											P	P	P	P	P	P	P	P	P	P	P	P		1 : employee, plus 1 : 100 sf
Mobile Food Unit Park													P	P	P	P	P	P	P	P		P		2 : unit pad site
Nursery, Retail													P	P	P	P	P	P	P	P		P		1 : 200 sf
Nursery, Wholesale														P	P			P	P	P		P		1 : 200 sf, plus 1 : 2,000 sf of site area

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Office, Neighborhood											P	P	P	P	P	P	P	P	P	P		P		1 : 300 sf, minimum of 5 spaces
Office, Community													P	P	P	P	P	P	P	P		P		4 : 1,000 sf
Office, Regional													P	P	P	P	P	P	P	P		P		3 : 1,000 sf
Pawn Shop															P	P	P	P	P			P		4 : 1,000 sf
Pharmacy, Professional											S	P	P	P	P	P	P	P	P	P		P	12	1 : 200 sf
Print Shop, Local													P	P	P	P	P	P	P	P		P		1 : 1,000 sf
Restaurant, with Drive-In/Drive-Thru Service													S	P	P	P	P	P	P	P		P	12	1:100 sf
Restaurant with Private Club													S	P	P	P	P	P	P	P		P		1:100 sf
Restaurant, without Drive-In/Drive-Thru Service											S	S	P	P	P	P	P	P	P	P		P		1:100 sf
Retail, Big Box													P	P	P	S	S	P	P	P		P		3 : 1,000 sf
Retail, Shop (Other Than Listed)												S	P	P	P	P	P	P	P	P		P		1 : 200 sf
Secondhand Store or Rummage Sale														P	P	P	P	P	P	P		P		1 : 200 sf
Self-Storage/Mini Warehouse													S	P	P		P	P	P	P		P		1 : 300 sf of office space
Spa, Salon or Barber Shop											S	P	P	P	P	P	P	P	P	P		P		1 : 200 sf
Studio, Art											P	P	P	P	P	P	P	P	P	P		P		1 : 200 sf
Studio, Gym and Gymnastics Facilities											P	P	P	P	P	P	P	P	P	P		P		1 : 150 sf
Studio, Tattoo and Piercing													P	P	P	P	P	P	P	P		P		1 : 200 sf

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Agricultural Type Uses																								
Animal Clinic or Hospital, No Outside Runs or Pens	P										P	P	P	P	P	P	P	P	P	P		P		1 : 300 sf
Animal Clinic or Hospital, with Outside Runs or Pens	P														P			P	P					1 : 300 sf
Animal Crematory														S	S			P	P	S				1 : employee on largest shift
Animal Grooming Services											S	S	P	P	P	P	P	P	P	P		P		2 : grooming station
Animal Shelter	P														S		S	P	P					1 : 500 sf
Agriculture, Ranching	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P		P		1 : employee on largest shift
Agriculture, Commercial Crops	P													P	P			P	P	P		P		1 : employee on largest shift
Agriculture, Commercial Livestock	P													P	P			P	P	P		P		1 : employee on largest shift
Livestock Auction	P																	S	P					1 : 4 seats, plus 1 : 600 sf of sales area
Land Use	**A**	**SF-1**	**SF-2**	**SF-3**	**SF-4**	**SF-4.5**	**SF-5**	**TH**	**TF**	**MF**	**O**	**NS**	**GR**	**C-1**	**C-2**	**CB**	**DT**	**I-1**	**I-2**	**IH-20**	**P**	**PD**	**Use-Based Regs.**	**Parking (number of spaces : square feet, unit, etc.)**
Commercial Type Uses																								
Bakery or Confectionary Shop, Wholesale														P	P	P	P	P	P	P		P		1 : 500 sf
Building Material Sales														P	P			P	P	P				1 : 200 sf, plus 1 : 1,000 sf of enclosed storage building area
Cabinet and Upholstery Shop														P	P			P	P	P				1 : 500 sf
Cleaning, Commercial Plant															P			P	P					1 : 300 sf
Contractors Yard or Storage Yard															P			P	P					1 : 4,000 sf of site area
Dairy Plant															P			P	P			P		1 : 4,000 sf of site area
Feed Store														P	P		P	P	P	P		P		1 : 500 sf
Print Shop, Large-Scale														P	P	P	P	P	P	P		P		1 : 4,000 sf of site area
Petroleum Products Storage, Wholesale																		P	P					1 : 4,000 sf of site area
Plumbing Shop														S	P	P	P	P	P	S		P		3 : 1,000 sf
Portable Building Sales														S	P			P	P	S		P		1 : 4,000 sf of site area

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Recycling Collection Center															P			P	P					1 : 4,000 sf of site area
Recycling Processing Facility															S			P	P					1 : employee on largest shift
Research and Development Laboratory (Life Sciences)																S	S	P	P					1 : employee on largest shift, plus 1 : 5,000 sf
Research and Development Laboratory (Technology)													P	P	P	P	P	P	S	P		P		1 : employee on largest shift, plus 1 : 5,000 sf
Storage or Sales Warehouse														P	P		P	P	P	P		P		1 : 1,000 sf
Trailer or Large Equipment Rental, Sales, or Storage														S	P		S	P	P	S		P		1 : employee on largest shift, plus 1 : 3,000 sf
Wholesale Office and Sample Room														P	P	P	P	P	P	P		P		1 : employee on largest shift, plus 1 : 3,000 sf
Land Use	**A**	**SF-1**	**SF-2**	**SF-3**	**SF-4**	**SF-4.5**	**SF-5**	**TH**	**TF**	**MF**	**O**	**NS**	**GR**	**C-1**	**C-2**	**CB**	**DT**	**I-1**	**I-2**	**IH-20**	**P**	**PD**	**Use-Based Regs.**	**Parking (number of spaces : square feet, unit, etc.)**
Natural Resources Storage and Extraction																								
Extraction and Storage of Sand, Caliche, Stone, or Gravel															S			S	P					-
Mining or Storage of Mining Wastes																		S	P					-
Petroleum Collecting or Storage Facilities																		S	P					1 : 10,000 sf
Petroleum or Gas Well	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		-

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Land Use	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TH	TF	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD	Use-Based Regs.	Parking (number of spaces : square feet, unit, etc.)
Special Industrial Processes																								
Asphalt or Concrete Batching Plant																		S	P					5 spaces
Brick Kiln or Tire																			P					5 spaces
Dump or Sanitary Fill Area																		S	P					5 spaces
Open Salvage Yard for Rags or Machinery, etc.																		S	P					1 : 1,000 sf
Slaughterhouse or Meat Packing Plant																		S	P					1 : 1,000 sf
Smelter or Refinery																			P					1 : 500 sf
Welding or Machine Shop														S	P			P	P	S				1 : 500 sf
Land Use	**A**	**SF-1**	**SF-2**	**SF-3**	**SF-4**	**SF-4.5**	**SF-5**	**TH**	**TF**	**MF**	**O**	**NS**	**GR**	**C-1**	**C-2**	**CB**	**DT**	**I-1**	**I-2**	**IH-20**	**P**	**PD**	**Use-Based Regs.**	**Parking (number of spaces : square feet, unit, etc.)**
General Manufacturing and Industrial Uses																								
Heavy Manufacturing or Industrial Uses																			P			P		1 : 1,000sf
Light Manufacturing or Industrial Uses																		P	P			P		1 : 1,000 sf

3.04. Other/Use-Based Regulations

A. The following use-based regulations shall apply, as indicated by the "Use-Based Regulations" column in the Use Chart:

1. Amusement, Outdoor (Permanent) and Amusement, Outdoor (Temporary) Standards

   a. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.

   b. No intermittent or flashing lights shall be permitted.

   c. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.

   d. No exterior auditory devices shall be permitted.

2. Alcohol Related Uses Standards (Bar/Nightclub, Neighborhood Pub/Tavern (<2,500 sf), Liquor Package Store, and any other use where beer, wine, or liquor is sold or consumed on or off site)

   a. Refer to **Texas Alcoholic Beverage Code Section 109.33 and 109.331** for additional regulations.

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3. Auto Repair, Major and Auto Sales and Repair (Inside Only, Minor Repair) Standards
   a. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
   b. No intermittent or flashing lights shall be permitted.
   c. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.
   d. No exterior auditory devices shall be permitted.
4. Bed and Breakfast and Short-Term Residential Rental Standards
   a. Bed and Breakfasts and Short-Term Residential Rentals operating within the City must be listed within the City's registry. The applicant must obtain a permit from the City to be added to the City's registry.
   b. The applicant shall provide proof of ownership of the residence.
   c. The owner or the lessee of the unit must be living on-site on a permanent basis.
   d. The maximum length of stay for one rental booking shall not exceed thirty (30) days.
   e. A unit shall not be rented to more than one renter at any given time.
   f. The City may inspect a unit with a 24-hour notice.
   g. The applicant must demonstrate to the satisfaction of the City Planner that the unit and property do not have any outstanding issues related to taxes or building, electrical, plumbing, fire, health, housing, police, planning, noise, or code enforcement provisions. A Certificate of Occupancy issued by the Development Services is required.
   h. The applicant must submit proof of tax payment to the City Planner each January.
   i. If the applicant has failed to meet one of these requirements, the City shall provide ten (10) calendar days of notice to comply.
   j. The City retains the right to suspend or remove a property from the registry. Once a property has been removed from the registry, the property shall not be added to the registry for at least one (1) year.
   k. Suspension or removal shall be at the discretion of the City Planner for reasons including, but not limited to, the following:
      (1) The applicant has given false or misleading information during the application process;
      (2) There has been a violation of any of the terms, conditions, or restrictions of this subsection **4.**;
      (3) The applicant has failed to pay the Hotel Occupancy Tax in the timely manner;
      (4) The location has received three (3) complaints from the neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.
   l. Continued operation following suspension or removal from the registry shall be considered a violation of this Unified Development Code.
5. Field or Construction Office, Temporary Standards

   Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by

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the Building and Fire Code Official, and subject to periodic renewal by the Building and Fire Code Official for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the Building and Fire Code Official's direction.

6. Home Occupation Standards
   a. No sign, advertisement or display may be used to indicate the presence of a home occupation in the structure.
   b. Any persons employed must be a member of the occupant's immediate family and reside on the premises where the home occupation takes place.
   c. No home occupation may utilize equipment other than that designed for residential use or that would be detrimental to or distract from the use of the premises as a residence.
   d. The home occupation will not cause an increase in traffic volume in the neighborhood. No more than five (5) patrons may be on the premises at one time.
   e. No sales of products will be permitted on the premises.
   f. No equipment shall be used that creates offensive noises, vibration, sound, smoke, dust, odors, heat, glare, x-rays or electrical disturbances to radio or television instruments.
   g. Delivery of materials to and from the premises shall not involve the use of vibration over two (2) ton capacity, except parcel post, United Parcel Service or similar delivery trucks.
   h. A home occupation shall not be interpreted to include barber shops, beauty shops, auto repairing, antique shops, plumbing shops or similar sales or service activity.
7. Mixed-Use Standards
   a. Build-To Zone
      (1) At least seventy-five (75) percent of the front façade shall be located within five (5) feet from the required front yard setback.
      (2) For corner lots, at least seventy-five (75) percent of the exterior side façade shall be located within five (5) feet from the required side yard setback.
   b. Building Articulation
      (1) Height articulation for flat roofs of at least five (5) feet shall be required for every fifty (50) feet of building façade length. Pitched roofs do not require height articulation.
      (2) Depth articulation of at least three (3) feet shall be required for every thirty (30) feet of building façade length. Depth articulation applies only below the roofline.
   c. Required Fenestration
      (1) Ground floor shall be fifty (50) percent to seventy-five (75) percent doors and/or windows.
      (2) Upper floors shall be twenty-five (25) percent to fifty (50) percent doors and/or windows (measured between 3’ to 9’ above each finished floor).
   d. Building Entrance
      (1) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.
      (2) Architectural elements shall indicate a clear entry point.

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e. Parking

(1) Off-street parking shall be calculated based on the uses within the development. Shared parking provisions may be utilized to reduce the number of required spaces. See **Article B.4.08.D. Shared Parking** for shared parking options.

(2) No off-street parking shall be located in front of the building façade.

(3) Adjacent on-street parking (along the lot line or within the development) shall be credited toward the minimum parking requirement.

f. Uses

(1) At least seventy-five (75) percent of the first story of the structure shall be used for nonresidential use(s). The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.

(a) If a one-story structure exists on the property, one hundred (100) percent of the structure shall be occupied for nonresidential use(s) only.

(2) Drive-through features for the transaction of business are prohibited.

(3) Outside Storage is prohibited.

8. Modular Home Standards

a. The Modular Home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.

b. The Modular Home conforms to all applicable zoning standards for the respective zoning district.

c. **Article F.1.05. Modular Home Requirements** for additional requirements.

9. Radio, Television, Cellular or Microwave Tower Standards

a. No building or other structure, or portions thereof, shall be erected or maintained by any property owner, lessee, licensee, contractor, utility or government entity not otherwise exempt by law, which creates interference or obstruction to the City's law enforcement, public safety, general government, critical infrastructure communications or emergency microwave telecommunications towers and the Emergency Radio Broadcast Corridor.

b. An Emergency Radio Broadcast Corridor at an elevation beginning fifty (50) feet in height above ground level extending upward thereafter and extending outward a distance of twenty-five (25) feet along and either side of an imaginary line connecting any three (3) emergency radio microwave broadcast towers used by the City.

c. Any person or entity intending to construct or erect within the City, a building or structure greater than fifty (50) feet in height, shall submit plans, either as a part of the building permit review process, or Development Site Plan review process, that indicates the location and height of all buildings and structures in excess of fifty (50) feet in height.

d. If said plans indicate the proposed building or structure is in the vicinity of the City's emergency microwave telecommunications towers, Emergency Radio Broadcast Corridors, public safety or critical infrastructure communications said plans shall be accompanied by documentation demonstrating that the proposed building or structure would not result in any interference to the City's emergency microwave telecommunications towers, the Emergency Radio Broadcast Corridor, public safety or critical infrastructure communications.

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e. If a determination is made that the proposed building or structure would create a disturbance or interference with the use of the City's emergency microwave telecommunications towers, Emergency Radio Broadcast Corridor, public safety or critical infrastructure communications the property owner, lessee, licensee, contractor, utility or government entity may:

(1) Modify their plans in such a manner as to remove the interference or disturbance; or

(2) Provide appropriate facilities and/or equipment at no cost to the City to ensure the continued satisfactory operation of the telecommunication network.

f. Variance to this section are prohibited.

g. The City Attorney or the City Attorney's designee is hereby authorized, without further action of the City Council, to seek injunctive relief where necessary to compel compliance with this section.

10. Sexually Oriented Business Standards

No Sexually Oriented Businesses shall be located within 1,000 feet of a church, a public or private elementary or secondary school, a licensed child daycare facility, a residential dwelling unit in which one or more persons maintain a residence, a public park, a hospital, or another sexually-oriented business. Distances shall be measured in a straight line, without regard to intervening structures or objects and from the building used by the sexually-oriented business to the nearest property line of the premises of the church, public or private elementary or secondary school, licensed child day care facility, residential dwelling unit, public park, or hospital, or to the nearest portion of the building used by another sexually-oriented business.

11. Small-Cell Network Nodes in the Right-of-Way

a. A cellular network provider may not install a new node support pole in a public right-of-way if the public right-of-way is in a municipal park or is adjacent to a street or thoroughfare that is:

(1) Not more than 50 feet wide; and

(2) Adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

b. In addition to the requirement prescribed by **a.** above, a network provider installing a network node or node support pole in a public right-of-way described by **a.** above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

c. A network provider must obtain advance approval before collocating new network nodes or installing new node support poles in an area of the municipality zoned or otherwise designated as a historic district or as a design district if the district has decorative poles.

12. Stacking Spaces for Certain Uses

Stacking spaces are required to accommodate queuing traffic. See **4.08.G. Off-Street Stacking Requirements for Drive-Through and Queuing Facilities**.

13. Tire Storage

a. All new and used tires, scrap tires, and tire pieces stored within the City must be kept in a manner in which their exposure to and collection of the elements of nature is prevented. Tires are not allowed to hold water, dirt, rubbish, or other foreign materials. Monitoring and

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control measures are as necessary to eliminate the presence of mosquito breeding and rodent harborage.

b. Used tires, scrap tires, and tire pieces shall each be stored separately.

c. Locations:

(1) Inside a building.

(2) Outside a building

(a) Used tires, scrap tires and tire pieces shall be screened from public view in accordance to 4.04. Fencing and Screening.

(b) Outside storage shall only be allowed in zoning districts that allow outside storage, display or sales;

(c) Cannot be stored in the required parking area.

d. Properly stored:

(1) On racks or neatly stacked not in excess of ten (10) feet in height; or,

(2) In a roll-off container front-load dumpster, or other storage container, including a trailer covered and if the stacked tires do not exceed height of thirteen (13) feet and the container and contents are shielded from rainwater.

e. In compliance with all applicable Fire Code provisions.

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Section 4. Zoning Standards

4.01. Introduction

This Section includes the following Subsections:

A. **4.02. Dwelling and Building Location**

B. **4.03. Accessory Buildings and Uses**

C. **4.04. Fencing and Screening**

D. **4.05. Buffer Yards**

E. **4.06. Landscaping**

F. **4.07. Tree Preservation**

G. **4.08. Vehicle Parking**

H. **4.09. Off-Street Loading**

I. **4.10. Multi-Family Development**

J. **4.11. CB, Central Business District Development**

K. **4.12. DT, Downtown Transitional District Development**

L. **4.13. IH-20, IH-20 Corridor District Development**

M. **4.14. Nonresidential Design**

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4.02. Dwelling and Building Location

A. Standards for TH, Townhome Zoning District

1. Access easements shall be granted across the rear of the lots in order to provide access to the rear yard.

B. Standards for SF, One-Family Dwelling Districts and/or TF, Two-Family Zoning District

1. Only one building for single-family or two-family occupancy, with permitted Accessory Building(s), may be located upon a single lot.
2. Every single-family or two-family residential structure shall face or front upon a public street or approved private street.

C. Standards for MF, Multi-Family Dwelling District and/or Nonresidential Zoning Districts

1. Where a lot is developed for multi-family, retail, office, institutional, commercial, or industrial usage, or a combination of same, or for a combination of retail and dwelling purposes, more than one Main Building may be located upon the lot, but only when such building conforms to all applicable setback, area, parking and density requirements.
2. Whenever two or more Main Buildings for multi-family, retail, office, institutional, commercial, or industrial usage, or a combination of same, or for a combination of retail and dwelling purposes, or portions thereof, are placed upon a single lot or tract, and such buildings will not face upon a Public Street, the same may be permitted when the Development Site Plan for such Development is approved by the Development Review Team in accordance with **1.06. Compliance Required** and other provisions of these Zoning Regulations.

D. Individual Yard and Open Space Area Required

No outdoor storage area, parking, or required Open Space for one building shall be computed as being the Open Space, Yard, or area required for any other building or other use.

E. Standards for Courtyards

Where an apartment building or buildings are erected so as to create enclosed inner courtyards, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.

F. Standards for Residential or Commercial Buildings Near an Existing Well

Refer to the City's latest adopted version of the ICC Fire Code.

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4.03. Accessory Buildings and Uses

A. All Accessory Uses

Accessory uses must be located on the same lot or building site as the main use, and must not be across a street or alley from the main use.

B. All Accessory Buildings

No accessory structure shall be constructed and/or utilized on any lot or building site prior to the time of completion and occupation of the principal structure and initiation of the main use.

C. Residential Accessory Buildings

1. The following regulations apply to Accessory Buildings that are greater than 160 square feet.

Table 38. Residential Accessory Building Requirements

Dimension	Requirement
Maximum Height of Accessory Buildings	Regulations as set forth in Zoning Districts
Front Setback and Front Yard and Corner Side Setback	Behind the front façade of the main building
Side and Rear Setback	Three (3) feet

2. The following regulations apply to Accessory Buildings that are 160 square feet or more.

Dimension	Requirement
Maximum Height of Accessory Buildings	Regulations as set forth in Zoning Districts
Front Setback and Front Yard and Corner Side Setback	Behind the front façade of the main building
Side and Rear Setback	Same as setback regulations for a main building

3. Exceptions:
   a. Barns in the A, Agricultural Zoning District.
   b. All private swimming pools shall have a minimum setback of five (5) feet from the edge of water.
   c. All tennis courts shall have a minimum setback of five (5) feet.
4. Accessory Buildings and uses incidental to other permitted uses are permitted within TH, Townhome Zoning District and TF, Two-Family Zoning District and include private garages, carports, tool house, lath or greenhouse as hobby (no business), home workshop, children's playhouse, private stables (no rental), barns, or coops (no rental); private swimming pool and garden shelter.
5. Accessory Buildings shall be set back farther in the front than the main building.

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D. Accessory Dwelling Unit

Accessory Dwelling Units shall comply with the following requirements:

1. Accessory Dwelling Units may not exceed fifty (50) percent of the main structure square footage;
2. Utility services shall be tied into the main structure unless approved by City Planner and City Engineer;
3. Only one (1) Accessory Dwelling Unit is allowed per lot;
4. Accessory Dwelling Units may not be rented out.

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4.04. Fencing and Screening

A. General

1. Purpose

The purpose of this section is to provide standards for screening in order to mitigate the effects of potential nuisances such as dirt, litter, noise, heat, and glare of lights, and to protect public and private investment. It is also the intent of this section to provide for the safe construction and maintenance of walls and fences constructed in the City.

2. Applicability

These regulations shall be applicable to all new construction, where fifty (50) percent or more of an existing screening, fence, or wall requires replacement, or any time that a higher intensity use is required to screen adjacent to a lower intensity use.

B. Fencing Standards for Residential Subdivisions

1. Fences Required for Subdivisions backing up to Major Thoroughfares

a. When a subdivision is located along a major thoroughfare a wrought iron fence, masonry fence, wooden fence or any combination of the previously listed materials are required.

b. Major thoroughfare is defined as any streets listed as a collector or arterial roadway.

c. Any fence or wall backing up to a Major Thoroughfare must have a minimum height of six (6) feet in height.

d. Fences cannot impede the intersection visibility triangle.

2. Fences for lots located within Single Family and Two Family Districts

a. Any fence or wall located behind the minimum front setback shall not exceed eight (8) feet in height.

b. Except as provided by **(1)** below, no fence or wall shall be permitted in front of any single family or duplex structure.

(1) Decorative fences or chain link not exceeding four (4) feet in height are permitted in front yards. Woven wire mesh or similar materials are not considered decorative fencing.

c. Any residential fence behind the minimum front setback shall be constructed of masonry, wrought iron, wood, chain link, precast concrete designed to resemble wood, stucco, stone, or brick fencing (excluding CMU), or vinyl materials that produce a similar appearance. Unacceptable fencing materials include, but are not limited to, plywood, railroad ties and corrugated steel sheets.

d. Fences cannot impede the intersection visibility triangle.

3. Vehicular Access Gates

Gates designed for vehicular access shall meet the requirements set forth in the International Fire Code as adopted by the City of Longview.

4. Proximity to Private Streets

Screening or fencing shall not be located closer than ten (10) feet from the edge of any private street pavement or to the property line, whichever is greater.

5. Fences are exempt from all setback requirements unless otherwise specified in this ordinance.

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C. Fencing Standards for Nonresidential Uses

1. Location

   a. Opaque fences shall be prohibited between the front building face and the Right-of-Way except when it is required for screening.

   b. Fences cannot impede the intersection visibility triangle.

2. Materials

   a. Any screening wall or fence required shall be constructed of 100 percent opaque wood, masonry or precast concrete designed to resemble wood, stucco, stone, or brick fencing (excluding CMU).

   b. Nonresidential fences that are not required by this UDC but that are visible from public Right-of-Way shall be constructed of wood, chain link, masonry, reinforced concrete, wrought iron or simulated wrought iron, or vinyl material that simulates wood or masonry. Unacceptable fencing materials include, but are not limited to, plywood, railroad ties and corrugated steel sheets.

   c. All required screening walls shall be equally finished on both sides of the wall.

   d. Where such openings are necessary, all wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

3. Screening of Mechanical Equipment

   All nonresidential uses in any zoning district shall screen all mechanical, heating and air conditioning equipment from public view or adjacent residential property. Public view is considered any area that can be seen from a public street or adjacent residential properties at six (6) feet above grade at the property line.

4. Fence Required for Junkyards

   a. Each junkyard in the City shall be enclosed by a fence or other structure not less than six (6) feet in height, which fence or other structure shall be so constructed that no dust or other material may pass through the same. Such enclosure shall be maintained in good condition at all times, and no junk shall be piled or placed within the same so as in any manner to protrude from such enclosure.

   b. The screening fence installed to comply with this the requirements of this section shall be constructed of conventional, opaque fencing materials to be approved by the City Planner. Acceptable screening fences include, but are not limited to, masonry walls, solid wood fences, metal privacy fences that are consistent with building materials of the primary structure. Unacceptable materials include, but are not limited to, plywood, corrugated steel sheets and chain link fences with weave. All required fences shall be maintained in a good condition.

D. Barbed Wire Fences Prohibited; Exception

1. It shall be unlawful for any person or persons to make, build, construct or erect any fences to be composed wholly or in part of what is commonly known as barbed wire or similar type of material, on or along the line of any street, alley, avenue, sidewalk or land in the City.

2. The preceding subsection shall not prohibit the putting of barbed wire along the tops of fences along the lines of alleys, when such fences are over six (6) feet high.

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3. In cases where an agricultural use is allowed, barbed wire or similar type of material may be utilized as long as it is not directly adjacent to single family or two family uses.

4. Barbed wire or similar type of material may be utilized in the C-2, Heavy Commercial District, I-1, Light Industrial District, and I-2, Heavy Industrial District along tops of fences when such fences are over six (6) feet high.

E. Screening Requirements for Outdoor Display, Storage and Sales

1. Screening Required

In the zoning districts where Outdoor Display, Storage and Sales Outdoor Display, Storage, and Sales is permitted, such Outdoor Display, Storage and Sales Outdoor Display, Storage, and Sales of new or used goods, junk, materials, merchandise or vehicles shall be prohibited, unless said items are displayed, stored or sold in accordance with the requirements of one of the following subsections:

a. Outdoor Display, Storage and Sales

These requirements apply to Outdoor Display, Storage and Sales other than Temporary Outdoor Display, Storage, and Sales.

(1) Items displayed, stored or sold outdoors shall be screened from the general public by a fence having a minimum height of six (6) feet from grade however; the screening must completely screen all materials.

(2) Screening fences installed to comply with the requirements of this section shall be constructed of conventional, opaque fencing materials to be approved by the City Planner.

(a) Acceptable screening fences include, but are not limited to, solid wood fences, made of treated pine, cedar or redwood, or masonry walls.

(b) Unacceptable materials include, but are not limited to, plywood, corrugated steel sheets and chain link fences with weave.

(3) All required fences shall be maintained in a good condition. Items stored, displayed, or sold behind said fence shall be limited to a height from grade that is one foot less than the height of the fence.

b. Temporary Outdoor Display, Storage, and Sales

Temporary Outdoor Display, Storage, and Sales shall be subject to compliance with each of the following requirements:

(1) Temporary Outdoor Display, Storage, and Sales is exclusively limited to that portion of the site directly adjacent to the primary storefront, and shall not infringe upon required parking spaces or a driveway maneuvering area and shall not extend along the sides of the sales building. The primary storefront shall be defined as that portion of the sales building where the main entrance is located and between the front lot line(s) and the front wall(s) of building(s) on said lot.

(2) Temporary Outdoor Display, Storage, and Sales shall be permitted only during regular business hours. Items shall be stored indoors at all other times. Regular building hours shall be defined as between the hours of 7:00 a.m. and 9:00 p.m., or the actual hours of operation of the business, whichever is shorter.

(3) Temporary Outdoor Display, Storage, and Sales must be situated on private properties.

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(4) Areas used for Temporary Outdoor Display, Storage, and Sales shall be maintained in a neat and orderly manner and shall comply with all other applicable City ordinances.

(5) The provisions of this subsection shall apply to both permanent and temporary vendors.

2. Applicability

a. This section does not apply to the following:

(1) The sale, lease or service of automobiles, trucks, boats, motorcycles, motor homes, vacation travel trailers or recreational vehicles;

(2) The sale or rental of construction equipment and farm equipment;

(3) Christmas tree sales;

(4) Nursery plants and seasonal lawn/garden supplies;

(5) Building construction materials and supplies; and

b. Anything to the contrary in this section notwithstanding, this section shall apply in each instance where a one-family dwelling or a two-family dwelling exists in a zoning district other than SF or TF and a change in occupancy results in a more intensive use.

c. Anything to the contrary in this section notwithstanding, this section applies in each instance where a lot is rezoned from either SF or TF to a zoning classification other than SF or TF and the lot or any portion of the lot is converted to a use that is not allowed in either SF or TF zoning districts.

3. General Outdoor Display, Storage, and Sales Requirements

a. Items displayed, stored, and/or sold outdoors shall not be located within a required buffer yard or required landscaped area.

b. Items shall not be displayed, stored, and/or sold outdoors in any manner that impedes or interferes with access to or from the site or circulation or parking on the site.

4. Compliance Required

a. The location of required screening fences, as well as information demonstrating compliance with all requirements of this section, shall be clearly delineated and described on the Landscape Plan/Development Site Plan(s) submitted when applying for a Building Permit.

b. A Certificate of Occupancy shall be withheld until compliance with all applicable requirements of this section is attained.

F. Screening Requirements for Refuse Collection Facilities

1. Applicability

a. All Refuse Collection Facility(ies) located in shall be screened from view of Public Street and adjoining properties in accordance with the regulations contained in this Section.

b. This Section shall apply to each and every Refuse Collection Facility without regard to whether the Refuse Collection Facility existed at its present location prior to the effective date of this Section.

2. Screening/Orientation Requirements

a. Each Refuse Collection Facility shall be screened with opaque screening such that the Refuse Collection Facility is not visible from the public Right-of-Way and is not visible from any adjacent area that is zoned Single-Family(SF) Zoning Districts, Two-Family (TF)

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Zoning Districts, or Multi-Family (MF) Zoning District pursuant to these Zoning Regulations. All screening used to comply with the requirements of this Section shall have a height equal to or greater than the height of Refuse Collection Facility screened and shall otherwise comply with this Section.

b. Screening fences installed to comply with the requirements of this section shall be constructed of conventional, opaque fencing materials to be approved by the City Planner. Acceptable screening fences include, but are not limited to, solid wood fences, made of treated pine, cedar or redwood, or masonry walls. Unacceptable materials include, but are not limited to, plywood, corrugated steel sheets and chain link fences with weave. All required fences shall be maintained in a good condition.

c. The City Planner may authorize the use of unconventional opaque fencing materials to satisfy the requirements of this Section if the fencing materials so authorized matches the existing or proposed building facades of the principal structure.

d. Refuse collection facilities shall be located in the rear fifty (50) percent of the lot or where practical, as determined by the City Planner.

3. Compliance Required

The location of each Refuse Collection Facility and the manner in which each Refuse Collection Facility is to be screened shall be clearly delineated and described on the Development Site Plan submitted in accordance with the requirements of **Article A.3.03. Development Site Plans** and the Development Site Plan shall demonstrate compliance with this Section.

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4.05. Buffer Yards

A. Applicability

1. Where a side or rear lot line abuts or adjoins a lot with a less intensive land use, Buffer Yards are required as set forth in **Table 39**.
2. Within the I-1, Light Industrial District and I-2, Heavy Industrial District, Buffer Yards shall not be counted toward landscape areas.

B. Exemptions

1. Buffer Yards are not required on that portion of a lot located immediately adjacent to another lot occupied by a lawful nonconforming development.
2. The requirements of this subsection **4.05.** shall not apply to a lawful nonconforming development. However, except as expressly provided otherwise in this section, an abandonment, expansion, destruction or change in use of a lawful nonconforming development shall cause the lawful nonconforming development to lose its status as a lawful nonconforming development and said development shall thereafter be subject to the requirements of this section. For purposes of this subsection, "destruction" of a lawful nonconforming development means damage by fire, explosion, flood, tornado, or similar catastrophic event where the cost of repair exceeds fifty (50) percent of the reasonable value of the lawful nonconforming development as the lawful nonconforming development existed prior to the damage.
3. The requirements of this subsection **4.05.** shall not apply to the reconstruction of a lawful nonconforming development due to damage by fire, explosion, flood, tornado, or similar catastrophic event if the damage to the lawful nonconforming development does not exceed fifty (50) percent of the reasonable value of the lawful nonconforming development as the Lawful Nonconforming Development existed prior to the damage.
4. This subsection **4.05.** does not apply to any lots located within the CB, Central Business District.
5. This subsection **4.05.** does not apply to any lot on which there is no development.
6. This subsection **4.05.** does not apply to expansion, reconstruction, or renovation of an existing development if the expansion, reconstruction, or renovation will not do any of the following:
   a. Increase the total square footage of a building and its associated parking lot by twenty-five percent (25%) or more; or
   b. Increase the number of stories of a building and increase the total square footage of the building by twenty-five percent (25%) or more; or
   c. Result in a more intensive use on the lot.
7. The requirements of this subsection **4.05.** do not apply to that portion of a parking lot that existed before the effective date of this subsection **4.05**.
8. This subsection **4.05.** shall apply in each instance where a one-family dwelling or a two-family dwelling exists in a zoning district other than TH, Townhome Zoning District or TF, Two-Family Zoning District and a change in occupancy results in a more intensive use.
9. This subsection **4.05.** applies in each instance where a lot is rezoned from either TH, Townhome Zoning District or TF, Two-Family Zoning District to a zoning classification other than TH, Townhome Zoning District or TF, Two-Family Zoning District and the lot or any portion of the lot is converted to a use that is not allowed in either TH, Townhome Zoning District or TF, Two-Family Zoning District.

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10. This subsection **4.05.** does not apply to any excluded lot area, as the term "excluded lot area" is used in subsection **4.06**.

C. Buffer Yards Required

Buffer Yards shall be required in accordance with the following regulations:

1. Buffer Yards shall be installed on those sides and rear lot lines that adjoin or abut a less intensive land use/zoning district for the entire length of said common boundary with the less intensive use or zoning district. Those instances where Buffer Yards are required are described in **Table 39**. Buffer Yards shall not extend into the public Right-of-Way.
2. To determine if Buffer Yards are required, as well as the type of Buffer Yard required between adjacent or adjoining properties, the following procedure shall be followed:
   a. Identify the zoning of the subject lot and the zoning of each adjacent lot,
   b. Determine if Buffer Yards are required, as well as the specific requirements (if any) for affected side or rear lot line(s), or portions thereof, from **Table 39**. Existing plant materials, fences and similar features on the subject site may be counted as contributing to satisfying the Buffer Yard requirement. Required Buffer Yards are to be provided independent of similar materials located on adjacent properties.
3. The Buffer Yard requirements may be satisfied by any one of the methods depicted in **Table 39**, except that a fence shall be provided in all instances where an GR, General Retail District, C-1, Light Commercial District, C-2, Heavy Commercial District, CB, Central Business District, DT, Downtown Transitional District, I-1, Light Industrial District, I-2, Heavy Industrial District, IH-20, IH-20 Corridor District or MF, Multi-Family Dwelling District abuts a lot zoned SF, One-Family Dwelling District, TH, Townhome Zoning District or TF, Two-Family Zoning District.

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Table 39. Buffer Yard Requirements

Zoning District of Proposed Site	Adjacent Zoning District											
	A, SF, TF, TH			MF			P, O, NS			GR, C, I, CB, DT, IH-20		
	Buffer Yard Width min.	Trees per 100 Linear Ft.	Screen Req'd	Buffer Yard Width min.	Trees per 100 Linear Ft.	Screen Req'd	Buffer Yard Width min.	Trees per 100 Linear Ft.	Screen Req'd	Buffer Yard Width min.	Trees per 100 Linear Ft.	Screen Req'd
A, SF, TF, TH	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MF	10'*	2	Yes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
P, O, NS	10'*	2	Yes	10'*	2	Yes	N/A	N/A	N/A	N/A	N/A	N/A
GR, C, I, CB, DT, IH-20	10'*	2	Yes	10'*	2'	Yes	10'*	2	No	N/A	N/A	N/A

*See **Article B.4.05.D.7** for additional buffering for Multi-Story Buildings.

D. Buffer Yard Requirements

1. Responsibility and Timing to Provide Buffer Yard Requirements

   a. The more intensive land use shall be responsible for providing the buffer requirements at the time of the more intensive use's development.

   b. If a less intense intensive land use locates adjacent to an existing more intensive land use, no buffer yard or screen shall be required.

   c. Any required Buffer Yard or screen shall be indicated on the Development Site Plan and Landscape Plan, and must be provided prior to issuance of a Building Permit.

2. Increase in Use Intensity

   Should a developed use propose to become a more intensive use via a rezoning request, the Planning and Zoning Commission and City Council may, during the review process, determine if additional buffering is needed, and if so, the extent and type required in addition to those in **Table 39**.

3. Reduction in Required Buffer Yard Near Floodplain

   The City Planner shall have the authority to reduce the Buffer Yard requirement to a width no less than five (5) feet in those instances where an adjoining lot is located in a floodplain that prevents and/or severely limits development of said lot.

4. New and Unlisted Uses

   The applicability of Buffer Yard requirements for unlisted uses, or for a new development located adjacent to an unlisted use, shall be determined by the City Planner. In those instances when a permitted nonresidential land use, such as a school, church or utility, applies for a building permit to locate in a SF, Single Family, TH, Townhome Zoning District or TF, Two-Family Zoning District, the City Planner shall observe the general concepts depicted in **Table 39** to form the basis for determining applicable Buffer Yard requirements. When any party is aggrieved by the decision of the City Planner as to the classification of unlisted uses for buffering purposes an appeal may be made to the Planning and Zoning Commission as provided in **1.06. Compliance Required** of these Zoning Regulations.

5. Buffer Yard Landscaping

   a. Required Buffer Yards shall be landscaped with Grass, Shrubs, or trees, or in combination with other suitable ground cover or screening materials (such as, but not limited to, approved fences and Berms), subject to the Landscape Plan requirements of Subsection **4.06.A**. Required Buffer Yards shall remain as open space, free from all structures, except that pedestrian walkways, flagpoles and similar appurtenant structures may be located in required buffer yards. Off-street parking areas, dumpsters, drive-through window driving lanes, order window speakers, or interior access drives/maneuvering areas shall not be permitted in required Buffer Yards.

   b. The use of loose stone, rock, gravel or other decorative chips and like materials may be utilized as a Landscaping accent in buffer yards, but shall be limited to only twenty percent (20%) of the area of the required buffer, and must be supplemented with other Landscaping materials in accordance with the requirements of these Zoning Regulations.

6. Parking Wheel Stops

   Wheel stops, curbs, or similar Barriers shall be utilized to prohibit parking and car overhang into required Buffer Yard planting areas. Accepted professional Landscaping standards shall be

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utilized to ensure that the area within vegetation drip lines is not covered with impervious materials to a degree that would adversely affect Landscaping in required Buffer Yards.

7. Increased Buffer Yard Requirement for Multi-Story Buildings

   In the case of multi-storied buildings, an additional five (5) feet of side and rear Buffer Yard depth shall be added for every story above one (1) with a maximum buffer width not to exceed thirty (30) feet.

8. Existing Plant Materials

   Existing plant materials may be retained to satisfy the provisions of this section, provided that natural areas proposed to be retained are documented on submitted Landscape Plans and preserved at all times thereafter. The Development Site Plan and Landscape Plan submitted for permits shall include information detailing the measures to ensure that these natural areas will not be affected by the development of the lot or by the use of the lot.

E. Compliance Required

1. A sufficiently detailed Development Site Plan shall be submitted in accordance with the requirements of **Article A.3.03. Development Site Plans** and **4.06. Landscaping** demonstrating compliance with the requirements of said subsections.
2. A Certificate of Occupancy shall be withheld until compliance with all applicable requirements of this subsection **4.05.** is attained.

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4.06. Landscaping

A. Except as expressly provided otherwise in this section, the following requirements apply to each commercial lot and each development in the City:

1. The landscaping requirements shall be determined by the total square footage of the lot less any area exempted by phased development or classification as floodway as set forth in this section. The Developer shall install, protect, and maintain Landscaping based on a percentage of the total lot area as set forth in this subsection **4.06**.
2. The minimum required Landscaped Area shall be ten (10) percent of the total lot area, except for uses requiring Industrial zoning.
3. Uses requiring Industrial zoning shall comply with the following:
   a. The minimum required Landscaped Area shall be five (5) percent of the total lot area.
   b. One hundred (100) percent of the required landscaped area shall be located in the Street Yard.
   c. When a lot abuts more than one street, Landscaping shall be evenly dispersed between each Street Yard.
4. For uses other than those requiring Industrial zoning, a lot abutting only one street shall have a minimum of thirty (30) percent of the Landscaped Area located in the Street Yard, and the remaining percentage of Landscaping shall be evenly dispersed throughout the lot.
5. For uses other than those requiring Industrial zoning, a lot abutting exactly two streets shall have a minimum of sixty (60) percent of the Landscaped Area located in the front Street Yards evenly dispersed on each frontage, and the remaining percentage of Landscaping shall be evenly dispersed throughout the lot.
6. For uses other than those requiring Industrial zoning, a lot abutting three (3) or more Streets shall have Landscaping evenly dispersed between each Street Yard.
7. Parking areas on lots with Parking Spaces adjacent to Right-of-Way or front Lot Lines shall have a minimum setback of five (5) feet between the parking area and the ROW or front lot line, and the setback area shall be Landscaped Area.
8. For uses requiring Industrial zoning, required Landscaped Areas shall contain a minimum of one (1) tree per seven thousand (7,000) square feet, or fraction thereof, of total lot area. Trees planted to satisfy this requirement shall be a minimum size of Gallon Size #10.
9. For uses requiring Industrial zoning, required Landscaped Areas shall contain a minimum of two (2) Shrubs per seven thousand (7,000) square feet, or fraction thereof, of total lot area. Shrubs planted to satisfy this requirement shall be a minimum size of Gallon Size #3.
10. Except as otherwise specified by this section, required Landscaped Areas shall contain a minimum of one (1) tree per three thousand five hundred (3,500) square feet, or fraction thereof, of total lot area. Trees planted to satisfy this requirement shall be a minimum size of Gallon Size #10.
11. Except as otherwise specified by this section, required Landscaped Areas shall contain a minimum of two (2) Shrubs per three thousand five hundred (3,500) square feet, or fraction thereof of total lot area. Shrubs planted to satisfy this requirement shall be a minimum size of Gallon Size #3.

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12. Existing Canopy Trees may be preserved to fulfill the tree planting regulations above if such trees are in a healthy and growing condition and are protected in compliance with all applicable provisions of this section. Trees counted for preservation are applied with the following ratio (where the number immediately to the right of the colon in the table below represents the number of required trees that may be replaced by one existing tree of the corresponding Caliper specified in the left column of the table):

Existing Tree Caliper	Ratio (Existing : Required)
1” – 6”	1:1
> than 6” – 12”	1:2
> than 12”	1:3

13. The City Planner may allow landscape preservation credit for trees with a Caliper less than one (1) inch, such as for a stand of trees, if the trees are protected in compliance with all applicable provisions of this section.
14. A maximum of fifty (50) percent of the trees planted or protected to satisfy the requirements of this section may be Non-Canopy Trees.
15. Fifty (50) percent of the required shrubs can be of a perennial or annual type.
16. Except as otherwise specified by this section, an automatic irrigation system shall be installed in each required Landscaped Area.
17. Landscaping islands are required in parking areas for every eighty (80) Parking Spaces. Each separate Landscaping island shall contain a minimum area of one hundred and fifty (150) square feet; shall have a minimum width of nine (9) feet; and shall include at least one Canopy Tree or two Non-Canopy Trees. The remaining area shall be landscaped with Grass, Ground Cover and/or Shrubs, with Shrubs limited to a maximum height of three (3) feet from grade. Landscaped Area in parking islands is counted toward the total Landscaped Area required for the lot.

B. Landscape Requirements for New One-Family Dwellings and New Two Family Dwellings:

1. Each one-family dwelling and each two-family dwelling constructed after the effective date of this section shall have at least one (1) tree on the lot in order to receive a Certificate of Occupancy. This can be accomplished either through preservation of a minimum six (6) Caliper inch tree or planting a tree with a minimum size of Gallon Size #10.
2. The exemptions set forth in 4.07.B. Exemptions do not apply to this section.
3. Anything in this section to the contrary notwithstanding, a development that is a one-family dwelling or a two-family dwelling or an accessory use to a one-family dwelling or two-family dwelling is not required to have an automatic sprinkler system.
4. Except as otherwise specified in this subsection, the requirements of this subsection **B.** shall constitute the only requirements of this section applicable to a lot occupied solely by a one-family dwelling (and any associated accessory uses) or a two-family dwelling (and any associated accessory uses), and no requirements of this section other than those set forth in this subsection **B.** shall apply to any such lot.

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All trees required to be preserved under **4.07. Tree Preservation** must be maintained until a Development Site Plan or Plot Plan (as required) is approved and a building permit application has been submitted.

C. Buffer Yard Screening Requirements

1. When a screening fence is required to satisfy buffer yard regulations, the fence may be comprised of a berm, solid year-round vegetative screen (only approved if existing and at the discretion of the City Planner), masonry wall or wooden fencing, or a combination of these treatments, provided that a minimum height of said opaque screen provides one hundred (100) percent year-round screening and has a minimum height of six (6) feet, as measured from grade.

2. Screening fences installed to comply with the requirements of this section shall be constructed of conventional, opaque fencing materials to be approved by the City Planner. Acceptable screening fences include, but are not limited to, solid wood fences, made of treated pine, cedar or redwood, or masonry walls. Unacceptable materials include, but are not limited to, plywood, corrugated steel sheets and chain link fences with weave. All required fences shall be maintained in a good condition.

D. Landscape Planting and Criteria, Standards, and Specifications

1. Plant Criteria

a. All Plant Materials planted to satisfy the requirements of this section shall be of a species that will conform to the selection criteria below:

(1) Plant Materials shall either be acceptable native plants or plants that are known to be acclimated to the East Texas region. The developer shall have the burden of proving that a plant is native to or acclimated to the East Texas region.

(2) Each plant used to satisfy the requirements of this section shall be of a species adaptable to the specific environment and conditions in which it will be planted; i.e., soils, water availability, height limitations, shade and similar concerns. The developer shall have the burden of proving that a plant species is adaptable to the specific environment and conditions in which it will be planted.

(3) Artificial plants are not acceptable in satisfying any requirement of this section.

(4) All required Landscaped Areas that are not occupied by trees, Shrubs, planting beds, signs or other permitted fixtures shall be planted with Grass, sod or other suitable Ground Cover. The City Planner may permit the use of decorative gravel and like materials, provided that such surfaces do not constitute more than thirty (30) percent of the area used to meet the Landscaped Area requirement. Existing Trees to be preserved for landscape credit must be clearly marked as such.

b. Trees and Shrubs planted in order to satisfy the requirements of this section shall conform to the minimum size specified below:

(1) Trees shall be a minimum size of Gallon Size #10 upon planting.

(2) Shrubs shall be a minimum size of Gallon Size #3 upon planting.

2. Planting and Care Standards

a. Landscaping shall be installed in a manner to minimize obstruction and interference with public improvements. Landscaping shall be accordance with professional horticultural/nursery standards and procedures to minimize stress to the plants. Planting of all or a portion of plant materials may be continued during winter months, provided that

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plant materials are not subject to severe freezing. In the event that weather conditions are not suitable for planting, with the approval of the City Planner, and prior to the issuance of a certificate of occupancy, a bond, cash bond or irrevocable letter of credit assigned to the City of Longview in an amount equal to the cost of all required Landscaping improvements shall be required. The bond, cash bond or letter of credit shall be effective for a period of time to be determined by the City Planner, but in no event shall the City Planner require such a bond, cash bond or letter of credit to be effective for longer than two (2) years. After the bond, cash bond or letter of credit has been submitted to and approved by the City Planner, a certificate of occupancy may be issued (provided all other applicable requirements for a certificate of occupancy have been satisfied). If Landscaping is not fully installed and protected in compliance with the applicable landscape plan within 180 days after the issuance of the certificate of occupancy, the City Planner may use the bond, cash bond or letter of credit to provide for the installation of any Landscaping required for compliance with the approved landscape plan.

b. The owner or the owner's contractor shall furnish, install and protect all plant materials in accordance with the landscape plan submitted pursuant to **J. Landscape Plan Required** and approved by the City Planner.

E. Landscaped Area Preservation and Maintenance During and After Construction

1. Existing Trees preserved in order to fulfill the requirements of this section shall be barricaded prior to and during grading and construction to prevent said trees from soil compaction, stacking of oil within prescribed drip line areas, construction traffic, changes in grade and similar construction practices that could affect Existing Trees. Methods of protection other than barricades may be employed if approved in advance by the City Planner. The barricades or other acceptable method of protection shall provide an area around the protected tree having a minimum of one foot of radius for each one (1) inch of Caliper of the protected tree.

2. All existing undergrowth in a Protected Area shall remain until construction is complete and can only be removed at that time by hand clearing.

3. The owner, or an agent for the owner, shall be responsible for the continued maintenance of all Landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and shall be kept free from refuse, debris and weeds.

4. The lot owner shall replace dead plant materials as required by this section. Replacement must occur within one hundred eighty (180) days from the date on which the City Planner notifies the lot owner of the dead plant materials. Replacement plant materials should be of reasonably similar character to the plant materials being replaced. At a minimum, replacement-plant materials shall be sufficient to satisfy the requirements of this section. Failure to replace dead plant materials as required by this section shall constitute a violation of this section.

5. Nothing in this section shall prohibit or restrict the City or any public utility company from trimming trees or removing plant materials that are a hazard to its employees, to its utility facilities or to the public, or that may threaten or interfere with the provision of continuous services by the City or the public utility company.

F. Phased Development

Each phase of a phased project shall comply with requirements of this section. The portion(s) of a lot left for subsequent phases shall, at a minimum, equal the minimum lot size required by this ordinance for the zoning district in which the lot is located. No building permit shall be issued for a subsequent phase of the project until all requirements of this section have been satisfied on the completed phases.

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G. Floodway/Floodplain

On sites where a Floodway exists, the Floodway will be subtracted from the total lot area when calculating the landscape requirements. Therefore, Plant Materials in the Floodway will not be applicable in satisfying the requirements of this section. Area located in a Floodplain but not a Floodway will not be subtracted from the total lot area when calculating the requirements of this section. Therefore, Plant Materials in the Floodplain but not in the Floodway may be preserved to satisfy the requirements of this section.

H. Parkways, Right-of-Way, and Easements

With the exception of sod, Grasses and Ground Covers, Landscaping in utility easements, parkways, and public rights-of-way shall be prohibited, except with the prior written consent of the City Planner and all affected utilities. Any damage or interference with utility lines or other utility facilities resulting from landscape placement, landscape installation or from negligence by the lot owner, or the agent or employees of the owner, in the installation and/or maintenance of required Landscaping is the responsibility of the lot owner. If permitted Landscaping that is installed in a utility easement, or required Landscaping installed adjacent to an easement or public Right-of-Way, is damaged or killed in conjunction with the maintenance of utilities or Right-of-Way, it shall be the responsibility of the lot owner to repair said Landscaping and replace any plant materials that are dead or damaged. It is the responsibility of the lot owner (surface owner) to maintain sod, Grasses and Ground Covers in any Right-of-Way and/or easements located on the lot.

I. Compliance Required

A certificate of occupancy shall be withheld until the applicant for the certificate of occupancy demonstrates compliance with all applicable requirements of this section.

J. Landscape Plan Required

1. Applicability

a. This subsection **4.06.** does not apply to lots located within the CB, Central Business District.

b. This subsection **4.06.** does not apply to single-family developments.

c. This subsection **4.06.** does not apply to any lot on which there is no Development.

d. This subsection **4.06.** does not apply to any expansion of an existing development if the expansion will not do any of the following:

(1) Increase the total square footage of a building and its associated parking lot by twenty-five (25) percent or more; or

(2) Increase the number of stories of a building and increase the total square footage of the building by twenty-five (25) percent or more.

e. This subsection **4.06.** does not apply to that portion of a parking lot that existed before the effective date of this Section **4.06**.

f. This subsection **4.06.** shall not apply to a Lawful Nonconforming Development. However, except as expressly provided otherwise in this section, an abandonment, expansion, destruction or change in use of a Lawful Nonconforming Development shall cause the Lawful Nonconforming Development to lose its status as a Lawful Nonconforming Development and said development shall thereafter be subject to the requirements of this section. For purposes of this section, "destruction" of a Lawful Nonconforming Development means damage by fire, explosion, flood, tornado, or Lawful Nonconforming Development as the Lawful Nonconforming Development existed prior to the damage.

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g. This subsection **4.06.** shall not apply to the reconstruction of a Lawful Nonconforming Development due to damage by fire, explosion, flood, tornado, or similar catastrophic event if the damage to the Lawful Nonconforming Development does not exceed fifty (50) percent of the reasonable value of the Lawful Nonconforming Development as the Lawful Nonconforming Development existed prior to the damage.

h. This subsection **4.06.** shall apply in each instance where a one-family dwelling or a two-family dwelling exists in a zoning district other than TH, Townhome Zoning District or TF, Two-Family Zoning District and a change in occupancy results in a more intensive use.

i. Anything to the contrary in this subsection **4.06.** notwithstanding, this section applies in each instance where a lot is rezoned from either TH, Townhome Zoning District or TF, Two-Family Zoning District to a zoning classification other than TH, Townhome Zoning District or TF, Two-Family Zoning District and the lot or any portion of the lot is converted to a use that is not allowed in either TH, Townhome Zoning District or TF, Two-Family Zoning District.

j. For any lot greater than two (2) acres in size, the applicant may request that this section apply to only a portion of said lot. The applicant must specify the portion of the lot to which this section will apply. The portion specified by the applicant must, at a minimum, include the entire portion of the lot on which any development is proposed. In addition, the size of the excluded lot area must, at minimum, equal the minimum lot size required by this ordinance for the zoning district in which the lot is located. For purposes of this section, the term "excluded lot area" means the area of the lot that lies outside the portion specified by the applicant. The City Planner shall not approve the applicant's request if the request violates the spirit or intent of this article or fails to comply with this article. The City Planner shall not approve the request if approval of the request would result in exempting from this section any then-existing development to which this section already applies.

2. Landscape Plan Requirements

a. A Landscape Plan shall be submitted to the City Planner as a part of the application for a Development Site Plan if the development must comply with any of the requirements of **Article E.Section 5. Flood Damage Prevention** and these Zoning Regulations.

b. The Landscape Plan shall show compliance with all applicable provisions of Zoning Regulations, and with all applicable provisions of **Article E.Section 5. Flood Damage Prevention**.

c. A Development Site Plan submitted pursuant to **Article A.3.03. Development Site Plans** may also serve as a Landscape Plan under this subsection **4.06.** if the Development Site Plan meets all the requirements applicable to a Landscape Plan under this Section **4.06**.

d. The Landscape Plan shall consist of a minimum of four prints. The Landscape Plan must have a scale of 1:50, or greater, and be depicted on a standard twenty-four (24) inch by thirty-six (36) inch page. A Landscape Plan which cannot be drawn in its entirety on a twenty-four (24) inch by thirty-six (36) inch sheet must be drawn with appropriate match lines on two (2) or more sheets.

e. The Landscape Plan may be provided by any individual, provided that the Landscape Plan is legible and clearly denotes compliance with the requirements of this section. Plans that do not clearly demonstrate compliance with this subsection **4.06.**, or that do not comply with all applicable regulations, will be returned unapproved.

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3. Landscape Plan Contents

A Landscape Plan must contain the following information:

a. Scale and north arrow;

b. Location and dimensions of boundary lines;

c. Planting schedule, including the location, height and dimensions of proposed Landscaping, buffer yard location and height, materials, or detail of proposed fencing and berms;

d. Description of proposed plantings, including names, locations, quantities, container or caliper sizes, heights, spacing at the time of installation;

e. Identification of the names, locations, and Caliper of Existing Trees to be preserved to satisfy the requirements of this subsection **4.06**;

f. Description of measures to protect Existing Trees to be preserved to satisfy the requirements of this subsection **4.06**;

g. Irrigation plan;

h. Any other information that the City Planner may reasonably require in order to demonstrate that the proposed development will comply with all the requirements of this subsection **4.06**, inclusive, and the requirements of **Article E.Section 5. Flood Damage Prevention**. Such other information may include, but is not limited to, elevations, cross-sections and/or renderings demonstrating such compliance.

4. Landscape Plan Amendments

The City Planner may approve amendments to an approved Landscape Plan if the plan, as amended, complies with all applicable requirements of this subsection **4.06**.

K. Alternative Compliance for Landscaping Requirements

A request for the following may be submitted and acted upon in accordance with **6.01. Alternative Compliance**.

1. Grouping of All Required Landscaping within One or Two Areas

a. In order to provide flexibility in site design, an applicant may request Alternative Compliance to group all required landscaping (e.g., parking area landscaping) into one or two areas.

b. In order to offset the movement of landscaping from its original required location, an additional twenty-five (25) percent of the total landscaped area will be required. For example, if 1,000 square feet of total landscaping was required, then 1,250 square feet would be required to meet the grouping option.

c. In addition to the twenty-five (25) percent increase in total landscape area, the grouped landscaping shall be located either in the front yard or area visible from the street.

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4.07. Tree Preservation

A. Tree Preservation Required for Development Permit

1. A development permit shall not be issued unless the applicant demonstrates all of the following:

   a. The subject activity will comply with all applicable provisions of the Drainage Criteria and Erosion Control Manual;

   b. And either:

      (1) No more than fifty (50) percent of Protected Trees on the subject property will be removed; or

      (2) The subject property will retain a minimum average of twenty (20) Protected Trees per acre, or if the subject property has less than an average of twenty (20) Protected Trees per acre, then no Protected Trees will be removed; and

   c. At least one of the owners of the subject property has signed the application for a Development Permit as an applicant.

2. Each provision of this subsection **4.07** shall constitute an on-going condition of each Development Permit, and the applicant shall comply with each provision of this Section during the development of the subject property.

B. Exemptions

1. The subject property is exempt from the requirements of **A.1.a** and **A.1.b** above if the applicant demonstrates that one or more of the following apply to the subject property:

   a. If valid Development Site Plan applies to the subject property and there is a valid Building Permit for the subject property or an application for a Building Permit is pending for the subject property;

   b. If a valid Pre-Submission Proposal has been approved and accepted by the City for the subject property;

   c. If the subject property is exempt by definition of an exempt tract, and abide by the following:

      (1) An application for a Building Permit is pending for a single-family dwelling or a two-family dwelling and any accessory uses or;

      (2) Single-family dwelling or a two-family dwelling is already located on the subject property;

   d. The subject property is zoned Residential Zoning Districts

   e. A, Agricultural District;

   f. The subject property is currently appraised for ad valorem tax purposes as timber land under **Subchapter E of Chapter 23 of the Texas Tax Code**;

   g. The subject property is owned by a governmental entity; or

   h. The applicant is a utility company and the subject activity consists of the clearing of public or private Easements or Rights-of-Way for the purpose of installing, removing, maintaining, expanding, improving, repairing, inspecting or otherwise performing work on facilities used for the delivery of utilities to the general public.

2. Each exemption in this **B. Exemptions** demonstrated by the applicant to apply to the subject property shall constitute an ongoing condition of the development permit for the subject property. The applicant shall ensure the continued existence of each such exemption during the

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development of the subject property. If a demonstrated exemption ceases to apply to the subject property, the applicant shall notify the City Engineer as soon as reasonably practicable of said change. The subject property shall not be exempt from the requirements of **A.1.a** and **A.1.b** above beginning on the date on which all exemptions demonstrated by the applicant under this subsection **4.07.** cease to apply to the subject property.

C. Variances

1. Any other provisions of this section notwithstanding, the variance procedures set forth in this section shall apply to requests for variances from the requirements of **A.1.a** and **A.1.b**.
2. The City Engineer shall hear and render judgment on requests for variances from the requirements of this article within ten (10) business days of the filing of a complete application for a variance.
3. If the applicant determines that the restrictions set forth in **A.1.a** and **A.1.b** above cannot be met, the applicant may apply in writing for a variance. The application for a variance shall be on such form or forms as the City Engineer may reasonable require and shall detail the reasons for the variance.
4. The City Engineer may grant a variance provided there is a hardship that is not self-created, not a result of the applicant's failure to obtain a required development permit prior to beginning development and not due entirely to financial constraints. Items that may create a hardship for which a variance may be granted include, but are not limited to, the following:
   a. The health, safety, and welfare of the public;
   b. Sight distance at intersections and driveways;
   c. Sidewalk requirements;
   d. Drainage requirements;
   e. Federal Emergency Management Agency (FEMA) requirements;
   f. Utility installations;
   g. Americans with Disabilities Act (ADA) requirements;
   h. Building foundation requirements;
   i. Slope stability requirements; and
   j. Requirements or restrictions placed on development by Government Authority.
5. The variance shall be the minimum necessary to afford relief, and the City Engineer may attach such conditions to the variance as are reasonably necessary to further the purpose and objectives of this section. Each condition placed on the variance by the City Engineer shall constitute an ongoing condition of the development permit, and the applicant shall comply with each such condition during the development of the subject property.
6. The burden of proof in all variance proceedings shall always be on the applicant.
7. Any applicant to whom a variance is granted shall be given written notice stating the extent of the variance and any conditions established by the City Engineer.
8. The denial of a variance or a condition placed upon a variance may be appealed to the Construction Advisory and Appeals Board under the procedures set forth in this code.

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D. Appeals

1. Any other provisions of this section notwithstanding, the appeals procedures set forth in this section shall apply to appeals from the decision of the City Engineer.

2. An applicant may appeal a decision of the City Engineer in the enforcement or administration of this subsection to the Construction Advisory and Appeals Board by giving written notice of intent to appeal to the City Engineer within ten calendar days from the date the applicant is notified of the decision. The notice of appeal shall contain the reason or reasons why the Construction Advisory and Appeals Board should reverse or modify the decision of the City Engineer. Failure to state reason(s) shall result in the termination of the appeal.

3. Upon receipt of said notice of intent to appeal, the City Engineer shall schedule a meeting of the Construction Advisory and Appeals Board to consider such appeal. Such meeting shall be held within ten calendar days of the City Engineer's receipt of notice of intent to appeal, unless the applicant requests a longer period of time.

4. At the hearing set for such appeal, the Construction Advisory and Appeals Board shall receive evidence submitted by the applicant concerning the reason or reasons for reversal or modification as stated in the notice of intent to appeal, and shall also receive evidence from the City Engineer as to why the decision of the City Engineer should be sustained. The Construction Advisory and Appeals Board shall render a decision sustaining, amending, or reversing the decision of the City Engineer based upon the evidence present at the hearing. In deciding any appeal from the decision of the City Engineer, including without limitation a decision to deny a variance or place a condition on a variance, the Construction Advisory and Appeals Board shall be constrained by the provisions of this article governing said decision. Each condition placed on the variance by the Construction Advisory and Appeals Board shall constitute an ongoing condition of the development permit, and the applicant shall comply with each such condition during the development of the subject property.

5. Any person or persons aggrieved by the decision of the Construction Advisory and Appeals Board may appeal such decisions to a court of competent jurisdiction solely on the grounds that the decision was arbitrary, capricious, or not supported by substantial evidence.

6. The City Engineer shall maintain a record of all actions involving an appeal and provide to the Construction Advisory and Appeals Board such information as the Construction Advisory and Appeals Board may reasonably require or request for deciding an appeal.

E. Stop Work Orders

Upon notice from the City Engineer that work on any property is being done without a required development permit or in violation of the conditions of the applicable development permit, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or the owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the City Engineer may provide notice orally, provided that written notice shall follow within twenty-four (24) hours from the time oral notice to stop work is issued.

F. Revocation of Permit

The City Engineer may revoke a development permit in cases where there has been any false statement or misrepresentation as to any material fact in the application for the development permit or in any information upon which the issuance of the development permit was based.

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4.08. Vehicle Parking

A. General

1. In any district except CB, Central Business District, the off-street parking regulations are listed by use in the Use Chart. No minimum parking is required in CB, Central Business District.
2. When a lot is used for a combination of uses, off-street parking requirements are the sum of the requirements for each use and no off-street parking space for one use is included in the calculation of off-street parking requirements for any other use. However, with regard to classrooms, fellowship halls, meeting rooms, offices, and any other multi-purpose rooms or buildings built in conjunction with a church or rectory, the off-street parking requirements shall not be the sum of the requirements for each use. Instead, the off-street parking requirements for a church or rectory and any multi-purpose rooms or buildings built in conjunction with a church or rectory shall be as specified by use in the Use Chart.
3. The following Floor Area are excluded in computation of required off-street parking:
   a. Floor Area devoted to off-street parking.
   b. Floor Area of a private balcony that is not accessible to the public and does not provide a means of ingress or egress.
   c. Areas such as display windows that are permanently designed to display a product or advertise for services and are less than ten (10) feet in width.
   d. Areas between the exterior entrance doors and utilized floor area of the building commonly referred to as air stops or vestibules.
4. In determining required number of parking spaces, fractional spaces are counted to the nearest whole number, the one-half counted as an additional space.
5. Except for single-family (attached and detached) and two-family uses, head-in parking adjacent to a Public Street where the maneuvering of the vehicle in parking or leaving the parking space is done on a Public Street, is excluded in computing off-street parking requirements.
6. In all districts except CB, Central Business District, required off-street parking must be available as free parking or contract parking on other than an hourly or daily feed basis. This requirement does not apply to institutional uses.
7. A parking space must be at least twenty (20) feet from the Right-of-Way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. This provision controls over any Building Line platted to a lesser setback and any other provision of these Zoning Regulations.
8. Except as specifically permitted in this Section, all off-street parking must be provided on the lot occupied by the main use.
9. In MF, Multi-Family Dwelling District and Nonresidential Zoning Districts, off street parking may be provided on a separate lot that is:
   a. Dedicated to parking used by an instrument filed with the Building and Fire Code Official and consolidated with main use under one Certificate of Occupancy with main use;
   b. Located in the same zoning district as the main use or in a district that allows a commercial parking lot or garage; and
   c. Located within three hundred (300) feet (including streets and alleys) of the property upon which the main use is located. The distance measured is the shortest distance between the two (2) tracts.

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10. The Zoning Board of Adjustment shall not authorize the placement of required parking in a residential district if the parking is to serve a nonresidential use located in a nonresidential district.

11. In the SF, One-Family Dwelling Districts, TH, Townhome Zoning District, TF, Two-Family Zoning District, MF, Multi-Family Dwelling District, O, Office District, and NS, Neighborhood Service District, no portion of a street, alley, public Right-of-Way, lot, garage, carport or other structure shall be used for the parking or storage of any truck, truck-tractor, farm tractor or associated trailer as these terms are defined in **Section 541.201 of the Texas Transportation Code**, except panel and pickup trucks not exceeding one and one-half tons capacity.

12. In calculating off-street parking requirements, gross Floor Area dimensions from exterior wall to exterior wall shall always be utilized.

13. In C-1, Light Commercial District, C-2, Heavy Commercial District, I-1, Light Industrial District, I-2, Heavy Industrial District, CB, Central Business District, DT, Downtown Transitional District, and IH-20, IH-20 Corridor District, off street parking may be provided on a separate lot as authorized under the "Parking Lot" use.

B. Construction and Maintenance Provisions for Off-Street Parking

1. Each off-street parking space must be provided in accordance with the following dimensional standards.

   a. A parking space parallel with the access lane must be twenty-two (22) feet long and eight (8) feet wide.

   b. A one-way access lane must have a minimum width of ten (10) feet

   c. A two-way access lane must have a minimum of twenty (20) feet.

   d. All other parking spaces must be at least nine (9) feet by eighteen (18) feet.

   e. See Figure 5. 30 Degree Parking Layouts, Figure 6. 45 Degree Parking Layouts, Figure 7. 60 Degree Parking Layouts, Figure 8. 75 Degree Parking Layouts, and Figure 9. 90 Degree Parking Layouts for approved parking layouts.

2. For uses other than single-family (attached or detached) or two-family, each off-street parking space must be clearly identified by use of stripes, buttons, tiles, curbs, Barriers or other methods approved by the City Planner.

3. For use other than a single-family (attached or detached) or two-family, the surface of an enclosed or unenclosed parking spaces, maneuvering area for parking or a driveway, which connects to a street or alley, must be on a compacted sub-grade and consist of:

   a. Concrete paving,

   b. Hot mix asphalt paving which consists of a binder and surface course; or

   c. A material that has equivalent characteristics of **a.** or **b.** above and has the approval of the (attached or detached).

4. The owner of off-street parking for a use other than single-family (attached or detached) or two-family shall:

   a. Keep the parking surface and access drive for required parking free of potholes and surface defects;

   b. Maintain any required wheel guards and Barriers; and

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c. Maintain non-permanent parking space markings such as paint so that clear identification of each parking space is apparent.

5. All off-street parking spaces for uses other than single-family (attached or detached) or two-family shall have wheel guards or other Barriers approved by the Traffic Engineer to prevent parking on unimproved surface or Right-of-Way. Wheel guards or other Barriers shall be placed to prevent any vehicle from overhanging Right-of-Way.

6. Any lighting used to illuminate off-street parking areas shall be directed and downshielded away from residential property and structures.

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Figure 5. 30 Degree Parking Layouts

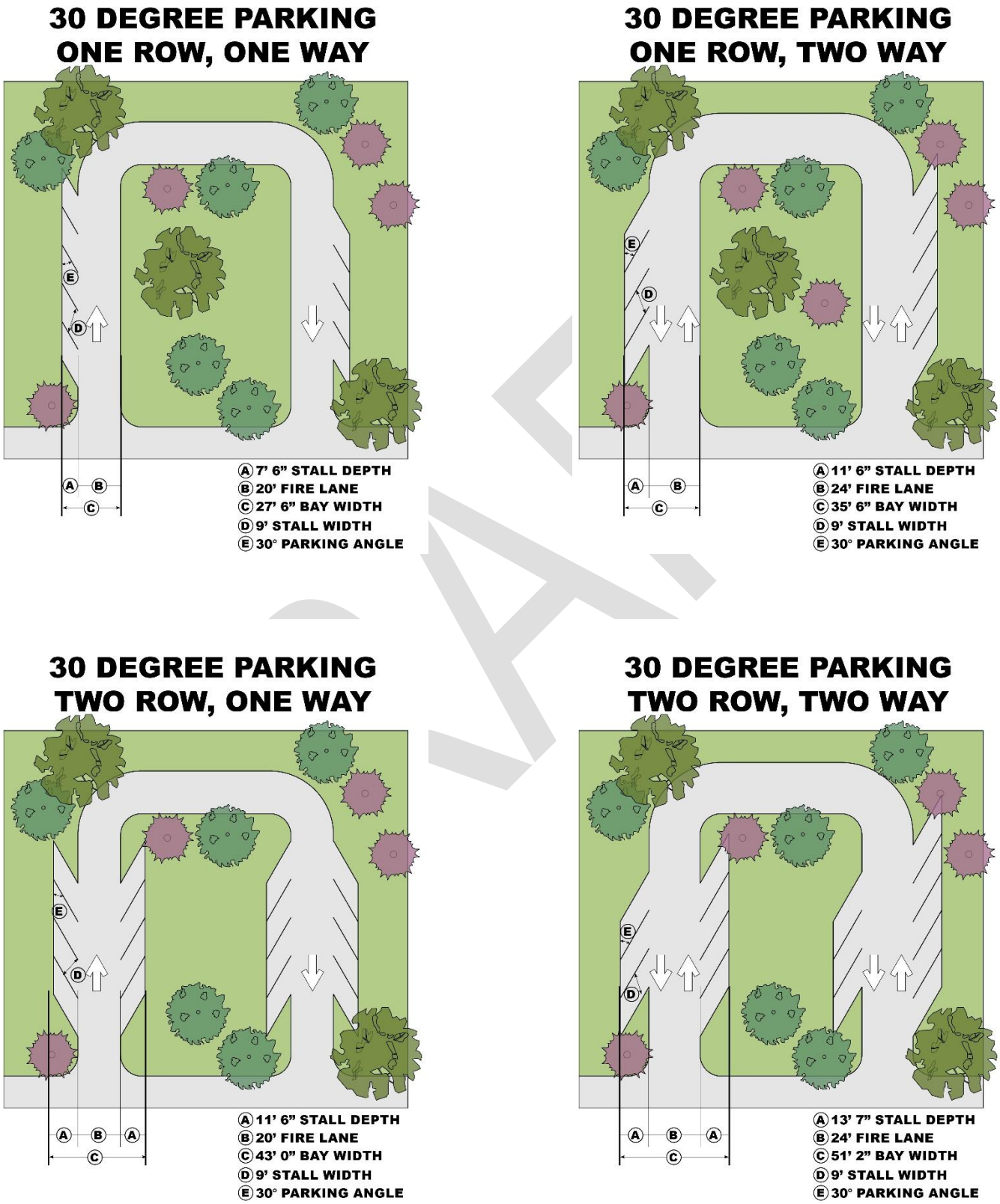


Figure 6. 45 Degree Parking Layouts

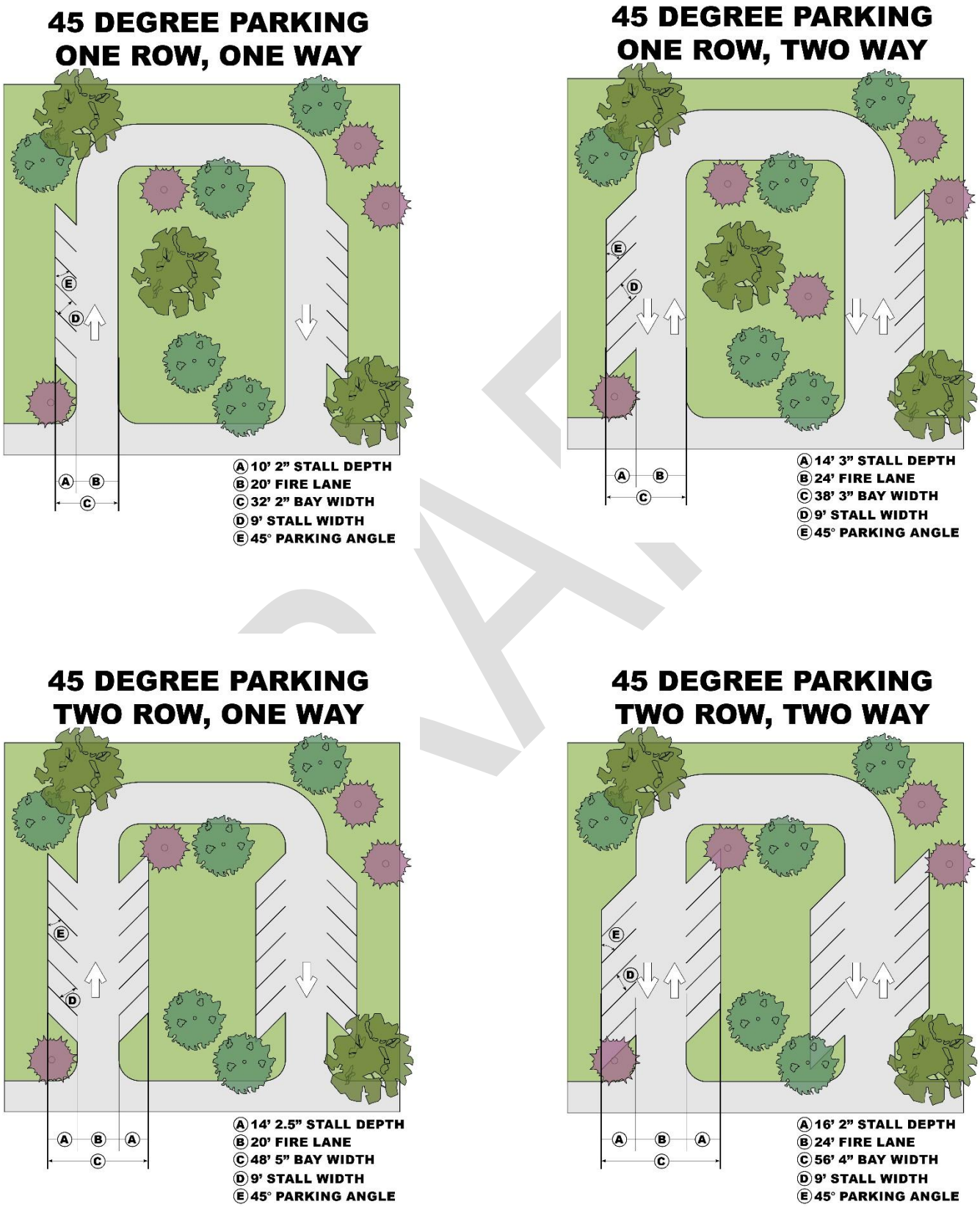


Figure 7. 60 Degree Parking Layouts

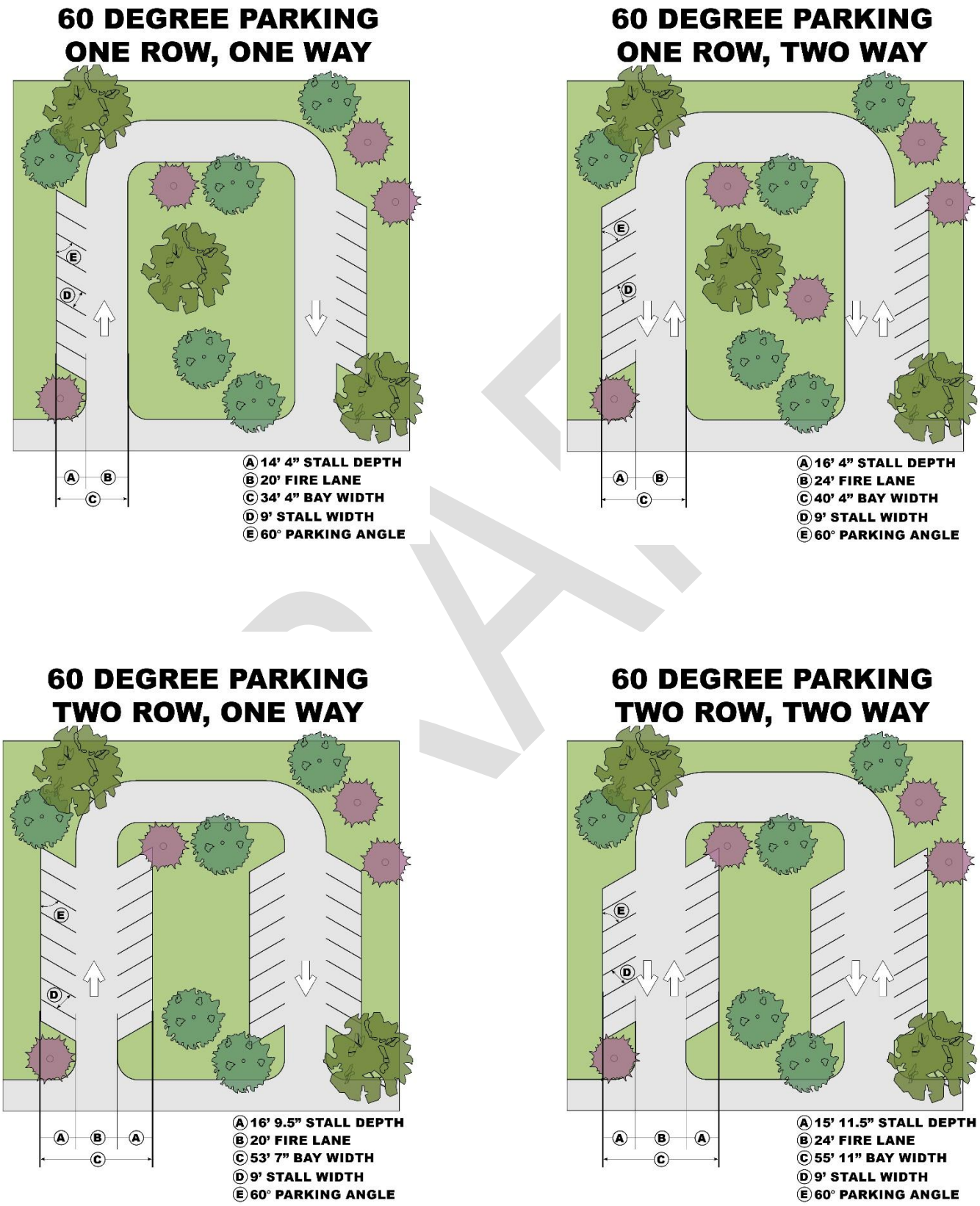


Figure 8. 75 Degree Parking Layouts

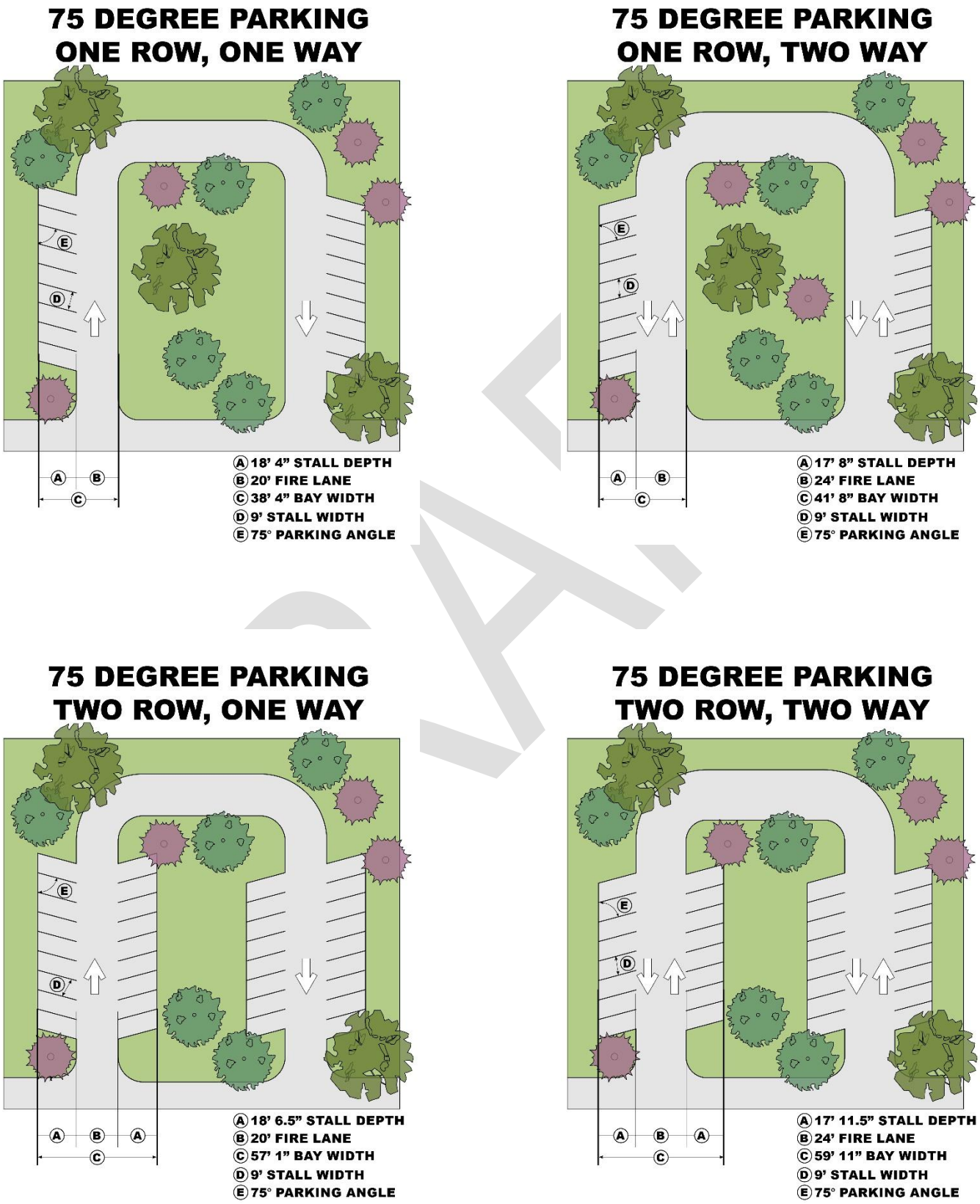
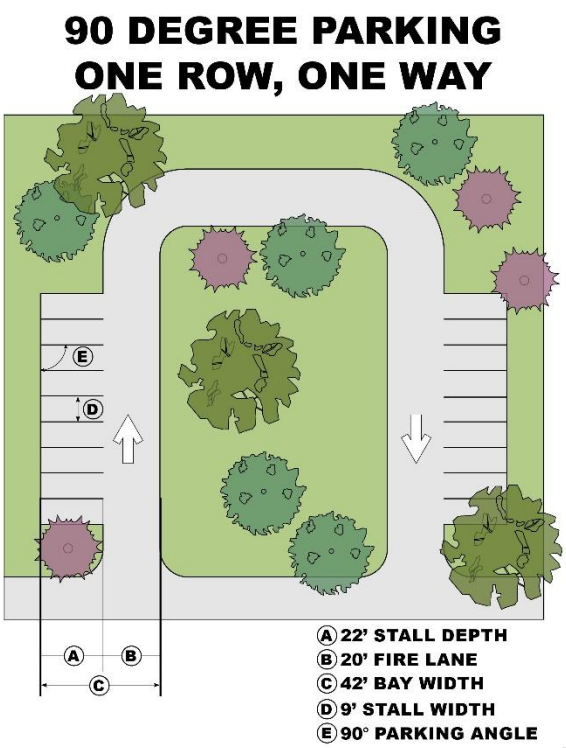
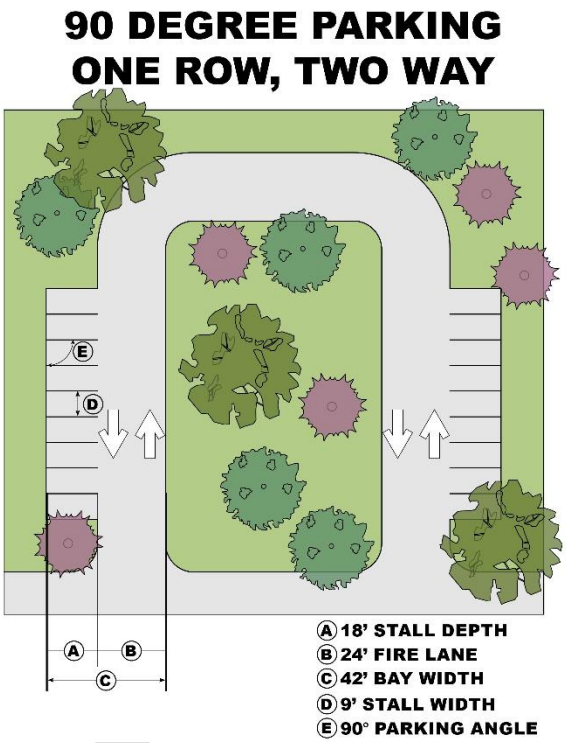
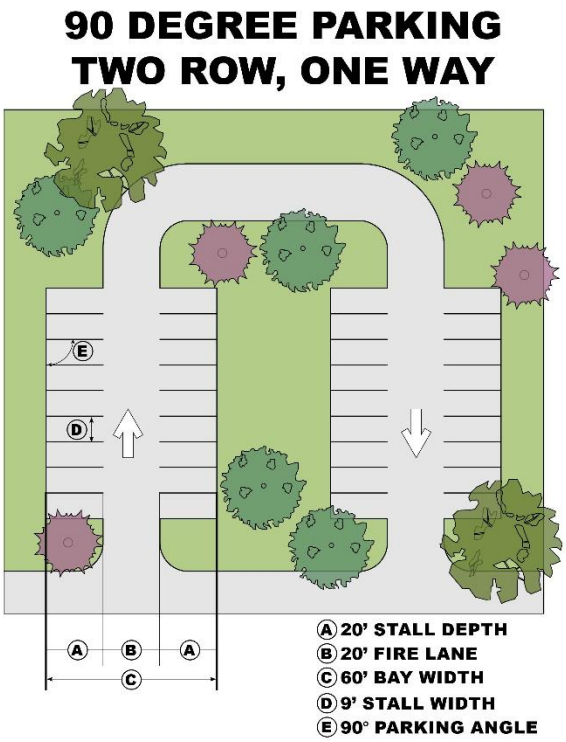
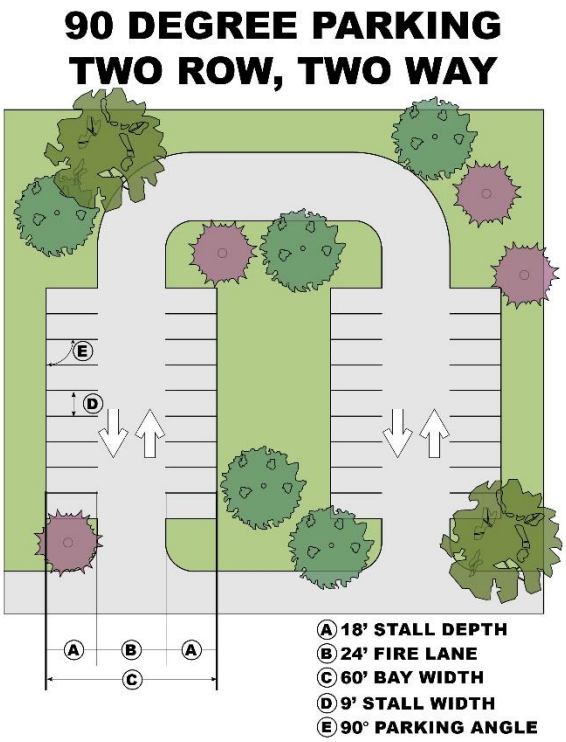


Figure 9. 90 Degree Parking Layouts









C. Requirements for Residential Zoning Districts

1. For all Single-Family Dwellings (attached or detached), Two-Family Dwellings and Multiple-Family Dwelling, Condominium or Apartments located in any zoning district, off-street parking spaces and parking space maneuvering areas located in a Front Yard or in a Side Yard shall be constructed of an Approved Surface. Other than as expressly allowed in this Section, parking any automobile on any surface other than an Approved Surface is prohibited.
2. No Junked Vehicle shall be parked in the Front Yard or Side Yard of any Single-Family Dwelling (attached or detached), Two-Family Dwelling, or Multiple-Family Dwelling, Condominium or Apartment.
3. Automobiles parked in a rear yard are not required to be on an Approved Surface.
4. Junked vehicles parked in a rear yard must be screened and are limited to two (2) Junked Vehicles.
5. When common areas for Recreational Vehicle parking are developed in conjunction with the platting of residential developments, parking of recreational vehicles and recreational apparatus in said areas shall be on an approved surface and shall be screened in accordance with the buffer yard requirements described in **4.05. Buffer Yards**.
6. No more than one Accessory Vehicle may be parked in Front Yard or Side Yard on the same property. No more than one Accessory Vehicle may be visible from the street. This is cumulative of all accessory vehicles parked in all Front Yards Side Yards, or Rear Yards on the same property. All other Accessory Vehicle must be parked in a Rear Yard and must be screened, if visible, with a solid fence or a solid vegetative screen at least six (6) feet tall.
7. Accessory vehicles are not required to be parked on an Approved Surface.
8. Parking any Accessory Vehicle in the Street or Rights-of-Way is strictly prohibited.

D. Shared Parking

In order to establish a baseline number of parking spaces that may be reduced in a shared parking agreement, the baseline number of parking spaces shall equal the sum of the requirements of the various uses computed separately.

1. Mixed Use Shared Parking Agreement

   Up to fifty (50) percent of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the City Council as shown on a Development Site Plan or final plat.

2. Pedestrian Access

   Proper pedestrian access is provided such that pedestrians can access both uses within an acceptable distance and that such access is provided safely and conveniently to both uses.

3. Rescinded Shared Parking Agreement Approval

   Approval by the City Council may be rescinded by the City Council and additional parking shall be obtained by the owners in the event that the City Council determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare.

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E. Tandem Parking

Tandem parking (one vehicle parking directly behind another) is not permitted, and shall not be credited toward meeting any off-street parking requirement of this Section except for residential structures not exceeding four (4) units on one (1) lot, provided that the tandem parking spaces are assigned to the same dwelling unit.

F. Alternative Compliance for Vehicle Parking Regulations

A request for the following may be submitted and acted upon in accordance with **6.01. Alternative Compliance:**

1. Allow more than ten (10) percent more parking spaces if the additional spaces are of a permeable material as determined by the Decision-Maker.
2. Reduction in the number of required parking spaces by up to ten (10) percent if the use is served by ten (10) or more bike racks.

G. Off-Street Stacking Requirements for Drive-Through and Queuing Facilities

1. Stacking Space Definition

Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service.

2. Stacking Space Size and Location

A stacking space shall be a minimum of nine (9) feet in width and twenty (20) feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

3. Additional Stacking Space Location Criteria

Stacking spaces shall be provided behind the vehicle bay door, service window, or service island, whichever is applicable.

4. Number of Required Stacking Spaces (All Districts)

In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses.

Table 40. Number of Required Stacking Spaces (All Districts)

Use	Number of Required Stacking Spaces
Car Wash, Tunnel	Five (5) stacking spaces per bay, or twenty-five (25) stacking spaces per tunnel unit
Car Wash, Detail Shop	Six (6) stacking spaces per bay
Daycare or Child Care Facility, Children's Home	One (1) stacking space per 10 students provided on a through "circular" drive
Day Camp	Four (4) stacking spaces
Restaurant, with Drive-In/Drive-Thru Service	Six (6) stacking spaces for food pick-up window and four (4) spaces for the order board
Any Other Drive-Thru Window (regardless of whether noted in the Use Chart)	Six (6) stacking spaces
School, Primary or Secondary	One (1) stacking space per 10 students provided on a through "circular" drive

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5. Single Stacking Space Required after the Final Window, Food Pick-Up Window, or Stopping Point

   A single stacking space shall be provided after the final window, food pickup window, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.

6. Visibility Triangle Requirement for Drive-Through Lanes

   Buildings and other structures shall have a ten (10) foot visibility triangle at the end point of drive-through lane to provide adequate visibility to allow vehicles to safely exit the drive-through lane prior to merging into intersecting driveways or maneuvering aisles.

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4.09. Off-Street Loading

Except in the CB, Central Business District, all retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten (10) feet by forty-five (45) feet, and such spaces or berths shall be provided in accordance with the following schedules.

A. For a restaurant, grocery, package store, and convenience store, off-street loading facilities shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area	Minimum Required in Structure Spaces or Berths
0 to 15,000	1
15,000 to 40,000	2
40,000 to 60,000	3
60,000 to 100,000	4
Each additional 50,000	5 Additional

B. For normal retail and commercial sales service or industrial use buildings and establishments, off-street loading facilities shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area	Minimum Required in Structure Spaces or Berths
0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2
40,000 to 65,000	3
65,000 to 100,000	4
Each additional 50,000	1 Additional

C. For hotels, motels, office buildings, and similar establishments, off-street loading facilities shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area	Minimum Required in Structure Spaces or Berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 Additional

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4.10. Multi-Family Development

A. Front Yard Regulations

No off-street parking shall be allowed in any front yard. However, drives of ingress and egress from the Public Street to a parking area shall be allowed to cross the front yard from front to rear.

B. Private Recreation Areas and Open Space

1. Recreation Area Required

All multi-family developments with twenty (20) dwelling units or more shall have at least one (1) recreation area, in a location free of traffic hazards, easily accessible to all residents within the development, and centrally located where topography permits.

2. Recreation Space Requirement

a. All multi-family developments with twenty (20) dwelling units or more shall devote not less than eight (8) percent of the gross development area to recreational facilities, generally in a central location. In large developments (two acres or larger) these may be decentralized.

b. Recreation areas include space for community buildings and community uses, such as adult recreation, child play areas, dog parks, picnic areas, smoking areas, and swimming pools, but do not include vehicle parking, commercial, maintenance, and utilities areas.

3. Playground Space

a. When playground space is provided, it shall be so designated and shall be protected from traffic, streets, and parking areas.

b. Such space shall be maintained in a sanitary condition and free of dangerous conditions and hazards.

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Multi-Family Recreation Areas

4.11. CB, Central Business District Development

A. Applicability

These standards shall apply to all development within the CB, Central Business District.

B. Windows

1. Windows shall be vertically proportioned with a minimum vertical to horizontal ratio of 1.6 (height) to 1.0 (width).
2. Windows adjacent to a sidewalk on the first floor shall use glass that is at least eighty (80) percent transparent.
3. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually define the building stories.

Appropriately Proportioned Windows with Detail Elements

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C. Roofs

All roofs shall be pitched roofs or flat roofs according to the following standards.

1. Flat Roofs
   a. Any rooftop mechanical equipment must be screened with a parapet wall.
   b. Parapet wall must be present on all façades, excluding the rear.
   c. Parapet walls shall be constructed of the same building material as the façades and shall be undistinguishable from the remainder of the façade.
2. Pitched Roofs
   a. A minimum pitch of 3:12 shall be required for pitched roofs.
   b. Pitched roofs must extend over the entire structure or building.
   c. Rooftop mechanical equipment shall be prohibited on pitched roofs.
   d. Permitted roofing materials include:
      (1) Copper
      (2) Metal
      (3) Tile
      (4) Composition roof

Pitched Metal Roof

Flat Roof with Parapet Wall

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D. Architectural Elements

1. Required Elements

a. Front Façade Entry Requirements

(1) A front facade shall be articulated and designed to present a distinctive entry presence, emphasizing the Building's entry point along the façade.

(2) Each Building shall provide a sheltered or recessed entry.

Sheltered Entryways with Distinctive Entry Features

2. Alternative Elements

a. All buildings shall incorporate design elements which create character, charm, and reflect regional architecture by including at least four (4) of the following eight (8) elements:

(1) Transoms

(2) Shutters

(3) Alcoves

(4) Recessed entries

(5) Ornamental window headers/lintels

(6) Quoins

(7) Distinctive lighting features

(8) One hundred (100) percent stone on all façades excluding the rear façade (counts for two elements)

b. Additionally, all buildings shall incorporate at least three (3) of the following five (5) elements:

(1) Front entry door casings or double doors

(2) Kickplate

(3) Dentil or other ornamental band

(4) Second story

(5) Keystone in doorways and/or windows

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E. Miscellaneous

1. No outside storage or interior first floor storage shall be allowed.
2. No dwelling units shall be allowed in the first floor in the Tyler Street Frontage District as defined by the City of Longview adopted Downtown Small Area Plan.
3. No industrial uses shall be allowed in the Tyler Street Frontage District as defined by the City of Longview adopted Downtown Small Area Plan.

F. Alternative Compliance for Central Business District Standards

A request for the following may be submitted and acted upon in accordance with **6.01. Alternative Compliance:**

1. Alternatives to the architectural elements listed in **D. Architectural Elements** above. Alternatives shall produce a similar or greater level of architectural design than the elements listed in that section.

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4.12. DT, Downtown Transitional District Development

A. Applicability

These standards shall apply to all development within the DT, Downtown Transitional District.

B. Windows

1. Windows shall be vertically proportioned with a minimum vertical to horizontal ratio of 1.6 (height) to 1.0 (width).
2. Windows adjacent to a sidewalk on the first floor shall use glass that is at least eighty (80) percent transparent.
3. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually define the building stories.

Appropriately Proportioned Windows with Detail Elements

C. Roofs

All roofs shall be pitched roofs or flat roofs according to the following standards.

1. Flat Roofs
   a. Any rooftop mechanical equipment must be screened with a parapet wall.
   b. Parapet wall must be present on all façades, excluding the rear.
   c. Parapet walls shall be constructed of the same building material as the façades and shall be undistinguishable from the remainder of the façade.
2. Pitched Roofs
   a. A minimum pitch of 3:12 shall be required for pitched roofs.
   b. Pitched roofs must extend over the entire structure or building.
   c. Rooftop mechanical equipment shall be prohibited on pitched roofs.

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d. Permitted roofing materials include:

(1) Copper

(2) Metal

(3) Tile

(4) Composition roof

Pitched Metal Roof

Flat Roof with Parapet Wall

D. Architectural Elements

1. Required Elements

a. Front Façade Entry Requirements

(1) A front facade shall be articulated and designed to present a distinctive entry presence, emphasizing the Building's entry point along the façade.

(2) Each Building shall provide a sheltered or recessed entry.

Sheltered Entryways with Distinctive Entry Features

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2. Alternative Elements

   a. All buildings shall incorporate design elements which create character, charm, and reflect regional architecture by including at least four (4) of the following eight (8) elements:

      (1) Transoms

      (2) Shutters

      (3) Alcoves

      (4) Recessed entries

      (5) Ornamental window headers/lintels

      (6) Quoins

      (7) Distinctive lighting features

      (8) One hundred (100) percent stone on all façades excluding the rear façade (counts for two elements)

   b. Additionally, all buildings shall incorporate at least three (3) of the following five (5) elements:

      (1) Front entry door casings or double doors

      (2) Kickplate

      (3) Dentil or other ornamental band

      (4) Second story

      (5) Keystone in doorways and/or windows

E. Alternative Compliance for Downtown Transitional District Standards

A request for the following may be submitted and acted upon in accordance with **6.01. Alternative Compliance:**

1. Alternatives to the architectural elements listed in **D. Architectural Elements** above. Alternatives shall produce a similar or greater level of architectural design than the elements listed in that section.

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4.13. IH-20, IH-20 Corridor District Development

A. Applicability

The following design standards shall apply to the IH-20, IH-20 Corridor District.

B. Branding and District Strategies

1. The Branding and District Strategies outlined in the Interstate 20 Corridor Small Area Study shall apply.

C. Building Articulation

Façade height and depth articulation shall be required on the front façade of a building, per the following:

a. Height articulation for flat roofs of at least five (5) feet shall be required for every fifty (50) feet of building façade length. Pitched roofs do not require height articulation.

b. Depth articulation of at least three (3) feet shall be required for every thirty (30) feet of building façade length. Depth articulation applies only below the roofline.

Figure 10. Height and Depth Articulation

D. Roofs

All roofs shall be pitched roofs or flat roofs according to the following standards.

1. Flat Roofs
   a. Any rooftop mechanical equipment must be screened with a parapet wall.
   b. Parapet wall must be present on all façades, excluding the rear.
   c. Parapet walls shall be constructed of the same building material as the façades and shall be undistinguishable from the remainder of the façade.
2. Pitched Roofs
   a. A minimum pitch of 3:12 shall be required for pitched roofs.
   b. Pitched roofs must extend over the entire structure or building.
   c. Rooftop mechanical equipment shall be prohibited on pitched roofs.

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4.14. Nonresidential Design

A. Applicability

The following design standards shall apply to the following districts:

1. O, Office District
2. NS, Neighborhood Service District
3. GR, General Retail District
4. C-1, Light Commercial District
5. C-2, Heavy Commercial District

B. Roofs

All roofs shall be pitched roofs or flat roofs according to the following standards.

1. Flat Roofs
   a. Any rooftop mechanical equipment must be screened with a parapet wall.
   b. Parapet wall must be present on all façades, excluding the rear.
   c. Parapet walls shall be constructed of the same building material as the façades and shall be undistinguishable from the remainder of the façade.
2. Pitched Roofs
   a. A minimum pitch of 3:12 shall be required for pitched roofs.
   b. Pitched roofs must extend over the entire structure or building.
   c. Rooftop mechanical equipment shall be prohibited on pitched roofs.

C. Alternative Compliance for Nonresidential Design Standards

A request for the following may be submitted and acted upon in accordance with **6.01. Alternative Compliance:**

1. Alternative Materials

   A reduction of the required material percentage by a maximum of twenty-five (25) percent may be approved when a unique and attractive architectural design is used.

2. Original Building Materials

   For existing buildings undergoing expansion, the use of materials used on the original building may be approved provided it is an integral part of the character of the building.

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Section 5. Zoning Development Review Procedures

5.01. Zoning Map and Text Amendments

A. Two Types of Zoning Amendments

1. Zoning Map Amendment (Rezoning)
2. Zoning Text Amendment

B. Approval Authority and Report Requirement for Zoning Amendments

1. Zoning Amendments Require City Council Approval

   The City Council may, from time to time, amend, supplement or change by ordinance the boundaries of the districts (i.e., Zoning Map Amendment (Rezoning)) or the regulations herein established (i.e., Zoning Text Amendment) as provided by the Statutes of the State of Texas.

2. Zoning Amendments Require a Planning and Zoning Commission Report

   Before taking action on any proposed amendment, the City Council shall submit the amendment to the Planning and Zoning Commission for its report, with the exception of procedural and administrative amendments that do not affect development standards.

C. Planning and Zoning Commission Report and Public Hearing

1. Pursuant to **Section 211.007 of the Texas Local Government Code**, the Planning and Zoning Commission shall make a preliminary report and hold a public hearing on that report before submitting a final report to the City Council. The City Council shall not hold a public hearing until it receives the final report of the Planning and Zoning Commission unless the City Council by ordinance provides that a public hearing is to be held, after the notice required by **Texas Local Government Code Section 211.006(a)**, jointly with a public hearing required to be held by the Planning and Zoning Commission. In either case, the City Council shall not take action on the matter until it receives the final report of the Planning and Zoning Commission.
2. In cases where it is required to provide a report, the Planning and Zoning Commission shall hold a public hearing on an application for a zoning amendment or change (i.e., a Zoning Map Amendment (Rezoning) or Zoning Text Amendment) prior to making its report to the City Council.
3. In the case of a Zoning Map Amendment (Rezoning):

   See **Article A.3.06. Public Hearings and Notification Requirements** for Zoning Map Amendment (Rezoning) public hearing and notice requirements.

D. City Council Public Hearing Required

1. A public hearing shall be held by the City Council before adopting any proposed amendment. See **Article A.3.06. Public Hearings and Notification Requirements** for public hearing and notice requirements.
2. The City Council shall not hold its public hearings or take action on any Zoning Map Amendment (Rezoning) or Zoning Text Amendment until it has received the report from the Planning and Zoning Commission.
3. Three-Fourths City Council Vote Required for Protested Amendments

   If the following condition exists, then amendments shall not become effective except by a three-fourths (3/4) vote of the full membership of the City Council.

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a. A protest against a proposed amendment has been filed at least three (3) calendar days before the date of the public hearings with the City Secretary by one of the following types of protesters:

(1) Interior Protesters:

The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary.

(2) Exterior Protesters:

The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within two hundred (200) feet of the subject property, as outlined in **Article A.3.06.D.2.b. Mailed Notice (also referred to as "Written Notice")**.

4. Consistency between the Zoning District Map and the Comprehensive Plan

Consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan shall be required, or the Comprehensive Plan shall be amended prior to the rezoning action to ensure consistency.

5.02. Platting Property Not Zoned

A. The Planning and Zoning Commission of the City shall not approve any plat of any subdivision within the City limits of the City until the area covered by the proposed plat shall have been permanently zoned by the City Council.

B. The Planning and Zoning Commission shall not approve any plat of any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City is pending before the City Council unless and until such plat shall have been approved by resolution by the City Council.

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5.03. Rezone Application Process

A. Prior to submitting an application for rezone, the applicant shall contact Planning and Zoning staff to determine the project's feasibility.

B. Rezone applications may be to request a change to the zoning district, to expand the adjacent zoning boundaries or to request the establishment of a Planned Development district. The request will be reviewed for its compatibility with the existing land uses, adjacent zoning districts and the City of Longview Comprehensive Plan.

C. Submission requirements and deadlines are outlined in the development guide. (reference here)

D. Following application submission, staff shall prepare a report and send out hearing notifications as required by State law and the item will be placed on the Planning and Zoning Commission's agenda.

E. The Planning and Zoning Commission will vote to recommend or deny the rezone request.

F. The City Council will decide the final disposition of the request.

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5.04. Planned Development Application and Review

A. General

1. PD, Planned Development District Establishment

   An application for a PD shall be made to the Planning and Zoning Commission and City Council in the same manner that an application for any Zoning Map Amendment (Rezoning) is made.

2. Submission of PD Related Plats and Construction Development Site Plans Shall Occur After PD Establishment

   The subsequent applications for Plats and Construction Development Site Plans within an established PD, Planned Development District shall be reviewed and approved separately and independently in accordance with established procedures.

B. Planned Development (PD) Overview

1. In order to develop land in a PD, the applicant shall follow a five (5) step procedure, as follows:

   a. Pre-Application Meeting

   b. Zoning Map Amendment (Rezoning) application with the submission and approval of a PD Master Plan, which includes the:

      (1) PD Design Statement and

      (2) PD Concept Plan

   c. Pre-Submission Proposal, if subdivision occurs and where required by the City's Subdivision Regulations

   d. Final Plat, if subdivision occurs and where required by the City's Subdivision Regulations

   e. Construction Site Plan

   f. Application for Building Permit

2. Approvals Needed before Proceeding

   a. Each required step shall be completed and approved before the following step is reviewed.

   b. Where appropriate, other methods authorized in the City's Subdivision Regulations may be substituted in Step 4. Final Plat, such as a Minor Plat or Amending Plat.

   c. The Planning and Zoning Commission and City Council may, however, review more than one step at the same public hearing.

3. Public Hearings (Rezonings and Plats)

   a. Public hearings shall be held on the Zoning Map Amendment (Rezoning) application and the PD Master Plan in accordance with regular procedures for zoning applications.

   b. Public hearings on required Plats (if any) shall be held in accordance with regular procedures established in the City's Subdivision Regulations.

C. Planned Development (PD) Steps for Creation and Development

1. Step 1. Pre-Application Conference Review

   a. At least ten (10) business days prior to submission of an application for Zoning Map Amendment (Rezoning) to a PD, Planned Development District, the applicant shall submit to the City Planner a sketch plan, drawn to approximate scale, showing streets, lots, public

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areas, and other significant features. The applicant shall execute an acknowledgement that the Pre-Application Meeting does not initiate a vested right.

b. The applicant should discuss with the City Planner the procedure for adopting a PD, Planned Development District and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.

c. The intent of Step 1. Pre-Application Conference Review is to expedite and facilitate the approval of a PD Master Plan.

2. Step 2. PD Application for Rezoning and PD Master Plan

a. Procedures and Requirements

(1) The PD Zoning Map Amendment (Rezoning) application shall be filed in accordance with regular procedures and on application forms of the City.

(2) The PD Master Plan, which is submitted with the application for rezoning, shall consist of a PD Design Statement and a PD Concept Plan.

(3) The applicant shall also provide other supporting maps as necessary to meet the submission requirements of these Zoning Regulations.

b. PD Design Statement

The PD Design Statement shall be a written report submitted as a part of the PD Master Plan containing a minimum of the following elements:

(1) Title of PD;

(2) List of the owners and/or developers;

(3) Statement of the location and relationship to adjoining land uses, both existing and proposed;

(4) Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a description proposed, a description of building use types, proposed restrictions, and typical site layouts;

(5) The existing PD zoning districts in the development area and surrounding it;

(6) Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified (multiple base zoning districts may be selected to accommodate a mixture of land uses in different geographic areas);

(7) A list of all applicable special development regulations or modified regulations to the base zoning district; plus a list of requested Zoning Variances or waivers to the Subdivision Regulations or other applicable development regulations;

(8) A statement identifying the existing and proposed streets, including Right-of-Way standards and street design concepts;

(9) The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;

(10) Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;

(11) A statement of utility lines and services to be installed, including lines to be dedicated to the City and which will remain private;

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(12)The proposed densities, and the use types and sizes of structures; and

(13)A description of the proposed sequence of development.

c. PD Concept Plan

(1) The PD Concept Plan shall be a graphic representation of the development plan for the area of a PD, Planned Development District.

(2) The City Planner shall establish an application form outlining all requirements of the PD Concept Plan and shall be responsible for maintaining and revising the application form.

d. Approval of the PD Master Plan

(1) Upon final approval by the City Council of the PD Master Plan and the appropriate ordinance of rezoning, these elements shall become a part of the **1.03. Zoning District Map**.

(2) The ordinance of rezoning shall adopt the PD Master Plan by reference, and it shall be attached to said ordinance and become a part of the official records of the City.

e. The City may require that a Developer prepare a Traffic Impact Analysis (see **Article E.1.13. Traffic Impact Analysis**) in order to assist the City in determining whether the PD Master Plan will be supported with adequate levels of roadways and intersections concurrent with the demand created by the development.

f. Expiration of a PD Master Plan

(1) If, after two (2) years from the date of approval of a PD Master Plan, no substantial development progress has been made within the PD, then the PD Master Plan shall expire. If a PD Master Plan expires, a new PD Master Plan must be submitted and approved by the City Council.

(2) The City Planner may grant a two (2) year extension of a PD Master Plan. At the end of the two (2) year extension, a second extension may be given by the City Planner for up to one (1) year.

(3) An extension shall be granted if a development application for the PD has been submitted and is undergoing the development review process or if the City Planner determines development progress is occurring.

g. Use and Development of the Property

(1) The PD Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council.

(2) The Developer shall furnish a reproducible copy of the approved PD Concept Plan for signature by the City Planner.

(3) The PD Master Plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the City Planner.

3. Step 3: Pre-Submission Proposal

Where a subdivision plat is required, the applicant shall meet with City staff to review the proposed development in accordance with **Article D.Section 3. Pre-Submission Proposal Required.**

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4. Step 4. Final Plat

   a. Where a subdivision plat is required, the Developer shall prepare a Final Plat for review, approval, and filing of record according to procedures established by the City Council. In addition to these procedures, the Final Plat shall include:

      (1) Provisions for the ownership and maintenance of common open space and detention/retention ponds. Said open space shall be dedicated to a private association or dedicated to the public provided that a dedication to the public shall not be accepted without the approval of the City Council.

      (2) A Homeowners' or Property Owners' Association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including private street drives, fire lanes, service and parking areas, and recreation areas.

   b. If no Plat is required, then proof of the items identified in **a(1)** and **a(2)** above shall be submitted and approved as a part of the PD Master Plan at the time of the Zoning Map Amendment (Rezoning).

5. Step 5. Site Plan

   A Development Site Plan shall be submitted upon the application for a building permit and reviewed in accordance with procedures established in **Article A.3.03. Development Site Plans.**

D. Planned Development (PD) Modifications

1. Minor PD Amendment and Adjustment

   The City Planner may approve or defer to the City Council consideration of a Minor PD Amendment and Adjustment to the PD Master Plan provided all of the following conditions are satisfied:

   a. The project boundaries are not altered.

   b. Uses other than those specifically approved in the PD Master Plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered from the character described within the PD Design Statement.

   c. The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.

   d. The density of housing is not increased more than ten (10) percent or decreased by more than thirty (30) percent.

   e. The land area allocated to nonresidential uses is not increased or decreased by more than ten (10) percent.

   f. Floor area, if prescribed, is not increased or decreased by more than ten (10) percent.

   g. Floor area ratios, if prescribed, are not increased.

   h. Open space ratios, if prescribed, are not decreased.

2. City Planner Approval

   a. The City Planner shall determine if proposed amendments to an approved PD Master Plan satisfy the above criteria.

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b. If the City Planner finds that these criteria are not satisfied, an amended PD Master Plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

E. Reversion

1. Property Owner Request

a. If the property owner decides to abandon the PD concept and nullify the PD Master Plan, he/she shall make application for rezoning either to the original status or to a new classification.

b. Said application shall be heard according to regular procedures by the Planning and Zoning Commission and City Council.

F. The City Council of the City of Longview, Texas, after public hearing and proper notice to all parties affected and after recommendation from the city Planning and Zoning Commission, may authorize the creation of the following types of planned development districts:

1. General Retail shopping center on tracts of one (1) acre or more
2. Housing Development on tracts of one (1) acre or more
3. Community Unit Development on tracts of three (3) acres or more
4. Industrial Parks or Districts on tracts of ten (10) acres or more
5. Medical Center and Hospital
6. Civic Center and Community Center
7. Office Center
8. Commercial Use Development on tracts of three (3) acres or more
9. Recreation Center
10. A combination of any of the developments listed in **1.** through **9.** above
11. Transition Districts as an extension of an existing district whereby the provision of street parking, screening walls, open space and planting would create a protective transition between a lesser and a more restrictive district
12. Infill Planned Development as set out in **I. Infill Planned Development (Ordinance No. 2268)** below.

G. Every PD, Planned Development District (PD) approved under the provisions of this ordinance shall be considered as an amendment to the ordinance as applicable to the property involved. In approving the PD, the City Council may impose conditions relative to the standard of development and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of the land, or any structure which is part of the PD and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

H. In instances where property is adjacent to an existing planned development district, minimum acreage requirements shall not need to be met if the following conditions are satisfied: (Ordinance No. 2007)

1. The PD, Planned Development District (PD) designation requested is the same as the adjacent existing PD.

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2. The adjacent, existing PD has in excess of seventy-five (75) percent of the major structural development completed.
3. Land area of the PD is greater than 50% of the normally required minimum acreage.
4. The regulations applicable to and allowed uses of the proposed PD are substantially identical to those of the existing PD.
5. The proposed use(s) is no more intensive than that of the adjacent PD. For purposes of this subsection, measures of intensiveness shall include size and lot coverage of structures, traffic generating capabilities, hours of operation, type of service or product sold or manufactured, process of sale or manufacturing, number of employees, and other similar factors.
6. The adjacent, existing PD must have been established under minimum acreage requirements required by the ordinance effective at the time of establishment. For purposes of this subsection **H.** only, "adjacent" shall be interpreted to include lots separated by a street or alley.

I. Infill Planned Development (Ordinance No. 2268)

1. Purpose

   The objective of the Infill PD is to encourage redevelopment within areas of the City that are experiencing significant economic disinvestments and/or residential deterioration.

2. Map

   Areas eligible for the Infill PD designation can be found on the map located in the City Planner's office.

3. Criteria

   Land to be zoned as an Infill PD must satisfy the following criteria:

   a. Be located in the area generally described as being bounded by Marshall Avenue to the north; Spur 63, Grace Creek and Ray Street to the west; FM 1845, city limit along the railroad tracks and Interstate 20 to the south; and Eastman Road to the east. Lots having frontage on Marshall Avenue and Eastman Road that are adjacent to the established boundary are also eligible; and,
   b. Is unlikely to be developed or utilized under the existing zoning due to changes in land use and development patterns; and,
   c. Such development is not contrary to any planned or ongoing redevelopment efforts in the area; and,
   d. Such development will not have a substantial adverse impact on surrounding uses and will not unreasonably impair the continuation of existing adjacent uses. The burden of proof to satisfy each of these criteria will be on the applicant seeking the Infill PD designation.

4. Requirements

   a. New development may be permitted to have less than minimum lot size, lot depth and width, maximum building coverage, minimum floor area, and setbacks when needed to develop a lot. In addition, some flexibility may be afforded to minimum parking requirements; however, careful consideration must be given to public safety. Deviations below the minimum requirements listed above may be given only if such deviations are proven necessary to enable the development of the lot. In some cases, building codes will determine minimum setbacks from property lines and such requirements must be met.
   b. The Infill PD shall clearly denote what uses are permitted.

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c. No outdoor storage shall be permitted in an Infill PD that is in or adjacent to a residential area.

d. Nonresidential uses which may emit noise, odors, dust, or other particles beyond the lot lines shall not be permitted in or adjacent to a residential area.

e. An Infill PD must be of sufficient size to accommodate the development and the required off-street parking; no other minimum acreage requirement shall apply.

f. Upon a proper showing of suitability of use by the applicant, the Infill PD is eligible and can be approved for all uses except industrial uses.

g. Appropriate measures shall be taken by the applicant, if need be, to protect adjoining property, such as:

   (1) Providing and maintaining screening;

   (2) Controlling placement of lighting;

   (3) Limiting noise (appropriate insulation);

   (4) Controlling ingress and egress points;

   (5) Limiting the hours of operation;

   (6) Other provisions as deemed appropriate by the Planning and Zoning Commission and/or the City Council, including the requirements referenced in **G.** above.

h. The burden of proof to satisfy each of these requirements will be on the applicant seeking the Infill PD designation.

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5.05. Specific Use Permit (SUP)

A. General Description and Authorization

1. Consideration for Compatibility

With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses.

2. Review and Approval

a. The Planning and Zoning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the Specific Use Permit to the City Council.

b. Following the Planning and Zoning Commission's recommendation, the City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting an SUP.

B. Application

Application and public hearing procedures for a special permit shall be completed in the same manner as a Zoning Map Amendment (Rezoning). A Development Site Plan shall be included with the application as outlined in **Article A.3.03. Development Site Plans**.

C. Criteria for Special Permit Approval

1. Special Use Permit Criteria

The City Council shall use the following criteria to evaluate a Specific Use Permit:

a. Whether the proposed use shall be in harmony with the policies of the Comprehensive Plan.

b. Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

c. Whether the proposed use shall not adversely affect the use of neighboring properties.

d. Whether the proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.

e. Whether utility, drainage, parking, loading, signs, lighting access and other necessary public facilities to serve the proposed use shall meet the adopted codes of the City.

2. Specific Conditions

a. The City Council may impose specific conditions regarding location, design, operation, and screening to assure safety, to prevent a nuisance, and to control the noxious effects of excessive sound, light, odor, dust or similar conditions.

b. The City may require a Traffic Impact Analysis (TIA) report if applicable determined by the City Engineer, as outlined in **Article E.1.13.D. TIA Requirements**.

c. The following standards shall be considered during the review of the Specific Use Permit and shall be considered as conditions to the extent applicable: conceptual site plan, landscaping plans, masonry building materials, screening of adjacent lots, screening of refuse/enclosure facilities by use of aesthetic material, lighting, revocation, review of police reports of no later than five years dated, etc.

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D. Status of Special Use Permits

Once a Specific Use Permit (SUP) has been granted for a lot, said Specific Use Permit (SUP) shall not be expanded to another lot without application for a new Specific Use Permit.

5.06. Nonconforming Lots, Structures, and Uses

A. Intent of Provisions

1. Purpose

The purpose of this section is to establish provisions for the allowance and potential alteration of uses, lots, or structures that do not conform to currently applicable standards or regulations, but that were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

a. Nonconformities occur in three (3) categories, or combinations thereof:

(1) Nonconforming Lot

An existing lot that does not meet the dimensional requirements.

(2) Nonconforming Structure

An existing structure that does not meet the dimension requirements, building materials requirements, or landscaping requirements.

(3) Nonconforming Use

An existing use that does not comply with the permitted uses.

b. It is the declared intent of this section that Nonconforming Uses and Nonconforming Structures eventually be eliminated and be required to comply with the regulations of the UDC, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

B. Establishment of Legal Nonconforming Status

1. Existence

For purposes of interpretation of this subsection, any Nonconforming Uses, Nonconforming Structures, or Nonconforming Lots that in whole or part are not in conformance with current zoning standards shall be considered as follows.

a. Legal Nonconforming

Those Nonconforming Uses, Nonconforming Structures, or Nonconforming Lots that in whole or part are not in conformance with current zoning standards, but were legally established at a prior date, at which time they were in conformance with applicable standards. Such Nonconforming Uses, Nonconforming Structures, or Nonconforming Lots may be maintained or potentially altered subject to the provisions of this subsection.

b. Illegal Status

(1) Nonconforming Uses, Nonconforming Structures, or Nonconforming Lots that were not conforming at the time of creation are considered illegal uses, structures, or lots.

(2) Nonconforming Uses, Nonconforming Structures, or Nonconforming Lots shall not be approved for any alterations or expansion.

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(3) Nonconforming Uses, Nonconforming Structures, or Nonconforming Lots shall undertake necessary remedial measures to reach conformance with the current standards, or be discontinued.

2. Time of Adoption

Any use, platted lot, or structure that is a lawful use at the time of the adoption of any amendment to this UDC but by such amendment is placed in a district wherein such use, platted lot, or structure is not otherwise permitted shall be deemed legal nonconforming.

C. Burden of Demonstration

The burden of establishing that any nonconformity is a legal nonconformity as defined in this subsection shall be borne by the owner or proponent of such nonconformity.

D. Nonconforming Lots

1. Existing Platted Lots are Conforming Lots

Any existing lot platted prior to the adoption of this UDC, which was legally conforming, shall be deemed a conforming lot.

2. Residential Lot Exemption

The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required that was an official "lot of record" prior to the adoption of this UDC may be used for a single family dwelling.

E. Nonconforming Uses

1. Discontinuance of Nonconforming Use

a. If a Nonconforming Use ceases operations for a period of more than six (6) months, then such Nonconforming Use shall be deemed to be permanently discontinued. Unless the Zoning Board of Adjustment reinstates the nonconforming rights pursuant to **5.** below, such a use shall not be instituted on that parcel or other parcel in a district that does not permit the discontinued use.

b. For the purpose of this paragraph, to “cease operations” shall mean to intentionally terminate operations of the Nonconforming Use. Any Nonconforming Use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been discontinued, regardless of intent.

2. Reuse of Abandoned or Vacant Buildings by Conforming Uses Allowed

Buildings or structures that have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be reoccupied only by a conforming use.

3. Prohibited Expansion of Nonconforming Uses

a. A Nonconforming Use shall not be expanded or increased as of the effective date of this UDC except as provided in **4.** below.

b. Any Nonconforming Use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a Nonconforming Use.

c. A Nonconforming Use shall not be changed to another Nonconforming Use.

4. Expansion of Nonconforming Uses

An expansion of a Nonconforming Use is allowed only in accordance with the following:

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a. Nonconforming Use Expansion in an Existing Building

(1) A Nonconforming Use located within a building may be extended throughout the existing building, provided:

(a) No structural alteration may be made on or in the building except those required by law to preserve such building in a structurally sound condition; and

(b) The number of dwelling units or rooms in a residential Nonconforming Use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a Nonconforming Use.

(2) A Nonconforming Use within a building shall not be extended to occupy any land outside the building.

b. Nonconforming Use Expansion Located Outdoors

A Nonconforming Use located outdoors or that is otherwise not located in an existing building may be extended throughout the existing lot, provided:

i. The use does not extend beyond one lot, and

ii. The use includes a Buffer Yard (see **4.05. Buffer Yards**).

5. Reinstatement of Nonconforming Use Rights

a. Application for Nonconforming Rights Reinstatement

(1) The owner or operator of the abandoned nonconforming use may submit a written application to the Zoning Board of Adjustment to have the nonconforming rights reinstated.

(2) Written application for reinstatement of nonconforming rights must be made within ten (10) business days after the City Planner issues the written notice of determination that a use has been permanently abandoned.

b. Board Decision

(1) The Zoning Board of Adjustment may reinstate Nonconforming Use rights only if the Board finds that the use was not discontinued for six (6) months or more.

(2) The failure of the owner or operator to remove On-Premise Signs shall not be considered (on its own) evidence of a continuing use.

F. Nonconforming Structures

1. Prohibited Expansion

A Nonconforming Structure shall not be expanded or increased as of the effective date of this UDC except as provided in **3.** below.

2. Conforming Use in a Nonconforming Structure

Where a conforming use is located in a Nonconforming Structure, the use may be changed to another conforming use.

3. Expansion of Nonconforming Structures

An expansion of a Nonconforming Structure is allowed in accordance with the following.

a. Buildings or structures that do not conform to the area regulations or development standards in this UDC but where the uses are deemed conforming shall not increase the

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gross floor area greater than ten (10) percent from the date when the building became nonconforming.

b. The expansion must be conforming.

4. Restoration of Nonconforming Structures

a. Total Destruction

If a Nonconforming Structure is destroyed by fire, the elements, or other cause, it shall not be rebuilt except to conform to the provisions of this UDC.

b. Partial Destruction

In the case of partial destruction of a Nonconforming Structure less than fifty-one (51) percent of its total appraised value as determined by the Appraisal District, reconstruction will be permitted, but the existing square footage or function of the Nonconforming Structure cannot be expanded.

5. Movement of Nonconforming Structures

Nonconforming Structures shall not be relocated within the existing lot or to a different lot.

6. Completion of Structures

Nothing herein contained shall require any change in the plans, construction, or designated use of the following:

a. Approved Building

A building or structure for which a building permit has been issued or a Development Site Plan approved prior to adoption of this UDC.

b. Building in the Approval Process

A building or structure for which a complete application for a Building Permit was accepted by the Building and Fire Code Official on or before the effective date of these regulations, provided however, that such Building Permit shall comply with all applicable ordinances in effect on the date such application was filed.

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5.07. Amortization of Nonconforming Uses

A. City Council Initiation of Amortization Case

Only the City Council, by majority vote, may request that the Zoning Board of Adjustment consider establishing a compliance date for a Nonconforming Use.

B. Zoning Board of Adjustment Decision of Amortization Case

1. Per the authorization of City Council as outlined in **A.** above, the Zoning Board of Adjustment may require the discontinuance of a Nonconforming Use under any plan whereby the full value of the use's structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the Zoning Regulations.

2. All actions to discontinue a Nonconforming Use shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the nonconforming use and the conservation and preservation of property.

C. Public Hearing Process

Upon receiving a request under **A.** above from the City Council, staff shall schedule the first public hearing before the Zoning Board of Adjustment. The Zoning Board of Adjustment may establish a compliance date only after holding two separate public hearings.

1. First Public Hearing

The Zoning Board of Adjustment shall hold a public hearing to determine whether continued operation of the Nonconforming Use will have a significant adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the Zoning Board of Adjustment determines that continued operation of the Nonconforming Use will have a significant adverse effect on nearby properties, it shall schedule a second public hearing to establish a compliance date for the Nonconforming Use; otherwise, it shall not. In determining whether the continued operation will have a significant adverse effect on nearby properties, the Zoning Board of Adjustment shall consider the following factors:

a. The character of the surrounding neighborhood.

b. The degree of incompatibility of the use with the zoning district in which it is located.

c. The manner in which the use is being conducted.

d. The hours of operation of the use.

e. The extent to which continued operation of the use may threaten public health or safety.

f. The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.

g. The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use.

h. The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.

i. Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

j. To the extent the nonconforming use impacts the value and marketability of the abutting and surrounding properties or neighborhood.

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2. Second Public Hearing

a. If the Zoning Board of Adjustment has determined in the first public hearing that the Nonconforming Use has an adverse effect on nearby properties, it shall hold a second public hearing to set a date for compliance. The Zoning Board of Adjustment shall, in accordance with the law, provide a compliance date for the Nonconforming Use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Zoning Board of Adjustment in determining a reasonable amortization period:

(1) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.

(2) Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

(3) Any return on investment since inception of the use, including net income and depreciation.

(4) The anticipated annual recovery of investment, including net income and depreciation.

(5) A reasonable closeout and termination period for the nonconforming use.

b. If the Zoning Board of Adjustment, at the first public hearing, requests financial documentation and/or records from the owner relating to the factors listed directly above, the owner shall provide said documents and/or records at least thirty (30) days before the second public hearing. If the owner does not provide said documentation, the Board is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public testimony at the hearing. Failure by owner to provide the requested financial documents and records shall not prevent the Zoning Board of Adjustment from setting a compliance date.

c. For purposes of this subsection, "owner" means the owner of the Nonconforming Use at the time of the Board's determination of a compliance date for the Nonconforming Use.

D. Ceasing Operations

If the Zoning Board of Adjustment establishes a compliance date for a Nonconforming Use, the use must cease operations on that date and it shall not operate thereafter unless it becomes a conforming use.

E. Finality of Decisions

1. Decisions that Cannot be Immediately Appealed

A decision by the Zoning Board of Adjustment that the continued operation of a Nonconforming Use will have a significant adverse effect on neighboring property and the Zoning Board of Adjustment's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

2. Decision to Deny a Request to Establish a Compliance Date

A decision by the Zoning Board of Adjustment to deny a request to establish a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with **Chapter 211 of the Texas Local Government Code**.

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3. Decision Setting a Compliance Date

   A decision by the Zoning Board of Adjustment setting a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with **Chapter 211 of the Texas Local Government Code**.

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Section 6. Alternative Compliance and Relief

6.01. Alternative Compliance

A. Purpose and Applicability

1. Purpose

This subsection establishes a provision for Alternative Compliance associated with the review and approval of a development or redevelopment project, including improvements to landscaping and parking features, as required below. The purpose of the Alternative Compliance process is to ensure that:

a. A proposed project is in compliance with these Zoning Regulations to the greatest extent appropriate for the improvements being undertaken,

b. A proposed project meets requirements that are appropriate for lots or sites and site-specific development or redevelopment challenges by applying a flexible approval procedure,

c. A proposed redevelopment or development project enhances the site, and therefore, the overall built environment of the City, and

d. To allow for different standards that are in agreement with the City's Comprehensive Plan and will produce a substantially equivalent effect or enhanced level of results as intended by the original development standards.

2. Applicability

a. A request for Alternative Compliance may be submitted for review and approval along with the Development Site Plan for a project, or along with the project's initial development application (as applicable for the project).

b. All Alternative Compliance requests shall be clearly delineated graphically or in narrative format, as appropriate, on the Development Site Plan (or on the project's initial development application).

c. The applicable zoning district standards for a project shall not be reduced or varied using the Alternative Compliance process unless such standard(s) is specifically cited as qualifying for Alternative Compliance consideration in its respective section of these Zoning Regulations.

d. Using the Development Site Plan review process, a request for Alternative Compliance for the following sections shall be evaluated:

3. Review and Approval

The City Planner on the application shall be responsible for approval of Alternative Compliance.

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Table 41. Standards for Alternative Compliance

Section	Standards
Section 4.06.K	Alternative Compliance for Landscaping Requirements
Section 4.08.F	Alternative Compliance for Vehicle Parking Regulations
Section 4.11.F	Alternative Compliance for Central Business District Standards
Section 4.12.E	Alternative Compliance for Downtown Transitional District Standards
Section 4.14.C	Alternative Compliance for Nonresidential Design Standards

B. Alternative Compliance Evaluation Criteria

1. The Alternative Compliance standard(s) being sought shall be in agreement with, and shall promote, the recommendations and policies within the City's Comprehensive Plan.
2. The proposed standard(s) does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other requirements.
3. The proposed standard(s) do not attempt to modify the land uses allowed in the zoning district in which the subject property is located, nor does the proposed standard(s) attempt to add a land use not normally allowed in the zoning district.

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6.02. Zoning Regulation Appeals

A. Types of Appeals

The following are the types of Zoning Regulation Appeals contained within these Zoning Regulations.

1. Appeal of a City Administrative or Interpretative Decision

   a. Any person, department, board, or bureau of the City affected by any administrative officer acting pursuant to the Zoning Regulations shall appeal to the Zoning Board of Adjustment.

   b. In exercising the Zoning Board of Adjustment's authority herein, the Board may reverse or affirm, in whole or in part, or modify the City administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the City's administrative official.

   c. Public hearings shall be held in accordance with Article A.3.06. Public Hearings and Notification Requirements.

2. Appeal to the City Council of a Vested Rights Determination Decision

   See **Article A.1.09.E. Vested Rights Appeal to the City Council** for details.

3. Appeal to District Court of a decision of the City Council or Zoning Board of Adjustment

   Any person, department, board, or bureau of the City affected by a decision of the City Council or Zoning Board of Adjustment may appeal to District Court.

B. Appeals Procedure to the City Council or Zoning Board of Adjustment

1. Timing and Fee

   Appeal to the City Council or Zoning Board of Adjustment shall be taken within thirty (30) calendar days from the date of the decision by filing with the City Planner a notice of appeal specifying the grounds thereof, and by paying a filing fee at the office of the City Secretary at the time the notice is filed.

2. Transmission of Record

   The City Planner shall transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. Stays of Proceedings

   An appeal stays all proceedings in furtherance of the action appealed from, unless the City Planner certifies to the City Council or Zoning Board of Adjustment, that by reason of facts stated in the certificate a stay would, in the City Planner's opinion, cause imminent peril to life or property.

C. Fees

All fees for all types of applications, forms, plans, notifications, appeals, and petitions required under these Zoning Regulations shall be established by the City Council within the Fee Schedule.

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6.03. Zoning Variance

A. Purpose

1. The Zoning Board of Adjustment is authorized in specific cases to grant a Zoning Variance from the Zoning Regulations' terms, standards, and criteria that pertains to an allowed use within a zoning district.
2. A Zoning Variance is authorized by these Zoning Regulations when such cases are shown not to be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in an undue hardship and so that the spirit of the ordinance shall be observed and substantial justice done; provided, however, the Zoning Board of Adjustment shall have no power to authorize a Zoning Variance provided in **D.8. Limitations on the Authority of Zoning Board of Adjustment to Grant Zoning Variances**.

B. Zoning Variance Applicability

The Zoning Board of Adjustment is authorized in specific cases to grant a Zoning Variance from the following regulations to prevent undue hardships.

1. Building or Lot Dimensions (for example: setbacks, width, height, etc.)
2. Restoration of Nonconforming Structures per subsection **5.06.F.4**
3. Tree Preservation
4. Landscaping
5. Buffer Yards
6. Parking

C. Granting Authority

1. Undue Hardship Shall Exist

   The Zoning Board of Adjustment may authorize a Zoning Variance from these Zoning Regulations when, due to special conditions, an undue hardship will result from requiring compliance.

2. Harmony with the Zoning Purpose and Intent Shall Exist

   A Zoning Variance may be granted only when the Zoning Variance is not contrary to the public interest and is in harmony with the general purpose and intent of these Zoning Regulations so that the public health, safety, and welfare may be secured and that substantial justice may be done.

3. Zoning Variance Processing and Review

   The City Planner shall process and review a Zoning Variance.

4. Board Conditions of Approval

   In granting a Zoning Variance, the Zoning Board of Adjustment shall prescribe only conditions that it deems necessary for, or desirable to, the public interest.

5. Board Considerations

   In making the findings within **D. Criteria for Zoning Variance Approval**, the Board shall take into account:

   a. The nature of the proposed use of the land involved,

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b. Existing uses of land in the vicinity,

c. The number of persons who will reside or work within the proposed use, and

d. The probable effect such Zoning Variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

Such findings of the Zoning Board of Adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Zoning Board of Adjustment meeting at which such Zoning Variance is granted.

6. Variance Approval Required Prior to Plat Approval

If a Zoning Variance is required in order to meet the Zoning Regulations, the applicant shall submit a Zoning Variance request and a Waiver of Right to 30-Day Action. Approval of the Zoning Variance shall be required prior to plat approval.

D. Criteria for Zoning Variance Approval

No Zoning Variance shall be granted without first having given public notice and having held a public hearing on the Zoning Variance request in accordance with **Article A.3.06. Public Hearings and Notification Requirements**, unless the Zoning Board of Adjustment finds all the following criteria are met.

1. Unique Circumstances

That there are special circumstances or conditions affecting the land involved such that the application of the Zoning Regulations would deprive the applicant of the reasonable use of his/her land.

2. Minimum Necessary Relief Required to Alleviate the Undue Hardship

The Zoning Variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.

3. Preservation of Property Rights

That the Zoning Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

4. No Substantial Detriment to the Public Good

That the granting of the Zoning Variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of these Zoning Regulations and the Comprehensive Plan or be injurious to other property within the area.

5. Orderly Use of Land

That the granting of the Zoning Variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of these Zoning Regulations.

6. Precedent

The granting of an individual Zoning Variance will not set a precedent.

7. Finding of Undue Hardship

In order to grant a Zoning Variance, the Zoning Board of Adjustment must make findings that an undue hardship exists, using the following criteria:

a. That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and

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b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and

c. That the relief sought will not injure the permitted use of adjacent conforming property; and

d. That the granting of a Zoning Variance will be in harmony with the spirit and purpose of these regulations.

e. Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.

8. Limitations on the Authority of Zoning Board of Adjustment to Grant Zoning Variances

a. Use Zoning Variance

The Zoning Board of Adjustment shall not grant a Zoning Variance authorizing a use other than those permitted in the district for which the Zoning Variance is sought, except as specifically provided for in these Zoning Regulations.

b. Specific Use Permit Provision

The Zoning Board of Adjustment shall have no power to grant or modify provisions of a SUP authorized under **5.05. Specific Use Permit (SUP)**.

c. Zoning Amendments

(1) The Zoning Board of Adjustment shall have no power to grant Alternative Compliance.

(2) In the event that a request for a Zoning Map Amendment (Rezoning) or Zoning Text Amendment is pending before the Planning and Zoning Commission or the City Council, the Zoning Board of Adjustment shall neither hear nor grant any Zoning Variance with respect to the subject property until final disposition of the Zoning Map Amendment (Rezoning) or Zoning Text Amendment by the Commission and the City Council.

d. Pending Action

(1) The Zoning Board of Adjustment shall not grant a Zoning Variance for any parcel of property or portion thereof upon which a required Development Site Plan or any Plat is pending on the agenda of the Planning and Zoning Commission and/or the City Council.

(2) All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustment.

E. Concurring Vote of 3/4 Membership Required

Pursuant to **Section 211.009.(c) of the Texas Local Government Code**, the concurring vote of seventy-five (75) percent of the appointed members of the Zoning Board of Adjustment is necessary to grant a Zoning Variance.

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6.04. Zoning Special Exception

A. Purpose

The Zoning Board of Adjustment is authorized to hear and decide a Zoning Special Exception that if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare may be permitted by the Zoning Board of Adjustment, where specifically authorized by **D. Zoning Special Exception Authorized**, and in accordance with the substantive and procedural standards of the Zoning Regulations.

B. Zoning Special Exception Defined

A Zoning Special Exception is an allowed variation from the Zoning Regulations, but is differentiated from a Zoning Variance as the term is used in these Zoning Regulations by the following:

1. No Hardship Required

   A Zoning Special Exception does not require a finding of an undue hardship.

2. Specifically Allowed and Pre-Determined by the Zoning Regulations

   Approval of a Zoning Special Exception by the Zoning Board of Adjustment is specifically provided for and defined in these Zoning Regulations.

C. Requests for a Zoning Special Exception

1. The Zoning Board of Adjustment may grant a Zoning Special Exception in accordance to the provisions of **D. Zoning Special Exception Authorized** upon written request of the property owner.

2. The City Planner shall process and review a Zoning Special Exception.

D. Zoning Special Exception Authorized

When in the Zoning Board of Adjustment's judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Zoning Board of Adjustment may, in specific cases, after public notice and public hearing (see **Article A.3.06. Public Hearings and Notification Requirements**) and subject to appropriate conditions and safeguards, authorize the following Zoning Special Exception to the regulations herein established:

1. Nonconforming Uses or Structures

   a. Permit the reconstruction, extension, or enlargement of a building occupied by a Nonconforming Use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use and permit the expansion of off-street parking or off-street loading for a Nonconforming Use.

   b. Permit such modification of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.

2. Residential Setbacks

   For existing single family residential and duplex (two family) structures that were legally constructed prior to the effective date of these Zoning Regulations, the Zoning Board of Adjustment may authorize a Zoning Special Exception for any structure that was constructed over a setback line established by these Zoning Regulations.

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3. Off-Street Parking

To grant Zoning Special Exception to the off-street parking requirements set forth in the Parking Standards (See **3.03.A. Use Chart**) when it is determined:

a. That the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and the proposed use will not create undue traffic congestion in the adjacent streets, or

b. That the use can share parking with other adjacent uses upon provision of a shared parking study, or

c. That a use needs additional parking spaces above the maximum standard to accommodate anticipated parking needs.

E. The Zoning Board of Adjustment May Impose Conditions

In granting Zoning Special Exceptions under this section, the Zoning Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the Nonconforming Use may continue to operate or exist before being brought into conformance with the provisions of these Zoning Regulations.

F. Concurring Vote of 75 Percent Required

Pursuant to **Section 211.009.(c) of the Texas Local Government Code**, the concurring vote of seventy-five (75) percent of the appointed members of the Zoning Board of Adjustment is necessary to grant a Zoning Special Exception.

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Article C. Historic Preservation

Article Contents:

Section 1. General

Section 2. Procedures

Section 3. Enforcement and Incentives

Section 1. General

1.01. Purpose

A. The City Council hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage.

B. The article is intended to:

1. Protect and enhance the landmarks and districts which represent distinctive elements of Longview's historic, architectural, and cultural heritage;
2. Foster civic pride in the accomplishments of the past;
3. Protect and enhance Longview's attractiveness to visitors and the support and stimulus to the economy thereby provided;
4. Ensure the harmonious, orderly, and efficient growth and development of the City;
5. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of the landmarks and districts which represent distinctive elements of Longview's historic, architectural, and cultural heritage;
6. Encourage stabilization, restoration, and improvements of such properties and their values.

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1.02. Appointment of Historic Preservation Officer

A. The City Manager or a designee shall appoint a qualified City staff member that has a known and demonstrated interest, competence, or knowledge in historic preservation to serve as Historic Preservation Officer. The Historic Preservation Officer shall administer this article and advise the Historic Preservation Commission on matters submitted to it. In addition to serving as representative of the Historic Preservation Commission, the Historic Preservation Officer is responsible for coordinating the City's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations. The Historic Preservation Officer shall generally oversee historic preservation activities for the City but not limited to preservation planning.

1. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the city may be appointed by City Council as Historic Preservation Officer. A volunteer should be aware of the liability issues involved in service in this capacity. The Historic Preservation Officer shall be empowered to:
2. Administer this ordinance and advise the Historic Preservation Commission on matters submitted to it.
3. To maintain and hold open for public inspection all documents and records pertaining to the provisions of this article.
4. Receive and review all applications pursuant to this article to ensure their completeness.
5. Review and make recommendations to the Historic Preservation Commission regarding all Certificate of Appropriateness applications.
6. Review and forward with any recommendations all applications for Certificates of Appropriateness subject to review by the Historic Preservation Commission pursuant to this article.
7. Ensure proper posting and noticing of all Historic Preservation Commission meetings, schedule applications for Historic Preservation Commission review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Historic Preservation Commission meetings.
8. Review and help coordinate the City's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

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Section 2. Procedures

2.01. Designation of Local Historic Landmarks and Historic Overlay Districts

A. The provisions of this section pertaining to the designation of Historic Landmarks and Historic Overlay Districts constitute a part of the comprehensive zoning plan of the City.

B. The Historic Preservation Commission shall give notice as required and conduct its hearing on the proposed application for a Historic Landmark or Historic Overlay District within forty-five (45) days from the date the application is received. The Historic Preservation Commission shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided for rezoning a tract of land. At the Historic Preservation Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence, which will become part of a record regarding the historic, architectural, or cultural importance of the proposed Historic Landmark.

C. Upon recommendation of the Historic Preservation Commission, the proposed Historic Landmark or Historic Overlay District shall be submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall give notice as required and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Historic Preservation Commission. The Planning and Zoning Commission shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided for rezoning a tract of land. The Planning and Zoning Commission shall make its recommendation to the City Council within forty-five (45) days subsequent to the hearing on the proposed designation.

D. The City Council shall schedule a hearing on the recommendation to be held within forty-five (45) days of receipt of the recommendation of the Planning and Zoning Commission. The City Council shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided for rezoning a tract of land.

E. Designation of a proposed Historic Landmark or Historic Overlay District and any proposed amendment, supplement or change to the designation of an existing Historic Landmark or existing Historic Overlay District shall be subject to a Zoning Map Amendment (Rezoning) (see **Article B.5.01.A.1**) and shall require a three-fourth vote of the City Council in order to become effective in those circumstances where a three-fourth vote is required by that section.

F. Upon a determination that a proposed Historic Landmark or Historic Overlay District meets the requirements of this article for such designation, the City Council may designate all or a portion of said proposed Historic Landmark or Historic Overlay District as a Historic Landmark or Historic Overlay District. Upon designation as a Historic Landmark or Historic Overlay District pursuant to this section, the City Council shall cause the designation to be recorded in the official public records of real property of the county in which the designated property is located, the tax records of the City and of the applicable appraisal district as well as the official zoning maps of the City. All zoning maps should indicate the designated Historic Landmarks with an appropriate mark. Designation of a Historic Overlay District pursuant to this section constitutes a rezoning of the property covered by the Historic Overlay District and shall, for all purposes, be treated as a rezoning under this ordinance.

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G. The requirements set forth in this article are cumulative of and in addition to any applicable requirements contained in other articles of this ordinance. Development of any Local Historic Landmark or within any Historic Overlay District must conform to the requirements of both this article and any other applicable provisions of this ordinance, including without limitation the requirements of the underlying zoning district. When a requirement of this article conflicts with an applicable requirement of another article of this ordinance, the more restrictive requirement applies.

2.02. Stay of Building Permits for Historic Landmarks and Historic Overlay Districts

There shall be no building permit issued for any Alteration to the exterior of or other work on the exterior of any property in which a formal application is on file for designation as a Historic Landmark or as part of a Historic Overlay District until the City Council has made a determination on such application.

2.03. Criteria for Designation of Historic Landmark

The Historic Preservation Commission may recommend the designation of a Local Historic Landmark pursuant to this article if the proposed Historic Landmark meets one or more of the following criteria:

A. Possesses significance with respect to the history, events, culture, economy, social fabric, ethnicity, architecture, archeology or paleontology of the City, state or nation;

B. Embodies distinguishing characteristics of an architectural type, period, or method of construction;

C. Represents the work of a master designer, builder, or craftsman that has influenced the development of the City, state or nation;

D. Is listed on the National Register of Historic Places, designated as a Recorded Texas Historic Landmark or designated as a State Archaeological Landmark;

E. Is identified with a person or persons who significantly contributed to the culture and development of the City, state or nation; or

F. Has value as an aspect of community sentiment, cultural association, historic heritage or public pride.

2.04. Criteria for Designation of Historic Overlay District

The Historic Preservation Commission may recommend the designation of a Historic Overlay District pursuant to this article if the proposed Historic Overlay District meets at least one of the following criteria:

A. The proposed Historic Overlay District possesses character, interest or value as part of the development, heritage, or cultural characteristics of the City or is identified with a Person or Persons who significantly contributed to the culture and development of the City, state or nation; or

B. The proposed Historic Overlay District constitutes a geographically definable area possessing a distinctive linkage, or continuity of buildings, structures, objects, or sites united by past events, or aesthetically by plan or physical development.

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2.05. Applications for Designation of Historic Landmarks and Historic Overlay Districts

A. Any one of the following are eligible to apply for designation of property as a Historic Landmark or as a Historic Overlay District:

1. The owners of a property if seeking designation for only the individual property;
2. In the case of an application for the designation of a Historic Overlay District covering more than one property, the owners of more than half of the separate tracts of land in the proposed Historic Overlay District with each tract counted equally without regard to its size and with a tract counted in favor of the application only if all the surface owners of the tract sign the application;
3. Longview Historic Preservation Commission;
4. Planning and Zoning Commission;
5. City Council; or
6. Longview Historic Preservation Officer.

B. Each application for designation of property as a Historic Landmark or as a Historic Overlay District (including, without limitation, an application to increase, decrease, or establish boundaries of a Historic Overlay District) must include:

1. Fee established by resolution of the City Council.
2. Application signed by all eligible applicants.
3. A legal description of the boundaries of the proposed Historic Overlay District or of the proposed Historic Landmark property.
4. A photograph or photographs of each contributing building, structure, site, area or land. (if available).
5. A description of all buildings, structures, sites, areas or land showing the condition, color, and architectural style of each including:
   a. Date of construction, if known;
   b. Builder or architect, if known;
   c. Chain of uses and ownership;
   d. Building materials and construction technique;
   e. Summary of recognition of state or national government including reason designated if applicable.
6. Such other information as the Historic Preservation Commission may reasonably require.

2.06. Certificate of Appropriateness Required for Alteration

A. No person shall carry out or cause to be carried out any Alteration to the exterior of any Historic Landmark without a valid Certificate of Appropriateness.

B. No person shall carry out or cause to be carried out any Alteration to the exterior of any property located within a Historic Overlay District without a valid Certificate of Appropriateness.

C. A violation of this section is a criminal offense punishable under **Article A.1.06. Violations and Fines**. Unless otherwise specifically set forth in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

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D. It is an affirmative defense to prosecution under this section that the Alteration consists solely of repairs or replacements that do not involve a change in exterior design, exterior material, or outward appearance of any property located in a Historic Overlay District or any Historic Landmark. For purposes of this section, the replacement or repair of existing materials with materials of the same type and appearance does not involve a change in design, material, or outward appearance.

2.07. Criteria for Approval of a Certificate of Appropriateness for Exterior Alterations

A. In order to receive a Certificate of Appropriateness, any Alteration to the exterior of any Historic Landmark or of any property located within a Historic Overlay District must comply with both (1) all applicable criteria adopted by the Historic Preservation Commission and ratified by the City Council prior to the receipt of the application and (2) all applicable criteria set forth in the United States Secretary of the Interior's Standards for Rehabilitation as codified in Title 36 of the Code of Federal Regulations, Section 67.7, as amended.

B. The Historic Preservation Officer shall make available to any person upon request a copy of the criteria referenced in this section.

2.08. Certificate of Appropriateness Required for Demolition or Removal

A permit or other permission for the demolition or removal of a Historic Landmark or of any property located within a Historic Overlay District, including without limitation secondary buildings and Landscape Feature, shall not be granted unless the applicant first obtains a Certificate of Appropriateness from the Historic Preservation Commission. The Building and Fire Code Official shall immediately notify an applicant for such permit or permission of the requirements of this section. The Historic Preservation Commission shall hold two public hearings on an application for demolition or removal before issuing a Certificate of Appropriateness authorizing the demolition or removal. The Historic Preservation Commission shall not issue a Certificate of Appropriateness for the demolition or removal of a Historic Landmark or of any property located within a Historic Overlay District before the 61st day after the City first receives the application for said Certificate of Appropriateness. On or after said 61st day and after the two required public hearings, the Historic Preservation Commission shall issue a Certificate of Appropriateness authorizing the requested demolition or removal if the Historic Preservation Commission finds that the applicant has demonstrated that this article imposes an economic hardship on the applicant or if the requested demolition or removal otherwise complies with the requirements of this article for the issuance of a Certificate of Appropriateness.

2.09. Economic Hardship for Demolition

In order to obtain a finding from the Historic Preservation Commission that this article imposes an economic hardship, the applicant must prove all of the following:

A. The property in question is incapable of earning a reasonable return on investment (for purposes of this section, a showing that the property is incapable of earning the most profitable return possible does not constitute a showing that the property is incapable of earning a reasonable return on investment);

B. The property cannot be adapted for any use, whether by the current owner or by a purchaser, which would result in a reasonable return on investment;

C. Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and

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D. The applicant has consulted in good faith with the Historic Preservation Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

2.10. Certification of Appropriateness Application Procedure

A. Prior to the commencement of any work requiring a Certificate of Appropriateness the owner shall file an application for such Certificate of Appropriateness with the Historic Preservation Commission that shall contain:

1. Fee established by resolution of the City Council.
2. Name, address, telephone number of applicant.
3. Detailed description of proposed work.
4. Location and photograph of the property on which work will be conducted and adjacent properties.
5. Elevation drawings of the proposed changes, if available.
6. Samples of materials to be used.
7. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
8. Such other information as the Historic Preservation Commission may reasonably require.
9. Historical photographs (if available).

B. No building permit shall be issued for any work requiring a Certificate of Appropriateness until a Certificate of Appropriateness has first been issued from the Historic Preservation Commission. The Certificate of Appropriateness shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City.

C. The Historic Preservation Commission shall review an application for a Certificate of Appropriateness within forty-five (45) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The Historic Preservation Commission shall act on the application for a Certificate of Appropriateness within forty-five (45) days after the review meeting and within ninety (90) days of the receipt of the application. In the event the Historic Preservation Commission does not act within ninety (90) days of the receipt of the application, a Certificate of Appropriateness shall be granted.

D. All decisions of the Historic Preservation Commission shall be in writing. Each decision shall state the findings of the Historic Preservation Commission pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriated departments, e.g., building inspection.

E. An applicant for a Certificate of Appropriateness who is dissatisfied with the action of the Historic Preservation Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council. Such an appeal must be filed with the Historic Preservation Officer within ten (10) days after the Historic Preservation Commission makes a determination. The City Council shall schedule a hearing on the appeal to be held within forty-five (45) days of receipt of the request. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the City.

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F. A Certificate of Appropriateness shall be valid for a period of one (1) year from the date of issuance. If the work authorized by the Certificate of Appropriateness is not commenced within said one-year period, the Certificate of Appropriateness shall be null and void upon the expiration of said one-year period. Any and all work authorized by a Certificate of Appropriateness must be completed within three (3) years of the date on which the Certificate of Appropriateness is issued. At the end of said three-year period, the Certificate of Appropriateness shall become null and void (if it has not previously become null and void) and any work not completed within said three-year period shall require a new Certificate of Appropriateness.

G. Except as required by **2.08. Certificate of Appropriateness Required for Demolition or Removal**, the Historic Preservation Commission shall not consider economic hardship as a factor in determining whether or not to issue a Certificate of Appropriateness.

2.11. Demolition by Neglect Historic Property Maintenance Code

A. It is the purpose and intent of the City that no owner or person with an interest in real property designated as a Historic Landmark or located within a Historic Overlay District shall allow the property to fall into a state of disrepair so as to result in the deterioration of any exterior architectural feature or in a structural failure which would produce a detrimental effect upon the character of the Historic Overlay District as a whole or the life and character of the property itself or which, if not corrected, could cause damage that would require demolition of the structure. Accordingly, maintenance of said properties shall be in compliance with the requirements the Historic Property Maintenance Code adopted in this section.

B. Chapter Two and Chapter Three of the 2003 International Property Maintenance Code, published by the International Code Council, Inc., are hereby adopted as the official Historic Property Maintenance Code of the City of Longview, Texas. All references to the "Historic Property Maintenance Code" in this article shall be construed to refer to said Chapters Two and Three of the 2003 International Property Maintenance Code unless the context clearly requires otherwise. Only Chapters Two and Three of said code are adopted, and said chapters shall apply to each and every property lying within a Historic Overlay District and to each and every Historic Landmark and only to such properties.

C. The provisions of this article, including without limitation any modifications or amendments to the Historic Property Maintenance Code, shall control over the provisions of said Historic Property Maintenance Code.

D. Any person who is the owner, landlord, sublessor, property manager, or the person responsible for or who otherwise operates a Historic Landmark or a property lying within a Historic Overlay District that does not comply with the requirements of the Historic Property Maintenance Code shall be deemed guilty of a misdemeanor and shall be subject to the provisions of **Article A.1.06. Violations and Fines**. Each such violation of the Historic Property Maintenance Code shall constitute a separate offense. Each day or portion of a day during which such a violation continues shall also constitute a separate offense.

E. The imposition of a criminal penalty or injunction in accordance with this section shall not preclude the City from taking any other enforcement action authorized by law.

F. The Historic Preservation Officer shall be responsible for enforcement of the Historic Property Maintenance Code. The Zoning Board of Adjustment shall have authority to hear appeals of decisions and interpretations of the Historic Preservation Officer with regard to the Historic Property Maintenance Code.

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2.12. Notice and Public Hearing Requirements for Local Historic Landmarks and Historic Overlay Districts Designation

A. The Historic Preservation Commission shall give notice as required and conduct its hearing on the proposed application for a Historic Landmark or Historic Overlay District within forty-five (45) days from the date the application is received. The Historic Preservation Commission shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided for rezoning a tract of land. At the Historic Preservation Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence, which will become part of a record regarding the historic, architectural, or cultural importance of the proposed Historic Landmark.

B. Upon recommendation of the Historic Preservation Commission, the proposed Historic Landmark or Historic Overlay District shall be submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall give notice as required and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Historic Preservation Commission. The Planning and Zoning Commission shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided for rezoning a tract of land. The Planning and Zoning Commission shall make its recommendation to the City Council within forty-five (45) days subsequent to the hearing on the proposed designation.

C. The City Council shall schedule a hearing on the recommendation to be held within forty-five (45) days of receipt of the recommendation of the Planning and Zoning Commission. The City Council shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided for rezoning a tract of land.

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Section 3. Enforcement and Incentives

3.01. Enforcement

A. All work performed pursuant to a Certificate of Appropriateness issued under this article shall conform to any requirements included therein and to all plans and representations contained in the application for said Certificate of Appropriateness, as said application is approved by the Historic Preservation Commission, including, without limitation, any modifications to said application approved by the Historic Preservation Commission.

B. In the event work is not being performed in accordance with this section, the Historic Preservation Officer may issue a stop work order and all work shall immediately cease. No person shall undertake, begin or continue any work on any project for which a stop work order is in effect.

C. A violation of **A.** or **B.** above is a criminal offense punishable under **Article A.1.06. Violations and Fines**. Unless otherwise specifically set forth in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by **A.** or **B.** above.

D. The Historic Preservation Officer is hereby authorized to inspect periodically any work to which a Certificate of Appropriateness applies in order to assure compliance with this section. By accepting a Certificate of Appropriateness, an applicant consents to such periodic inspections and consent to such inspections is a requirement of each Certificate of Appropriateness.

3.02. Incentives

Properties that are designated as a Local Historic Landmark are exempted from fees associated with construction and rehabilitation, water and sewer taps, rezoning, variances, and platting with a valid Certificate of Appropriateness, as needed.

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Article D. Subdivision Regulations

Article Contents:

Section 1. General Provisions

Section 2. Subdivision Submittal and Processing Procedures

Section 3. Pre-Submission Proposal Required

Section 4. Platting Requirements

Section 5. Subdivision Design Standards

Section 6. Subdivision Relief Procedures

Section 1. General Provisions

1.01. Title

This Article and subsequent regulations of the City of Longview, Texas shall be known as, and may be cited and referred to as, the Subdivision Regulations or Subdivision Ordinance.

1.02. Purpose

A. Specific Purposes of the Subdivision Regulations

1. Promote the health, safety, and general welfare of the community within the City limits and Extraterritorial Jurisdiction;
2. Establish orderly policies and procedures to guide development of the City and ETJ;
3. Ensure that development of land and subdivisions shall be of such nature, shape, and location that utilization will not impair the general welfare;
4. Protect against the dangers of fires, floods, erosion, landslides, or other such menaces;
5. Coordinate new development realistically and harmoniously with existing development;
6. Protect and conserve the value of land throughout the City;
7. Provide the most beneficial circulation of vehicle and pedestrian traffic throughout the City, and to provide for the proper location and width of streets;
8. Establish reasonable standards of design and procedures for the development and redevelopment, and provide for the orderly layout and use of land;
9. Ensure proper legal descriptions and documentation of subdivided land;
10. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site, and to provide public facilities for future development;
11. Ensure the adequacy of drainage facilities; and encourage the wise use and management of natural resources throughout the City to preserve the integrity, stability, and beauty of the community;

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12. Preserve the topography of the City and ensure appropriate development regarding natural features;
13. Ensure that new development adequately and fairly participates in the dedication such as construction of Improvements and infrastructure that are necessitated by or attributable to the development; and
14. Address other items necessary for ensuring the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its human and natural resources.

1.03. Applicability

A. General

1. It is hereby declared to be the policy of the City to consider the subdivision and development of land as subject to the control of the City to carry out the purpose of the Comprehensive Plan, and to promote the orderly, planned, efficient and economical development of the City.
2. All property not subdivided into lots, blocks, and streets, or property to be re-subdivided shall hereafter be laid out subject to the approval of the City as outlined within these Subdivision Regulations, and no other subdivision will be recognized by the City.

B. Subdivision and Development of Land Policies

1. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation, and other facilities required by this Unified Development Code.
2. All public and private facilities and improvements shall be of at least the capacity necessary to adequately serve the development and shall conform to and be properly related to the Comprehensive Plan and the Engineering Criteria Manual.
3. These regulations shall supplement, and facilitate the enforcement of, provisions and standards contained in **Article F. Building and Safety Code**, where applicable.

C. Extraterritorial Jurisdiction

1. Subdivision Regulations Extend into the ETJ

   Subdivision Regulations are extended to all the area of the Extraterritorial Jurisdiction of the City.

2. Subdividing

   No person shall subdivide or plat any tract of land within the ETJ of the City except in conformance with the provisions of these Subdivision Regulations.

D. Phased Developments

1. The City may establish size limits and requirements for phased development.
2. A concept development plan for phased development for the entire site shall be prepared and shall accompany all submittals for a Final Plat.
3. Phased developments shall coordinate (drainage, access etc.) with the surrounding land use plan and existing developments.
4. If provisions are necessary for drainage facilities on the unplatted future phases of the development, then the Plat application shall include separate instruments easements for off-site

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drainage needs and shall include appropriate notes and descriptions providing the City the appropriate permissions and approvals needed for access and for maintaining and improving the drainage system.

1.04. Documents Comprising Subdivision Rules

The provisions of this **Article D. Subdivision Regulations**, **Article E. Development Standards**, and the Engineering Criteria Manual, and the adopted Fire Code constitute the subdivision rules of the City, which apply to applications for plat approval.

1.05. Compliance Required with City Plans and Ordinances

Compliance with all City ordinances pertaining to the subdivision and development of land, and the Comprehensive Plan (where applicable), shall be required prior to approval of any application pursuant to these Subdivision Regulations. All such ordinances and the Comprehensive Plan shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with, City ordinances, the Comprehensive Plan, and the provisions of these Subdivision Regulations.

A. Applicable City Codes, Ordinances, and Plans

Applicable City codes, ordinances, and plans with which all applications must comply include, but are not limited to, the following:

1. All other sections of this Unified Development Code;
2. Comprehensive Plan (including all associated maps and plans);
3. Engineering Criteria Manual and other development-related engineering standards;
4. Other Applicable portions of the City's Code of Ordinances; and
5. Federal, State, and local environmental regulations, provided however that the City shall not be liable for the non-enforcement of the same.

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1.06. Improvements Required

A. Improvements Required

The subdivider shall construct each and every improvement required by this chapter, including without limitation, each and every improvement required by the subdivision design standards.

B. Conformity with Regulations Required

The regulated improvements required by this section shall be installed within all of the area of any subdivision for which the City Engineer has accepted the plans and specifications in accordance with **4.04.B.4. City Inspection and Letter of Compliance**. All regulated improvements shall be designed and constructed in conformity with the provisions of this chapter. None of the regulated improvements and no construction of any nature on the subdivided tract shall commence until the City Engineer has accepted the plans and specifications required by **4.04.B.4. City Inspection and Letter of Compliance**.

C. Required Information and Markers

1. It shall be the responsibility of the subdivider to provide construction staking, cut sheets, shop drawings and construction change orders, as-built plans, construction costs (unit price breakdown) for all public improvements, and other information required to complete the construction. Within 30 days after the issuance by the City Engineer of the Letter of Compliance required by **4.04.B.4. City Inspection and Letter of Compliance**, certified as-built plans shall be submitted to the city on paper and in a digital format acceptable to the City Engineer. If the complete and correct as-built drawings are not submitted within the 30 days, no additional permit, certificate or license authorizing the occupancy, construction or building of any structure or portion of a structure within the subdivision shall be issued until such drawings are submitted to the City Engineer.

2. It shall be the responsibility of the subdivider to emplace permanent survey reference monuments and lot and block corner markers. It shall also be the responsibility of the subdivider to replace any such monuments and corner markers that are destroyed or removed before the completion of all regulated improvements in the subdivision and the city's acceptance of all public improvements in the subdivision. Such corners and monuments shall be of 3/4-inch iron pipe or 5/8-inch iron rod and shall meet the following standards:

   a. Lot corners shall be located with a half-inch iron rod 24 inches long with the top flush with the ground.

   b. Block corners shall be located with a 5/8-inch iron rod 36 inches long top set flush with the ground and shall include the beginning and end of all curves within each block.

   c. Reference points shall be 24-30 inches long placed one foot below the surface of the finished ground elevation at suitable locations throughout the subdivision. At least two reference points shall be tied to the *City of Longview, Texas, 2002 Mapping and Monumentation Project Horizontal and Vertical Control Network*. There shall be at least as many reference points as there are blocks in the subdivision but not less than two, and the distance between the successive monuments along any street or reference line shall not be greater than 1,000 feet. Reference points shall be other than and in addition to markers for block or lot corners.

D. Road and Utility Facilities Sizing

1. Where considered necessary by the City Engineer, and/or as recommended by the Planning and Zoning Commission, the facilities shall be sized in excess of that dictated by these

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Subdivision Regulations or the Engineering Criteria Manual to provide for future growth and expansion.

2. The City Council shall establish policies whereby the City may participate in the difference in cost of the facility as sized in the Comprehensive Plan and the cost of the facility as sized per the requirements of these Subdivision Regulations or the Engineering Criteria Manual.

1.07. Enforcement

A. Action in a Court

On behalf of the City, the City Attorney may institute appropriate action in a court of competent jurisdiction to enforce the provisions of these Subdivision Regulations or the standards referred to herein with respect to any violation thereof that occurs within any area subject to all or a part of the provisions of these Subdivision Regulations.

B. Abutting Owner or Lessee Action

In addition, thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of these Subdivision Regulations may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises, provided that the City shall not be a party to such actions.

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Section 2. Subdivision Submittal and Processing Procedures

2.01. Applicability, Completeness, and Expiration

A. Applicability

The following procedures shall apply to any subdivision-related plan or application that is required by the City and is submitted in accordance with this Unified Development Code.

B. Determination of Completeness for Subdivision-Related Applications

Every application shall be subject to a determination of completeness by the City Planner for processing the application.

1. Acceptance Standards

The application shall only be accepted by the City for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this UDC. A typographical error shall not, by itself, constitute an incomplete application.

2. Acceptance Procedures

A determination of completeness of an application shall be conducted in accordance with the following procedures:

a. A determination of completeness shall be made by the City Planner not later than the tenth (10th) business day, unless otherwise specified, after the Official Vesting Date.

b. If the submitted application is incomplete, then the applicant shall be notified in writing not later than the tenth (10th) business day after the Official Vesting Date.

(1) Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10th) business day following submission of the application.

(2) The notification shall specify the documents or other information needed to complete the application, and shall state the date the application will expire (see **E. Expiration of a Subdivision-Related Application – Before Approval Decision** below) if the documents or other information are not provided to the City.

c. An application shall be deemed complete on the eleventh (11th) business day after the application has been received if notice is not served in accordance with **b.** above.

d. If the application is determined to be complete, the application shall be processed as prescribed by this Unified Development Code.

3. Acceptance shall not Constitute Compliance or Guarantee Approval

A determination of completeness shall not constitute compliance with the substantive requirements of this Unified Development Code and does not guarantee that the application will be approved.

C. Re-Submittal after Notification of Incompleteness

1. If the application is re-submitted after a notification of incompleteness, the application shall be processed upon receipt of the re-submittal.

2. The statutory 30-day timeframe for Plat approvals shall begin on the next Official Submission Date.

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3. To the extent that the information or documents submitted is not sufficient to enable the Decision-Maker to apply the criteria for approval, the application may be denied on such grounds.

D. Waiver of Right to 30-Day Action

1. Request

   An applicant may submit in writing a Waiver of Right to 30-Day Action.

2. Received

   a. If the applicant requests a Waiver of Right to 30-Day Action, the Waiver of Right to 30-Day Action must be received by the City Planner on or before the seventh (7th) calendar day prior to the Planning and Zoning Commission meeting at which action would have to be taken (based on the 30-day requirement in State law) on the application.

   b. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the application at such meeting as scheduled.

3. Approval Authority

   The City Planner may approve a Waiver of Right to 30-Day Action.

4. Requirements Maintained

   a. Submission of a Waiver of Right to 30-Day Action, and acceptance of such waiver by the City as part of an application, shall not be deemed in any way a waiver to any requirement within this Unified Development Code.

   b. A waiver from requirements herein is a separate and distinct process (See **6.01. Petition for Subdivision Waiver**).

E. Expiration of a Subdivision-Related Application – Before Approval Decision

Pursuant to **Chapter 245 of the Texas Local Government Code**, a subdivision related application shall automatically expire (ending all vesting claims) at the close of business on the forty-fifth (45th) calendar day after the application's Official Vesting Date, if:

1. The City provides to the applicant, not later than the tenth (10th) business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and

2. The applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the application within the time provided in the notification.

F. Vesting Begins on the Official Vesting Date

An application shall be vested into the standards of the UDC in effect at the time of the application's Official Vesting Date.

G. Right to 30-Day Action for Plats Applications Begins on the Official Submission Date

The statutory 30-day timeframe for Plat approvals, established by **Chapter 212 of the Texas Local Government Code**, shall commence on the Official Submission Date.

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2.02. Submission Dates

For the purposes of these Subdivision Regulations and other law, including without limitation **Chapter 212 of the Texas Local Government Code**, a plat, Replat, Amending Plat, Pre-Submission Proposal, Infrastructure Permit application or other document required under these Regulations is not considered to be submitted to or filed with the city until it is received by the City Planner in in accordance with the Director's application checklist and with the procedures for submission set forth in this section.

2.03. Actions and Notification Following Subdivision Application Decision

A. Action by the City Planner

1. The City Planner shall initiate City review and assessment of the application following the City's development review procedures.
2. The City Planner shall also, to the extent possible, work with the applicant by advising on and communicating revisions that may be necessary to bring the application into compliance with City regulations in preparation for consideration by the appropriate Decision-Maker.

B. Decision

The Decision-Maker for the application shall approve, approve with conditions, or deny the application within the time prescribed by these Subdivision Regulations.

C. Conditions Attached

The Decision-Maker may attach such conditions to the approval of an application as are reasonably necessary to ensure compliance with all applicable requirements of these Subdivision Regulations, in which case the application is considered denied until the conditions are satisfied.

D. Notification of Decision

The City shall send written notice within fourteen (14) calendar days following the date of a decision on an application.

E. Amendments/Revisions to an Approved Subdivision Application

Unless another method is expressly provided by these Subdivision Regulations and Development Standards, any request to amend or revise an approved application shall be considered a new application, which must be decided in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.

F. Action on Replats

See **Article A.3.06. Public Hearings and Notification Requirements**.

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Section 3. Pre-Submission Proposal Required

3.01. Purpose

The purpose of the Pre-Submission Proposal is to:

A. To provide the City with certain information needed for proper enforcement of the provisions of this section, including information that will not be shown on the plat;

B. To facilitate cooperation between City staff and the Subdivider so that the plat ultimately submitted to the City by the Subdivider is legally acceptable and in proper form.

3.02. Applicability

The Pre-Submission Proposal shall be required for approval procedures Track 1 (**4.04**), Track 2 (**4.05**), and Track 3 (**4.06**).

3.03. Pre-Submission Proposal Not a Plat

A. The Pre-Submission Proposal required by this section is not a plat. The submission of a Pre-Submission Proposal does not constitute and shall not be construed as the submission of or filing of a plat within the meaning of this section or within the meaning of the laws of the state or of the United States, including without limitation **Chapter 212 of the Texas Local Government Code**.

B. For purposes of this section and of any other law, the terms “plat”, “Replat”, or “Amending Plat” do not include the Pre-Submission Proposal required by this section. The submission or provision of a Pre-Submission Proposal does not constitute the submission of or filing of a plat, Replat, or Amending Plat.

3.04. Requirements

A. Prior to providing the Pre-Submission Proposal required by this section the Subdivider shall confer with the Development Review Team to discuss the proposed subdivision and its conformity to the related ordinances and its relationship to surrounding property and streets. Along with each Pre-Submission Proposal, the Subdivider shall submit a drainage area map as required by **Article E.5.04.D.1** of this Unified Development Code.

B. Requirements specified in Article E.Section 5. Flood Damage Prevention shall be met.

C. The Pre-Submission Proposal shall be prepared by a Professional Engineer or Professional Land Surveyor.

D. After said conference and before submitting the proposed plat, the Subdivider shall provide to the City Planner copies of a Pre-Submission Proposal showing the general features of the proposed development.

E. The number of copies of said proposal that must be submitted shall be as determined by the City Planner, not to exceed eight physical copies and one electronic copy, each copy in the form required by the City Planner.

F. This Pre-Submission Proposal shall be drawn on a scale of 200 feet to the inch or larger (100 feet to the inch preferred) and shall show the following information, which shall be certified by a professional land surveyor:

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G. The title block shall include an outside border of at least 1-point width or greater located in the bottom right corner of a landscaped-oriented 24x36 sheet formatted as follows:

Document Type, Platting Track if applicable (16-point Arial font)
Subdivision Name (48-point Arial font)
Number of Lots, Blocks, Acreage (16-point Arial)
Survey information (16-point Arial font)
City, County, State (16-point Arial font)
Survey Name, Company Information (16-point Arial font; logos should not be bigger than the font)
Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section (16-point Arial font)
Job #, Revision Date (16-point Arial font)

H. The subdivision name shall not duplicate any existing subdivision name. If the property is part of an existing subdivision, the existing subdivision name shall be used. If no subdivision name has been chosen, the name of the property as it is commonly or locally known shall be indicated.

I. Name, address and signature of the legal owner(s) of the property included in the proposed subdivision. If the applicant is not the legal owner, a statement of the agent's authority and interest shall be submitted with the application.

Such statement, which shall be signed by the legal owner(s), shall be made in the following form:

"I (we), the undersigned, being the legal owner(s) of the land shown on this pre-submission proposal, hereby designate (print name of agent) as my (our) agent, duly authorized to act on my (our) behalf in matters pertaining to the platting of this property.

_____

Owner(s)"

J. A statement signed by the professional engineer or professional surveyor preparing the pre-submission proposal that he or she has, to the best of his or her ability, designed the subdivision in accordance with the general requirements of the city, with which he or she is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where a variance is requested in writing and the reasons for which are clearly stated.

EXAMPLE OF SURVEYOR'S STATEMENT:

"I, , Registered Public Land Surveyor No. , do hereby certify that the above pre-submission proposal was prepared from an actual survey made (by me) or (under my direction and supervision) on the ground during (Month & Year), and it conforms to the current procedures and practices established by the Texas Board of Professional Land Surveying as authorized by the Professional Land Surveying Practices Act, (Texas Occupations Code Chapter 1071) and it's subsequent amendments."

GIVEN UNDER MY HAND AND SEAL this the ___ day of ____, 20__.

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_____

(Signature) (Seal)

EXAMPLE OF ENGINEER'S STATEMENT:

"I, , License Engineer No. , do hereby certify that the (public/private) improvements as shown were designed in accordance with the City of Longview standards in engineering design, as well as standards in

engineering practices.

GIVEN UNDER MY HAND AND SEAL this the ___ day of ____, 20__.

_____

(Signature) (Seal)"

K. A location map at a scale of not more than eight hundred (800) feet to the inch, showing existing streets, subdivisions, and general land uses in the area surrounding the site.

L. The scale, north arrow, and date.

M. The outline of the tract to be subdivided, with principal dimensions.

N. The location, dimension, right-of-way width, paving width, and name of all existing or proposed streets, alleys, railroads, and other public ways within or immediately adjacent to the tract.

O. The proposed plan of the subdivision, showing streets, blocks, lots, alleys, easements, building lines, parks, etc., with principal dimensions. The Pre-Submission Proposal shall cover all of the tract intended to be developed, at any time, even though it is intended by the Subdivider(s) to file plats and install improvements for parts of said tract by phases, sections or units. If it is the intent to develop the area by phases, sections, or units, the first unit to be developed shall be definitely identified. The approval of each phase, section or unit shown within the application shall not be construed as an approval for the remainder of the future phases, sections or units (or future development) depicted. Additionally, the inclusion in the pre-submission proposal of information about future phases, sections or units (other than the one intended for immediate development) is intended solely for the purpose of aiding city staff and the Commission in making rational decisions about the phase, section or unit intended for immediate development and about the correct, reasonable application of the city's Subdivision Regulations to said phase, section or unit. The inclusion of such information in any document provided to or submitted to the city does not constitute an application for a permit or for approval of any nature with regard to such future phases, sections or units and does not create any vested right under any law of this state, of the United States or of the any local government, including without limitation the city.

P. The location and dimensions of any existing structures, fences, paved areas, cemeteries or burial grounds, and other existing features within the proposed subdivision.

Q. Typical cross-section of proposed street improvements.

R. The location of any watercourses, water bodies, flood hazard areas, significant tree masses, slopes, or other natural features within the area to be subdivided.

S. Topographic information, using a contour interval of at least two feet, in the area to be subdivided unless, in the opinion of the city engineer, a greater contour interval adequately describes the area to be subdivided.

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T. A map showing the location of the proposed subdivision and/or land development with respect to the city's flood-prone areas including information on, but not limited to, the regulatory flood elevations, boundaries of flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restrictions.

1. Where the subdivision and/or land development lies partially or completely in the flood-prone area, or where the subdivision and/or land development borders on the flood-prone area, the pre-submission proposal map shall include detailed information giving the location and elevation of proposed streets, public utilities and building sites.

U. A map showing the exact location and elevation of all proposed buildings, structures, streets and public utilities to be constructed in any flood-prone area. All maps shall show contours at intervals of two feet and identify accurately the boundaries of the flood-prone area.

V. The outline of the tract to be subdivided, with principle dimensions; and the existing and proposed blocks, lots, setback lines, and easements, including the square footage of the lots.

W. The locations, sizes and other appropriate descriptions of the following existing and proposed utility facilities:

1. Water mains, service connections and any special structures such as wells, elevated storage tanks and pump stations;
2. Sanitary sewer mains, service connections and any special structures or facilities such as lift stations, septic systems, lagoons, oxidation ponds and package plants;
3. Stormwater drainage mains, channels, retention or detention ponds, and other major drainage facilities; and
4. Street lights.

X. For land lying within the corporate limits of the city, all zoning districts and proposed changes in zoning contemplated at the time of filing the pre-submission proposal.

Y. The location of all existing or abandoned oil or gas wells, oil or gas pipelines and other appurtenances associated with the extraction, production and distribution of petroleum products, and all related easements on the site or on immediately adjacent property. Such facilities shall be in conformance with the oil and gas wells ordinance, chapter 61 of the city code.

Z. The names of the proposed streets shall conform to the names of the existing streets and shall not duplicate or conflict with the designated name of any other street within the area subject to these regulations. The City's GIS Division will provide final approval for the street names.

AA. Any proposed supplemental transportation systems, showing the layout and dimensions of walkways, sidewalks, bike trails, horse trails, and other related improvements.

BB. The approximate location, dimension and area of all parcels of all proposed to be set aside for park or playground use, or other public use, or for the common use of property owners in the proposed subdivision.

CC. The names of the owners of all parcels abutting the subject property, with deed references. If property abutting the subject property is in a platted subdivision, it may be referenced by the plat reference rather than individual deed references.

DD. The proposed land use for all lots. The designations to be used when indicating land use on a pre-submission proposal shall comport with the city zoning ordinance, where said ordinance is applicable.

EE. Setback information relating to the existing and/or proposed zoning district, as required.

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FF. A statement, confirmed by engineering analysis, that the existing utility mains serving a proposed subdivision are adequate.

3.05. Engineering Assessment

As part of the review process, the City Engineer shall determine whether further, detailed study shall be required to assess the development's impact on the existing water/wastewater systems.

3.06. Supplemental Engineering Study

If the City Engineer determines that further study is necessary to confirm the adequacy of the existing mains to serve the new development, the Pre-Submission Proposal shall be marked, identifying the point from which the Subdivider's Professional Engineer shall be required to confirm by analysis the adequacy of the existing system to serve the proposed development. Such analysis shall be provided to the City Engineer within twelve (12) calendar days after the City Engineer notifies the Subdivider or the Subdivider's representative that the analysis is required.

3.07. Sight-Distance Study and Traffic Impact Analysis

At any time during the pre-submission process, the City Engineer may require a sight-distance study and/or a Traffic Impact Analysis (see **Article E.1.13 Traffic Impact Analysis**) for any portion of the tract to be subdivided. Based on the study or analysis, the City Engineer may impose stricter standards on the proposed plat in accordance with **Article E.1.09. Street Design Criteria**. Failure to submit the required study or analysis shall be grounds for disapproval of the plat.

3.08. Waiver Request

Waivers to subdivision requirements shall be submitted with the applicable applications. See **6.01 Petition for Subdivision Waiver**.

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Section 4. Platting Requirements

4.01. Plat Contents

Each and every plat submitted to the City shall be a plat of the subdivision or section to be immediately developed. The number of copies of the plat that must be submitted shall be as determined by the City Planner, not to exceed eight physical copies and one electronic copy, each copy in the form required by the City Planner. At least one copy of the plat shall be drawn to a scale of one inch equals one hundred feet or larger with all figures and letters legible and the whole proper for filing for record in the office of the County Clerk. Other copies required by the City Planner shall be drawn to the scale required by the City Planner. The plat shall not show construction features such as curb lines or public utility lines or other structures not involved in the title covenant unless required as part of a planned development or specifically authorized by the City Planner. The plat shall contain the following information:

A. All information required for the submission of the Pre-Submission Proposal incorporating any changes requested by the City Engineer.

B. A title block with an outside border of at least 1-point width or greater located in the bottom right corner of a landscaped-oriented 24x36 sheet formatted as follows:

Document Type (16-point Arial font)
Subdivision Name (48-point Arial font)
Number of Lots, Blocks, Acreage (16-point Arial)
Survey information (16-point Arial font)
City, County, State (16-point Arial font)
Survey Name, Company Information (16-point Arial font; logos should not be bigger than the font)
Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section (16-point Arial font)
Job #, Revision Date (16-point Arial font)

C. Pre-Submission Proposals shall include which Track the developer will be following.

D. The title block legal description and identification of the tract shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram as shown to scale.

E. North point and the scale of the map.

F. The boundaries of the subdivided property, the location or designation of all streets, alleys, parks, easements and other areas intended to be dedicated or deeded to the public use, with proper dimensions. The boundaries of the subdivision shall be indicated by a heavy line and shall be tied by dimension to the established centerline of any existing boundary streets.

G. The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designated by number of lots and blocks. If adjoining property is undeveloped, the name of the owner of record shall be designated.

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H. All headright survey boundary lines, city limit boundary lines, county boundary lines, school district boundary lines, and boundary lines of other developed subdivisions, including but not limited to water districts and any other public entities, adjacent to or within the subdivision.

I. All lot, block and street boundary lines, with lot and block numbers as designated by the City Planner and lots numbered consecutively. Building lines and easements shall be shown and shall be defined by dimension. The actual width of the Right-of-Way of proposed streets shall be shown, measured at right angles or radially, where curved. All principal lines shall have the bearing given and any deviations from the norm shall be indicated. There shall be sufficient annotation shown on the plat that every street, lot, easement, boundary line or any other matter of a surveying nature shown thereon is capable of being laid out on the ground, based solely upon the data shown on the plat.

J. Lot sizes and dimensions, both linear and angular, of all items on the plat; the boundary survey of the site must conform to the current procedures and practices established by the Texas Board of Professional Land Surveying, as authorized by the Professional Land Surveying Practices Act, as amended. Linear dimensions may be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given; circular curves shall be defined by actual length of radius and not by degree of curvature. Complete reference monuments with a descriptive legend are required.

K. At least two reference points shall be tied to the City of Longview, Texas, 2002 Mapping and Monumentation Project Horizontal and Vertical Control Network. There shall be at least as many reference points as there are blocks in the subdivision but not less than two (2), and the distance between the successive monuments along any street or reference line shall not be greater than one thousand (1,000) feet.

L. The location of all lot and block corners and permanent survey reference monuments with a descriptive legend.

M. A certificate that the plat is true and correct and in accordance with the determination of surveys actually made on the ground, placed on the face of the plat. The certificate shall also state that the plat was made in accordance with the current procedures and practices established by the Texas Board of Professional Land Surveying, as authorized by the Professional Land Surveying Practices Act. The certificate shall show whether or not the tract is within three and one-half (3½) miles of the city, measured in a straight line from the nearest points of the City, unless the information is shown in a suitable manner elsewhere on the face of the plat. The following sample certificate is included herein to illustrate the minimum information required in said certificate. Any additional information or changes in form may be made, provided that the minimum information is contained therein.

> "I (Name of Professional Land Surveyor) of the State of Texas, do hereby certify that this plat is true and correct and represents the results of a survey made on the ground of a subdivision of a ____-acre tract. This plat was made in accordance with the current procedures and practices established by the Texas Board of Professional Land Surveying, as authorized by the Professional Land Surveying Practices Act, as amended. Said tract is more particularly described in warranty deed recorded in Volume__, Page___, of the deed records of _____ County, Texas; all visible encroachments are shown herein. All of said subdivision is inside of or partly inside of and partly outside of the boundaries of the City of Longview, Texas, or all of said subdivision is outside the boundaries of the City of Longview, Texas, with its nearest point measured in a straight line being miles from the city and its furthest point measured in a straight line being miles from the city. GIVEN UNDER MY HAND AND SEAL this the ___ day of ____, 20__.
>
> _____

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(Signature) (Seal)

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public, in and for the State of Texas, this the ___ day of ____, 20_____.

_____

(Notary Public, State of Texas) (Seal)"

N. A certificate (in the form shown below) of ownership and dedication of all streets, alleys, easements, and public areas, to the public use forever, signed and acknowledged before a Notary Public by the owner of the land and placed on the face of the plat:

"OWNER'S STATEMENT

I (WE) _____(owner's name and title if applicable) AM (ARE) OWNER(S) of the tract of land shown hereon and do accept this as its Plan for the subdividing into lots and blocks and do dedicate to the public forever the streets, alleys, and easements as shown.

_____

(Signature)

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public, in and for the State of Texas, this the ___ day of ____, 20__.

_____

(Notary Public, State of Texas) (Seal)"

O. Where a floodplain easement is required by or provided in accordance with **Article E.5.04.D. Easements**, a statement on the face of the plat, as shown below, acknowledging the existence of floodplains on the property, and dedicating the required

Floodplain Easement:

STATE OF TEXAS

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF GREGG

THAT whereas we _____, are the owners of the above described property and we are familiar with the terrain, elevation, high water level and all physical conditions, in, on and adjacent to said property; and, WHEREAS, said property is subject to flooding, high water and inundation due to the terrain, elevation and the fact that a creek(s) traverses or runs adjacent to said property; and

WHEREAS, the property subject to flooding, high water and inundation is marked on the plat and with the "Floodplain Easement" line as shown and outlined on the plat.

WHEREFORE, PREMISES CONSIDERED:

We hereby agree that no obstruction to the natural flow of water, including storm waters and overflow water from any creek(s) shall be permitted by filling or by construction of any type of dam, building, bridge, walkway or any other structure within the floodplain easement unless designed in accordance with any stormwater and/or drainage control criteria or regulations promulgated by the City of Longview. In the event any property owner obstructs the natural flow of the water in any manner, the City of Longview may summarily remove any of said obstructions upon notification by mail to the owner at owner's expense.

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We do hereby declare and dedicate this "Floodplain Easement" to be a "covenant running with the land" and that this shall constitute a notice to all parties concerned including our heirs, successors or assigns and any and all purchasers of property within said subdivision.

_____

(Owner(s) Signature)

WITNESS OUR HANDS AT _____, TEXAS, this ___ day of ____, 20__.

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public, in and for the State of Texas, this the ___ day of ___, 20__.

_____

(Notary Public, State of Texas) (Seal)"

P. A notice in the following form placed on the face of the plat:

"Notice: Subdividing or selling a portion of any lot displayed on this document without a plat approved by the City of Longview, Texas, is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits."

Q. For subdivisions with Private Streets and drainage systems, a note shall be placed on the face of the plat stating that the streets and drainage systems will not be maintained by the City of Longview.

R. For subdivisions with Private Streets, an indemnification statement shall be included in accordance with **Article E.1.11.A.10. Indemnification Language for the Final Plat**.

S. With a plat, the subdivider must submit appropriate documentation of any off-site easement or other improvement intended for the benefit of the subdivision but not shown on the plat. Said documentation shall be in a form acceptable to the City Attorney.

T. Multiple-paged documents require page numbering.

U. As required by the official record keeper of plats, certificates and seals shall be applied to the mylars on labels or with ink designed to prevent smearing and smudging. All signatures shall be made with a permanent marker.

V. Owner Signature Block

_____

(Owner(s) Signature)

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public, in and for the State of Texas, this the ___ day of ____, 20__.

_____

(Notary Public, State of Texas) (Seal)"

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4.02. Subdivision Process Summary

Any owner or Developer of any lot, tract, or parcel of land located within the corporate limits of the City who wishes to subdivide such land shall conform to one of the processes shown below. For the City's Extraterritorial Jurisdiction, only Track 1 or Track 3 shall apply.

Figure 11. Development Track 1: Post-Construction Platting

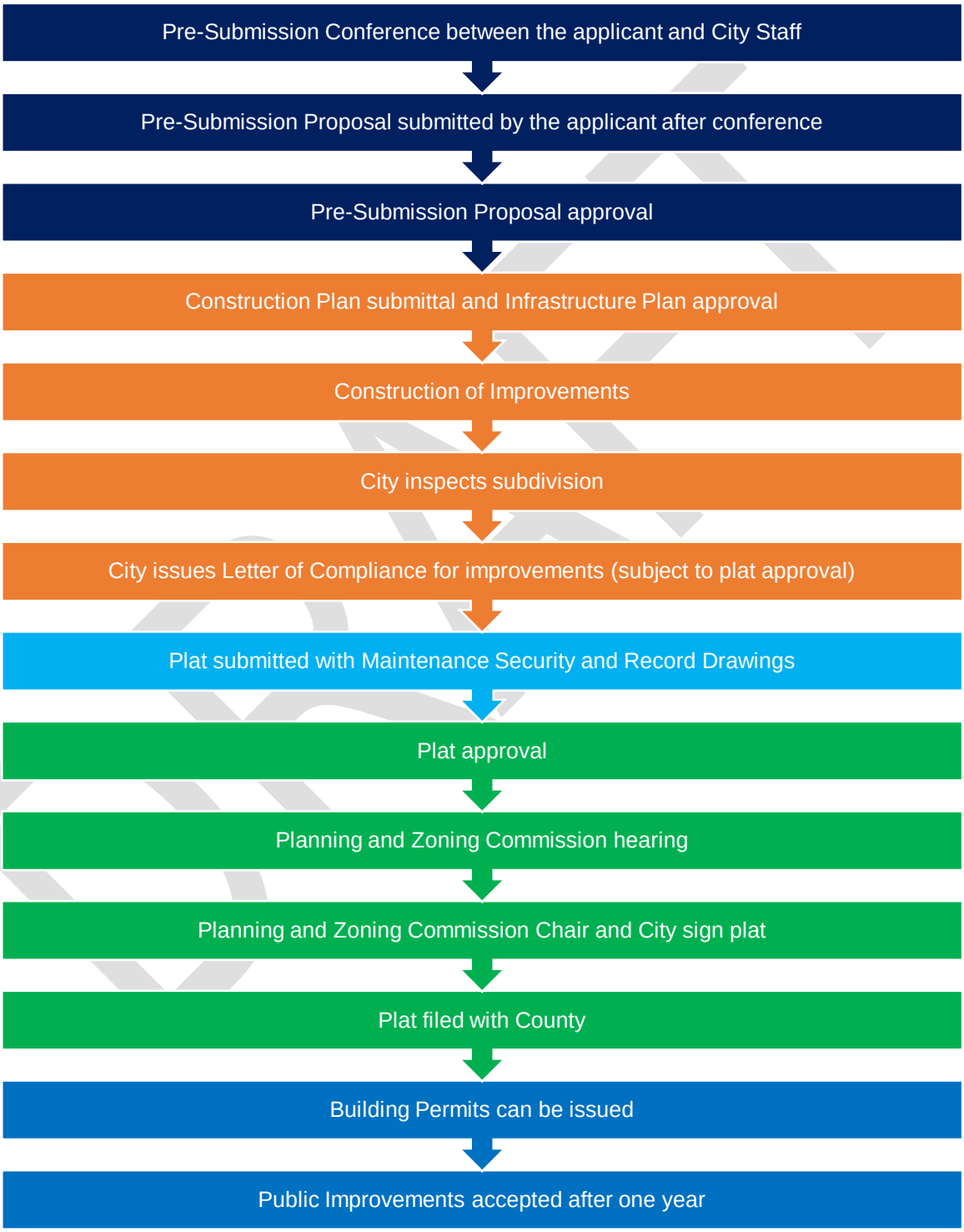


Figure 12. Development Track 2: Pre-Construction Platting

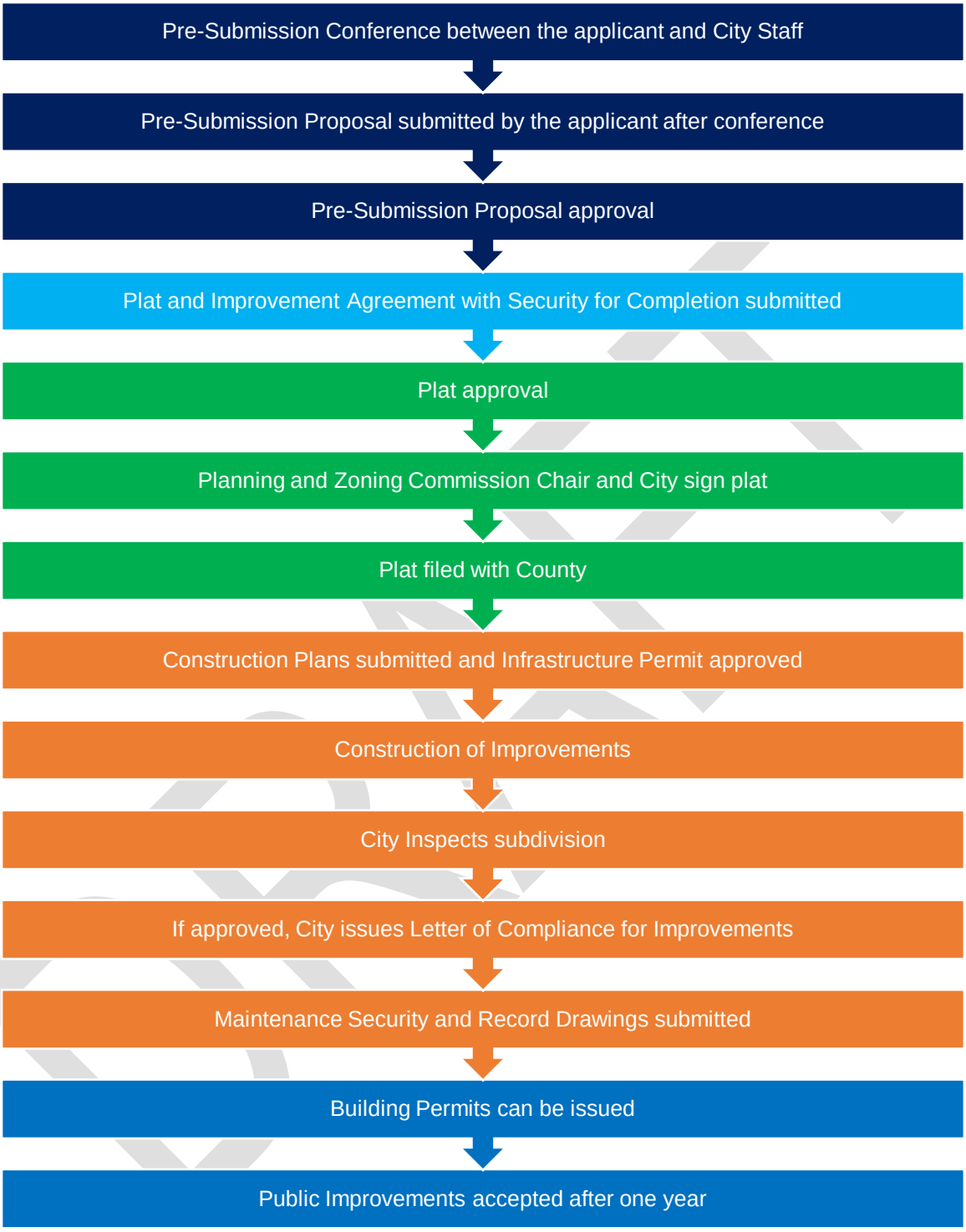
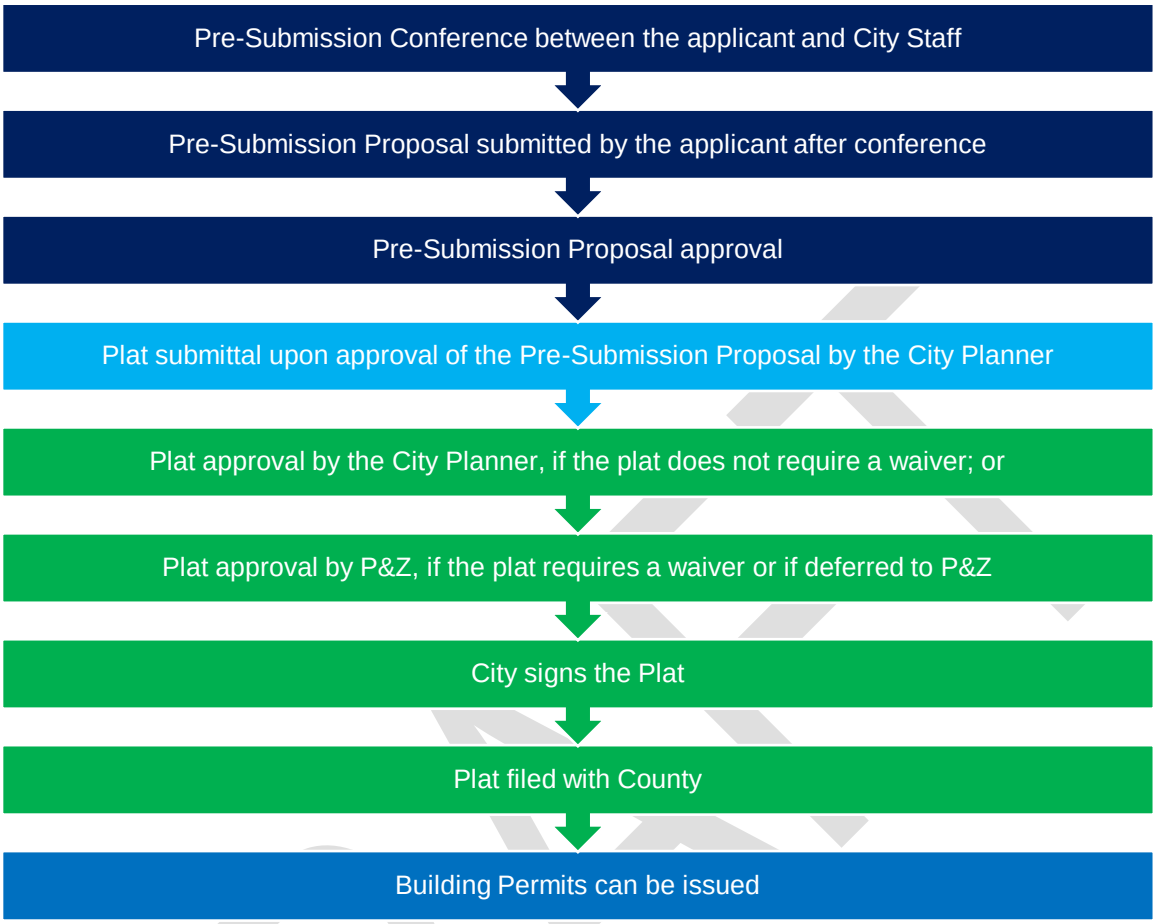


Figure 13. Development Track 3: Administrative Platting



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4.03. Choice of Approval Procedure

During the Pre-Submission Proposal Required process, the Subdivider shall choose one of the approval procedures available under the terms of this section. The approval procedures available shall be Track 1 (**4.04**), Track 2 (**4.05**), and Track 3 (**4.06**). The choice of track shall be indicated on the Pre-Submission Proposal and Pre-Submission Application.

4.04. Track 1: Post-Construction Platting

A. Applicability

This section applies only to a subdivision for which the Subdivider has elected the Track 1 approval procedures. See **Figure 11. Development Track 1: Post-Construction Platting**.

B. Construction Plans, Infrastructure Permit, and Construction of Improvements

1. Submittal of Construction Plan

The purpose of the Construction Plans and Infrastructure Permit is to ensure that construction of infrastructure meets the City's requirements. Submittal of Construction Plans is required to obtain an Infrastructure Permit.

2. Construction Plans Required Prior to Plat Submission

a. After the approval of a Pre-Submission Proposal and before beginning the construction of any of the regulated improvements, the Subdivider shall submit to the City Engineer Construction Plans for the section or sections of the tract intended for immediate development.

b. The Construction Plans shall show such features as streets, cross-sections and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slopes, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground, specifications of materials and construction, and plan-profile maps of all water lines, sanitary sewers and storm sewers showing both ground surface and flow line, and any other pertinent information required by the City Engineer. These Construction Plans must be prepared by a Professional Engineer and shall be based on the City of Longview, Texas 2002 Mapping and Monumentation Project Horizontal and Vertical Control Network.

c. The City Engineer shall accept the Construction Plans and specifications under this section if they conform to the requirements of this section and have been prepared in accordance with generally accepted engineering practices. If the Construction Plans do not conform to the requirements of this section, the City Engineer shall reject same, giving the detailed reasons for rejection in writing. When the objections of the City Engineer have been met, if any, the City Engineer shall accept the Construction Plans as meeting minimum standards.

d. Construction of any of the regulated improvements shall be prohibited unless the Construction Plans for said construction have been accepted in accordance with the requirements of this section. Construction of any of the regulated improvements shall be prohibited unless said construction complies with the Construction Plans accepted by the City Engineer.

e. The Planning and Zoning Commission shall disapprove any plat for which the Subdivider has not submitted Construction Plans to the City Engineer. The Planning and Zoning Commission shall disapprove any plat for which the Construction Plans have not been accepted by the City Engineer; provided, however, that the Planning and Zoning

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Commission may grant a waiver upon proper application by the subdivider in accordance with **6.01. Petition for Subdivision Waiver**.

f. Developers and contractors shall have a minimum of one million dollars ($1,000,000) in personal liability insurance to protect existing infrastructure from damage resulting from construction activities.

3. Construction of Improvements in Accordance with Accepted Construction Plans

Following issuance of an Infrastructure Permit and approval of Construction Plans, construction of Improvements may commence. Such improvements shall be consistent with the approved Pre-Submission Proposal and Construction Plans.

4. City Inspection and Letter of Compliance

Inspection of the improvements and issuance of a Letter of Compliance shall be conducted in accordance with **4.12. Inspection of Public Improvements, Letter of Compliance, and Record Drawings**.

C. Plat Submission, Approval, and Filing

1. Final Plat or Replat Required

a. After completion of all regulated improvements within the subdivision in accordance with the provisions of these regulations, a Subdivider shall prepare and submit to the City Planner a plat, Record Drawings, and an accompanying application in accordance with the City Planner's application checklist. The application and accompanying copies of the plat must be submitted to the City Planner during the Submission Period. If the application, plat, or any of the required materials are not submitted during the Submission Period, the plat may be disapproved by the Planning and Zoning Commission. No lots within a subdivision may be sold until a plat is approved by the Planning and Zoning Commission.

b. Appropriate Plat Type

(1) A Final Plat shall be submitted if the lot has never been platted or the plat has been vacated. See **4.07. Final Plat**.

(2) Alternatively, a Replat shall be submitted if the lot has been platted and the plat has not been vacated. See **4.08. Replat**.

2. Phased Development

If the Subdivider has elected to develop the subdivision shown on the Pre-Submission Proposal in phases or sections, the plat shall include only those sections or phases of the subdivision which meet the following requirements:

a. The Construction Plans and specifications for said sections or phases have been accepted by the City Engineer, and

b. The Subdivider has completed all regulated improvements included in said plans and specifications in accordance with said Construction Plans and specifications and with the provisions of this section.

3. Maintenance Security

Maintenance Security shall be required to insure the quality of materials and workmanship of the installed improvements. See **4.13.A.1. Maintenance Security** for specific requirements.

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4. Plat Approval

   Plats shall be reviewed and approved as outlined in **4.07. Final Plat** or **4.08. Replat**, as applicable.

5. Filing with the County

   Once improvements have been installed, the plat has been approved, and the appropriate warranties/bonds have been provided, the approved plat shall be filed with the County.

D. Issuance of Building Permits

Following completion of all steps outlined above, Building Permits may be issued.

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4.05. Track 2: Pre-Construction Platting

A. Applicability

This article applies only to a subdivision for which the Subdivider has elected the Track 2 approval procedure. See **Figure 12. Development Track 2: Pre-Construction Platting**.

B. Submission of Plat and Improvement Agreement with Security for Completion

1. Purpose

The purpose of this section is to ensure the provision of adequate public facilities that meet the City's requirements.

2. Final Plat or Replat Required

a. Following the Pre-Submission Proposal and prior to any construction of improvements, a Subdivider shall prepare and submit to the City Planner a plat and an accompanying application in accordance with the City Planner's application checklist.

b. The application and accompanying copies of the plat must be submitted to the City Planner during the Submission Period. If the application, plat or any of the required materials are not submitted during the Submission Period, the plat may be disapproved by the Planning and Zoning Commission.

c. No lots within a subdivision may be sold until a plat is approved by the Planning and Zoning Commission.

d. Appropriate Plat Type

(1) A Final Plat shall be submitted if the lot has never been platted or the plat has been vacated. See **4.07. Final Plat**.

(2) Alternatively, a Replat shall be submitted if the lot has been platted and the plat has not been vacated. See **4.08. Replat**.

3. Improvement Agreements

a. When any of the required Improvements will be constructed after Final Plat approval and recordation, the Final Plat shall not be accepted for filing, nor shall it be approved, unless and until the applicant enters into an Improvement Agreement of standardized format approved by the City by which the applicant:

(1) Will complete the Improvement;

(2) Provides an Engineer's Opinion of Probable Construction Cost from a Professional Engineer, subject to the City Engineer's approval;

(3) Warrants the improvements following the Letter of Compliance from the City through Maintenance Security;

(4) Provides Performance Security (see **4.13.A.2. Performance Security**) to insure the installation of Improvements; and

(5) Outlines other terms and conditions as are agreed to by the applicant and the City, or as may be required by these Subdivision Regulations, including insurance requirements and covenants to comply with other ordinances of the City.

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b. Agreement to Run with the Land

(1) The Improvement Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and shall bind all successors, heirs, and assignees of the applicant.

(2) All existing owners shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

c. Decision by the City Engineer

The City Engineer shall review the Improvement Agreement, and shall approve it, approve it with conditions, or deny the agreement.

d. Appeal to the Council of an Improvement Agreement Decision

(1) The applicant may appeal the City Engineer's decision to the City Council by submitting written notice of appeal to the City Engineer within fourteen (14) calendar days following the date of such decision.

(2) The City Council shall hear and decide the appeal within thirty (30) calendar days following receipt of the notice of appeal.

(3) The City Council may only overturn the City Engineer's decision upon a favorable vote of at least four (4) of the Council's voting members, and the Council's decision shall be final.

4. Plat Approval

Plats shall be reviewed and approved as outlined in **4.07. Final Plat** or **4.08. Replat**, as applicable.

5. Filing with the County

Once the plat has been approved with the appropriate security, the approved plat shall be filed with the County.

C. Construction Plans Required Following Plat Approval

1. After the approval of a Plat by the Planning and Zoning Commission and before beginning the construction of any of the regulated improvements, the Subdivider shall submit to the City Engineer Construction Plans for the section or sections of the tract intended for immediate development.

2. The Construction Plans shall show such features as streets, cross-sections and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slopes, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground, specifications of materials and construction, and plan-profile maps of all water lines, sanitary sewers and storm sewers showing both ground surface and flow line, and any other pertinent information required by the City Engineer. These plans and specifications must be prepared by a professional engineer and shall be based on the City of Longview, Texas 2002 Mapping and Monumentation Project Horizontal and Vertical Control Network.

3. The City Engineer shall accept the Construction Plans submitted by the Subdivider under this section if they conform to the requirements of this section and have been prepared in accordance with generally accepted engineering practices. If the Construction Plans do not conform to the requirements of this section, the City Engineer shall reject same, giving the detailed reasons for rejection in writing to the Subdivider. When the Subdivider has met the

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objections of the City Engineer, if any, the City Engineer shall accept the Construction Plans as meeting minimum standards and forthwith deliver same to the Subdivider, the Subdivider's agent or the Subdivider's engineer.

4. Construction of any of the regulated improvements shall be prohibited unless the Construction Plans for said construction have been accepted in accordance with the requirements of this section. Construction of any of the regulated improvements shall be prohibited unless said construction complies with the Construction Plans accepted by the City Engineer.

D. Construction of Improvements in Accordance with Accepted Plans

1. Completion Required within One (1) Year

No later than one (1) year following the date on which a plat is approved by the Planning and Zoning Commission, the Subdivider shall complete the regulated improvements in accordance with the Construction Plans accepted by the City Engineer under **C.** above.

2. Failure to Complete within One (1) Year

If the regulated improvements have not been completed one (1) year from the date that the plat was approved, the City may take any of the actions described in **4.13.E. Enforcement of Security Requirements; Failure of Improvements to Comply**.

3. Developers and contractors shall have a minimum of one million dollars ($1,000,000) in personal liability insurance to protect existing infrastructure from damage resulting from construction activities.

4. Extension Request

The Subdivider may apply to the City Planner in writing for a one-time, 12-month administrative extension prior to the expiration of one year from the date that the plat was approved, citing reasonable cause for an extension and demonstrating that the Subdivider is actively pursuing the development of Construction Plans or is constructing the regulated improvements. For example, the City Planner may grant such an extension if the subdivision is under construction or if Construction Plans are in the possession of the city and under review by City staff at the time of the request for an extension.

E. City Inspection, Letter of Compliance, and Record Drawings

Inspection of the improvements, issuance of a Letter of Compliance, and submittal of Record Drawings shall be conducted in accordance with **4.12. Inspection of Public Improvements, Letter of Compliance, and Record Drawings**.

F. Issuance of Building Permits

Following completion of all steps outlined above, Building Permits may be issued.

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4.06. Track 3: Administrative Platting

A. Applicability

These regulations apply only to a subdivision for which the Subdivider has elected the Track 3 approval procedure. See **Figure 13. Development Track 3: Administrative Platting**.

B. Plat Submission, Approval, and Filing

1. Minor Plat or Amending Plat Required

   a. Following the Pre-Submission Proposal, a Subdivider shall prepare and submit to the City Planner a plat and an accompanying application in accordance with the City Planner's application checklist.

   b. No lots within a subdivision may be sold until a plat is approved.

   c. Appropriate Plat Type

      (1) A Minor Plat shall be submitted if the lot has never been platted or the plat has been vacated, and four (4) or fewer lots will be created. See **4.09. Minor Plat**.

      (2) Alternatively, an Amending Plat shall be submitted if the lot has been platted and the plat has not been vacated, and minor adjustments are proposed. See **4.10. Amending Plat**.

2. Plat Approval Process

   Plats shall be reviewed and approved as outlined in **4.09. Minor Plat** or **4.10. Amending Plat**, as applicable.

3. Filing with the County

   After the plat is approved, it shall be signed and filed with the County Clerk.

C. Issuance of Building Permits

Following completion of all steps outlined above, Building Permits may be issued.

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4.07. Final Plat

A. Purpose

The purpose of a Final Plat is to ensure:

1. That the proposed subdivision and development of the land is consistent with all standards of this **Article D. Subdivision Regulations** and **Article E. Development Standards** pertaining to the adequacy of public facilities,
2. That Improvements to serve the subdivision or development have been installed and accepted by the City, or that provision for such installation has been made, and
3. That all other City requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

B. Applicability and Exceptions

1. No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.
2. A Final Plat is not required when a Minor Plat or Amending Plat is submitted (see **4.09. Minor Plat** and **4.10. Amending Plat**).

C. A Pre-Submission Proposal shall be required before submittal of the Final Plat.

D. Contents of Application

The applicant shall provide the information required by the application checklist, which shall be maintained by the City Planner.

E. Review by the City Planner

The City Planner shall:

1. Initiate review of the plat and materials submitted.
2. Make available Plats and reports to the Planning and Zoning Commission for review.
3. Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

F. Criteria for Approval

The following criteria shall be used by the Planning and Zoning Commission to determine whether the application for a Final Plat shall be approved, approved with conditions, or denied.

1. The Final Plat conforms to the City Planner's subdivision application checklist and UDC regulations;
2. The Final Plat conforms to all criteria for approval of a Pre-Submission Proposal;
3. The Construction Plans conform to the requirements of **4.04.B.2. Construction Plans Required Prior to Plat Submission** and have been approved by the City Engineer (Track 1 only);
4. An Improvement Agreement with surety for installation of Improvements has been prepared and executed by the property owner in conformance with **4.05.B.3. Improvement Agreements** (Track 2 only); and
5. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC.

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G. Action by Planning and Zoning Commission

1. Approval by the Planning and Zoning Commission is required for all Final Plats.
2. The Planning and Zoning Commission shall:
   a. Review the Final Plat application, the findings of the City Planner, and any other information available.
      (1) From all such information, the Planning and Zoning Commission shall determine whether the Final Plat conforms to the applicable regulations of these Subdivision Regulations.
   b. Act within thirty (30) calendar days following the Official Submission Date, unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.01.D**.
      (1) If no decision is rendered by the Planning and Zoning Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved by the Planning and Zoning Commission.
   c. Take one of the following actions:
      (1) Approve the Final Plat;
      (2) Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
      (3) Deny the Final Plat.

H. Procedures for Final Plat Recordation upon Approval

The applicant shall supply to City Planner the required number of signed and executed copies of the Final Plat that will be needed to file the Plat with the County (in the County's required format) at least seven (7) calendar days prior to the meeting at which it will be considered for approval.

1. Signatures
   a. Signature blocks shall be used in conjunction with the Final Plat.
   b. The required signature blocks shall be maintained by the City Planner.
   c. After approval of the Final Plat, the City Planner shall procure the appropriate City signatures on the Final Plat.
2. Recording upon Performance

   The Final Plat shall be recorded after:

   a. The Final Plat is approved by the City;
   b. All required Improvements have been completed and accepted by the City or an Improvement Agreement has been executed in accordance with **4.05.B.3. Improvement Agreements** and appropriate surety provided in accordance with **4.13. Security**; and
   c. All County filing requirements are met.
3. Update of Proof of Ownership

   If there has been any change in ownership since the Plat application was submitted, the applicant shall submit a new consent agreement executed by each owner and lienholder

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consenting to the platting of the property and the dedications and covenants contained in the Plat.

I. Revisions Following Recording/Recordation

Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

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4.08. Replat

A. Purpose

The purpose of a Replat is to modify existing platted lots without a Plat Vacation. Upon approval of the application, the Replat shall be recorded and is controlling over the previously recorded Plat for the portion Replatted.

B. Applicability

A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:

1. Is signed and acknowledged by only the owners of the property being replatted;
2. Is approved after a public hearing; and
3. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

C. A Pre-Submission Proposal shall be required before submittal of the Replat.

D. Contents of Application

1. The applicant shall provide the information required by the application checklist, which shall be maintained by the City Planner.
2. If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed “Purpose for Replat” statement.

E. Review by the City Planner

The City Planner shall:

1. Initiate review of the plat and materials submitted.
2. Make available Plats and reports to the Planning and Zoning Commission for review.
3. Upon determination that the application is ready to be acted upon, schedule the Replat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

F. Criteria for Approval

1. The Replat of the subdivision shall meet all review and approval criteria for a Final Plat.
2. The Replat document shall be prepared by a Professional Land Surveyor.

G. Additional Requirements for Certain Replats

See **Article A.3.06.D.8. Notice and Public Hearing Requirements for Certain Residential Replats** if either of the following situations apply:

1. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
2. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

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3. Protest

   a. If the Replat application is accompanied by a waiver petition (per **6.01. Petition for Subdivision Waiver**) and is protested in accordance with this subsection, **3. Protest**, approval of the Replat shall require the affirmative vote of at least three-fourths (3/4) of the voting members of the Planning and Zoning Commission present at the meeting.

   b. For a legal protest, written instruments signed by the owners of at least twenty (20) percent of the area of the lots or land immediately adjoining the area covered by the Replat application and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing.

   c. The area of streets and alleys shall be included in the area computations.

H. Action by Planning and Zoning Commission

The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described above).

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4.09. Minor Plat

A. Purpose

The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in **Section 212.0065 of the Texas Local Government Code**.

B. Applicability

An application for approval of a Minor Plat may be filed only in accordance with State law, when all the following circumstances apply:

1. The proposed division results in four (4) or fewer lots;
2. All lots in the proposed subdivision front onto an existing Public Street and the construction or extension of a street or alley is not required to meet the requirements of these Subdivision Regulations and Development Standards; and
3. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

C. A Pre-Submission Proposal shall be required before submittal of the Minor Plat.

D. Contents of Application

The applicant shall provide the information required by the application checklist, which shall be maintained by the City Planner.

E. Minor Plat Criteria for Approval

The following criteria shall be used to determine whether the application for a Minor Plat shall be approved, approved with conditions, or denied:

1. The Minor Plat is consistent with all zoning requirements for the property (if applicable) and all other requirements of these Subdivision Regulations and Development Standards that apply to the Plat;
2. The person, firm or corporation presenting the proposed Plat shall dedicate all easements and Right-of-Way as required elsewhere in these regulations;
3. The person, firm or corporation owning the property shall not have more than one Minor Plat approved during any twelve (12) month period; and
4. The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat.

F. Action by the City Planner

The City Planner shall:

1. Initiate review of the plat and materials submitted.
2. Determine whether the Minor Plat meets the regulations of these Subdivision Regulations and Development Standards.
3. Act within thirty (30) calendar days following the Official Submission Date, unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.01.D**.
4. Take one of the following actions:
   a. Approve the Minor Plat;

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b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

c. Defer the Minor Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with **2.01.D. Waiver of Right to 30-Day Action**.

G. Deferral of Decision on a Minor Plat Application

Per **F.4.c** above, if the City Planner defers the Minor Plat application to the Planning and Zoning Commission, the Planning and Zoning Commission shall consider the application at a regular meeting no later than thirty (30) calendar days after the date on which the City Planner deferred the application to the Planning and Zoning Commission. The Planning and Zoning Commission shall, upon simple majority vote, take one of the following actions:

1. Approve the Minor Plat;
2. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
3. Deny the Minor Plat.

H. Procedures for Minor Plat Recordation Following Approval

The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in **4.07.H. Procedures for Final Plat Recordation upon Approval** above.

I. Revisions Following Approval

Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

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4.10. Amending Plat

A. Purpose

The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded Plat consistent with provisions of State law.

B. Applicability

The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following purposes:

1. Error Corrections or Administrative Adjustments
   a. Correct an error in a course or distance shown on the preceding Plat.
   b. Add a course or distance that was omitted on the preceding Plat.
   c. Correct an error in a real property description shown on the preceding Plat.
   d. Indicate monuments set after the death, disability, or retirement from practice of the Professional Engineer or Professional Land Surveyor responsible for setting monuments.
   e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat.
   f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving Plats, including lot numbers, acreage, street names, and identification of adjacent recorded Plats.
   g. Correct an error in courses and distances of lot lines between two (2) adjacent lots if:
      (1) Both lot owners join in the application for amending the Plat;
      (2) Neither lot is abolished;
      (3) The amendment does not attempt to remove recorded covenants or restrictions; and
      (4) The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.
2. Relocate Lot Lines
   a. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
   b. Relocate one or more Lot Lines between one or more adjacent lots if:
      (1) The owners of all those lots join in the application for amending the Plat;
      (2) The amendment does not attempt to remove recorded covenants or restrictions; and
      (3) The amendment does not increase the number of lots.
3. Replatting
   a. Make necessary changes to the preceding Plat to create six (6) or fewer lots in the Subdivision or a part of the Subdivision covered by the preceding Plat if:
      (1) The changes do not affect applicable zoning and other regulations of the municipality;
      (2) The changes do not attempt to amend or remove any covenants or restrictions; and
      (3) The area covered by the changes is located in an area that the City has approved, after a public hearing, as a residential improvement area.

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b. Replat one or more lots fronting on an existing street if:

(1) The owners of all those lots join in the application for amending the Plat;

(2) The amendment does not attempt to remove recorded covenants or restrictions;

(3) The amendment does not increase the number of lots; and

(4) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. A Pre-Submission Proposal shall be required before submittal of the Amending Plat.

D. Notice Not Required

The approval and issuance of an Amending Plat shall not require notice, hearing or approval of other lot owners.

E. Action by the City Planner

The City Planner shall:

1. Initiate review of the plat and materials submitted.

2. Determine whether the Amending Plat meets the regulations of these Subdivision Regulations and Development Standards.

3. Act within thirty (30) calendar days following the Official Submission Date, unless the applicant submits a Waiver of Right to 30-Day Action as outlined in **2.01.D. Waiver of Right to 30-Day Action**.

4. Take one of the following actions:

a. Approve the Amending Plat;

b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

c. Defer the Amending Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with **2.01.D. Waiver of Right to 30-Day Action**.

F. Deferral of Decision on an Amending Plat Application

Per **E.4.c.** above, if the City Planner defers the Amending Plat application to the Planning and Zoning Commission, the Commission shall consider the application at a regular meeting no later than thirty (30) calendar days after the date on which the City Planner deferred the application to the Planning and Zoning Commission. The Planning and Zoning Commission shall, upon simple majority vote, take one of the following actions:

1. Approve the Amending Plat;

2. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

3. Deny the Amending Plat.

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4.11. Plat Vacation

A. Purpose

The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded Plat in its entirety, consistent with provisions of State law.

B. Initiation of a Plat Vacation

1. By Property Owner

   The property owner of the tract covered by a Plat may submit an application to vacate the Plat at any time before any lot in the Plat is sold.

2. By All Lot Owners

   If lots in the Plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the Plat.

3. Planning and Zoning Commission

   If the Planning and Zoning Commission, on its own motion, determines that the Plat should be vacated in the interest of and to protect the public's health, safety, and welfare; and:

   a. No lots within the approved Plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or

   b. The property owner has breached an Improvement Agreement, and the City is unable to obtain funds with which to complete construction of Improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or

   c. The Plat has been of record for more than five (5) years, and the Planning and Zoning Commission determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety, and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

C. A Pre-Submission Conference shall be required before submittal of the Plat Vacation.

D. Review and Recommendation by the City Planner

The City Planner shall:

1. Initiate review of the Plat Vacation application and materials submitted.
2. Recommend action on Plat Vacation to the Planning and Zoning Commission.

E. Action by the Planning and Zoning Commission

The Planning and Zoning Commission shall:

1. Review the Plat Vacation application, the findings of the City Planner, and any other information available. From all such information, the Planning and Zoning Commission shall make a finding as to whether the plat should be vacated.
2. Take one of the following actions:

   a. Approve the Plat Vacation;

   b. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or

   c. Deny the Plat Vacation.

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3. The Planning and Zoning Commission's decision on a Plat Vacation shall be final.

F. Procedures for Recordation Following Approval

1. If the Planning and Zoning Commission adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office.
2. If the Planning and Zoning Commission adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

G. Effect

1. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.
   a. Regardless of the Planning and Zoning Commission's action on the petition, the property owner(s) or Developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the Planning and Zoning Commission.
2. The Plat is vacated when a signed, acknowledged instrument declaring the Plat vacated is approved and recorded in the manner prescribed for the original Plat.
3. The Planning and Zoning Commission, at its discretion, shall have the right to retain all or specific portions of road Right-of-Way or easements shown on the Plat being considered for vacation. However, the Planning and Zoning Commission shall consider Plat Vacation upon satisfactory conveyance of easements or Right-of-Way in a separate legal document using forms provided by the City Attorney's office.

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4.12. Inspection of Public Improvements, Letter of Compliance, and Record Drawings

A. Inspection of Public Improvements

1. Timing and Contact

   a. The City Engineer shall inspect the construction of Improvements while in progress, as well as upon completion.

   b. The applicant, or his/her contractor, shall maintain contact with the City Engineer during construction of Improvements.

2. Conformance with Construction Plans

   a. Construction shall be in accordance with the approved Construction Plans.

   b. Any significant change in design required during construction shall be made by the applicant's engineer, and shall be subject to approval by the City Engineer.

3. Corrections to Improvements

   If the City Engineer and/or City Planner finds, upon inspection, that any of the required Improvements have not been constructed properly and in accordance with the approved Construction Plans, the applicant shall be responsible for completing or correcting the Improvements to bring such into compliance.

4. Letter of Compliance

   a. If the City Engineer and/or City Planner determines that the Improvement are constructed in accordance with the requirements of this Section and the Construction Plans and specifications previously accepted by the City Engineer:

      (1) The City Engineer shall issue a letter to the Subdivider or to the Subdivider's representative stating that said regulated improvements are in compliance with the accepted plans and specifications; and

      (2) The City Engineer may require a signed compliance letter from the Subdivider's contractor, engineer, or both.

   b. For subdivisions within the corporate limits of the City, regulated improvements shall be considered accepted by the City upon the expiration of one (1) year from the date of the letter issued by the City Engineer under this section.

B. Inspection Fees

1. Fee Standards

   The Developer shall be charged an inspection fee in an amount specified in the Fee Schedule.

2. Inspection during Non-Business Hours

   a. Inspections may be conducted at times other than normal working hours with prior approval.

   b. A minimum forty-eight (48) hour notice must be given.

C. Maintenance during Construction

The applicant shall maintain all required Improvements during construction of the development.

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D. Submission of Record Drawings

1. The City shall not accept dedication of required Improvements until the applicant's Professional Engineer has certified to the City Engineer, through submission of detailed Record Drawings, which have been approved by the City, of the project and filed copies of any off-site easements that the Improvements have been built in accordance with the approved Construction Plans.
2. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a “record” stamp bearing the signature of the engineer and date, which shall be maintained by the City Engineer.
3. Digital files of the all Record Drawings shall be submitted by the applicant and received by the City in the following format:
   a. Water, Sewer, Drainage As-builts
      (1) Complete AutoCAD Version 2018 or older drawing (.dwg) file tied to the State Plane coordinate system (NAD 1983, State Plane Texas North Central, FIPS 4202, Feet) of all pages.
         (a) Layers contained in the .dwg should follow these standardized naming conventions:
            (i) SWR-LIN (Sewer lines)
            (ii) SWR-MH (Sewer manholes)
            (iii) SWR-CO (Sewer cleanouts)
            (iv) SWR-LS (Sewer lift stations)
            (v) SWR-MSC (Sewer miscellaneous)
            (vi) WTR- LIN (Water lines)
            (vii) WTR-FHL (Fire hydrant leads)
            (viii) WTR-FH (Water fire hydrants)
            (ix) WTR-VLV (Water valves)
            (x) WTR-MSC (Water miscellaneous)
            (xi) DRN-LIN (Drainage line)
            (xii) DRN-NLT (Drainage inlet)
            (xiii) DRN-JB (Drainage junction box)
            (xiv) DRN-MSC (Drainage miscellaneous)
            (xv) ESMT (Easements)
         (b) Features in each layer should be drawn based on these guidelines:
            (i) Sewer lines should be split into two features at each manhole
            (ii) Sewer lines should be split into two features at each lift station
            (iii) Water lines should be split into two features at each valve
            (iv) Water lines should be split into two features at each fire hydrant lead
            (v) Fire hydrant leads should be split into two features at each fire hydrant valve
            (vi) Drainage lines should be split into two features at each inlet

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(vii) Drainage lines should be split into two features at each junction box

(viii) Easements should be drawn in as a polygon layer

(ix) All other features (text, contours, other utilities, etc.) should not be included in these layers

(2) Complete Adobe Acrobat PDF of all pages

b. Plats

(1) Complete AutoCAD Version 2018 or older drawing (.dwg) file tied to the State Plane coordinate system (NAD 1983, State Plane Texas North Central, FIPS 4202, Feet) of all pages

(a) Layers contained in the .dwg should follow these standardized naming conventions:

(i) PAR (Parcels)

(ii) ESMT (Easements)

(iii) BLDG (Buildings)

(iv) CLIN (Centerlines)

(b) Features in each layer should be drawn based on these guidelines:

(i) Parcels should be drawn in as a polygon layer

(ii) Easements should be drawn in as a polygon layer

(iii) Buildings should be drawn in as a polygon layer

(iv) Centerlines should be split into two features at each intersection

(v) All other features (text, contours, other utilities, etc.) should not be included in these layers

(2) Complete Adobe Acrobat PDF of all pages

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4.13. Security

A. Security Required

1. Maintenance Security

a. Purpose

Maintenance Security is intended to warranty the contractor's materials and workmanship for one (1) year following the issuance of a Letter of Compliance.

b. Maintenance Security Amount Required

(1) All contracts for the construction of regulated improvements shall include a requirement for Maintenance Security equal to twenty (20) percent of the contract price.

(2) Projects with a contract price less than ten thousand dollars ($10,000) shall be exempt from this requirement.

c. City Engineer's Authority to Waive Requirement

The City Engineer may waive this requirement for that portion of a subdivision outside the corporate limits of the city.

d. City Limits

Within the City Limits, all construction contracts between the Subdivider and contractor(s) shall include a requirement for Maintenance Security in an amount acceptable to the City guaranteeing the contractor's materials and workmanship to the City and the Subdivider and guaranteeing that the streets, drainage and related appurtenances are constructed in full compliance with the Subdivision Regulations of the City and shall be maintained in a manner satisfactory to the City for a period of one (1) year from the date of the letter issued by the City Engineer under this section.

e. ETJ within Gregg County

Within that portion of the extraterritorial jurisdiction of the City of Longview lying within Gregg County, all construction contracts between the Subdivider and contractor(s) shall include a requirement for Maintenance Security in an amount acceptable to Gregg County guaranteeing the contractor's materials and workmanship to Gregg County and the Subdivider and guaranteeing that the streets, drainage and related appurtenances are constructed in full compliance with the Subdivision Regulations of the City and shall be maintained in a manner satisfactory to Gregg County for a period of one (1) year from the date of the letter issued by the City Engineer under this section.

f. ETJ within Harrison County

Within that portion of the extraterritorial jurisdiction of the City of Longview lying within Harrison County, all construction contracts between the Subdivider and contractor(s) shall include a requirement for Maintenance Security in an amount acceptable to Harrison County guaranteeing the contractor's materials and workmanship to Harrison County and the Subdivider and guaranteeing that the streets, drainage and related appurtenances are constructed in full compliance with the Subdivision Regulations of the City and shall be maintained in a manner satisfactory to Harrison County for two (2) years from the date of the letter issued by the City Engineer under this section.

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2. Performance Security

   a. Purpose

      Performance Security is intended to ensure that a Subdivider installs the required infrastructure in accordance with the City's standards.

   b. Performance Security Amount Required

      When required improvements are installed after the approval and filing of a plat (i.e., Track 2), a Performance Security in the amount of one hundred percent (100%) of all the costs of the improvements shall be provided.

B. Types of Security Accepted

The following types of security may be accepted by the City, at the City Attorney's discretion:

1. Bond

   a. Bond issuers shall be registered with the U.S. Treasury.

   b. Bonds shall be executed by a surety company holding a license to do business in the State of Texas.

2. Letter of Credit

   If the Subdivider elects to post a letter of credit as security for the completion of the regulated improvements, the letter of credit shall:

   a. Be irrevocable;

   b. Be for a term sufficient to cover the completion, maintenance, and warranty periods but in no event less than two (2) years; and

   c. Require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit.

3. Cash Escrow

   a. Escrow Policies and Procedures

      (1) Request for Escrow

         (a) The City may require or the Developer may petition the City to defer required improvements in exchange for a deposit of escrow up to an amount not to exceed the total cost of the project for a period of one (1) year from acceptance of the project. An example may include a timing issue due to pending street improvements by another agency such as TxDOT.

         (b) The City Engineer may require studies and other information to support the Developer's request to escrow.

      (2) Escrow Deposit with the City

         (a) When the City Engineer requires or agrees to accept escrow deposits, the Developer shall deposit in escrow with the City, at a financial institution to be determined by the City, an amount equal to one hundred percent (100%) of the total "turn-key" costs including, but not limited to, the design, permitting, acceptance, and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.

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(b) The City Engineer shall review and approve the amount, which shall be approved and paid prior to recordation of the Final Plat.

(3) City Usage of Escrowed Funds

The City may also use the escrowed funds in participation with another entity (such as TxDOT or the County, etc.) to jointly construct the Improvements.

(4) Termination of Escrow

(a) Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the Developer.

(b) Such return of escrowed funds does not remove any obligations of the Developer for construction of the required improvement(s).

(5) Refund

If all or a portion of a street or other type of Improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request shall be refunded to the Developer after completion and City acceptance of the street or Improvement. The City shall require thirty (30) days from the request to process the refund.

(6) Interest on Escrowed Funds

When escrowed funds are returned or refunded to the escrowing Developer, the City shall retain all interest accrued by the funds.

(7) Escrow Fee Agreement

The City Engineer, at his/her discretion, may require an escrow fee agreement be executed.

C. Reduction/Release of Security

1. As portions of the regulated improvements are completed in accordance with the plans and specifications accepted by the City Engineer and in accordance with the requirements of this chapter, the Subdivider may make application to the City Engineer to reduce the amount of the original letter of credit. If the City Engineer is satisfied that such portion of the regulated improvements has been completed in accordance with City standards, the City Engineer may (but is not required to) cause the amount of the letter of credit to be reduced by such amount deemed appropriate, so that the remaining amount of the letter of credit adequately insures the completion of the remaining regulated improvements.

2. Upon the issuance by the City Engineer of the Letter of Compliance and the receipt by the City Engineer of any signed compliance letter, the City shall authorize a reduction in the security to twenty (20) percent of the original amount of the security if the Subdivider is not in violation of this section. The remaining security, if any, shall serve as security for the maintenance of the regulated improvements and the warrant that the regulated improvements are free from defect for one year (1) thereafter. If the Subdivider's contractors or others provide the required security for maintenance and warranty, the City shall release the entire amount of the subdivider security.

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D. Temporary Improvements

The subdivider shall build and pay for all costs of temporary improvements required by the City Engineer and shall maintain those temporary improvements for the period specified by the Planning and Zoning Commission. Prior to construction of any temporary facility or temporary improvement, the subdivider shall file with the City an escrow or, where authorized, a letter of credit or other security authorized by the City Attorney, in an appropriate amount for temporary facilities, which security shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

E. Enforcement of Security Requirements; Failure of Improvements to Comply

The failure to post the security required by this subsection **4.13. Security** (including without limitation the failure to post said security before the filing of the associated plat and/or the sale of any lots in said plat) is a violation of this section. No permit, license or certificate authorizing the construction, building or occupancy of any structure may be issued within a subdivision for which the security required by this subsection **4.13. Security** has not been posted. In those cases where security has been posted and the regulated improvements have not been installed or have not been installed in a manner that complies with the provisions of this section and the plans and specifications accepted by the City Engineer, the City may:

1. Require that all the regulated improvements be installed regardless of the extent of completion of the development at the time;
2. Obtain funds under the security and complete the regulated improvements itself or through a third party;
3. Assign its right to receive funds under the security to any third party, including a subsequent subdivider of the subdivision or addition for which regulated improvements were not constructed in compliance with this section, in whole or in part, in exchange for that subsequent subdivider's promise to complete and/or repair the regulated improvements on the tract;
4. Place a moratorium on the issuance of any further construction permits and/or any other permits, licenses or certificates required in the subdivision until the satisfactory completion of the regulated improvements; and/or
5. Exercise any other rights available under the law.

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Section 5. Subdivision Design Standards

5.01. Design Standards for Blocks

A. The lengths, widths and shapes of blocks shall be determined with due regard to the following considerations:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
2. Zoning requirements as to lot sizes and dimension;
3. Needs for convenient access, circulation, control, and safety of street traffic; and
4. Limitations and opportunities of topography.

B. Block lengths shall not exceed six hundred (600) feet, through centerline point to point.

1. The City Engineer may grant exceptions to the maximum block length based on unique site constraints or other development-specific practical considerations.

5.02. Design Standards for Lots

A. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use required under the Zoning Regulations.

B. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets; provided, however, that the City Planner may authorize such a corner lot to be of the same standard width and length as other lots in the same subdivision if access to the lot (driveway, etc.) is restricted to the smaller of the two streets (the street with the lower classification under the street classification system used in this UDC) or to the street that is less traveled, as the City Planner deems appropriate.

C. The subdivision of the land shall be such as to provide each lot with satisfactory access to an existing public street.

D. Double frontage, reverse frontage, and flag lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

E. Side lot lines shall be substantially at right angles or radial to street lines.

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Figure 14. Lot Types Illustration

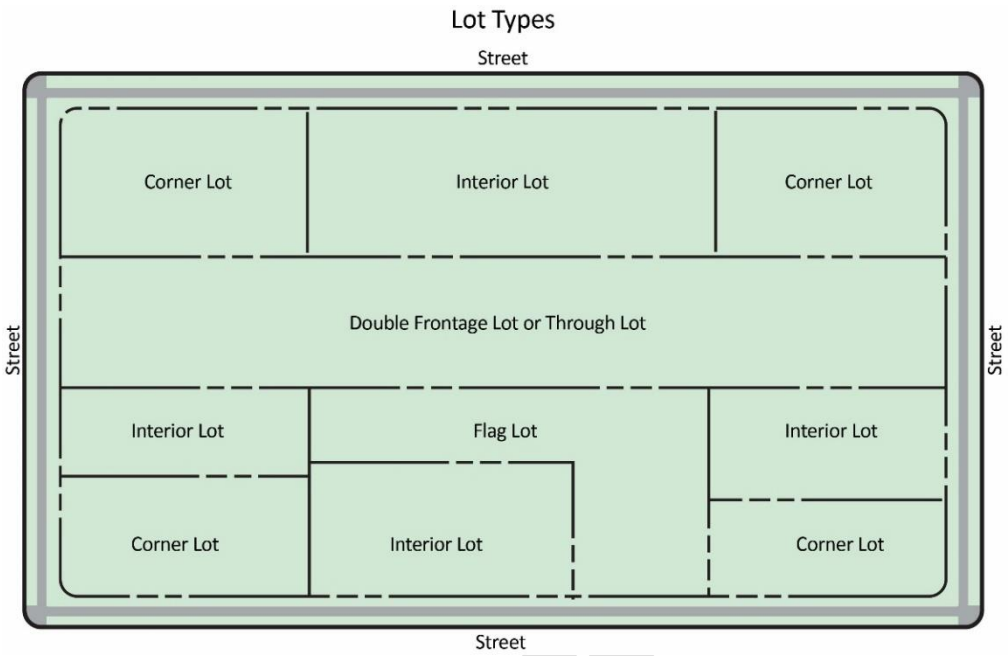
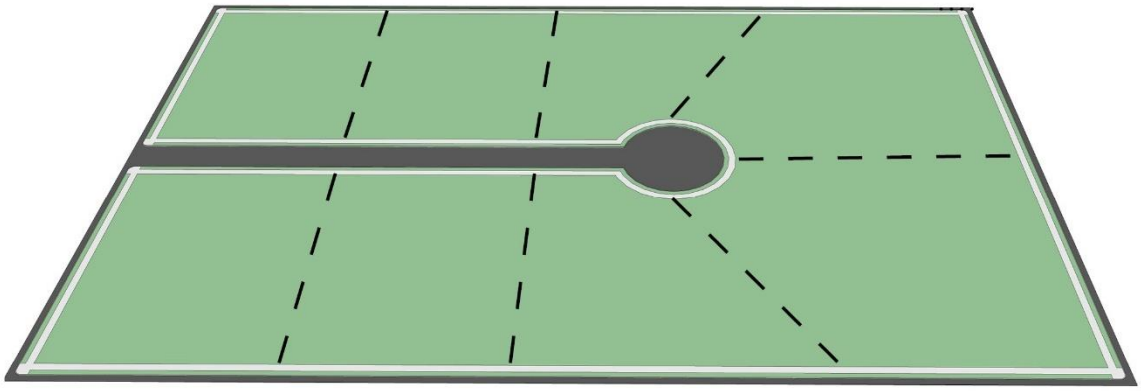


Figure 15.Cul-de-sac Illustration



Section 6. Subdivision Relief Procedures

6.01. Petition for Subdivision Waiver

A. Purpose

The purpose of a petition for a Subdivision Waiver to a particular standard or requirement with these Subdivision Regulations and Development Standards, as such are applicable to Plats or Construction Plans, is to determine whether or not such particular standard or requirement should be applied to an application.

B. Decision-Maker

1. Decision Maker Authority

After review, the City Planner, City Engineer and/or the Planning and Zoning Commission shall decide a Subdivision Waiver.

C. Subdivision Waiver Applicability

1. Waiver of Standard or Requirement

a. An applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a Pre-Submission Proposal, to Construction Plans, or where no Pre-Submission Proposal has been submitted, to a Final Plat or a Replat.

b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.

c. An applicant may, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.

d. For processing a Subdivision Waiver in relationship with a Plat application, an applicant shall submit a Waiver of Right to 30-Day Action in accordance with **2.01.D. Waiver of Right to 30-Day Action**.

2. Waiver Petition Acceptance

a. A petition for a Subdivision Waiver shall not be accepted in lieu of 6.02. Subdivision Proportionality Appeal.

b. If there is a question as to whether a Subdivision Proportionality Appeal is required instead of a Subdivision Waiver petition, such determination shall be made by the City Planner. Once the determination is made, the respective process shall be followed. The City Planner's decision may be appealed to the Planning and Zoning Commission.

D. Subdivision Waiver Submission Procedures

1. Written Waiver Request with Application

a. A request for a Subdivision Waiver shall be submitted in writing by the applicant with a Pre-Submission Proposal, Construction Plans, Final Plat, or Replat, as applicable.

b. No Subdivision Waiver may be considered or granted unless the applicant has made such written request.

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2. Grounds for Waiver

   a. The applicant's request shall state the grounds for the Subdivision Waiver request and all of the facts relied upon by the applicant.

   b. Failure to do so will result in denial of the application unless the applicant submits a Waiver of Right to 30-Day Action in accordance with **2.01.D. Waiver of Right to 30-Day Action**.

3. A Subdivision Waiver shall not be granted to authorize deviations from the Zoning Regulations. To apply for deviations from the zoning regulation terms, standards, and criteria that pertains to an allowed use within a zoning district, zoning variance as outlined in **Article B.6.03. Zoning Variance** shall be applied.

E. Subdivision Waiver Criteria

1. Undue Hardship Present

   A Subdivision Waiver to regulations within this UDC may be approved only when, in the Decision-Maker's opinion, undue hardship will result from strict compliance to the regulations.

2. Consideration Factors

   The Decision-Maker shall consider the following factors:

   a. The nature of the proposed land use involved and existing uses of the land in the vicinity;

   b. The number of persons who will reside or work in the proposed development; and

   c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

3. Findings

   No Subdivision Waiver shall be granted unless the Decision-Maker finds:

   a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this UDC would deprive the applicant of the reasonable use of his or her land; and

   b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and

   c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this UDC.

4. Intent of Subdivision Regulations and Development Standards

   a. A Subdivision Waiver may be granted only when in harmony with the general purpose and intent of the Subdivision Regulations and Development Standards so that the public health, safety, and welfare may be secured, and substantial justice done.

   b. Financial hardship to the applicant shall not be deemed to constitute undue hardship.

5. Minimum Degree of Variation

   No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the applicant.

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6. Violations and Conflicts

   The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.

7. Falsification of Information

   a. Any falsification of information by the applicant shall be cause for the Subdivision Waiver request to be denied.

   b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

F. Burden of Proof

The applicant bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the applicant. The applicant shall submit the burden of proof with the original submittal.

G. Subdivision Waiver Decision by the Planning and Zoning Commission

1. The Planning and Zoning Commission shall consider the Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the notice of Subdivision Waiver is submitted to the City Planner.

2. The Planning and Zoning Commission shall approve or deny a request for a Subdivision Waiver by a majority vote of all members.

3. The decision of the Planning and Zoning Commission is final.

H. Notification of Decision on Petition – 14 Days

The applicant shall be notified of the decision on the Subdivision Waiver within fourteen (14) calendar days following the decision.

I. Effect of Approval

1. Submission and Processing

   Following the granting of a Subdivision Waiver, the applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.

2. Expirations

   The Subdivision Waiver granted shall remain in effect for the period the Plat or Construction Plans are in effect, and shall expire upon expiration of either or both of those applications.

3. Extensions

   Extension of those applications shall also result in extension of the Subdivision Waiver.

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6.02. Subdivision Proportionality Appeal

A. Purpose and Applicability

1. Purpose

The purpose of a petition for relief from a dedication, construction requirement, or a requirement to pay a fee, other than an impact fee authorized by **Chapter 395 of the Texas Local Government Code** is to ensure that the imposition of uniform dedication, construction, and fee standards to a proposed development does not result in a disproportionate burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the City's roadways and public facilities systems.

2. Applicability

a. An applicant may file a petition for relief under this **6.02 Subdivision Proportionality Appeal** to contest any requirement to dedicate land or to construct Improvements as required by this UDC, other ordinance, or attached as a condition to approval of the application.

b. A petition under this **6.02. Subdivision Proportionality Appeal** shall not be used to waive standards on grounds applicable to any Subdivision Waiver application, as outlined in **6.01. Petition for Subdivision Waiver**.

B. Petition Requirements

1. Form of Petition

The petition for relief from a dedication, construction, or fee requirement shall allege that application of the standard relating to the requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system or does not reasonably benefit the proposed development.

2. Study Required

The applicant shall provide a study in support of the petition for relief that includes the following information:

a. Capacity Utilized

(1) Total capacity of the City's water, wastewater, storm drainage, parks, or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development.

(2) If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.

b. Capacity Supplied

(1) Total capacity to be supplied to the City's water, wastewater, storm drainage, parks or roadway system by the proposed dedication of an interest in land or construction of Improvements.

(2) If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of Improvements.

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c. Capacity Comparison

(1) Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of Improvements, or payment of a fee.

(2) In making this comparison, the impacts on the City's public facilities system(s) from the entire development shall be considered.

d. Oversizing

The effect of any City participation in the costs of oversizing the Improvement to be constructed in accordance with the City's requirements.

e. Other Information

Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the City.

3. Time for Filing Petition and Study

a. A petition for relief from a dedication, construction, or fee requirement shall be filed with the City Engineer within fourteen (14) calendar days following the City Council's decision to conditionally approve or deny an application.

b. The study in support of the petition shall be filed within sixty (60) calendar days following the initial decision, unless the applicant (petitioner for relief) seeks an extension in writing.

c. The City Engineer may extend the time for submitting the study for a period not to exceed an additional thirty (30) calendar days for good cause shown.

4. Land in Extraterritorial Jurisdiction (ETJ)

Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the County, a petition for relief or study in support of the petition shall be accepted as complete for review by the City Engineer only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the County, as applicable.

C. Processing of Subdivision Proportionality Appeal Petitions and Decision

1. Responsible Official

The City Engineer shall be the Responsible Official for a petition for relief from a dedication or construction requirement.

2. Review and Recommendation

a. The City Engineer shall review the petition and supporting study and shall make a recommendation to:

(1) The Planning and Zoning Commission, and

(2) The City Council

b. In response to a petition for relief from a dedication or construction requirement pursuant to **6.02. Subdivision Proportionality Appeal** and to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of Improvements, credit or offset the obligations against payment of impact fees, or relieve the property owner any of the obligations.

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3. Decision-Maker

   The City Council shall decide the Subdivision Proportionality Appeal petition, after receiving a recommendation from the Planning and Zoning Commission.

4. Public Hearing Held within 60 Days after Receipt of Study

   The City Council shall conduct a public hearing within sixty (60) calendar days after the study supporting the petition (refer to **B.** above) is filed with the City Engineer.

5. Burden of Proof

   The applicant bears the burden of proof to demonstrate that the application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the applicant.

6. Decision

   The City Council shall consider the petition for relief from a dedication or construction requirement based upon the following criteria:

   a. The City Council shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system, and whether the application of the standard or condition reasonably benefits the development.

   b. In making such determination, the City Council shall consider the evidence submitted by the applicant, the report and recommendation of the City Engineer and, where the property is located within the City's ETJ, any recommendations from the County, as applicable.

7. Action

   Based on the criteria in **6.** above, the City Council shall take one of the following actions:

   a. Deny the petition for relief, and impose the dedication or construction requirement as required by this Ordinance; or

   b. Grant the petition for relief, and waive any dedication or construction requirement to the extent necessary to achieve proportionality; or

   c. Grant the petition for relief, and direct that the City participate in the costs of acquiring land for or constructing the Improvement under standard participation policies.

   d. The decision of the City Council shall be final.

8. Notification of Decision on Petition

   The City Engineer shall notify the applicant of the decision on the petition for relief within fourteen (14) calendar days following the City Council's decision.

D. Expiration or Failure to File Application

Where an application was denied based upon the imposition of the standard requiring dedication of land or construction of a required Improvement and the City Council's decision is to grant some level of relief, the applicant shall resubmit the application within sixty (60) calendar days following the date the petition for relief is granted, in whole or in part, showing conformity with the City Council's decision on the petition.

1. If the application is not resubmitted within the sixty (60) day period, the relief granted by the City Council on the petition shall expire.

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2. If the re-submittal of the application is modified in any other way, a new petition for relief may be required by the City Engineer.
3. If the application for which relief was granted is denied on other grounds, a new petition for relief may be required by the City Engineer.

E. Effect of Relief

1. The City Engineer may require the applicant to submit a modified application or supporting materials consistent with the relief granted by the City Council on the petition.
2. The relief granted on the petition shall remain in effect for the period the application is in effect, and shall expire upon expiration of the plat or related application.

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Article E. Development Standards

Article Contents:

Section 1. Streets, Sidewalks, and Driveways

Section 2. Water and Wastewater

Section 3. Infrastructure Permit

Section 4. Abandonment of Public Right-of-Ways or Easements

Section 5. Flood Damage Prevention

Section 1. Streets, Sidewalks, and Driveways

1.01. Introduction

The following standards apply in the City of Longview and ETJ in the development process of subdivisions and any other time infrastructure is extended.

1.02. In General

A. Use of Public Funds

No public funds shall be used for the construction or maintenance of Private Streets.

B. Obstruction of Streets Prohibited

It shall be unlawful for any person to any extent, entirely or in part, to obstruct or encumber any portion of any street, alley, sidewalk or public ground in the City.

C. Requests to Move Vehicles

It shall be unlawful for any person in charge of any vehicles on the streets or alleys of the City to fail or refuse to move the same when requested to do so by any street cleaner when engaged in cleaning the streets or alleys or the police while marking cars.

D. Distribution of Materials on Streets

It shall be unlawful for any person to scatter or throw any handbills, circulars, cards, newspapers or any advertising device of any description along or upon any street or sidewalk in the City.

E. Mixing Concrete on Paved Streets

It shall be unlawful for any person to mix concrete on any paved street in the City except on a platform or in a box or other receptacle so constructed as to prevent such concrete from falling on the pavement of such street.

F. Marking Sidewalks with Stencils, etc.

It shall be unlawful for any person to deface, by placing upon a sidewalk in the City, any marks or signs by stencils or otherwise of any nature or character whatsoever.

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G. Injuring or Defacing Street Signs and Sign Posts

It shall be unlawful for any person to abuse, deface or injure any of the street signs of the City, maintained on the streets by the City, by throwing any rocks, stones or other hard substance against same, or by scratching or defacing, same in any manner, or otherwise injuring same in any manner, or who shall injure or deface the posts upon which such signs are erected by throwing any rocks, stones or other hard substances against same, or by scratching, cutting or defacing same in any manner.

1.03. Use of Right-of-Way and Right-of-Way Permits

A. Parking in public right-of-way for certain purposes prohibited; affirmative defenses

1. Parking in public right-of-way for certain purposes prohibited; affirmative defenses

   a. A person commits an offense if the person stands or parks a vehicle upon any portion of a public right-of-way for the purpose of any of the following:

      (1) Displaying such vehicle for sale;

      (2) Washing, greasing, painting, decorating, filling with gas or oil, repairing or otherwise performing maintenance on such vehicle; or

      (3) Utilizing the public right-of-way for customer parking

2. Each of the following is an affirmative defense to prosecution under this subsection:

   a. The public right-of-way on which the alleged offense occurred is owned by the city and the vehicle was parked on said public right-of-way with the express permission of the city and for the purpose authorized by the city;

   b. The public right-of-way on which the alleged offense occurred is owned by the state and the vehicle was parked on said public right-of-way with the express permission of the state and for the purpose authorized by the state;

   c. The vehicle was parked on the public right-of-way only for the purpose of repairs necessitated by an emergency;

   d. The vehicle was utilizing the public right-of-way for customer parking in an area where on-street parking is expressly authorized by city ordinance;

   e. The public right-of-way on which the alleged offense occurred is owned by the city and is located immediately adjacent to a lot or tract occupied by a residential use, and the vehicle was parked in said location with the permission of a resident of said residence.

B. Structures prohibited in public right-of-way; affirmative defense

A person commits an offense if the person places or constructs upon any portion of a public right-of-way any object, structure, facility, or sign, whether temporary or permanent. For purposes of this subsection, the term "facility" includes, without limitation, any facility intended for the parking of vehicles or intended to be used as a driveway. This subsection does not apply to a vehicle. Each of the following is an affirmative defense to prosecution under this subsection:

1. The public right-of-way on which the offense occurred is owned by the city and the object, structure, facility, or sign was placed or constructed on said public right-of-way with the express permission of the city and for the purpose authorized by the city;

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2. The public right-of-way on which the offense occurred is owned by the state and the object, structure, facility, or sign was placed or constructed on said public right-of-way with the express permission of the state and for the purpose authorized by the state.

C. System Map Required

On or before September 1 of each year, each person owning facilities located within the Rights-of-Way shall provide the City Engineer with a System Map. The map must contain the level of detail and be in the form specified by the City Engineer.

D. Permit Required

Except as provided in this section, it is unlawful for any person to do any of the following without first obtaining a permit from the City Engineer:

1. Place any facilities within any portion of the Right-of-Way;
2. Make any excavation, Cut or Embankment within the Right-of-Way;
3. Block the Right-of-Way; or
4. Interfere with any facilities lawfully placed within the Right-of-Way.

E. Application Procedure

The City Engineer shall be authorized to promulgate rules and regulations for permit application procedures.

F. Duty to Protect Other Facilities

It shall be the duty of all applicants for permits to make all investigations necessary to locate all existing underground Facilities or structures in the area where work is contemplated. It shall be the duty of any person undertaking any activity within the Right-of-Way or placing any Facilities within the Rights-of-Way to maintain and protect any and all existing Facilities or structures within the Right-of-Way. The City may charge expenses for repairs of damages to City property to the person causing the damage. It shall be the responsibility of the person causing damage to Facilities other than those belonging to the City to correct the damage. A person acting pursuant to a permit issued hereunder shall be responsible for the actions of the persons employees, agents, or contractors in the performance of such work. The purpose of this Section is to determine responsibility for the repair of property damage. This Section is not intended to be the basis for establishing a duty to repair in any civil action not involving property damage.

G. Other Permits

Issuance of any other type of permit, excluding a Driveway Permit, by a City official shall not constitute clearance or approval to undertake any activity that requires a permit under this Section.

H. Charge for Use of Right-of-Way

Any person owning Facilities within the Right-of-Way or desiring to Facilities within the Right-of-Way shall pay for the use of the Right-of-Way as follows:

1. Payment under State or Federal Law

   Where state or federal law specifies the amount of payment to be made by the person for the use of Right-of-Way, the person shall pay in accordance with the applicable state or federal law.

2. Payment under Agreement

   Where no state law, federal law, or Pre-Existing Agreement specifies the amount of payment to be made by a person for the use of the Right-of-Way, the person must enter into a pipeline

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license agreement or a franchise agreement with the City, as appropriate, before placing any facilities within the Right-of-Way.

a. Pipeline License Agreements

The City Manager or the City Engineer may enter into pipeline license agreements with persons who wish to place facilities within the Right-of-Way. The Director of Public Works shall determine a standard rate to charge per foot of the person's facilities placed within the Right-of-Way. In addition, the Director of Public Works shall determine a standard rate to charge for each time that a person's facilities cross a Public Street. The Director of Public Works shall revise said rates once each year, such revision becoming effective upon the commencement of the new City fiscal year. Each person that enters a pipeline license agreement with the City Manager or the City Engineer shall agree to make payment to the City in accordance with said rates.

b. Franchise Agreements

It shall be the responsibility of the City Council of the City to consider the approval or disapproval of any franchise agreement.

3. Payment under Pre-Existing Agreements

Any person having a Pre-Existing Agreement with the City shall compensate the City in accordance with the terms specified in the Pre-Existing Agreement until said agreement expires by its own terms. Such compensation shall satisfy the compensation requirements of this subsection **H**. However, any person owning or wishing to place facilities within the Right-of-Way, which facilities are not expressly covered by a Pre-Existing Agreement, must pay compensation to the City as required in **1.** or **2.** above, as appropriate.

I. Grounds for Refusal or Revocation of Permit

The City Engineer may refuse to issue a permit or may revoke or suspend a permit previously issued if in his/her opinion:

1. The proposed activity will substantially interfere with vehicles or pedestrians, and procedures that are consistent with these regulations have not been implemented to minimize the interference; or
2. The proposed activity will interfere with another activity for which a permit has been previously issued; or
3. The applicant is unable or not qualified to perform the proposed activity; or
4. The proposed activity will adversely impact the integrity of any portion of the Right-of-Way; or
5. The proposed activity will adversely impact existing or planned facilities within the Right-of-Way; or
6. The applicant has failed to provide the System Map required under **C. System Map Required** above; or
7. The applicant has failed to make payment for the use of Right-of-Way as required by **H. Charge for Use of Right-of-Way** above; or
8. The applicant fails to comply with any restrictions imposed by the City Engineer under **J. Restrictions within Permit** below.

J. Restrictions within Permit

The permit shall specify the activity for which it is issued. The City Engineer shall be authorized to implement any restrictions or requirements on any such permit that he/she determines are

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necessary, and adherence to such restrictions or requirements shall be necessary for the issuance of or continued validity of any permit. It shall be unlawful for any person holding a permit to do any work in violation of any such restriction or requirement of a permit.

K. Restoration

A person who makes or causes a Cut or Excavation within the Right-of-Way must, as rapidly as practicable after the project is completed, Backfill the Excavation or Cut to a firm and solid bearing in a manner that will prevent the settling of the earth, and must restore any base and surface as near as possible to its former condition. Restoration work must be completed to the satisfaction of the City Engineer. The City Engineer may order the removal of any Backfill not completed to City specifications or to his/her satisfaction. Should the person making or causing an Excavation or pavement Cut fail to Backfill the same as required herein, the City may cause the same to be done and shall charge the expense of such work to the person making or causing such Cut or Excavation to be made. However, such work shall not release a person from the person's obligation under **M. Repair of Defective Work** below.

L. Inspection

The City may inspect all work performed in accordance with a permit issued pursuant to these regulations. A person holding a permit under this section shall notify the City at least one (1) hour prior to Backfilling any Excavation. The City Engineer may order additional work if he/she deems it to be necessary. Should additional work be ordered by the City, the holder of the permit shall perform such work in accordance with orders.

M. Repair of Defective Work

It shall be the duty of any person making or causing replacement to do so in such a manner so as to prevent settlements in the surface or in the paving over any such Excavation or Cut. Should settlement occur over a Cut or Excavation within a period of one year after the surface or paving is replaced, it shall be the obligation of the person making or causing the Cut or Excavation to pay the entire expense of correcting the settlement, including but not limited to, all expenses of opening, refilling, tamping, and repaving, and all other incidental work necessary to said replacement in the opinion of the City Engineer, to prevent a future or continual surface or paving settlement or failure.

N. Notice of Defects

The City Engineer shall notify any person making or causing a Cut or Excavation of any settlement or pavement failure due to such Cut or Excavation, giving said party five (5) business days from receipt of said notification to observe and examine the condition therein referenced with the City Engineer. If after ten (10) business days following said inspection, or within fifteen (15) business days of notification, if no such joint inspection is made, the party has not completed the necessary repairs, the City Engineer may order the necessary repairs or replacements to be performed and shall charge the expenses to the said party.

O. Warning Devices

Regardless of whether a permit is required under this section, a person who undertakes any activity described by **D. Permit Required** above shall place barricades, warning signs, signal lights, or other devices at the location, sufficient to warn the public of any hazard created by the person's activity. All such barricades, warning signs, signal lights, and other necessary devices and their location and placement shall be in compliance with the current edition of the Texas Manual on Uniform Traffic Control Devices.

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P. Exemptions

1. Emergencies

   In the event of an emergency requiring an immediate Cut or Excavation to be made, a person making or causing such Cut or Excavation shall notify the City Engineer within twelve (12) hours that the Cut or Excavation has been made. The person making the emergency repairs need not obtain a permit in advance of making said repairs, but shall comply with all other applicable provisions of this Section. The permit shall be obtained at the first reasonable opportunity after such emergency repairs have commenced.

2. Driveway Construction

   A person is not required to obtain a permit under this section if the person is only constructing a driveway and the person holds a permit for construction of that driveway issued under a City ordinance regulating driveway construction. If a person is performing any work in addition to driveway construction and the additional work would require a permit under this Section, then the person must obtain a permit under this section in addition to any permit required under any applicable City regulations relating to driveway construction.

3. City

   The City, its employees, and parties who have contracted for street or public water, wastewater, or storm sewer construction, repair, or maintenance, shall be exempt from the provisions of this Section.

4. State and Federal Highways

   The provisions of these regulations shall not apply to Cuts or Excavations on streets or roads within the City that are part of the state or federal highway system.

Q. Authority of City Engineer

For purposes of enforcement of these regulations, the City Engineer has the following authority:

1. The City Engineer may determine the time and method of any work to be performed pursuant to a permit issued under this section in order to minimize interference with any other use of the Right-of-Way and to eliminate the unnecessary cutting of pavement.
2. The City Engineer may enter premises for the purpose of inspecting any work performed pursuant to a permit issued under this section or any devices or procedures required by said permit.
3. The City Engineer may order removal of encroachments on the Right-of-Way, placement of proper barricades and warning devices, and repair of substandard restoration work.
4. The City Engineer may order that any work performed in the Right-of-Way that is not in conformance with this ordinance be stopped immediately.

R. Appeals

In the event a person disagrees with a decision of the City Engineer concerning interpretation or enforcement of the provisions of these regulations, the person may appeal that decision to the Director of Public Works, who shall make or cause an investigation of the circumstances of the appeal and shall promptly render a decision thereon. During the pendency of the appeal, the person shall comply with all requirements of the City Engineer concerning use of warning devices and all other safety regulations of the City. The decision of the Director of Public Works shall be final.

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S. Offenses and Penalty

1. A person commits an offense if:

   a. He/she violates any provisions of this Section;

   b. He/she fails to comply with restrictions or requirements placed on the permit by the City Engineer; or

   c. He/she fails to comply with an order of the engineer issued under these regulations.

2. A person commits an offense if while performing a pavement Cut or Excavation he/she:

   a. Recklessly or willfully damages the paved surface of a Public Street, alley, curb, or sidewalk; or

   b. Fails to clear debris from a Public Street, alley, curb, or sidewalk after completion of the activity.

3. A person commits an offense if while performing an activity along a Public Street, alley, or sidewalk, which requires a permit from the Building and Fire Code Official, he/she:

   a. Recklessly or willfully damages the paved surface of a Public Street, alley, curb, or sidewalk; or

   b. Fails to clear debris from a Public Street, alley, curb, or sidewalk after completion of the activity.

4. Any person, firm, partnership, or corporation who violates any provision of this Section shall be subject to Article A.1.06. Violations and Fines.

T. Pre-Existing Agreements

The requirements imposed by this Section are in addition to any requirements contained in any Pre-Existing Agreement, and nothing in this Section shall be construed to relieve any person of any obligations under any Pre-Existing Agreement. Persons having facilities located within the Right-of-Way before March 1, 2000, under a Pre-Existing Agreement may leave said facilities in place without obtaining a new permit under this Section until said Pre-Existing Agreement expires by its own terms. However, such a person shall be required to comply with all the requirements of this Section, including the requirement to obtain a permit, with regard to any work within the Right-of-Way occurring on or after March 1, 2000, in addition to the requirements of any valid Pre-Existing Agreement.

U. Use of Rights-of-Way Prohibited for Certain Purposes

1. Parking in Right-of-Way for Certain Purposes Prohibited

   a. A person commits an offense if the person stands or parks a vehicle upon any portion of a Right-of-Way for the purpose of any of the following:

      (1) Displaying such vehicle for sale;

      (2) Washing, greasing, painting, decorating, filling with gas or oil, repairing or otherwise performing maintenance on such vehicle; or

      (3) Utilizing the Right-of-Way for customer parking.

   b. Exceptions

      (1) The Right-of-Way on which the alleged offense occurred is owned by the City and the vehicle was parked on said public Right-of-Way with the express permission of the City and for the purpose authorized by the City;

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(2) The Right-of-Way on which the alleged offense occurred is owned by the state and the vehicle was parked on said Right-of-Way with the express permission of the state and for the purpose authorized by the state;

(3) The vehicle was parked on the Right-of-Way only for the purpose of repairs necessitated by an emergency;

(4) The vehicle was utilizing the Right-of-Way for customer parking in an area where on-street parking is expressly authorized by City ordinance;

(5) The Right-of-Way on which the alleged offense occurred is owned by the City and is located immediately adjacent to a lot or tract occupied by a residential use, and the vehicle was parked in said location with the permission of a resident of said residence.

2. Structures Prohibited in Right-of-Way

A person commits an offense if the person places or constructs upon any portion of a Right-of-Way any object, structure, facility, or sign, whether temporary or permanent. For purposes of this Subsection, the term "facility" includes, without limitation, any facility intended for the parking of vehicles or intended to be used as a driveway. This subsection does not apply to a vehicle. Each of the following is an affirmative defense to prosecution under this subsection:

a. The Right-of-Way on which the offense occurred is owned by the City and the object, structure, facility, or sign was placed or constructed on said Right-of-Way with the express permission of the City and for the purpose authorized by the City; or

b. The Right-of-Way on which the offense occurred is owned by the state and the object, structure, facility, or sign was placed or constructed on said Right-of-Way with the express permission of the state and for the purpose authorized by the state.

3. Penalty

Any person, firm, partnership, or corporation who violates any provision of this Section shall be subject to **Article A.1.06. Violations and Fines**.

V. Warning Devices Required when Excavating near Thoroughfares

It is unlawful for any person to make any Excavation within fifty (50) feet of the edge of any street or sidewalk without placing proper guard rails and signal lights or other warning devices around the Excavation. Such warning devices must be sufficient to warn the public of such Excavations and to protect all persons using reasonable care from accidents on account of the Excavations.

W. Making Excavations Negligently

Any person making or causing to be made any Excavation on any lot contiguous to any street or sidewalk, so that the same, by caving or otherwise, shall in any manner endanger or injure such street or sidewalk, shall be deemed guilty of a misdemeanor.

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1.04. Addressing Standards

A. Purpose, Administration, and Interpretation

1. Purpose

The purpose of this Section is to establish an accurate, comprehensive, sequential system for assigning street names and addresses within the City's jurisdiction. The City Council finds that such a system is necessary and desirable for fire protection, police protection and other public services performed by the City and other governmental entities and that use of the City's Geographic Information Systems and computer-controlled emergency systems in the provision of such public services will be greatly enhanced by the application of this Section.

2. Administration and Interpretation

This Section shall be administered by and interpreted by the Addressing Administrator.

3. No Vested Right Created

This Section is enacted for the purposes set forth in **1.** above and not for the benefit of any person, including without limitation any developer, requesting an address or street name assignment or change. Nothing in this Section grants or vests any right, privilege or property interest in the assignment or change of any address or street name or in the procedure used for same. The City reserves the right to assign and to change such street names and addresses as the City, in its sole discretion, deems appropriate.

4. No Public Dedication Implied

Under no circumstances shall the assignment of a street name, the assignment of an address, the grant of approval, or any other act or omission pursuant to this article constitute an acceptance of any proposed public dedication or an admission that any parking lot, driveway, easement, access route, street or way for vehicular or pedestrian traffic is a Public Street.

B. Application of Section

1. General Application

This Section shall apply to any assignment of any address or street name that occurs on or after December 1, 2006.

2. Application to Existing Street Names

This Section shall apply to duplicate street names and to street names that sound or look alike so as to present a significant potential for confusion. The Addressing Administrator may change such street names regardless of whether such street names were assigned on or after December 1, 2006, or were assigned before that time. Any such street name changes shall comply with the provisions of this Section.

3. Application to Existing Addresses

This Section shall apply to addresses that do not comport with the pattern and sequence of addresses in the immediate area. The Addressing Administrator may change any such address, regardless of whether the address was assigned on or after December 1, 2006, or was assigned before that time. Any such address change shall comply with the provisions of this Section.

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4. Application to Existing Building Number and Unit Numbers, etc.

   This Section shall apply to building numbers and unit numbers to the extent that such designations do not comport with the pattern and sequence of other building numbers and/or unit numbers within the same multiple-unit building or multiple-building complex. This Section shall also apply to the numbering of dwelling units within an Alternative One-Family Dwelling Unit complex to the extent that the identifier assigned to any dwelling unit therein does not comport with the pattern and sequence of other such identifiers within the same alternative one-family dwelling unit complex. The Addressing Administrator may change such building numbers, unit numbers, and identifiers regardless of whether such designations were assigned on or after December 1, 2006, or were assigned before that time. Any such changes shall comply with the provisions of this Section.

C. Street Names

1. Street Names Required

   Street names shall be used to identify all streets.

2. Naming of Non-Streets

   A street name shall not be assigned to anything that is not a street as defined by this Section unless the Addressing Administrator determines that the assignment of a street name is necessary to assist in emergency response. The assignment of a street name in such a circumstance shall comply with this Section.

3. Addressing Administrator Approval Required

   No street name shall be assigned unless first approved by the Addressing Administrator.

4. Street Naming Process and Criteria

   Assignment of street names shall be in accordance with the following:

   a. If a plat is required under **Article D. Subdivision Regulations**, proposed street names shall be submitted to the Addressing Administrator for review and approval at the same time that the Pre-Submission Proposal required by that Article is submitted.

   b. The Addressing Administrator may require the submission of any proposed street name or proposed change in a street name in any reasonable form, including without limitation as a part of any required Development Site Plan or Pre-Submission Proposal.

   c. The duplication of street names shall not be permitted.

   d. Street names that sound or look alike so as to present a significant potential for confusion shall not be permitted.

   e. Street names shall not contain any punctuation or special characters. Only alphabetical symbols A through Z and blank spaces may be used in street names.

   f. If a new street is a direct or logical extension of an existing street, the existing street name must be used in place of a newly assigned name.

   g. Street names that are difficult to pronounce and difficult to spell shall not be permitted.

   h. Streets bearing directional names shall not be permitted.

   i. Street names containing initials or abbreviations shall not be permitted.

   j. Street names deemed controversial, improper, or obscene shall not be permitted.

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k. Street names that could lead to a high rate of vandalism or theft in regards to the street's designation sign shall not be permitted.

l. Street names shall be a maximum of two (2) words and fifteen (15) characters in length.

m. A street name shall not contain the given name and surname of a person, either living or deceased, unless the street name is approved by the City Council.

n. Street directional prefixes shall not be permitted as part of the street name. Exceptions will be made when a street crosses one of the City's major dividing points such as Center Street (east/west divider), Green Street (east/west divider), Judson Road (east/west divider), Pine Tree Road (east/west divider), Marshall Avenue (north/south divider in Greggton area), and the Union Pacific railroad tracks (north/south divider) that run parallel with Marshall Avenue.

o. When naming a new street, only the following classifications will be considered in regards to the street suffix, and each street name shall be assigned a suffix in conformance with the following street types :

(1) Alley (AL) - A narrow street between clusters of buildings. An alley is normally accessed for utility purposes.

(2) Avenue (AV) - A broad Public Street often lined with trees. An avenue provides ingress and egress from both ends, has wide lanes, and allows for easy bi-directional traffic flow.

(3) Boulevard (BL) - A broad, formally laid-out Public Street normally four lanes wide and often lined with trees or adorned with landscaped medians. A boulevard provides ingress and egress from both ends and allows for easy bi-directional traffic flow. The suffix "boulevard" shall be assigned only to a Principal Arterial, Minor Arterial, or Collector.

(4) Circle (CL) - A circular-shaped street, sometimes a cul-de-sac, for residences. It can be either a closed loop or semicircle. A circle often returns to the same point of origin or to the same originating street, therefore providing both ingress and egress. A circle in a cul-de-sac scenario has no egress and is longer in length than a court.

(5) Court (CT) - A circular pocket off a Public Street; a short street with no streets running off of it (most commonly known as a cul-de-sac). A court has no egress and therefore forms a dead end. It is shorter in length than a circle, a lane, a place, or a way.

(6) Drive (DR) - A residential street of local extent. A drive provides ingress and egress from both ends, normally has wide lanes, and allows for easy bi-directional traffic flow. The suffix "drive" shall be assigned only to a Principal Arterial, Minor Arterial, or Collector.

(7) Lane (LN) - A narrow, often informal street or passageway. A lane normally has no egress and therefore typically forms a dead end. It is generally longer in length than a court, a place, or a way and may have other streets running off of it.

(8) Loop (LP) - A circumferential street; a street that returns to itself. A loop has ingress and egress on the same street and normally contains four or more lanes with adequate shoulder space. The term is also used as a prefix to a street name rather than as a suffix. The suffix or prefix "loop" shall be assigned only to a Principal Arterial meeting this definition.

(9) Parkway (PK) - A broad, formally laid-out Public Street. A parkway typically contains four wide lanes, provides ingress and egress from both ends, and allows for easy bi-

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directional traffic flow. The suffix "parkway" shall be assigned only to a Principal Arterial, Minor Arterial, or Collector.

(10) Place (PL) - A short street. A place normally has no egress and therefore forms a dead end. A place is longer in length than a court but shorter than a lane.

(11) Road (RD) - An open, Public Street that gives access to the various parcels of land and to the various streets making up a community. A road has wide lanes, provides ingress and egress from both ends, and allows for easy bi-directional traffic flow.

(12) Square (SQ) - A rectangular-shaped street that typically accesses residential developments. A square provides ingress and egress from both ends.

(13) Street (ST) - For purposes of using the word "street" as a suffix to a street name, a Public Street used to give vehicular traffic access to the various parcels of land within a community. The term may be used as a street name suffix when the street has wide lanes, provides ingress and egress from both ends, and allows for easy bi-directional traffic flow.

(14) Trail (TR) - A residential street. A trail typically provides ingress and egress from both ends, acting as a short connector street. A trail sometimes culminates in a dead end, though. It normally has two full lanes but is narrower than an avenue, drive, road, or street.

(15) Way (WA) - A narrow street that is generally shorter in length than a lane but longer than a court. A way has no egress; therefore, it forms a dead end.

The street types set forth in this subsection are to be used for purposes of assigning the appropriate suffix to a street name and are not to be used in otherwise construing the meaning of this Section.

p. In the event several streets located within a subdivision or area form dead-end streets, each of the main streets shall be assigned the suffix "lane," "place," or "way" with each dead-end street running off of it assigned the suffix "court" or "circle."

5. Change of Street Name

a. The Addressing Administrator may authorize or direct the change of a street name. Except as expressly provided otherwise in this subsection **5.**, no street name change under these circumstances is valid unless authorized by the Addressing Administrator. The Addressing Administrator shall not authorize or direct the change of any street name after any lot in the subdivision has been sold or after the City has accepted dedication of the street, whichever occurs first, unless the change is necessary to make the street name comply with the requirements of this Section. Regardless of whether the change of a street name is necessary to make the street name comply with the requirements of this Section, the City Council may authorize or direct the change of a street name if the proposed new street name complies with the requirements of this Section.

b. If the City receives a request to change a street name after any lot in the subdivision has been sold or after the City has accepted dedication of the street, the City Council will consider the request only if it complies with the following criteria:

(1) The majority of owners of property adjacent to the street for which a street name change is requested agree in writing to the requested street name change; and

(2) If the request asks that the street name be changed to the name of an individual, the proposed new street name is the name of a deceased individual of notable achievement.

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D. Addressing in General

1. Addresses Required

Unless provided otherwise in this Subsection, each tract of land and platted lot shall be assigned a single street number that complies with the requirements of this Section. Unless provided otherwise in this Section, each building shall be assigned a single address that complies with the requirements of this Section. At a minimum, the full address of each building shall include the street number of the tract of land or platted lot on which the building is located.

2. Addressing Administrator Approval Required

No address shall be assigned unless the address complies with this Section and is first approved by the Addressing Administrator.

3. Address Assignment Process and Criteria

Assignment of addresses shall be in accordance with the following:

a. If a plat is required under **Article D. Subdivision Regulations**, proposed addresses shall be submitted to the Addressing Administrator for review and approval at the same time that the Pre-Submission Proposal required by that Article is submitted. If a plat is not required but a Site Plan is required, then proposed addresses shall be submitted to the Addressing Administrator for review and approval at the same time that the Development Site Plan is submitted. If neither a plat nor a Development Site Plan is required, then any address required to be assigned under this Section shall be submitted before any new occupancy or change in occupancy of the building or unit requiring an address.

b. The Addressing Administrator may require the submission of any proposed address or proposed change in an address in any reasonable form, including without limitation as a part of any required Site Plan.

c. Each street number shall be consistent with the pattern and sequence of street numbers in the immediate area, including the range of street numbers found along the street on which the tract, lot or building fronts.

d. Street numbers shall be assigned using a grid system wherein the numerical range of street numbers on a street is based on the numerical range of the street numbers on the closest existing streets that run parallel with the street for which street numbers are being assigned. The Addressing Administrator shall have the authority to establish a specific grid system based on this principle.

e. All odd-numbered street numbers shall be located on the north and west sides of the street, all even-numbered street numbers shall be located on the south and east sides of the street. For streets running from a southeast to northwest direction, the Addressing Administrator may determine the assignment of even and odd street numbers based on the street numbers on the closest existing streets that run parallel with the street for which street numbers are being assigned. Street numbers on curving streets shall consistently follow the original pattern of street numbers on that street throughout the entire length of the street. Within a cul-de-sac, street numbers shall be assigned as if the street culminates in a dead-end at the mid-point of the cul-de-sac.

f. One hundred (100) shall be the lowest possible street number assigned on any given street.

g. Each tract of land and platted lot will be assigned a street number on the street on which the tract of land or platted lot fronts. If there is a building located or proposed on a tract of

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land or platted lot, the street number will be assigned on the street upon which the building fronts or will front.

h. No fractions or decimals (for example, ½ or .5) shall be used in any address.

i. No alphabetical characters (for example, A, B, C, D, etc.) shall be used in any address.

j. No hyphens (for example, 1-3, 1-A, etc.) shall be used in any address.

k. The duplication of addresses shall not be permitted.

l. No address shall be assigned to an Accessory Building

m. Buildings that are not attached to each other in such a way as to permit a person to travel from one building to the other while being completely enclosed at all times (such as buildings attached at the roofline and connected only with a breezeway) shall be treated as separate buildings for purposes of this Section.

4. Denial of Building Permit

A building permit shall not be issued for any building or for construction on any tract of land or platted lot for which this Section requires an address or addresses until the required address or addresses are assigned as required by this Section.

5. Change of Assigned Address

Once assigned, an address shall not be changed unless the change is approved or directed in advance by the Addressing Administrator. In addition, no street number shall be changed after any building associated with the street number has been occupied by anyone unless one of the following is true:

a. The change is necessary to make the street number comport with the pattern and sequence of street numbers in the immediate area; or

b. This Section requires the assignment of a new or additional street number and the current pattern and sequence of street numbers in the immediate area does not allow room for the required new or additional street number.

E. Additional Requirements for Standard One-Family Dwelling Units

A street number shall be assigned to each standard one-family dwelling unit.

F. Additional Requirements for Alternative One-Family Dwelling Units

A single street number shall be assigned to each alternative one-family dwelling unit complex. Each dwelling unit within an alternative one-family dwelling unit complex shall then be assigned a sequential number that is unique within that alternative one-family dwelling complex. The number may be designated as a "lot number" or by another similar term, but such terms shall be used consistently within the same alternative one-family dwelling unit complex. Example: 1000 Main Street, Lot 1, Lot 2, Lot 3, etc.

G. Additional Requirements for Multiple-Unit Buildings

1. Street Numbers Required

A single street number shall be assigned to each multiple-unit building that is not part of a multiple-building complex.

2. Unit Numbers Required

Each unit in each multiple-unit building shall be assigned a single unit number, and each unit number shall be assigned based on the following rules:

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a. If there are ninety-nine (99) or fewer units on each floor of a multiple-unit building, then each unit will be assigned a three-digit unit number with the first digit representing the number of the floor on which the unit is located and the number represented by the final two digits being different from the number assigned to any other unit on the same floor. For example, first-floor units will be assigned a unit number between 101 and 199, inclusive; second-floor units (if any) will be assigned a unit number between 201 and 299, inclusive; third floor units (if any) will be assigned a unit number between 301 and 399, inclusive; and so forth.

b. If there are more than ninety-nine (99) units on any one floor of a multiple-unit building, then each unit will be assigned a four-digit unit number with the first digit representing the number of the floor on which the unit is located and the number represented by the final three digits being different from the number assigned to any other unit on the same floor. For example, first-floor units will be assigned a unit number between 1001 and 1999, inclusive; second-floor units (if any) will be assigned a unit number between 2001 and 2999, inclusive; third-floor units (if any) will be assigned a unit number between 3001 and 3999, inclusive; and so forth. For multiple-unit buildings containing 10 floors or more, unit numbers shall be assigned as directed by the administrator.

c. Units with exterior main entrances shall start with the lowest unit number on the left side of the building as a person faces the front entrance of the building and continue assigning unit numbers in sequential order from left to right.

d. Units with interior main entrances shall have assigned the lowest unit number to the first unit on the left as accessed from the main entrance to the building and continue assigning unit numbers in sequential order in a clockwise direction. Units with interior main entrances shall be assigned even unit numbers on one side of the corridor or hallway and odd unit numbers on the opposite side.

e. Assignment of unit numbers shall take into consideration the potential for future additional space divisions, and numbers may be skipped in order to provide for such potential additions, although sequential order shall be maintained in assigning unit numbers.

f. Rooms intended and used for a primary purpose other than human occupancy, such as custodial closets, housekeeping rooms, utility closets, etc., shall be identified with a simple description and shall not be assigned a unit number.

H. Additional Requirements for Multiple-Building Complexes

1. Street Numbers Required

A single street number shall be assigned to each multiple-building complex.

2. Building Numbers Required

Each building within a multiple-building complex shall be assigned a single building number that is unique within that multiple-building complex. Said building numbers shall be in consecutive order (Building 1, 2, 3, etc.) with the numbering sequence starting on the building closest to the street on the right side of the main approved addresses entrance and flowing in a counterclockwise spiral direction consecutively numbering each building from outward to inward. Wherever possible, the main approved addressed entrance shall be located at the clubhouse, leasing building and/or main building and said building will be identified as Building #1.

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3. Unit Numbers Required

   Each unit in any multiple-unit building located in any multiple-building complex shall be assigned a unit number in accordance with the provisions of this Section.

4. Temporary Buildings

   All buildings intended to be removed from a site after the completion of a particular task, such as sales buildings, construction management buildings, and other temporary miscellaneous buildings and trailers shall use the street number assigned to the tract of land or platted lot on which the building sits. No building number shall be assigned to such a temporary building. No unit number shall be assigned within any such temporary building.

I. Premises Identification

Each address assigned under the authority of this Section shall be posted on the premises in accordance with all applicable provisions of the construction codes and all other applicable City ordinances.

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1.05. Intersection Visibility Triangle

No fence, wall, screen, billboard, sign, object, structure, or foliage of hedges, trees, bushes, shrubs shall be erected, placed, planted or maintained in such a position or place so as to obstruct or interfere with the following minimum sight line standards:

A. Vision at all intersections where streets intersect at or near right angles shall be clear at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade, within a triangular area formed by extending the two curb lines from their point of intersection, forty-five (45) feet along the curb of major thoroughfares, as defined in the city's most recent comprehensive plan, and thirty (30) feet along the curb of other streets and thoroughfares, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection twenty-five (25) feet on major thoroughfares and ten feet on other streets or thoroughfares, and connecting these points with an imaginary line, thereby making a triangle.

B. At intersections where streets do not intersect at or near right angles, the City Traffic Engineer or his/her agent, or person serving in such capacity, shall have the authority to increase the minimum sight distances required in **A.** above as he/she deems necessary to provide safety for both vehicular and pedestrian traffic; *based on AASHTO's Policy on Geometric Design of Highways and Streets.*

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1.06. Driveway Construction

A. Driveway Permit

1. No person shall construct, reconstruct, repair or alter any driveway nor shall any person cut, alter or repair any curb, without first obtaining a Driveway Permit or Temporary Driveway Permit (as appropriate) for said construction, reconstruction, repair, alteration or cut from the City Engineer.
2. An application for a Driveway Permit or Temporary Driveway Permit shall be in a form acceptable to the City Engineer. In addition to any information expressly required of an applicant for such an application by this Section, the City Engineer may require an applicant to provide such other information as shall be reasonably necessary for the administration and enforcement of this Section.
3. There shall be charged a fee for a Driveway Permit or a Temporary Driveway Permit. The amounts of said fees shall be as established by the Fee Schedule.
4. A Driveway Permit shall expire one (1) year from the date of issuance.
5. No Driveway Permit shall be issued for a Residential Driveway until a sketch has been submitted that indicates the property lines, main structure and driveway location, and any other major site features to illustrate compliance with these regulations.
6. No Driveway Permit shall be issued for a Commercial Driveway until the Development Site Plan is approved.
7. The Development Site Plan shall be submitted in accordance with **Article A.3.03. Development Site Plans. T**he Development Site Plan shall include applicable information as outlined in **Article A.3.03. Development Site Plans** and the following items deemed necessary by the City Engineer:
   a. Dimensions and locations of driveways being requested;
   b. Storm drain inlets and facilities;
   c. Utility poles;
   d. Signs;
   e. Service fixtures;
   f. Type of land use activity;
   g. Floor space of site development;
   h. A parking plan showing all parking spaces, curbs, tire stops, radius dimensions, and internal circulation pattern;
   i. Distances to the centerline of nearest intersecting streets and all other Right-of-Way or easements;
   j. Driveways on lots opposite of the street for a distance of two hundred fifty (250) feet from all site property lines;
   k. Distances to the nearest driveway on adjacent lots;
   l. Names and telephone numbers of all responsible parties; and
   m. Vertical and horizontal stopping-sight distance calculations if requested by the City Engineer.

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8. On property other than residential, shared driveways and internal access connections between adjacent properties are encouraged in those instances where the adjoining properties are compatible in terms of land use and traffic characteristics, and where environmental or terrain constraints do not preclude the provision of such internal site access.
    a. The City Engineer may, at the City Engineer's discretion, determine cases where shared driveways are not attainable or feasible.
    b. The express intent of encouraging shared driveways and common internal site access is to minimize in number and location the total number of curb cuts along the adjacent roadway in order to provide for safe and efficient movement of vehicles.
9. If a Development Site Plan is part of any Construction Plans that require a Building Permit, the driveways shown on the Development Site Plan or Construction Plans (for public infrastructure)shall contain sufficient detail for construction.
10. If the Development Site Plan is not a part of Construction Plans requiring a Building Permit, the driveways contained on the Development Site Plan shall contain sufficient detail for construction.
11. Parking Requirements
    a. Parking shall comply with regulations of Zoning Regulations and all other City regulations.
    b. If a parking area is accessed from a state highway, compliance with the Texas Department of Transportation Access Management Manual is also required.
    c. Except within CB, Central Business District, all parking spaces, aisles and maneuvering areas shall be contained within the property boundaries and designed to prevent vehicles backing from Residential Driveways and Commercial Driveways onto the roadway.
12. Driveway Requirements
    a. No driveway will be permitted without sufficient available vertical and horizontal sight distance as outlined in the American Association of State Highway and Transportation Officials (AASHTO) policy (1990) on geometric design of highways and streets, nor will any driveway be permitted to encompass or encroach upon municipal facilities such as street light poles, traffic signal standards, signs, catch basins, hydrants, crosswalks, bus stop areas, utility poles, fire alarm supports, underground pipes or ducts or other necessary street structures.
        (1) The relocation of an affected municipal facility may be authorized by the City Engineer; however, such relocations will be made at the expense of the person requesting the Temporary Driveway Permit or Driveway Permit. Relocations of affected state-owned facilities on state highways must be authorized or permitted, if applicable, by the Texas Department of Transportation prior to issuance of a driveway permit.
        (2) No driveway opening onto a state highway will be permitted unless the driveway complies with the Texas Department of Transportation Access Management Manual and Regulations.
        (3) Driveway openings onto state highways must address driveway geometrics, utility location or relocation considerations, compliance with the Americans with Disabilities Act (ADA), and Texas Accessibility Standards (TAS), environmental regulations, wetland considerations if appropriate, and all other applicable state and federal laws, rules, and regulations to the satisfaction of TxDOT.

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b. Driveway widths shall comply with the driving aisle requirements outlined in Zoning Regulations.

c. A Driveway Permit is required to retain or modify any existing driveway where vacant property is developed, new structures are constructed, either the property or existing structures are modified in any way that requires the submission of a Development Site Plan or Plot Plan, or if the land use is changed.

d. Where, in the opinion of the City Engineer, a driveway is proposed that meets all requirements of this Section yet will by its location, design or other element, be unduly hazardous, the City Engineer hereby has the authority to deny such driveway location and design.

e. A Temporary Driveway Permit may be allowed for the provision of a temporary means of access to a site provided that, in the opinion of the City Engineer, the temporary driveway location and design is not unduly hazardous and the location and design of the temporary driveway is in accordance with the requirements of the City Engineer. A Temporary Driveway Permit shall expire ninety (90) calendar days from its date of issuance. Temporary Driveway Permits on state highways must meet the applicable criteria of this Section.

f. It shall be the responsibility of the City Engineer to provide TxDOT with a copy of permits issued on state highways no later than ten (10) business days following issuance of same.

B. Deviations

1. Where strict compliance with the provisions of this Section may result in hardship or adverse traffic conditions, the City Engineer may allow a deviation from the requirements of this Section to the extent deemed just and proper so as to relieve such difficulty or hardship. As an example, but without limitation, commercial and industrial driveways that serve land uses such as shopping centers, industrial plants, refueling stations or other uses that generate high volumes of traffic may require special considerations based on expected traffic volumes, vehicle mix, turning movements, and/or site constraints.

2. In considering requests for deviations from this Section, the City Engineer may require from the person requesting the temporary driveway permit or driveway permit such information and justification as the City Engineer shall, in the City Engineer's professional judgment, deem appropriate for making such a decision. Such information and justification could include, but would not necessarily be limited to, professionally prepared traffic flow and transportation planning studies.

3. The City Engineer shall not allow any deviation from the requirements of this Section that either results in detriment to the public good or impairs the desirable general development and operation of the street in accordance with sound planning principles and policies established in the Thoroughfare Plan, metropolitan transportation plan, or subsequent official updates or amendments thereto.

4. Anything to the contrary in this Section notwithstanding, the City Engineer shall not authorize any deviation from the Texas Department of Transportation Access Management Manual.

C. Appeals

1. Appeals to Construction Advisory and Appeals Board

This subsection applies only to an appeal of the decision of the City Engineer that does not involve any rule or regulation of the Texas Department of Transportation Access Management Manual. Where the City Engineer has denied a request for a Temporary Driveway Permit, a

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Driveway Permit or a deviation from the requirements of this Section, the applicant may appeal to the Construction Advisory and Appeals Board. In hearing such an appeal, the Construction Advisory and Appeals Board shall consider the opinion of the City Engineer and shall not authorize any deviation that adversely affects safety. The procedures for appeal shall be the same as the procedures set forth for appeal in the official building code of the City.

2. Appeals to TxDOT

This subsection applies only to an appeal of the decision of the City Engineer that involves a rule or regulation of the Texas Department of Transportation Access Management Manual. Where the City Engineer has denied a request for a temporary driveway permit, a driveway permit or a deviation from the requirements of this Section, a final appeal may be made to the TxDOT area engineer responsible for the respective state highway. The appellant shall file with the City Engineer such information as the City Engineer and the TxDOT area engineer shall require, and the City Engineer shall forward such information to the appropriate area engineer of TxDOT. Said area engineer shall decide the appeal, and said decision shall be final.

D. Construction

1. The actual construction of driveway and parking facilities shall comply with the approved Development Site Plan or Construction Plans (as applicable) and terms of the Driveway Permit, and is subject to inspection by the City during the construction. The actual construction of any temporary driveway shall comply with the terms of the Temporary Driveway Permit.
2. The construction of all driveways shall conform to construction standards and specifications adopted by the City.
3. The construction of driveways shall be completed within seventy-two (72) hours after a curb cut is begun and during construction shall be maintained by the person or agency that is responsible for the construction.
4. Construction of driveway and parking facilities including marking of parking stalls shall be completed prior to the issuance of a Certificate of Occupancy.

E. Driveway Standards

1. Applicability

a. This section shall apply only to driveways that are not regulated by Texas Department of Transportation (TxDOT).

b. Two types of driveways shall be constructed in the City:

(1) Residential Driveway

The Residential Driveway regulations shall apply to single-family and two-family residential developments.

(2) Commercial Driveway

The Commercial Driveway regulations shall apply to multi-family residential and nonresidential developments.

2. General

a. The minimum Driveway Width shall be measured at a right angle to the center line of the Driveway, except as increased by permissible ramp radii or flares;

b. The minimum and maximum driveway Curb Cut for a driveway and permissible ramp radii or flares shall be measured at the curb line;

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c. Driveways shall be provided with Concrete Ramp radii or flares and a ramp (See **3.a. Construction Materials** below for exception):

(1) Extending from the curb line; or

(2) To the right-of-way line

d. No part of the Curb Cut for a driveway shall extend beyond the property line with an adjoining property projected at a right angle to the curb line except upon submission of a notarized letter from the adjoining property owner stating they have no objections, and only then will it be allowed when:

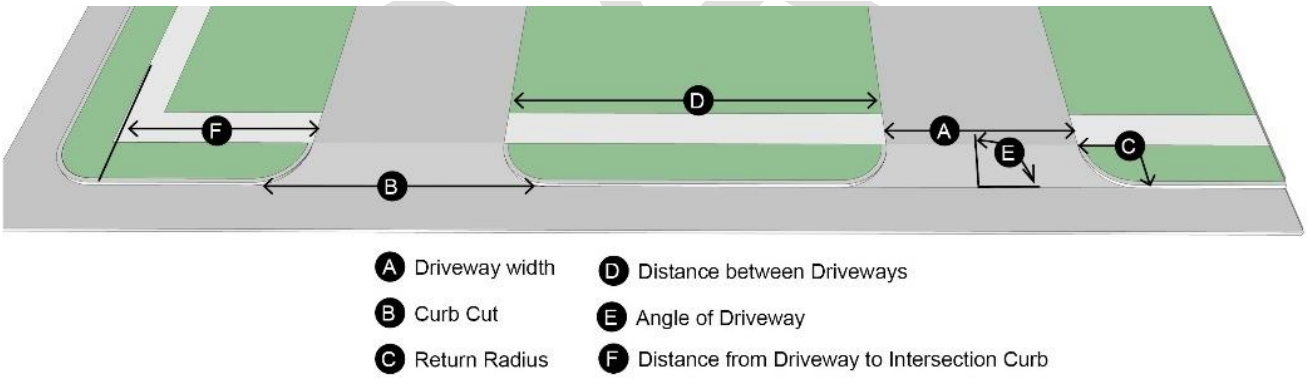
(1) A minimum of six (6) feet separates the Residential Driveway from any other existing Residential Driveway,

(2) A minimum of twenty-five (25) feet separates the Residential Driveway from any Commercial Driveway,

(3) A minimum of fifty (50) feet separates the Commercial Driveway from any other Commercial Driveway, and,

(4) In the event the driveway is located upon a state highway, the sum of the curb length and the driveway curb return radii of each driveway under consideration is not less than the minimum spacing criteria established in the Texas Department of Transportation Access Management Manual.

Figure 16. Driveway Dimensions



3. Residential Driveway Standards

a. Construction Materials

Residential driveway ramp radii (or flares, as applicable) and ramps shall be constructed of concrete or asphalt on asphalt streets without curbs or asphalt streets with asphalt curbs, with thickness, rebar, slope, dowel, joints, etc.

b. Angle

The center line of a Residential Driveway shall meet the curb as close as practicable to a 90-degree angle but in no case less than a 60-degree angle.

c. Location

(1) At the intersection of two Local Residential streets adjacent to the Residential Driveway, the intersection curb return shall be left undisturbed.

(2) At all other intersections, a curb length of not less than five (5) feet shall be left undisturbed between the near edge of the Residential Driveway Curb Cut and the point of curvature of the intersection Curb Return or, in the event the driveway is located upon a state highway, the sum of the curb length, the intersection curb return radius, and the driveway Curb Return radius shall not be less than the minimum spacing criteria as outlined in the Texas Department of Transportation Access Management Manual.

(3) A common Residential Driveway, for two residential land uses may be allowed, provided the combined driveway width shall be a minimum of twenty-four (24) feet and a maximum of forty (40) feet.

(a) The minimum Curb Cut shall be thirty-four (34) feet, and the maximum Curb Cut shall be eighty (80) feet.

(b) The minimum and maximum Curb Return radii shall be determined in accordance with the appropriate provisions of this Section.

d. Number

(1) No more than two driveways shall be allowed on any residential Frontage.

(2) A corner lot or a lot with front and rear access denotes two Frontages.

(3) Such driveways shall be separated by a minimum of twenty (20) feet or the minimum spacing criteria established in the Texas Department of Transportation Access Management Manual if the residential frontage is on a state highway, whichever is more stringent.

e. Additional Requirements

A Residential Driveway shall not be allowed on Arterial streets unless all of the following conditions are met:

(1) No reasonable alternative for access to a Collector or Local Residential street exists;

(2) The driveway is designed to eliminate a backing maneuver onto the Arterial street; and

(3) The lot served by the driveway fronts on the Arterial street.

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Table 42. Residential Driveway Standards

Residential Driveways			
		Minimum	Maximum
Local Residential Streets	Driveway Width	12 feet	30 feet
	Curb Cut	22 feet	40 feet
	Return Radius	5 feet	10 feet
Collector Streets	Driveway Width	12 feet	30 feet
	Curb Cut	22 feet	40 feet
	Return Radius	8 feet	10 feet
Arterial Streets	Driveway Width	16 feet	24 feet
	Curb Cut	40 Feet (Minor Arterials)	64 feet
		56 Feet (Principal Arterial)	
	Return Radius	12 Feet (Minor Arterial)	20 Feet
		20 Feet (Principal Arterial)	

4. Commercial Driveway Standards

   a. Angle

   The center line of a Commercial Driveway shall meet the curb line as close as practicable to a 90-degree angle. An angle of less than 90 degrees, but in no case less than 70 degrees, may be allowed provided the ramp radii and Driveway Width are increased as prescribed by the City Engineer to facilitate access that may be inhibited by the driveway angle.

   b. Location

   (1) At the intersection of two streets adjacent to the Commercial Driveway, a curb length of not less than six (6) feet shall be left undisturbed between the intersection Curb Return and the near edge of the Commercial Driveway Curb Cut on the Local Residential street.

   (2) At the intersection of a local street or a Collector street adjacent to the Commercial Driveway with a Collector or Arterial, a curb length of not less than ten (10) feet shall be left undisturbed between the intersection Curb Return and the near edge of the Commercial Driveway Curb Cut on the Local Residential street.

   (3) At all other intersections, a curb length of not less than twenty (20) feet shall be left undisturbed between the intersection Curb Return and the near edge of the Commercial Driveway Curb Cut or, in the event the Commercial Driveway is located upon a state highway, the sum of the curb length, the intersection curb return radius,

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and the driveway curb return radius shall not be less than the minimum spacing criteria as outlined in the Texas Department of Transportation Access Management Manual.

(4) A curb length of not less than twenty (20) feet shall be left undisturbed between adjacent Commercial Driveways on the same property or on adjoining properties under common ownership, or, in the event the Commercial Driveway is located upon a state highway, the minimum spacing criteria as outlined in the Texas Department of Transportation Access Management Manual.

(5) A Commercial Driveway that serve service fixtures such as drive-through windows, mailboxes, gasoline pumps, and other similar fixtures shall allow traffic to utilize the fixture without interfering or impeding the movement of driveway or roadway traffic.

(6) A Commercial Driveway shall either provide a centerline alignment with opposing driveways or provide off-sets as follows:

(a) Commercial Driveway along Collectors shall have an off-set from opposing driveways of no less than eighty (80) feet.

(b) Commercial Driveway along Arterials shall have an off-set from opposing driveways of no less than one hundred twenty (120) feet.

(c) Where multiple opposing driveways exist such that off-set requirements are rendered infeasible, Commercial Driveways shall be located to maximize the off-set from those existing driveways that create overlapping left turns.

c. Number

(1) Each property shall be limited to the following number of Commercial Driveways provided other conditions of this Section are satisfied.

(2) A maximum of two (2) driveways shall be permitted for the first one hundred (100) feet (along a Local Residential or Collector street), or the first two hundred (200) feet (minor or principal arterial) of property Frontage.

(3) A maximum of one additional driveway shall be permitted for each additional one hundred (100) feet (along a Local Residential or Collector street), or for each additional two hundred (200) feet (along a minor or principal arterial) of property Frontage.

(4) For properties with Frontage greater than two hundred (200) feet along a Local Residential street or Collector street or greater than four hundred (400) feet along an Arterial street, a Development Site Plan shall be submitted.

(a) The Development Site Plan shall minimize the total number of Curb Cuts and shall create joint access and circulation opportunities with adjacent properties to the greatest extent feasible.

(b) The City Engineer shall review the Development Site Plan and has the authority to deny those plans and designs that do not conform with the requirements of this Section or, if the Frontage is on a state highway, applicable criteria of the Texas Department of Transportation Access Management Manual.

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Table 43. Commercial Driveway Standards

	Commercial Driveways			
			Minimum	Maximum
Local Residential Streets	Driveway Width	One Way	15 feet	25 feet
		Two Way	25 feet	35 feet
	Curb Cut	One Way	-	55 feet
		Two Way	-	65 feet
	Return Radius		10 feet (when the distance from the curb line to the right-of-way line is 10 feet or less)	-
			The distance from the curb line to the right-of-way line when that distance is greater than 10 feet and less than 15 feet	
			5 feet (when the distance from the curb line to the right-of-way line is equal to or greater than 15 feet)	
	Median Width		4 feet	14 feet
Collector Streets	Driveway Width	One Way	15 feet	25 feet
		Two Way	25 feet	35 feet
	Curb Cut	One Way	-	55 feet
		Two Way	-	65 feet
	Return Radius		15 feet	-
Arterial Streets	Driveway Width	One Way	15 feet	25 feet
		Two Way	25 feet	35 feet
	Curb Cut	One Way	-	55 feet
		Two Way	-	65 feet
	Return Radius		20 Feet (Minor Arterial)	-
			30 Feet (Principal Arterial)	

1.07. Street Lighting

A. Location and Type

1. Street lights shall be installed as nearly as practical at the following locations:

   a. At all intersections of Public Streets and at sharp curves, turns, cul-de-sacs or other dead-end streets, and

   b. Other points of traffic conflict.

2. In the event that the above criteria results in a spacing of six hundred (600) feet or greater, an additional light shall be placed at the midpoint. Street light location on major thoroughfares or major thoroughfare improvements as designated in the latest Thoroughfare Plan, shall be determined by the City Engineer in accordance with the accepted lighting standards.

3. All lights shall be the standard residential fixture except on major thoroughfares or areas of exceptional traffic conflict or hazard. Street light type in these areas shall be determined by the City Engineer in accordance with accepted lighting standards.

B. Street Light Poles

1. Street light poles shall be based on the pre-determined selection list maintained by the City. Alternative pole designs may be considered; however, an HOA shall be required to bear the additional cost.

2. A developer may choose wooden poles for the street lights.

C. Private Streets

No street or intersection shall be illuminated at public expense by the City unless said street is located within dedicated Right-of-Way. Public access easements shall not be considered Right-of-Way for street lighting purposes.

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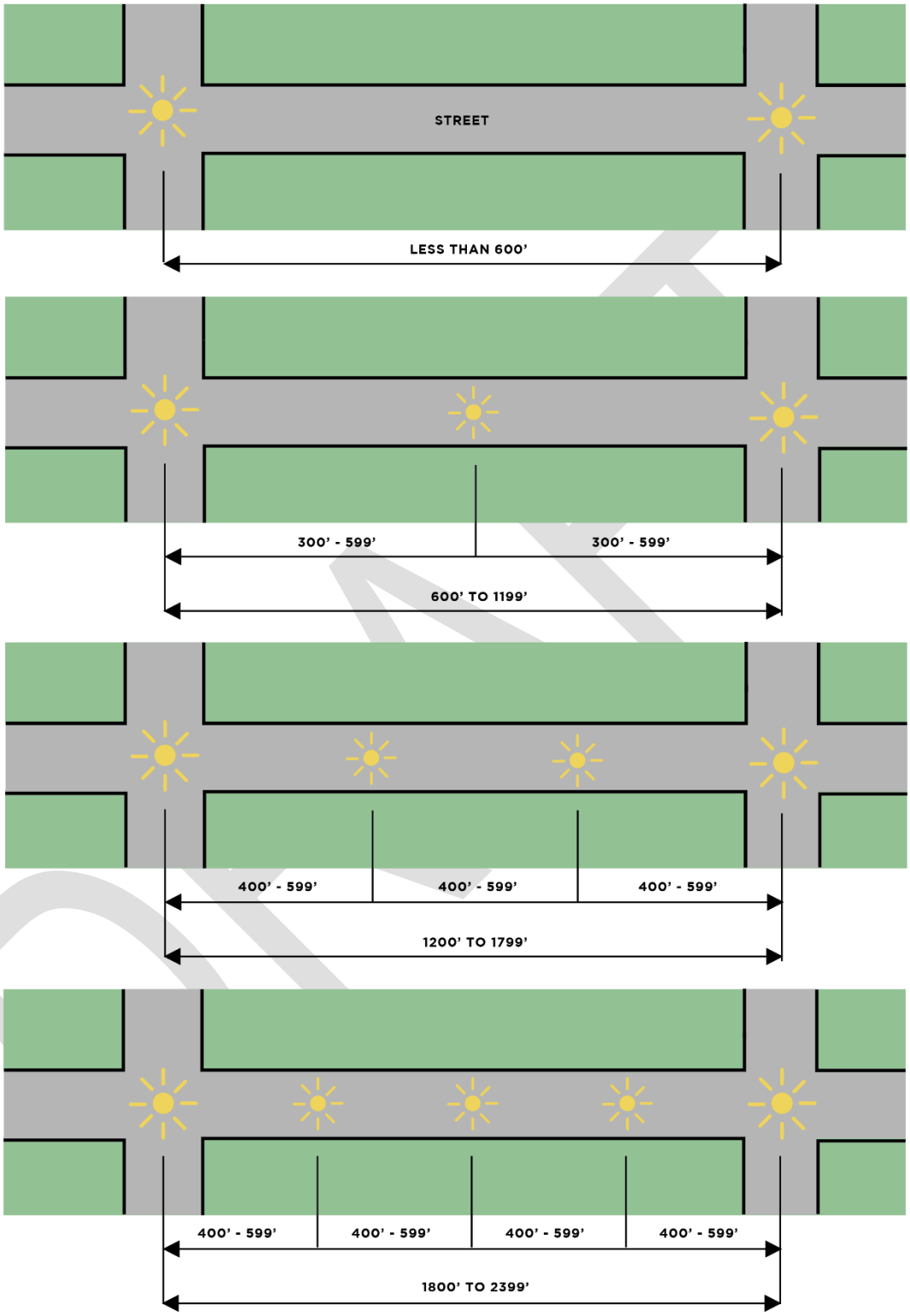
Figure 17. Street Light Poles Spacing



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D. Annexed Areas

1. In newly annexed areas, the annexation assessment and service plan shall indicate the approximate number of street lights to be provided, the approximate annual cost of providing the lights, and the timing of provision of the street lights. In general, street lights shall be requested by the City from the utility within three (3) months of annexation in areas with conventional (along the street) utilities.
2. In areas that have conventional (along the street) electrical utility wiring, street lights will be provided in accordance with the agreement.
3. In annexed areas that have underground electrical utilities and/or electrical service at the rear of the lots, the City shall pay the entire cost of street lighting to normal City standards.
   a. The additional cost of providing street lights in areas shall be included in the annexation assessment.
   b. Street lights in areas with rear utilities shall be provided as soon as economically feasible.
   c. All street lights shall be provided within two (2) years of the effective date of annexation in areas with rear and/or underground electrical utilities.

E. New Subdivisions

1. New subdivisions shall be provided street lights based upon the standards of this policy, and in accordance with The Agreement.
2. In new subdivisions (those provided with electrical service after the effective date of this policy) with underground wiring, the developer shall pay all additional costs and provide all easements and equipment in excess of that provided by SWEPCO in accordance with The Agreement associated with the provision of street lights in the subdivision (poles, additional wiring, etc.). In new subdivisions (those that have not had final plat approval on the effective date of this policy) with utilities located in easements along the rear property lines, the developer shall pay all additional costs and provide all easements and equipment in excess of that provided by SWEPCO in accordance with the agreement associated with the provision of street lights in the subdivision (poles, additional wiring, etc.). The developer shall also bear the costs of all non-standard fixtures and poles not included on the pre-determined selection list if it is his/her desire to utilize this type of equipment in his/her subdivision.
3. Street lights shall be installed upon City acceptance of street improvements (filing of final plat with County Clerk). The City Engineer shall order the installation of street lights and shall specify their location in writing to SWEPCO.
4. An HOA shall be responsible for any cost that exceeds the standard monthly cost as determined by the City.

F. Existing Subdivisions

1. When a request is received for a street light, the City Engineer shall determine if a light is warranted at the location requested. If a street light is warranted, the City Engineer shall contact the electric utility and request that a light be placed at the appropriate location.
2. If a street light is not justified under the conditions of **A. Location and Type**, the City Engineer shall so inform the individual who requested the light.

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1.08. Sidewalks

A. Sidewalks Required

Sidewalks and pedestrian ways are required as a part of subdivision plat approval, Development Site Plan, or Construction Plans to help the City achieve the following:

1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan.
2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians.
3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities.
4. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.

B. Sidewalk Location, Design, and Construction

1. Sidewalks shall be constructed as follows:
   a. Along Principal Arterial, Minor Arterial, and Collector Streets
      (1) Sidewalks shall be provided in accordance with the Longview MPO's Bicycle and Pedestrian Plan.
   b. Along Local Residential Streets
      (1) Sidewalks shall be provided on one side of all Local Residential Streets.
      (2) Sidewalks shall be at least four (4) feet in width.
   c. The City Engineer may authorize exceptions to these requirements due to topography, unique site constraints, or low density development (i.e., lots greater than one [1] acre).
2. Sidewalks shall be constructed of concrete.
3. Routing to clear poles, trees, or other obstacles shall be subject to City Engineer approval.
4. The plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
5. Sidewalks must be installed within the Right-of-Way and at least one (1) foot from the Right-of-Way line unless the City Engineer approves an alternate location in writing.
6. At least two (2) feet of Grass or other permeable groundcover shall be provided between the roadway and sidewalk unless the City Engineer determines this is not feasible through a written determination.

Figure 18. Parkway and Sidewalk Placement

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7. In new subdivision construction, sidewalk construction may be delayed until after the lots are developed provided:
   a. The sidewalks are constructed in locations not adjacent to lots and across bridges and culverts.
   b. The developer posts a bond for the cost of the sidewalk improvements and begins construction as soon as the subdivision has three-quarters (¾) of the lots built out.
8. All sidewalks shall conform to the Texas Accessibility Standards (TAS).
9. Confirmation of a TAS inspection is required before the City will issue a Letter of Completion on a sidewalk installation.

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1.09. Street Design Criteria

A. Minimum Pavement Thickness for Local Residential Streets

Figure 19. Local Residential – Concrete

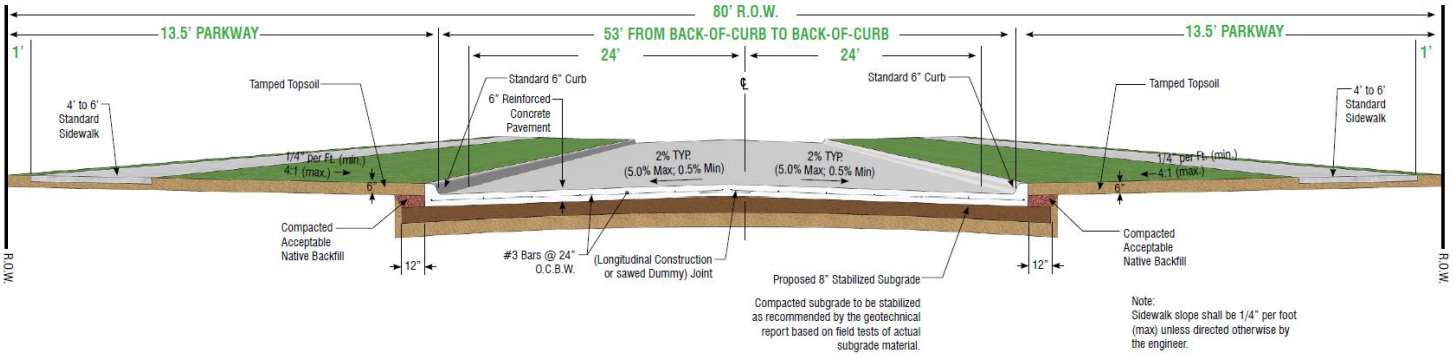
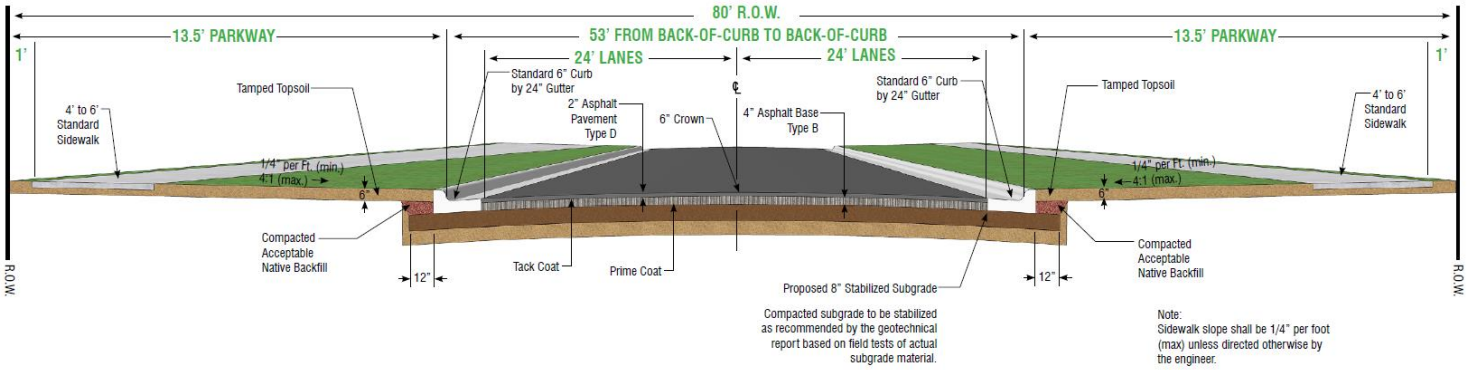


Figure 20. Local Residential – Asphalt



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B. Minimum Pavement Thickness for Minor and Major Collector Streets

Figure 21. Major Collector – Concrete

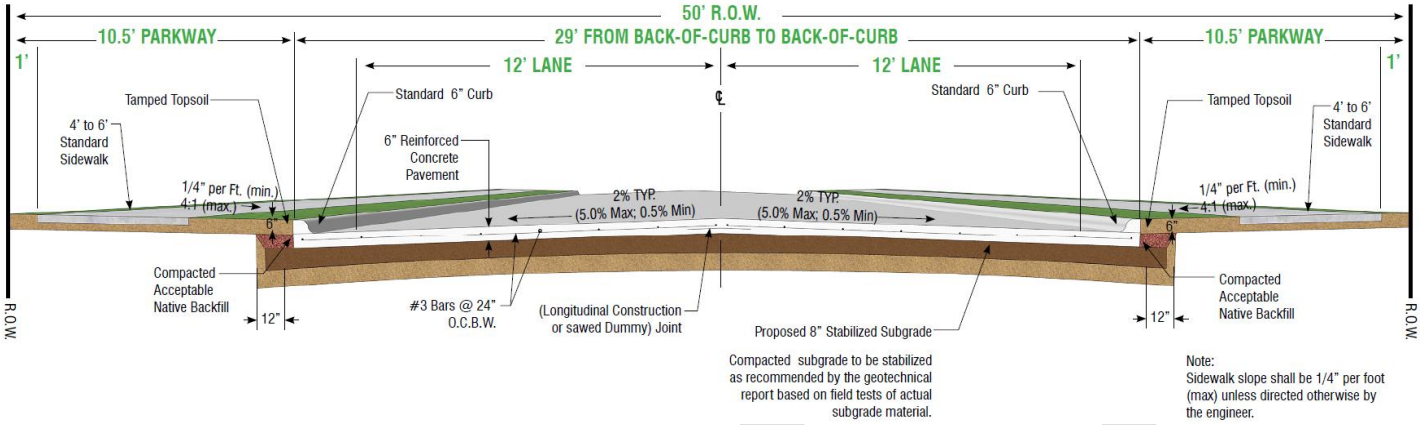
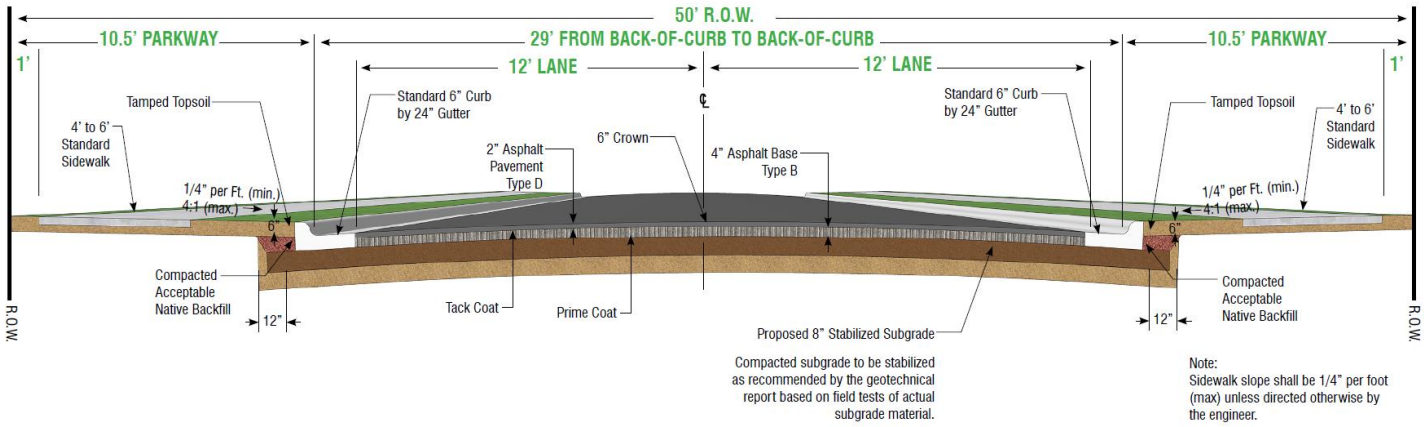


Figure 22. Major Collector – Asphalt



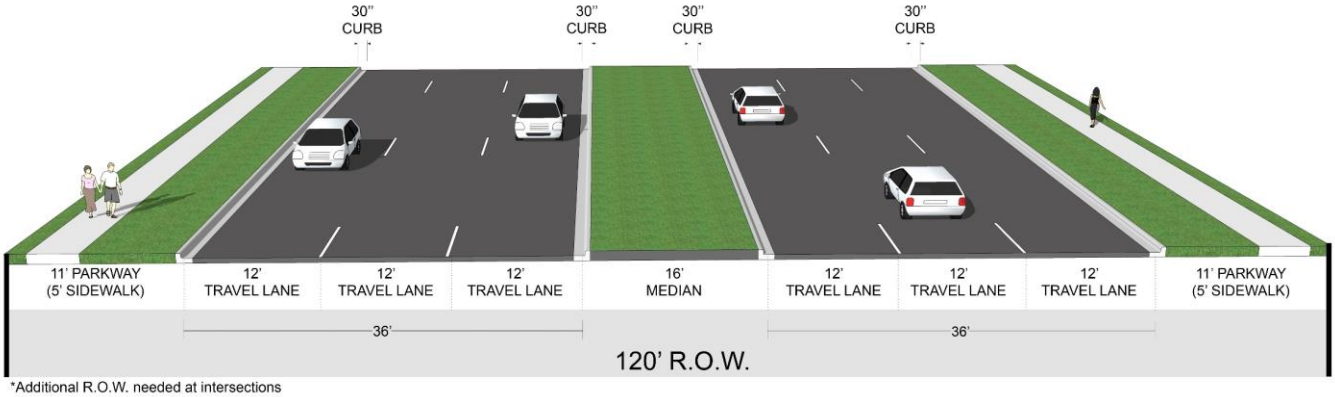
C. Street Dimensions and Cross-Sections

All Public and Private Streets shall conform to the following design criteria and street sections, the Comprehensive Plan, and the Engineering Criteria Manual.

Table 44. Minimum Street Design Criteria

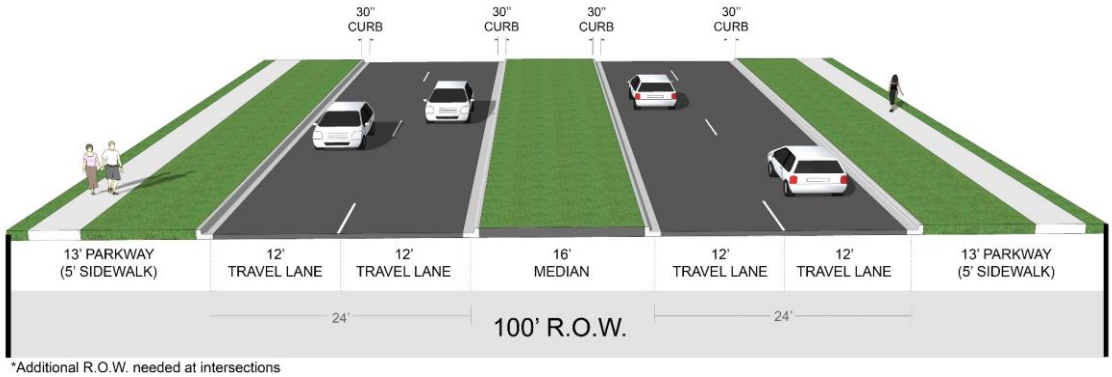
Street Classification	Minimum Right-of-Way	Roadway Width (Back to Back)	Pavement Width (Face to Face)	Number of Travel Lanes	Parking	Number of Parkways and Width
Principal Arterial	120’	41’ (divided)	36’ (divided)	6	Prohibited	2 @ 11’
Minor Arterial	100’	29’ (divided)	24’ (divided)	4	Prohibited	2 @ 13’
Major Collector	80’	53’	48’	4	Prohibited	2 @ 13.5’
Minor Collector (Turn Lane)	80’	43’	38’	3	Prohibited	2 @ 13.5’ + 10’ Preserved ROW
Minor Collector	60’	29’	24’	2	Prohibited	2 @ 15.5’
Local Residential	50’	29’	24’	2	Prohibited	2 @ 10.5’

Figure 23. Principal Arterial



*Additional R.O.W. needed at intersections

Figure 24. Minor Arterial



*Additional R.O.W. needed at intersections

Figure 25. Major Collector

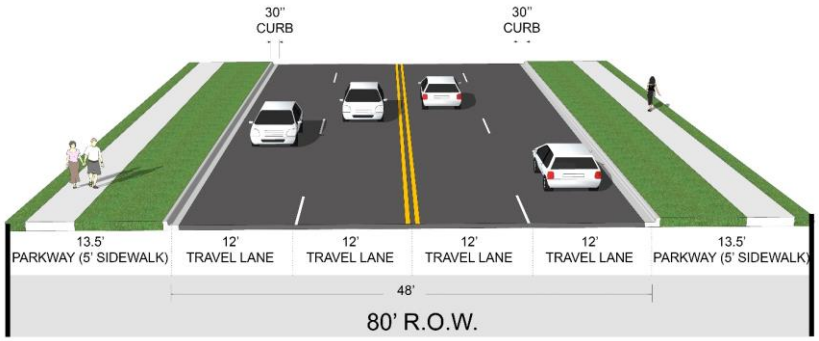


Figure 26. Minor Collector (Turn Lane)

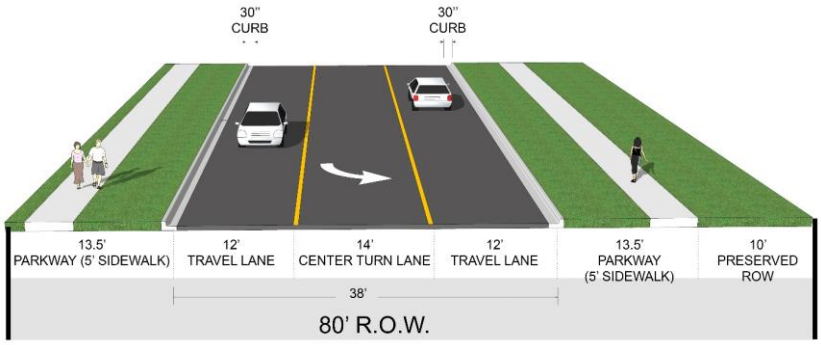


Figure 27. Minor Collector

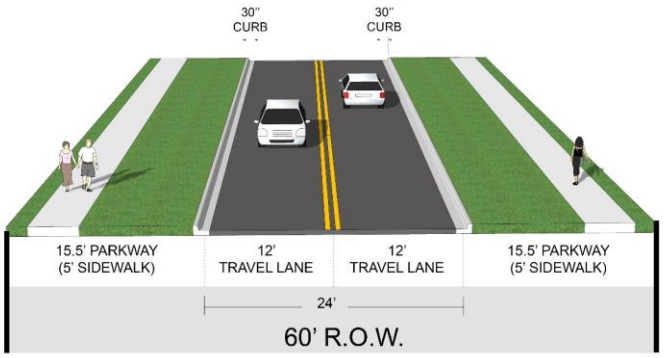


Figure 28. Local Residential Street

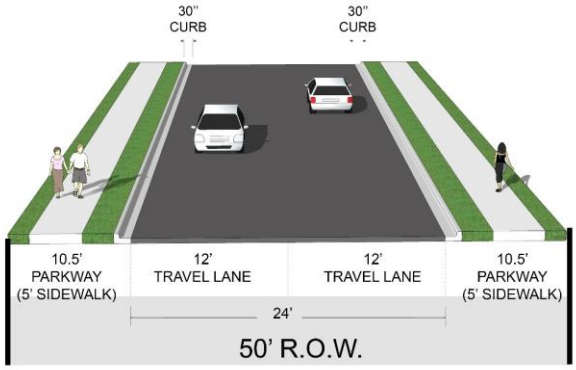
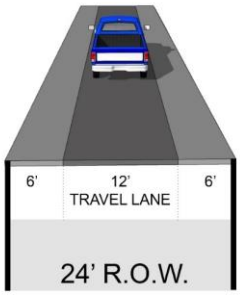


Figure 29. Alley



D. Complete Streets Policy

1. Purpose

a. "Complete Streets" refers to designing certain streets accommodate a variety of transportation modes, such as driving, bicycling, and walking.

b. As noted in the Thoroughfare Plan, Complete Streets can improve safety, provide transportation choices, reduce costs, improve heath, and support the local economy.

2. Policy Statement

a. The City recognizes that the integration of all modes of travel in the design of streets and highways will help increase the capacity and efficiency of the road network, reduce traffic congestion by improving mobility options, reduce greenhouse gas emissions, and improve the general quality of life of all citizens by providing them with additional choices of transportation modes.

b. The Department of Public Works is designated as the lead agency responsible for implementing the Longview Complete Streets Policy.

3. Scope and Applicability

a. Complete Streets shall be provided in accordance with the Thoroughfare Plan, the Longview MPO's Walk and Bike Plan, or as desired by a developer or applicant (subject to approval by the Director of Public Works).

4. This Complete Streets Policy applies to:

a. New streets and major renovations, as determined by the Director of Public Works, and

b. All aspects of identified roadway facilities' construction, reconstruction, operation, and maintenance, including planning, design, funding, Right-of-Way acquisition, engineering, and construction, as well as the restriping of resurfacing projects on roadways with the capacity to accommodate multiple transportation modes.

5. This Complete Streets Policy does not apply to:

a. Resurfacing activities that do not alter the current/existing geometric designs of a roadway or street, where the roadway capacity does not allow restriping to include additional users. However, this exemption does not include the need to improve and maintain crosswalks, or provide signage and signalization as needed.

b. Emergency utility repair requiring roadway reconstruction.

6. Requirements under Complete Streets Policy

a. Roadway projects in compliance with identified routes shall be designed and planned, to the greatest extent possible, to accommodate all users of the transportation system, including motorists, pedestrians, bicyclists, transit riders, and emergency responders, while respecting the access needs of adjacent land uses. Special attention in the design and planning of a project shall be given to addressing the needs of people with disabilities and the elderly.

b. Roadway projects shall make use of best practice design standards, policies, and guidelines while respecting the character of the area within which the project is located and those solutions shall be flexible so that they consider the needs of the users of the corridor.

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1.10. Street Layout

A. General

1. A subdivision's street system shall be coordinated and connected with the existing and proposed streets in the surrounding area. Streets shall connect to streets in adjacent subdivisions to allow convenient movement of traffic between neighborhoods.
2. Openings to adjoining residential properties shall occur at least every nine hundred (900) feet or in alignment with abutting subdivision streets along each boundary of the subdivision.

B. Intersections and Offsets

1. Streets shall intersect at safe and convenient locations at ninety (90) degree angles when possible, but in no case less than seventy (70) degree angles unless the City Engineer determines that no other practicable alternative exists.
2. At least five hundred (500) feet shall be provided between median openings.
3. At least one hundred fifty (150) feet shall be provided between street jogs at intersections unless the City Engineer determines that no other practicable alternative exists.

C. Stub Outs, Cul-de-Sacs, and Dead-End Streets

1. Street stub outs shall be provided for connections to future development.
2. A new subdivision adjacent to an existing stub out shall be required to connect to the stub out.
3. A turnaround easement shall be provided as follows for any dead-end street that exceeds one hundred fifty (150) feet in length from the nearest intersection.
   a. For single family districts, a paved turnaround of at least ninety-six (96) feet in diameter and an easement of one hundred twenty (120) feet in diameter.
   b. For nonresidential and multi-family districts, a paved turnaround of at least ninety-six (96) feet in diameter and an easement of one hundred fifty (150) feet in diameter.
4. A cul-de-sac street shall be platted and constructed with a concrete paved cul-de-sac at the closed end having a turnaround with a minimum outside paving diameter of at least one hundred (100) feet and a minimum street Right-of-Way diameter of at least one hundred twenty (120) feet.
5. Cul-de-sacs and dead-end streets shall not exceed one thousand six hundred (1,600) feet in length in single-family subdivisions and five hundred (500) feet in length is all other subdivisions.

D. Access for Cul-de-Sacs and Residential Subdivisions

Cul-de-sacs and residential subdivisions shall be designed in accordance with the following requirements:

1. Subdivisions in districts designated for single-family use by the Zoning Ordinance and with a single point of access to a collector, minor arterial street or principal arterial shall not be designed to serve more than 60 dwelling units. Appropriate road widths shall be provided in accordance with **1.09.C. Street Dimensions and Cross-Sections** above. Secondary emergency vehicle access shall be provided in accordance with the Fire Code.
2. In certain circumstances, a single-family residential subdivision containing more than 60 lots that would utilize a single means of access may be approved, upon determination by the Planning and Zoning Commission that the subdivision is designed in a manner that will incorporate accepted urban design principles relative to the design and arrangements of street

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and lots in order to minimize negative traffic and safety impacts. The developer shall submit supporting information such as proposed estimated traffic volume based on accepted ITE trip rates, location of nearest emergency response bases, and details of any features of the subdivision intended to mitigate traffic or emergency access problems.

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1.11. Private Streets

A. General

1. Requirements

Subdivisions with Private Streets shall meet the following requirements:

a. The general provisions of this UDC and other City Codes as they relate to development, streets, and utilities will apply.

b. When located along an Principal Arterial or Minor Arterial, a vehicular turn-around in accordance with the Building and Safety Code shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to back up. A Knox Box or similar approved device shall be provided at the gate in accordance with **Article F. Building and Safety Code**.

2. Authority Maintained by City

a. All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection by the City and must be repaired immediately if found to be in a condition of disrepair or inadequate for public access.

b. The City shall have the right to enter the subdivision and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the developer or Homeowners' or Property Owners' Association.

c. Access shall be provided for sanitation trucks and utility service (e.g., meter readers, utility repairs).

3. Homeowners' or Property Owners' Association Required

a. Subdivisions developed with Private Streets and alleys must have a mandatory Homeowners' or Property Owners' Association that includes all property to be served by Private Streets. The association shall own and be responsible for the maintenance of Private Streets and appurtenances.

b. Lot deeds must convey that homeowners are responsible for private streets, drainage, parks or other appurtenances.

4. Construction and Utilities

Water, wastewater, drainage facilities, street lights, and signs placed within the Private Street and/or alley lot shall be installed to City standards prior to approval of the Final Plat. All City regulations relating to infrastructure financing and Developer cost participation shall apply to subdivisions with Private Streets.

5. Owner's Responsibility

The person or corporation in control of the property is responsible for, and liable for, any violations of this private road requirement. This includes, but is not limited to, the developer, property owner, the Homeowners' or Property Owners' Association and its officers, if applicable, or others who may own or exercise control over the property.

6. Private Street Lot

Each Private Street and alley must be constructed within a separate lot owned by the Homeowners' or Property Owners' Association.

a. Each lot must conform to the City's standards for the design of a Public Street and alley Right-of-Way. An public utility access easement covering the street lot shall be granted to

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the City providing unrestricted use of the property for utilities and the maintenance of the same. This right shall extend to all utility providers including telephone and cable companies, operating within the City.

b. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection, and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.

7. Construction and Maintenance Costs

The City shall not pay for any portion of the cost of constructing or maintaining a Private Street.

8. Plans and Inspections

An applicant for a proposed subdivision with Private Streets must submit to the City the same plans and engineering information required to construct Public Streets and utilities. Requirements pertaining to inspection and approval of improvements prior to Final Plat approval shall apply. Fees charged for these services shall also apply in accordance with the City's Fee Schedule. The City may periodically inspect Private Streets and require repairs necessary to ensure emergency access.

9. Waiver of Services

The Final Plat, property deeds and Homeowners' or Property Owners' Association documents shall note that certain City services shall not be provided on Private Streets. Among the services that will not be provided are the following:

a. Routine police patrols,

b. Enforcement of traffic and parking ordinances and preparation of accident reports, or

c. Depending on the characteristics of the proposed development, other services shall not be provided.

10. Indemnification Language for the Final Plat

The Final Plat shall contain the following language:

a. Whereby the Homeowners' or Property Owners' Association, as owner of the Private Streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility:

(1) For damages City the Private Street occasioned by the reasonable use of the Private Street by the City, governmental entity of public utility;

(2) For damages and injury (including death) arising from the condition of said Private Street;

(3) For damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and

(4) For damages and injury (including death) arising out of any use of the subdivision by the City, governmental entity or public utility. Further, such language shall provide that all lot owners shall release the City, governmental entities and public utilities for such damages and injuries.

b. The indemnifications contained in the above language apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entities or public utility, or their representative officers, employees or agents.

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B. Criteria for Acceptance of Private Streets

The criteria for accepting Private Streets as public infrastructure are as follows:

1. Petition Requirements; Council Acceptance

   a. A petition, signed by each and every property owner fronting on the street proposed to be publicly accepted, requesting the City to accept the street must be presented to the City Engineer.

   b. The City Council may authorize or deny acceptance of the street if the Council determines that the requirements of this Section are met.

2. Street Requirements

   a. The street proposed to be publicly accepted must intersect with a Public Street within the City limits of Longview.

   b. The street proposed to be publicly accepted must be a part of a platted subdivision meeting all related ordinances concerning subdivision and development requirements and engineering standards for streets at the time the request is made.

   c. The requestor shall bear all expenses commensurate with the request, including, but not limited to, the expenses of platting and infrastructure construction as may be required by section.

   d. The street proposed to be publicly accepted shall meet all design and procedural requirements of a Public Street.

   e. The City Engineer shall inspect the street upon receiving a petition to investigate whether the street meets the requirements as set forth by this section for a Public Street.

3. Bond Requirements

   The requestors shall post a maintenance bond with a period of one year from the date of the City Council's acceptance of the streets. The City Attorney shall approve such maintenance bond in writing.

4. Fees for Request of City Acquisition of a Private Street

   Upon filing a petition with the engineering department, the applicant shall pay an application fee in accordance with the City's Fee Schedule. The petition shall not be considered to be officially filed until the application fee has been paid in full. Application fees shall not be refundable. Resubmission of an incomplete petition or submission of additional information shall not require an additional application fee. However, the amendment of a petition previously approved, disapproved or withdrawn shall constitute a new petition and shall require a new application fee.

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1.12. Controlled Access

A. If a gate is installed, any street beyond the gate shall be deemed a Private Street.

B. Each gate installation in a gated community must conform to the following provisions:

1. Gate Openings and Clearances

a. Gate design may incorporate one (1) or two (2) gate sections to meet the required minimum gate width of twenty-four (24) feet.

b. If the entrance will incorporate a median, guard booth, or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the Fire Marshal, but in no case shall any gate or street pavement have a clear opening of less than eighteen (18) feet.

2. If a gate design incorporates any overhead obstruction, the obstruction must be a minimum of fourteen (14) feet above the finished road surface.

C. Setback Required

Must meet setback requirements per appendix D of the adopted Fire Code.

D. Gates to be Constructed in Agreement with the adopted Fire Code

An automatic gate installation must conform to the design and performance guidelines established by the Fire Department. A Knox Box or similar approved device shall be provided at the gate in accordance with **Article F. Building and Safety Code**.

E. Good Working Order Required

1. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation.

2. A proper power supply shall be maintained to all electrical and electronic components at all times.

F. Failure to Meet Requirements

1. Each security gate is subject to a performance test on a regular basis as determined by the Fire Department.

2. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the Fire Department.

G. Access Restrictions

1. General Requirements

The entrances to all Private Streets shall be marked with a sign stating that it is a Private Street. All restricted access entrances shall be staffed twenty-four (24) hours every day, or an alternative means shall be provided of ensuring access to the subdivision by the City and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide City services, the City shall have the right to enter the subdivision and remove any gate or device that is a barrier to access at the sole expense of the association.

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2. Restricted Access

   Private Streets that have access controlled by a gate, cross arm, or other access control device shall conform to the following requirements:

   a. The street must have a minimum uninterrupted pavement width of twenty-four (24) feet at the location of the access control device.

   b. If an overhead barrier is used, it shall have minimum height above the road surface as required by the Fire Department for Fire Lanes.

   c. The design of all gates, cross arms, and access control devices, including automatic opening systems and manual backup systems, shall be approved by the local Fire Department before installation.

   d. The gates, cross arms, and access control devices shall be tested and accepted by the Fire Department before being put into operation.

   e. Gate designs may incorporate one (1) or two (2) gate sections to meet the required minimum width of twenty-four (24) feet.

   f. If the entrance incorporates a median, guard booth, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the Fire Department. This approval shall be contingent upon the subdivision with Private Streets having a second approved means of access, but in no case shall any single gate or street pavement have a clear opening of less than twenty (20) feet.

3. Visitor Entrance Design Standards

   a. At least one (1) entrance to a subdivision with Private Streets shall be equipped for visitor access.

   b. In addition to meeting the above design standards, the visitor entrance shall be equipped with a call or code box located at least forty (40) feet from the boundary of the subdivision to provide for visitors calling in and automobile queuing.

   c. A turn-around space with a minimum outside radius of thirty (30) feet shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto Public Streets in a “head-out” position.

   d. A sign shall be erected next to the edge or such turn around space to prohibit vehicle parking in such space.

   e. A resident entrance used in combination with a visitor entrance shall comply with the requirements of this Subsection.

4. Resident-Only Entrance Design Standards

   a. In addition to meeting the above design standards, an access control device that requires residents to use a key, card, code, or other method to gain access shall be set back internally a minimum of forty (40) feet from the boundary of the subdivision to provide for automobile queuing; except that resident entrances equipped with an electronic opener that allows residents to remotely open the access control device and enter the subdivision without having to stop are exempted from this requirement.

   b. A sign shall be erected next to any resident entrance that does not meet the forty (40) feet setback requirement and does not provide a turn-around space with a minimum outside radius of thirty (30) feet to indicate that it is for resident use only and not for visitors.

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1.13. Traffic Impact Analysis

A. Purpose

The purpose of a Traffic Impact Analysis (TIA) is to assess the effects of specific development activity on the existing and planned roadway system. It is the intent of these requirements to make traffic access and circulation planning an integral part of the development process.

B. Owner's Responsibility

When required, the owner shall submit at the owner's expense a traffic study that assesses the traffic impacts associated with a proposed development. The study must be prepared under the direction of a Professional Engineer with experience in transportation engineering sufficient to assess traffic impacts.

C. Determination of Need

1. Required Information

The City Engineer will determine the necessity of a traffic study within ten (10) business days after receiving the following information:

a. Existing or proposed zoning categories,

b. Tract location map,

c. Tract size in acres,

d. Existing and proposed land use,

e. Proposed types and locations of new roadways, and

f. Location of proposed access points and signalization, if applicable.

2. When Required

a. Generally, a traffic study shall be required for any development expected to generate traffic volumes that will significantly impact the capacity or safety of the street system. The City Engineer shall make the final determination for when a TIA is required or waived.

b. Requirements:

(1) Zoning

(a) A TIA shall be required for a zoning proposal when the expected vehicle trip generation is 5,000 trips per day (TPD) or greater and the current zoning trip generation is exceeded by 1,000 TPD or more.

(b) A TIA may be required for zoning cases generating less than 5,000 TPD, but will not be required for zoning cases generating less than 500 TPD.

(c) The TIA requirement will be waived if increased traffic generation from the property being zoned has been previously considered in development of the Thoroughfare Plan.

(2) Platting

(a) A TIA shall be required for a development when the expected traffic generation is greater than 5,000 TPD.

(b) A TIA may be required for developments expected to generate less than 5,000 TPD, but will not be required for developments generating less than 500 TPD.

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(3) Special Circumstances

A TIA may be required for a development if the City determines that one or more of the following conditions exist:

(a) Traffic generated from a nonresidential development will significantly impact adjacent residential neighborhoods.

(b) Traffic operational impacts such as problems with driveways, left or right turns, signal timing, median openings or sight distance are anticipated. In such cases, the study will only be required to answer questions related to the specific impacts.

(c) Existing traffic problems on adjacent streets are expected to worsen due to traffic generated from the new development.

(d) Implementation of the Thoroughfare Plan in the area will not occur prior to development of the property.

(e) The proposed land use differs significantly from that contemplated in the adopted Comprehensive Plan.

(f) The internal street or access system is not anticipated to accommodate the expected traffic generation.

(g) A TIA may be required at any stage of development at the discretion of the City Engineer, City Council, or the Planning and Zoning Commission.

(4) Waiver

(a) A request for waiver of the traffic study may be submitted to the City. The waiver letter must include sufficient information documenting the justification for the waiver.

(b) The Director of Public Works shall be responsible for action upon a waiver request.

(5) TIA Update

Any previous TIA relating to a development that is more than two years old shall be updated unless the City determines that conditions have not changed significantly. If an updated TIA is necessary, additional information will be required to:

(a) Update changes in the proposed development,

(b) Update or refine assumptions made in a prior submittal, or

(c) Provide specific information not available at the time of previous submittal.

D. TIA Requirements

1. Preliminary Meeting

A meeting (which may take place during the Pre-Submission Conference) shall be held between the applicant, their Professional Engineer, and the City to discuss the development project, and to establish a base of communication between the City and the applicant prior to beginning the TIA. This meeting will define the requirements and scope relative to conducting a TIA and ensure that any questions by the applicant are addressed. Topics for discussion at the meeting include:

a. Trip generation,

b. Directional distribution of traffic,

c. Trip assignment,

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d. Definition of the study area,

e. Intersections requiring critical lane analysis,

f. Methods for projecting future volumes, conditions to be analyzed, and distribution of assigned traffic,

g. Special site-related issues, and

h. Analysis periods (i.e., Existing, Opening Year, and Horizon Year).

2. TIA Submission and Review

A TIA shall be submitted to the City in accordance with the following:

a. Zoning Cases

The TIA shall be submitted no later than the submission of the zoning case application.

b. Subdivision Plats

The TIA shall be submitted no later than the submission of the plat application.

c. Others

(1) For development proposals not involved in a formal hearing process, City will review a TIA within ten (10) business days of the submittal or will notify the applicant in writing if additional review time is required.

(2) Longer review periods may be necessary if TxDOT is involved. The City will be responsible for processing the TIA through TxDOT.

(3) Revisions to the TIA shall be provided to address comments required by the City. If study revisions are required, they will be reviewed within ten (10) business days of submittal.

3. TIA Contents

To provide consistency and to facilitate staff review of TIA, the following format shall be used:

a. Introduction

A brief, high-level introduction to the proposed development and request.

b. Land Use, Site and Study Area Boundaries

(1) A brief description of the size of the land parcel, general terrain features and the location within the City and the region shall be included in this section. In addition, roadways that provide site access and are in the study area shall be identified.

(2) The limits of the study area shall be based on existing and future traffic conditions surrounding the site and will be determined at the Preliminary Meeting. A vicinity map that shows the site and the study area boundaries, in relation to the surrounding transportation system, shall be included.

c. Existing and Proposed Site Uses

The existing and proposed zoning of the site shall be identified. In addition, the specific use for the site shall be identified if known, since a variety of uses may be permitted under a zoning category. If the specific use is not known, the TIA shall address traffic impacts for the most intense case allowed by zoning.

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d. Existing and Proposed Uses in Study Area

A complete description and map of the existing land uses and zoning in the study area shall be included. In addition, a complete description and map of the assumed future land use shall be provided. This information can be obtained from the Development Services Department.

e. Existing and Proposed Roadways and Intersections in Study Area

A complete description and map of the existing roadways and intersections including geometrics, traffic signal control, and volumes shall be included. It shall also identify improvements contemplated by government agencies and provide the following details:

(1) The nature of the improvement project,

(2) Limits,

(3) Implementation schedule, and

(4) The agency or funding source responsible.

f. Trip Generation and Design Hour Volumes

(1) A summary table shall be provided listing each type of existing and proposed land use, building size, average trip generation rates (total daily traffic and A.M./P.M. peaks), and the resultant total trips.

(2) Trip generation shall be calculated for the maximum uses allowed under the existing and proposed zoning based on the latest edition of the ITE Trip Generation Manual. In the event that data is not available for the proposed land use, the City shall approve estimated rates. All sources must be cited in the report.

(3) The calculation of design hour volumes used to determine study area impacts shall be based on:

(a) Peak hour trip generation rates as published in the ITE Trip Generation Guidelines and explained in the ITE publication, “Using the ITE Trip Generation Report”, and

(b) Traffic volume counts for similar existing uses, if no published rates are available.

(4) Passerby factors are to be used to reduce the estimated additional total daily traffic to the street serving a proposed development. They are not to be applied directly to reduce trip generation and turning movement volumes at driveways serving the proposed development. The percentage rates for passerby traffic may be obtained from the latest ITE Trip Generation Manual.

(5) Internal trip reductions and modal split assumptions will require analytical support to demonstrate how the figures were derived. Other documented rates to account for passerby traffic may be used upon approval by the City.

g. Trip Distribution

The estimates for percentage distribution of trips by turning movements to/from the proposed development shall be clearly stated in the report. Documentation shall be provided for Opening Year and Horizon Year periods.

h. Trip Assignment

The direction of approach for site-generated traffic via the area’s street system shall be presented in this section. The technical analysis, basic methods, and assumptions used in this work shall be clearly stated. The assumed trip distribution and assignment shall

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represent the most logically traveled routes for drivers accessing the proposed development. These routes can be determined by observation of travel patterns to existing land uses in the study area.

i. Existing and Projected Traffic Volumes

(1) The specific time frames to be studied will depend on the individual development. Analysis shall include Existing, Opening Year, and Horizon Year conditions as described below:

(a) Existing

Existing analysis shall be based on existing traffic counts and roadway conditions.

(b) Opening Year

Opening Year analysis shall be based on the anticipated earliest completion of the development. The analysis must account for traffic growth from existing volumes and roadway system changes during development of the site. The Opening Year analysis should be conducted for No-Build (without site traffic and related improvements) and Build (with site traffic and related improvements) conditions to reveal expected impacts of the development when it is ready for occupancy.

(c) Horizon Year

Horizon Year analysis shall be conducted to evaluate development impacts at Opening Year + 5-year horizon. The analysis must account for traffic growth from existing volumes and roadway system changes during and after development of the site. The Horizon Year analysis should be conducted for No-Build (without site traffic and related improvements) and Build (with site traffic and related improvements) conditions to reveal expected impacts of the development.

(2) Additional analysis scenarios beyond five (5) years from opening of the development may also be requested based on type, size, and phasing of the development. These timeframes will be determined at the Preliminary Meeting.

(3) Graphics shall be provided showing the following traffic impacts for private access points, intersections, and streets:

(a) A.M. peak hour site traffic (in and out) including turning movements.

(b) P.M. peak hour site traffic (in and out) including turning movements.

(c) A.M. peak hour total traffic including site generated traffic (in and out). These volumes should include through and turning movement volumes for Opening Year and Horizon Year conditions.

(d) P.M. peak hour total traffic including site generated traffic (in and out). These volumes shall include through and turning movement volumes for Opening Year and Horizon Year conditions.

(e) Any other peak hour that is critical to site traffic and the street system in the study area shall be included in the graphics and with the same information provided for the A.M./P.M. peak hours.

(4) All raw traffic count data (including average daily volumes and peak hour turning movements) and analysis worksheets shall be provided in the appendices of the report.

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(5) Methodology for developing volume projections for background traffic growth will be determined at the Preliminary Meeting.

j. Capacity Analysis

(1) A capacity analysis for appropriate peak periods shall be conducted for all Public Streets, intersections, and junctions of major driveways with Public Streets, which are impacted (as designated by the City Engineer), by the proposed development within the previously defined study boundary.

(2) Capacity analysis will follow the principles established in the latest edition of the Transportation Research Board's Highway Capacity Manual (HCM), unless otherwise directed by the City Engineer. Capacity will be reported in quantitative terms as expressed in the HCM and in terms of traffic Level of Service.

(3) Capacity analysis will include traffic queuing estimates for all critical applications where the length of queues is a design parameter (e.g., auxiliary turn lanes) and at traffic gates.

(4) All capacity analysis worksheets or output reports from analysis software shall be included in the appendices of the report.

k. Traffic Signals

The need for new traffic signals shall be based on warrants contained in the Texas Manual on Uniform Traffic Control Devices. A minimum spacing of one-half (1/2) mile for all signalized intersections shall be maintained, except as allowed by the City Engineer and/or Traffic Engineer. This spacing is desirable to achieve optimum speed, capacity, and signal progression.

l. Traffic Accidents

Traffic accident data may be required for affected street corridors. The study period is typically three (3) years. Accident data summaries may be obtained from the City. Estimates of increased or decreased accident potential shall be evaluated for the proposed development.

m. Level of Service Determination

A table indicating the Level of Service for Existing, Opening Year, and Horizon Year condition for all streets within the study area shall be included. Level of Service C is the design objective for all movements. Under no circumstances shall the Level of Service be less than C unless deemed acceptable for site and non-site traffic.

n. Conclusions and Recommendations

This section of the report must include a summary of the study findings regarding impacts of the proposed development on the existing and proposed street system.

(1) Roadways and intersections, within the Study Area, that are expected to operate at Level of Service D, E, or F, under traffic conditions including projected traffic plus site-generated traffic must be identified.

(2) In the event that the analysis indicates unsatisfactory levels of service (D, E, or F) or safety problems, a detailed description of proposed improvements to remedy deficiencies shall be included and viable recommendations made for raising the traffic conditions to Level of Service C or better (Level of Service A or B).

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(3) Level of Service C is the design objective for all movements and under no circumstances will less than Level of Service C be deemed acceptable for site and non-site traffic including existing traffic at build-out of the study area.

(4) Assumptions regarding future capacity recommendations shall be approved by the City. The recommendation section shall include a sketch of each improvement showing pertinent geometric features.

The City Engineer may require other items be included in the TIA in addition to those listed above.

4. Submittal

The applicant will provide copies of the Draft Report for review and copies of the Final Report as required by the City. The applicant will provide electronic files of the model run used in the TIA for modeling and/or simulation.

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Section 2. Water and Wastewater

2.01. In General

A. Notice to City Defined

Whenever notice is required to be given to the " City," "City Manager" or "Director of Public Works", said notice shall be sufficient when given to the City Secretary, or the City Manager or the Director of Public Works.

B. No Free Service

No free service shall be rendered by the water and wastewater systems to any customers, including the City and its various departments. All water and wastewater services used by the City and its various departments will be paid for at the same rates charged other consumers.

C. Disposal of Waste Oil and Refuse into Wastewater System or Storm Drains, etc.

1. No waste oil, whether of vegetable, marine, animal or mineral origin, or chemical waste or industrial refuse, shall be allowed to flow into the sanitary or storm sewer system of the City, nor into any ditch, drain or creek, nor over or upon any public or private property within the corporate limits of the City.
2. Any business operation that results in the accumulation of any such waste oil, chemical waste, or industrial refuse, shall retain the same in metal containers and remove from the premises once each week.

D. Placement of Utilities

1. Water and wastewater lines shall be located within the Right-of-Way but shall not be located below the paved street. See **Figure 30. Standards for Utility Placement Illustration**.
2. Water and storm drain lines shall be placed on opposite side of the road from wastewater lines.
3. The City Engineer may waive these requirements if necessary due to unique site constraints.
4. Interior public water mains shall not be allowed within a single lot development. If the placement within a single lot is unavoidable, the following guidelines are proposed:
   a. The fire line shall be located immediately adjacent to a fire lane, opposite side of the building shell;
   b. The water line, fire hydrant and appurtenances shall be located within a dedicated 15' utility easement prohibiting structures or other encroachments within the easement area;
   c. To avoid compromising the Zone of Influence for the building foundation, public water mains and their easements shall not be established/constructed within twenty (20) feet of the proposed structure;
   d. Where possible, surface of the water line easement shall be natural ground cover (e.g., grass, landscaping);
   e. No structures shall be constructed between the fire lane and dedicated easement area;
   f. No meters shall be placed outside of the dedicated main line easement;
   g. Public access easements shall be dedicated along the fire lane.

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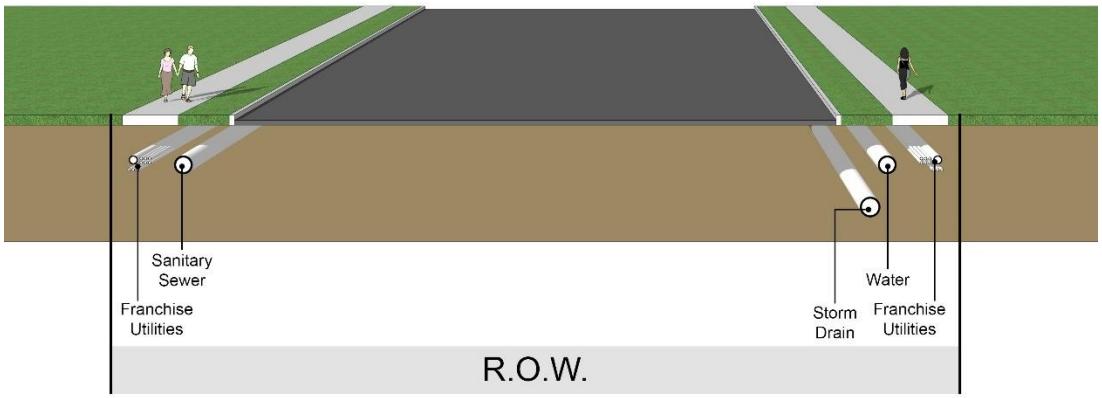
Figure 30. Standards for Utility Placement Illustration



E. Permits Required for Alterations, Obstructions, etc., of Sewers, Gutters, etc.; Security Required

1. Permit Required; Offense; Culpable Mental State Not Required

   It shall not be lawful for any person, under any pretext whatever, to interfere with, obstruct, injure or alter in any manner, any sewer, culvert, gutter or drain in the City without a written permit from the City Engineer. Any person who shall violate this section shall be deemed guilty of a misdemeanor punishable in accordance with **Article A.1.06. Violations and Fines**. Unless otherwise specifically set forth in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

2. Posting of Security Required

   Any person so altering any such sewer, culvert, gutter or drain shall post a security deposit in an amount determined by the City Engineer to be sufficient to ensure the materials and workmanship involved in the alteration for a period of one year after acceptance of the alterations by the City. For purposes of this Section, a proper security deposit shall consist of a cash bond, letter of credit, or security bond in a form acceptable to the City Attorney.

F. Approved Water Product List

The water products shall be installed in conformance with the City's Approved Water Product List.

G. Disposal of Earth, Sand, Mud, Sediment, Gravel, Rocks or Other Like Material

See **Chapter 49 of the City's Code of Ordinances** for requirements.

H. Requirements for Facilities of Special Districts (SUD, MUD, etc.)

a. This Section shall apply to Special Districts within the corporate limits of the City and within the Extraterritorial Jurisdiction of the City.

b. A Special District shall construct all facilities in accordance with the plans and specifications approved in advance by the City Engineer.

c. Before beginning the construction of any facilities, a Special District shall submit to the City Engineer the number of complete sets of Construction Plans of such construction as the City Engineer shall require, not to exceed six (6) sets. Said plans and specifications shall show such features as dimensions and specifications of facilities to be constructed, showing proposed position on the ground, specifications of materials and construction, and plan profile maps of all water lines and wastewater lines showing both ground surface and

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flow line, and any other pertinent information required by the City Engineer. These Construction Plans must be prepared by a professional engineer in accordance with generally accepted engineering practices and shall be drafted in accordance with all requirements and standards set forth in **Article D. Subdivision Regulations** for Construction Plans for facilities of the same type.

d. The City Engineer shall not approve plans and specifications for any facilities constructed by a Special District that do not comply with all applicable requirements of federal and state law, with all the requirements of this Section, and with all City ordinances relating to facilities of the same type, including without limitation, the standards for water and wastewater facilities set forth in the City's subdivision design standards. The City Engineer shall approve Construction Plans that comply with all such requirements.

e. The City Engineer is entitled to inspect any and all facilities being constructed by a Special District at any time during the construction or after the completion of the facilities in order to determine whether or not the facilities are constructed in accordance with the requirements of this Section. After the completion of any facilities of a Special District, if said facilities are constructed in accordance with the requirements of this Section and with the plans and specifications previously approved by the City Engineer, the City Engineer may require a signed letter from the Special District's contractor, engineer, or both, stating that the facilities are in compliance with the requirements of this Section.

f. The City Engineer shall have the power to establish such deadlines and procedures and to require the submission of such information as shall reasonably be required for the execution and enforcement of this Section.

g. A Special District may request a Flood Damage Prevention Variance from the requirements established under this Section. A request for a Flood Damage Prevention Variance must be in writing and must detail each specific requirement with which the Construction Plans and the facilities will not comply and detail the rationale for a Flood Damage Prevention Variance from the requirement. Where the Planning and Zoning Commission finds that extraordinary hardships may result from requiring strict compliance with this Section, the Planning and Zoning Commission may vary the requirements of this Section so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations. Such Flood Damage Prevention Variance and modifications as may be granted shall require approval by a simple majority of the Planning and Zoning Commission present. Anything in this Section to the contrary notwithstanding, no Flood Damage Prevention Variance or modification shall be granted for any applicable state or federal law or regulation.

h. It shall be a violation of law to construct any facilities that do not comply with the plans and specifications approved by the City Engineer as required by this Section. It shall be a violation of law to construct or to commence construction of any facilities without first obtaining the approval of plans and specifications required by this Section.

i. It shall be a violation of law to refuse to allow the City Engineer to inspect any facilities subject to the requirements of this Section. Any violation described in this Section shall be punishable by a fine as set forth in **Article A.1.06. Violations and Fines**.

j. Unless otherwise specifically set forth herein, or in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this Section.

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k. In addition to any penalties provided herein for violation of this Section, the City Attorney is authorized, without further action of the City Council, to pursue any and all remedies available at law or in equity for the enforcement of this Section, including without limitation the initiation and prosecution of any court or administrative proceeding necessary or convenient to prevent or halt the construction of any facilities in violation of this Section or to enforce the City Engineer's authority to inspect facilities under this Section.

l. Nothing in this Section authorizes a Special District to construct facilities or provide service within the corporate limits of the City, within the area served by the City under the City's certificate of convenience and necessity or within any area in which the Special District is not authorized by law to construct facilities or provide service.

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2.02. Water System

A. Administrative Provisions

For the convenience of the consumer, and as a measure of safety to the service, the following regulations are made a part of this Section:

1. Design Standards

   Waterline design shall be in accordance with this code and TCEQ requirements.

2. Shut-Off Valve

   Consumers shall install an approved shut-off valve inside the property line at locations accessible in case of emergency, and shall not use the curb stop at meter in lieu thereof.

3. Check Valve

   If required by AWWA or Plumbing Code, the placing of an approved check valve on the property side of a water meter serving any consumer is considered necessary for the safety of the water system, such approved check valve shall be immediately installed at the expense of the consumer, after due notice in writing shall have been given the consumer by the City.

4. Storage Hot Water Heaters

   On any premises where any character of storage hot water heater is directly connected, a check valve shall be installed by the consumer before water from the City water supply is used.

5. Expansion Tank

   If a check valve or pressure-reducing valve (PRV) is installed on a home's water supply line, an expansion tank must be installed on the water heater.

6. Interrupted Service

   The City shall not be liable for any damage that may occur on account of the water being cut off for any purpose, or on account of the breaking of any pipe or fixture by pressure of the water from the City mains.

7. Shutting Off Water for Repairs, etc.

   The City, at any time, may order the water cut off from any premises connected with the City mains, without notice, for repairs, extensions or other necessary purposes.

8. Exposing Meters or Fire Hydrants to Damage, Moving Meters or Hydrants

   It shall be unlawful to build driveways or Structures of any kind, in such manner as to expose any meter or fire hydrant to damage from traffic. Whenever the property owner requests the moving of any meter or fire hydrant, such cost shall be at the expense of the property owner. Application shall be made to the City for such move, and an estimate of the cost made, and upon deposit thereof the City shall proceed to make the change in location of said meter or hydrant. In no case shall a fire hydrant be so moved unless the City decides it is advisable.

9. Unlawful Connection to Service

   It shall be unlawful to connect to any water service of the City until the meter has been installed or approval of same has been secured from the City.

B. Connection to a Public Water Supply System

1. The water distribution system of any building or premises where plumbing fixtures are installed shall be connected to a public water supply system if connection to such a system is available

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within three hundred (300) feet of the property line of the property on which the building or premises is located.

2. When a connection to a public water supply system within three hundred (300) feet of the property line of the property on which the building or premises is located is not available, an individual water supply system shall be provided. Any such water supply system must comply with all applicable federal, state, and local laws, including without limitation any applicable city ordinances.

C. Source

1. Application for Service Required; Manner and Content of Application; Required Notice to Applicant

   a. Application for Service Required

      Before water shall be supplied to any person or any premises by the City, the owner or occupant of the property or the owner or occupant's agent shall make application to the City for such service.

   b. Manner and Content of Application

      Application for such service shall be made in the manner and contain the information prescribed by the City Manager or his/her agent.

2. Use of Water without Application or Permit

   It shall be unlawful for any person to use water from the City without an application, or to turn on the City water for use on his/her premises after the same has been for any reason cut off, or before the same has been turned on by the City, without first having secured a permit therefore.

3. New Service Not to be Installed until Application Made and Approved

   No new water service shall be installed to serve any premises from the City water supply, within or without the corporate limits, until application is made and permit issued.

4. Control and Use of Water Generally

   It shall be unlawful for any person to take or use water from the water system of the City except under the terms and conditions specified in this Section. All owners and occupants of property are hereby prohibited from furnishing water to any person for any purpose whatsoever without the written consent of the City.

5. Use of Water from Fire Hydrants

   It shall be unlawful for any person to turn on any fire hydrants, or use any water therefrom, except upon written authority from the City Manager. The City may require a deposit from contractors for use of water from fire hydrants, if permit be obtained, such deposit to be of such amount as may be fixed by the City Manager.

6. Swimming In or Otherwise Polluting Water

   It shall be unlawful for any person to fish, bathe or swim or wash any article, of any character, in the water of the City's reservoirs, or to throw, place, leave or deposit any rocks, sticks, dirt, trash, urine, excrement or filth of any kind therein, or to commit any nuisance upon the Embankment or in the water of such reservoir.

7. Requirement to Maintain Water Connection

   a. It is unlawful for any person to occupy, inhabit, dwell in, or use as a residence or habitation, any Structure within the City of Longview, in which water service is available, but water

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service is not connected, has been disconnected, or has been interrupted for one calendar week or more.

b. Penalty

Any person, firm, partnership, or corporation who violates any provision of this Section shall be subject to **Article A.1.06. Violations and Fines**.

8. Work to be Done by Plumbers; Duties; Unauthorized Changes or Connections

No person other than a bonded plumber, licensed and operating under the plumbing code of the City, shall connect any water service on the property or outlet side of the meter box. Whenever such plumber shall use the water in testing the pipes or repairing fixtures, he shall, in every instance, before leaving the premises, see that the curb cock is left in the position in which it was when he opened the meter box, and it shall be the duty of such plumber to notify the City in every instance where he finds, or has reason to believe, that any meter, meter box or other water equipment has been improperly tampered with. No plumber shall in any event disconnect a meter or any fitting in the meter box, nor shall he change the level or location of such meter or meter box. Before leaving the premises, it shall be his/her duty to see that the meter box cover is securely in place. Failure to comply with these instructions and conditions shall render such plumber liable to revocation of his/her license. It shall be unlawful for any plumber or any person to make any extension to any lines or pipes (using City water) or to add any pipes or to change any pipes or lines from one water line, apartment, house, premises or meter, without first securing a permit for such changes. This applies to any such connection whether in or out of the corporate limits. In event any unauthorized connections are found to have been made, fixture added, and no permit taken for same, water shall be disconnected from such premises until corrections have been made and all permit fees paid.

9. Water Lines in Annexed Territory to be Property of City; Lien Retained

Whenever any water line or lateral built and owned by any person is located on land that thereafter becomes a part of the City by annexation or otherwise, the line or lines so built shall immediately become the property of the City free from all liens or claims of any person whatsoever and the City may take peaceable possession thereof without any claim against the City for damages or trespassing.

D. Rates and Fees

1. Water Tap Fees

a. Policy

The City Council finds and determines that the greatest factor in performing water service connections is the cost of setup and operation for surface Excavation and/or subsurface boring of an adjacent pavement surface where necessary to extend the individual water service line to a City water main. Therefore, water service fees shall reflect the difference in cost for such Excavation or boring. In those instances where a private developer or other person shall make the required tap, the City shall install the water meter and only the meter set charge shall apply.

b. Rates

In those instances where the City shall install or cause to be installed water service connections in the streets or alleys within the corporate limits of the City, the City shall charge for the installation a sum sufficient to cover the cost thereof, such sum to include the tap cost and the meter set up charges and to be collected by the City at the rates set forth in the Fee Schedule.

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c. Ownership of Meters

All meters shall be owned by the City.

d. Warranty Requirement

All installations performed under this section by a developer or persons other than the City shall be warrantied for a period of one year following installation.

2. Water Rates

Regulations outlined in the Utilities and Administrative Regulations document shall apply.

a. Treated Water

Unless otherwise provided by contract, all rates and fees for treated water service to customers inside or outside the City limits shall be as set by resolution of the City Council.

b. Raw Water

Unless otherwise provided, all rates and fees for raw water service to customers inside or outside the City limits shall be determined by contract.

c. Intervals and Conditions of Payment

The charges provided for treated water service shall be payable at such intervals and subject to such conditions as the City Council shall provide by resolution.

d. Late Fees

The City Council may, by resolution, set such conditions and charges as it shall deem appropriate for late payment of bills for water service, wastewater service, and/or sanitation collection service.

3. Discontinuance to Enforce Provisions of Section; Additional Charges

Failure or refusal of any person to pay any charges assessed under this Section or to otherwise comply with the requirements of this Section shall be authority for the discontinuance of such water service until all such charges are paid and the customer is in compliance with such requirements. In any case where it becomes necessary to discontinue service in order to enforce any of the provisions of this Section, the City will charge a connection fee in accordance with **5** below before water service is turned on again. This charge shall be in addition to any other charges due. Should the customer reconnect or otherwise pass said discontinued service without the permission of the City, the customer's meter will be removed and an additional charge will be made and collected before the meter is reset. The amount of said additional charge shall be as set by resolution of the City Council. Said additional charge is in addition to the aforesaid connection fee and any other charges due.

4. Joint Customers Moving to New Location

a. Where there are different consumers liable for any water rent, charge, service or bill, and one or more of such customers so liable leaves such premises, such consumer so leaving shall not be supplied with water at the new premises occupied by them until all accounts due by such person or persons has been paid.

b. Where any consumer is liable to the City for any water rent, charge or service, either water or wastewater, he/she shall not be given a connection for water or wastewater, until all unpaid water or wastewater rent, charge or service has been paid; and in event he is located using water or wastewater at some other place, the water shall be turned off at the new location until all valid accounts past due are paid.

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c. Should any person or persons move into any premises supplied with water from the City mains, without making written application in the manner provided therefor, and use water, then such person or persons shall become responsible for all water used from date of the last reading previous to their occupying said premises and the failure to pay same shall be cause for disconnecting said service until the amount due be paid.

5. Collection Fee; Collection of Fee; Deposits; Penalty

a. Connection Fee

A non-refundable fee is owed to the City upon the connection or reconnection of water service. The types and amounts of said fee and the terms and conditions under which such a fee may be imposed shall be as set by resolution of the City Council.

b. Collection of Connection Fee

Payment of the connection fee may be collected in any manner determined to be appropriate by the City Manager or the City Manager's agent, including without limitation payment of the fee in advance of service or payment of the fee on the first water bill after connection or reconnection of service.

c. Deposits

In addition to the fee imposed by this section, the City Manager or the City Manager's agent may require a deposit with any application for water service based on the applicant's history of repeated failure to pay charges when due.

d. Penalty

Failure to pay the required connection fee or deposit as required by the City Manager or the City Manager's agent shall be sufficient cause to discontinue service as provided in this Section for failure to pay charges.

6. Water Used in Construction Charged to Property Owner; Nonpayment of Charges

Where water used in the construction or repair of property, or any service or connection charge, water or wastewater, is made in connection therewith, same shall be charged against the owner of the property. In event such charge or charges are not paid, connection for consumer service after completion will not be made until payment thereof, and where water is already turned on, and where such charges are not paid, it shall be turned off in the same manner as may be turned off for any other delinquency in payment.

7. Refusal of Service for Delinquency in Payment of Bill

No service, water or wastewater, shall be furnished to any person who is delinquent in the payment of any bill or charge under the terms of this Section on the premises to which service is desired or to any other premises in the City.

8. Repairing and Testing Meters; Testing Charges

a. All water meters furnished by the City shall remain at all times the property of the City, and shall be maintained and repaired, when rendered unserviceable from usual wear and tear, and renewed by the City. However, replacements or repairs caused by carelessness of the owner or occupant of any premises, or any expense caused to the City thereby, shall be charged against and collected from the consumer who is being served, and if not paid, services shall be discontinued.

b. Any consumer shall have the right to request that the meter through which water is being furnished be examined and tested by the waterworks department for the purpose of

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ascertaining whether it is or is not registering correctly the amount of water that is being delivered through it to the consumer; provided, that when such consumer desires to have any meter so tested, such consumer shall make application in writing to the City, and in such application agree to payment of a fee to be added to the consumer's water bill. The amount of said fee shall be as set by resolution of the City Council.

c. When such application is made and the required fee agreed upon, it shall be the duty of the City to cause such meter to be examined and tested for the purpose of ascertaining whether it is registering correctly the amount of water being delivered through it. If, on such examination and test any meter be found to register over 3% more water than actually passes through it, another meter will be substituted therefor, and the fee charged in the application for such test shall be credited to the person making the application, and the account adjusted, back the adjustment to be made on the basis of the test made as to the percent of inaccuracy. Should the test be made hereunder, no adjustment shall be made, but the City shall advise the consumer of the repairs necessary and shall make them for such consumer at consumer's expense.

9. Interference with Water System a Misdemeanor; No Culpable Mental State Required; Permit Required; Security Required

a. Permit Required; Offense

Any person who shall tap or connect with the water of the City, or who shall turn on the water from the water department, without first having secured a written permit to do so from the City, or who shall interfere with any water meter, service, main, standpipe or any other property of the water department of the City, shall be deemed guilty of a misdemeanor.

b. No Culpable Mental State Required

Unless otherwise specifically set forth in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

c. Posting of Security Required

Any person tapping or connecting with the water of the City shall post a security deposit in an amount determined by the City Engineer to be sufficient to ensure the materials and workmanship involved in the tap or connection for a period of one year after acceptance of said tap or connection by the City. For purposes of this Section, a proper security deposit shall consist of a cash bond, letter of credit, or security bond in a form acceptable to the City Attorney.

E. Design

1. Minimum Waterline Size

a. The minimum waterline size shall be eight (8) inches. Larger pipe sizes may be required when the City Engineer deems it necessary.

b. The minimum waterline size is for domestic flows only and does not consider fire flows.

c. This minimum line size does not apply to individual customer service lines.

2. Dead-End Lines

a. Proposed waterline systems shall be designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains shall be provided with acceptable flush valves and discharge piping. Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation.

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b. New Developments proposing dead-end lines shall be required to provide automatic water distribution system flushing devices.

3. Communicating or Transmitting Electricity Along Water Pipes or Mains Prohibited

It shall be unlawful for any person to make or cause to be made or permit the making of any metallic connection, either directly or indirectly, with the water mains, laterals, supply or service pipes of the waterworks department of the City, or any private pipes, which are connected to or with any such water mains, laterals, supply or service pipes of the water department of the City, whereby any electrical current shall be communicated to or transmitted along or through such water mains, laterals, supply or service pipes of the water department of the City, or in any manner to communicate any current of electricity to, or transmit the same along or through any water main, lateral, pipes or wires or any metal of any sort that is a conductor of electricity that shall hereafter be metallically connected, bonded or joined to or with any water main, lateral, supply or service pipes of the water department of the City.

F. Water Meter

1. Determination of Size and Type of Meter

The Development Services Department shall verify the size and type of meter to be installed or used on any water service.

2. Installation of Individual Meters in Certain Apartment Houses, Manufactured Home Rental Communities, Multiple Use Facilities, and Condominiums

a. Installation of Individual Meters

On the request by the property owner or manager of a Multi-Unit Facility, the City Manager shall install Individual Meters owned by the City in the Multi-Unit Facility unless the City Manager determines that installation of Individual Meters is not feasible.

b. Feasibility of Installation

The City Council finds and determines that it is not feasible for the City to accept, keep records of, and maintain various small, oddly shaped and/or oddly located water lines and utility easements throughout the City, each such water line and/or easement serving only an individual Multi-Unit Facility. Further, the City Council finds that it is not feasible to regularly read, keep records of, and maintain oddly or inconveniently located Individual Meters throughout the City. Accordingly, for purposes of this Section, the installation of Individual Meters is not feasible unless all of the following requirements are met:

(1) Each Individual Meter must be installed in a Meter Bank located within a Right-of-Way;

(2) The installation of any Individual Meter or of a Meter Bank shall not require the dedication of any new Right-of-Way in order to meet the requirements of this Section;

(3) The City shall not be responsible for installing or maintaining any water line connecting an Individual Meter to the unit served by the Individual Meter; and

(4) The privately-owned plumbing to which the meter is to be attached, each Individual Meter, and all of the circumstances surrounding the installation of the Individual Meter and the Meter Bank otherwise meet the applicable requirements of this Code.

c. Responsibility of Property Owner/Manager

It is the responsibility of the property owner or manager requesting Individual Meters to ensure that the Multi-Unit Facility and all associated plumbing are arranged and provided in

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such a manner that the City can install Individual Meters in compliance with the requirements of this Section.

d. Fees

In those instances where the City Manager installs or causes to be installed Individual Meters, either within or without the corporate limits of the City, the City shall charge for the installation a sum sufficient to cover the cost thereof and to be collected by the City at the rates set forth by resolution of the City Council.

e. Limitation on Duty to Install Meters

Unless otherwise required by this Code, the City Manager shall not be required to install water meters to serve individual units in any facility that contains more than one unit except as provided in this section.

3. Temporary Disconnections

The water service of any customer may be temporarily disconnected at the request of the customer for the period of time specified by the customer. The charge for reconnection of service after such temporary disconnection shall be charged at the time of disconnection.

4. Meters to be Read Monthly; Estimated Charge when Meters Cannot be Read

All meters, as nearly as possible, shall be read once a month, and bills rendered therefor. If the meter reader is unable to procure a reading of the meter, because ingress to the meter is obstructed in any manner, or entrance to premises is made precarious by vicious dog, or for any other reasonable reasons, an estimated charge shall be made of the amount of water consumed.

5. Tampering with Meters to Prevent Proper Registration

Whoever intentionally, by any means or device, prevents water from passing through any meter used in connection with the supply of water from the City to register the amount of water passing through such meter, or intentionally prevents a meter from duly registering the quantity of water supplied, or in any way interferes with its proper registration, or without the consent in writing of the Director of Public Works or City Manager intentionally diverts any water from any pipe or pipes carrying City water, or otherwise intentionally uses, or causes to be used, without the consent of the City, any water produced or distributed by the City, or any person who retains possession of or refuses to deliver any meter or other appliance loaned to him by the City for the purpose of furnishing water through the City's water department, shall for every offense be fined. The presence at any time on or about any such meter or pipe of any device or pipes resulting in the diversion of water or preventing of its free passage and registration by the meter, or diverting from the meter of any water or preventing of water from reaching the meter, or preventing the just registration of the meter or the taking of any water except through a meter shall constitute prima facie evidence of the knowledge and intention on the part of the person owning or having the custody and control of the room, building, place or premises where such device is, or such act has been located, and shall constitute prima facie evidence of intention on the part of such person to defraud.

6. Metering Equipment Controlled by City

All meters, curb stops, valves and meter boxes connected with the water mains and service pipes, including those furnished at the expense of the consumer or property owners, shall remain under the direct control of the City, and it shall be unlawful for any person or persons other than those authorized by the City to connect, disconnect, move or tamper with any such meter, or to turn on or off the water at the curb cock valve or meter, or to open, move or tamper

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with any meter box, or for anyone to open any meter box in any way except with a regulation meter box key.

7. Obstructing Access to Certain Water System Equipment

   It shall be unlawful for any person to place upon or about any fire hydrant, gate valve, manhole, curb stop, meter or meter box connected with any water pipe of the City, any object, material, debris or Structure of any kind, so as to prevent free access to the same at all times.

8. Injuring, Defacing, etc., Water System Equipment

   Any person who unlawfully, willfully or maliciously injures, defaces or destroys any reservoir, machinery, pipes, hydrants, meters, meter boxes, lids or other fixtures, properties or supplies belonging to the water department of the City, or who uses or takes from the City water department any water, supplies or property except in accord with the rules and regulations of this Section shall be deemed guilty of a misdemeanor.

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2.03. Wastewater System

A. Administrative Provisions

1. Permit Required for Connection with Wastewater; Application

   No person shall make any connection with, or any opening into, any wastewater sewer of the City without a permit from the Director of Public Works (when inside city limits) or the City Council (when outside of city limits). Applications for permits shall be made in writing by the property owner or his/her authorized agent. Such application shall give the exact location of the property, the name of the owner, and the name of the person employed to do the work.

2. Issuance of Permits; Connection Mandatory; Exception

   It shall be the duty of the City Manager to issue all permits for wastewater connections and to compel all persons owning or occupying property with occupied buildings thereon, that are in the City to make connections with the wastewater system; provided that no person having access to the City water service shall use such wastewater system unless said person has secured connection to the City water service.

3. Failure to Connect After Notice to do so a Misdemeanor

   It shall be the duty of the City Manager to notify, in writing, the owner or occupant of every building situated within the City to make sewer and closet connections with the sewer system within thirty (30) calendar days from receipt of such notice, and upon failure of any person to make such connection within such period he shall be deemed guilty of a misdemeanor.

4. Permits to Connect Subject to Revocation

   All permits to connect to the City's wastewater system shall be given upon the express condition that the City may, at any time before the work is completed, revoke and annul the same, and no party interested shall have any right to claim damages in consequence of such revocation.

5. How Connections to be Made

   Connections with the City's wastewater system at the property line shall be made in every instance by a licensed plumber under the City's plumbing code, under supervision of an authorized inspector of the City, and at the expense of the property owner.

6. Duty of Property Owners to Keep Sewer Connection Free of Obstructions, etc.

   It shall be the duty of all property owners or agents, or occupants of buildings, to keep and maintain water closets and other connections to the sewer in perfect condition and free from any obstruction, and it shall hereafter be unlawful for any person or persons to build or use any privy vault, above or below ground, in the City on property within the City, except where it is impossible because of drainage to make such connections.

7. Privies Prohibited

   No privies shall be constructed or used within the City.

8. Compliance with Section and Ordinances Required Prior to Occupancy of Any Premises

   It shall be unlawful for any person to use or occupy as a place of business or residence any Structure within the City limits, whether such Structure be permanent or temporary, or whether affixed to the realty or not, without having before such occupancy complied with the ordinances of the City, as to connection with the wastewater system and the other ordinances of the City pertaining to disposal of sewerage.

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B. Connection to a Public Sewer System

1. The drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public sewer system if connection to such a system is available within three hundred (300) feet of the property line of the property on which the building or premises if located.

2. When connection to a public sewer system within three hundred (300) feet of the property line of the property on which the building or premises is located is not available, an individual (private) sewage disposal system shall be provided. Any such sewage disposal system must comply with all applicable federal, state, and local laws, including without limitation any applicable city ordinances.

C. Connections, Discharges, and Disposal

1. Certain Connections and Deposits Not to be Made

The following fixtures shall not be connected to or disposed within the City wastewater system or openings thereto:

a. Downspouts, yard drains, yard fountains and ponds, swimming pools, lawn sprays;

b. Any open gutter, rain-spout, privy or cistern; including any private sewer connecting with the public wastewater system; and

c. Any Garbage, offal, dead animals, filth or any substance having a tendency to obstruct the flow of sewerage.

2. Discharge of Swimming Pool Water

Swimming pool water may be discharged into a storm drain or natural drainage way, provided such water does not contain more than 0.5 mg/l total residual chlorine or any harmful quantity of acid or other chemicals used in the treatment or disinfection of swimming pool water or in the cleaning of a swimming pool. In no case may any person drain swimming pool water across or onto any property not under the ownership or control of said person or drain swimming pool water in any manner that would create a public nuisance by becoming stagnant, offensive, or a potential breeding site for mosquitoes.

a. As used in this section, the term swimming pool shall mean any Structure intended for swimming, recreational bathing or wading that contains water over twenty-four (24) inches deep. The term shall include, without limitation, in-ground, aboveground and on-ground pools, hot tubs, spas, and fixed-in-place wading pools.

3. Discharge of Surface or Rainwater into Wastewater System

It shall be unlawful to allow any surface water, or rainwater, from the ground or roof of a house, to enter into any sewer or any vessel or sink connected with the City's wastewater system, or to admit any drainage water from any cellar to the wastewater system, except by permission of the City Manager and under the direction of an inspector of the City.

4. Improper Disposal of Wastewater Prohibited

a. Each of the following acts by any person is hereby declared to be unlawful as a public nuisance:

(1) Discharging any wastewater on any public or private property that is not inside of any building;

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(2) Causing or allowing to be discharged any wastewater on any public or private property that is not inside of any building;

(3) Permitting any wastewater to remain on any property that is owned by, occupied by or under the control of the person and that is not inside of any building, whether or not the person deposited the wastewater onto the property.

b. The following shall be affirmative defenses to prosecution under this section:

(1) The wastewater was discharged into the POTW or into the storm sewer in compliance with all applicable City, state and federal laws, rules and regulations; or

(2) The wastewater was stored in order to allow proper collection and disposal of same by the City or by a person possessing all valid legal authorizations necessary for said collection and disposal, and the wastewater was at all times stored in compliance with all applicable provisions of City, state and federal law, including without limitation the applicable provisions of this Section.

c. Allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

d. In accordance with the authority provided by **Section 217.042 of the Texas Local Government Code**, this section shall apply within the City limits of the City and to any area that is outside of the City limits of the City but within 5,000 feet of said limits.

5. Disposal of Septic Tank or Portable Toilet Wastes

a. Permit Required

No person shall use any City wastewater treatment facility for the disposal of On-Site Sewage Facility waste without first obtaining a permit therefor from the City Manager. The City Manager shall promulgate the form and terms for the issuance of any such permit, and all disposals made subject to said permit shall comply with the terms of the permit and with any and all other applicable federal, state and City laws. The fee for issuance of such a permit shall be as set by resolution of the City Council.

b. Fees

Persons desiring to dispose of On-Site Sewage Facility wastes shall pay such fee or fees as the City Council may establish by resolution.

c. Prohibited Wastes

It shall be unlawful to deposit any wastes from sand traps or grease traps or any hazardous wastes as defined by state or federal law or regulation into any part of the City wastewater treatment system. The Director of Public Works shall be authorized to prohibit the disposal of such other types of wastes into the City's wastewater treatment system, as he/she shall determine are hazardous to the City's wastewater treatment facilities.

d. Revocation of Permits

(1) The City Engineer may suspend or revoke any permit issued pursuant to this division for any violation of the terms or provisions of this Section or of the terms or provisions of any permit issued hereunder.

(2) The City Engineer shall give a permittee five (5) business days' notice in writing of the reasons for suspension or revocation of any permit, except where the reason is nonpayment of disposal fees, prior to taking such action; provided, however, that when in the opinion of the City Engineer immediate suspension or revocation is necessary for

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the protection of the City's wastewater treatment system, such action may be taken without notice to the permittee.

(3) Appeals of any suspension or revocation shall be made by giving notice of appeal in writing to the City Manager within five (5) business days of receipt of notice of suspension or revocation. The notice of appeal shall state the grounds upon which the appeal is predicated. The City Manager shall establish a date for a hearing within ten days from the date the notice of appeal is received. A decision shall be rendered on any such appeal within three (3) business days from the date of the hearing. The decision of the City Manager shall be final. During the period of any appeal, the action taken by the City Engineer shall be determinative of the status of a permit.

D. Rates and Fees

1. Wastewater System Tap Fees

a. Policy

The City Council finds and determines that the greatest factor in performing wastewater system taps is the cost of setup and operation for surface Excavation and/or subsurface boring of an adjacent pavement surface where necessary to extend the individual wastewater service line to a city sewer main. Therefore, wastewater system tap fees shall reflect the difference in cost for such Excavation or boring.

b. Rates

The City shall install or cause to be installed all house laterals from the city wastewater system to the property line inside the City limits, and shall charge for the installation a sum sufficient to cover the cost thereof, such sum to be determined and collected by the City at the rates set forth by resolution of the City Council. Charges for the installation of wastewater service connections outside the corporate limits of the City shall be as set forth by resolution of the City Council.

c. Service Fee for Location of Line

If a wastewater service line has been installed by a private developer or other private party and the City receives a request to locate said service line, a service fee will be charged for attempting to locate said line. Said fee shall be in the amount set forth by resolution of the City Council.

d. Warranty Requirement

All installations performed under this section by a developer or persons other than the City shall be warrantied for a period of one year following installation.

2. Wastewater Rates

Unless otherwise provided by contract, all rates and fees for wastewater service to customers inside or outside the City limits shall be as set by resolution of the City Council.

3. Collection of Fees

a. All fees collected for permits and/or inspections shall be made payable to the City.

b. The types and amounts of any and all fees imposed in connection with the administration of this Section shall be as set by resolution of the City Council. Such fees may include, without limitation, fees for permits, permit applications and/or inspections. Any permit applied for or issued under the authority of this Section or of the rules may be denied or

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revoked for the failure to pay any fee imposed in connection with the administration of this Section.

E. Design

Sanitary sewer system design shall be in accordance with this code and TCEQ requirements.

F. On-Site Sewage Facilities

1. Conflicts

This subsection **F. On-Site Sewage Facilities** repeals and replaces any other On-Site Sewage Facility Ordinance for the City of Longview, Texas.

2. Chapter 366

The City clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating On-Site Sewage Facilities, and will fully enforce Chapter 366 of the Texas Health and Safety Code (H&SC) and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in **7. Incorporation by Reference** below.

3. Plumbing Code

See the Plumbing Code within **Article F. Building and Safety Code** for additional requirements.

4. Area of Jurisdiction

The rules shall apply to all the area lying in the City except for the area regulated under an existing rule.

5. On-Site Sewage Facility Rules

a. Any permit issued for an On-Site Sewage Facility within the jurisdictional area of the City must comply with the rules adopted in **7. Incorporation by Reference** below.

6. On-Site Sewage Facility Rules Adopted

The rules, Administrative Rules 30 Texas Administrative Code (TAC) §§ 285.1-285.91 and 30 TAC 30, attached hereto, promulgated by the Texas Commission on Environmental Quality or its successor agency or agencies for On-Site Sewage Facilities are hereby adopted, and all officials and employees of the City, having duties under said rules are authorized to perform such duties as are required of them under said rules.

7. Incorporation by Reference

The rules, 30 TAC Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these rules. A copy of the current rules is attached to these rules as Appendix I.

8. Amendments

The City, wishing to adopt more stringent rules for its on-site sewage facility ordinance, understands that the more stringent conflicting local rule shall take precedence over the corresponding requirement of the Texas Commission on Environmental Quality or its successor agency or agencies. Listed below are the more stringent rules adopted by the City.

a. Regardless of acreage, a permit is required to construct, alter, extend, or repair an On-Site Sewage Facility.

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b. The City of Longview shall require maintenance for all OSSFs, identified in 286.91(12), to be performed by a TCEQ registered maintenance company unless:

(1) The homeowner/property owner is a TCEQ registered maintenance provider for their aerobic treatment unit; or

(2) The homeowner/property owner was trained by an installer of manufacturer according to the requirement of HB 2510 [79(R)] prior to adoption of HB 2482[80 (R)]; or;

(3) The homeowner/property owner holds a valid Class D or higher wastewater treatment license, and is certificated by the manufacturer for the brand of OSSF that they own

c. Maintenance Inspections and Reports

(1) Inspections at a minimum must meet all inspection requirements as outlined in Table IV 285.91 (12), as well as the inspection requirements outline by the manufacturer for the brand being inspected

(2) Inspection reports shall address all inspection and testing requirements as outlined in 285.91(12) as well as the testing requirements outlined by the manufacturer for the brand being inspected

(3) The City of Longview shall require the reporting of the sludge levels in the pump tank, and the condition of the spray area to be included on each required testing report specified by 285.91(12).

9. Duties and Powers

The On-Site Sewage Facility Inspector of the City, must be approved and certified by TCEQ before assuming the duties and responsibilities.

10. Appeals

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the City Council.

11. Penalties

a. This Section adopts and incorporates all applicable penalty provisions related to On-Site Sewage Facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285.

b. Any person, firm, partnership, or corporation who violates any provision of this Section shall be subject to **Article A.1.06. Violations and Fines**.

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2.04. Water and Wastewater Main Extensions

A. Within Corporate Limits

1. Authority to Make

The City may extend water and wastewater mains in the streets, alleys, or easements within the City limits in order to permit connections by persons desiring and seeking water service and wastewater service.

2. Extension for Property to be Subdivided or Platted for Development - Generally

a. Application of Section

Where extensions of water and wastewater systems are required to serve property in the City that has been subdivided or platted for development and resale, water and wastewater facilities may be extended to such property on the following basis and in accordance with the minimum standards and procedures described in this Section.

b. Extensions within Subdivision or Other Property to be Developed

Developers of such property will defray the entire cost of water and wastewater systems within their subdivision except that the City will refund the Oversize Cost of any water main or sanitary sewer main larger than eight (8) inches in size, unless an oversized is required to serve the subdivision in question. Size of mains for adequate service shall be determined by the City Engineer and his/her decision will be final. Refunds for Oversize Cost will be made upon acceptance of the systems by the City, based upon the procedures established hereinafter.

c. Mains Lying Along One or More Sides of a Subdivided Tract

(1) Mains lying to one side of a subdivision shall be required to run the entire length of said subdivision at a developer's cost.

(2) For mains larger than eight (8) inches in size and development does not require an oversized line, the developer will be refunded the difference between the cost of such water or wastewater main. As new connections are made other than the original development, the front footage will be reimbursed the cost of an eight (8) inch main or such larger sizes as are required to serve the subdivision, provided the developer has advanced the total cost of such mains. Refunds, when due will be made upon acceptance of the system by the City, as provided hereinafter.

d. Off-Site Extensions Required to Serve Property Development

(1) Where water or wastewater facilities are not available to a tract to be developed, such facilities will be extended to the nearest subdivision property line.

(2) Off-site or alongside water and wastewater mains will be constructed at the expense of the developer requiring such extensions. The limit of any refund shall be five (5) years from the date of the contract.

3. Indemnity Agreement

Where, in the opinion of the City Engineer, the property is subject to flooding or the being flooded by an overcharged sewer due to its elevation in relation to the proposed wastewater line, then the owner or developer shall be denied a wastewater main for service to the property, unless the owner or developer agrees to install a check or back flow valve in each hours/sewer and agrees to indemnify the City against any and all damages, costs or expenses of any kind, character and nature, due to surcharge of the sanitary sewer. Such agreement shall be

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executed by the owner or developer of the property and filed in the deed records of the County, and shall be a covenant running with the land and shall be binding on the owner or developer, his/her successors or assigns.

4. City Not Obligated if Funds Not Available

In no event shall the City be obligated to proceed under the terms of these articles and regulation if funds are not available or if, in the discretion of the City, the extension may not be practical.

B. Outside Corporate Limits

1. Eligibility Criteria for Wastewater Service

a. The City Council may approve the extension of wastewater service to a tract of land outside the City limits on terms the City Council determines to be in the best interest of the City if the owner of the tract enters into a written agreement specifying, at a minimum, all of the following:

(1) The service shall not be used for residential purposes;

(2) The owner will compensate the City for all expenses necessitated by the extension of wastewater service to the tract, as said expenses are determined by the City Council;

(3) The owner is prohibited from using such service to provide wastewater service to any other person or entity without the express, written permission of the City Council;

(4) The owner will not allow any person or entity to use wastewater service from the tract (whether the person or entity intends to purchase, lease, or otherwise obtain a legal right to use the tract) until the person or entity enters a written agreement with the City that meets the requirements of this Section; and

(5) The City may discontinue service, temporarily or permanently, upon a breach of the agreement.

b. The City Council shall have the authority to approve and sign such an agreement on behalf of the City if all of the criteria of this Subsection are met.

2. Eligibility Criteria for Water Service

a. The City Council may approve the extension of water service to a tract of land outside the City limits on terms the City Council determines to be in the best interest of the City if the owner of the tract enters into a written agreement specifying, at a minimum, all of the following:

(1) The owner will compensate the City for all expenses necessitated by the extension of water service to the tract, as said expenses are determined by the City Council; and

(2) The City may discontinue service, temporarily or permanently, upon a breach of the agreement or a failure to comply with any federal, state or City laws, rules or regulations related to the provision of the service.

b. The City Council shall have the authority to approve and sign such an agreement on behalf of the City if all of the criteria of this Subsection are met.

3. Prior Approval Required

No connection to either the water system or the wastewater system owned by the City shall be authorized for service outside the corporate limits without the prior approval of the City Council, as required under this section. Outside the corporate limits of the City, no person or entity shall receive water service, wastewater service, or both from the City without having first entered into

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an appropriate agreement under this section. The City reserves the right to discontinue or refuse service, temporarily or permanently, to any person or entity that does not comply with this section.

4. Approval of Director of Public Works

   The Director of Public Works will supervise any installation connections or extensions to water or wastewater lines. Said person will also determine the size and type of line to be used in any water or wastewater extension. No connection to the water or wastewater system of the City shall be made or allowed unless the technical aspects of said connection are first approved by the Director of Public Works or the city staff member who succeeds to the duties of that office.

5. Exemptions

   a. The requirements of **1.**, **2.**, and **3.** above shall not apply to the following entities:

      (1) Wholesale water or wastewater customers, such as municipalities, water supply corporations, water districts, and other similar entities who now have or hereafter enter into an agreement with the City for the supply of water or wastewater to said entity; and

      (2) Customers who were connected to City water or wastewater service on or before July 1, 2000; provided that such a customer shall only be exempt from said requirements with regard to the service or services to which the customer was connected on said date.

   b. Extension or use of City water or wastewater service to or by a person or entity exempt under the provisions of this subsection **5.** shall be in accordance with the provisions of a written agreement negotiated by the person or entity and the City, and no such person or entity shall connect to or use City water or sewer service without such an agreement.

6. Approval of Substandard Lines

   The installation and connection of substandard lines in any water or wastewater extension outside the city shall be upon approval of the City Council.

7. Service Connections Generally

   a. No water or wastewater service connection shall be made for any lot or tract of land until such lot or tract of land complies with one of the following conditions:

      (1) The lot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and filed in the plat records of Gregg County or Harrison County, as appropriate.

      (2) The site plot or tract is all or part of a PD Site Plan officially approved by the City Council in a planned development district after recommendation by the Planning and Zoning Commission, which Site Plan provides all utility and drainage easements, alleys, streets and other Improvements necessary to meet the normal requirements for platting including the designation of building areas and such easements, alleys and streets have been required and properly dedicated and the necessary Improvements provided.

      (3) The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this Section.

   b. In the event no water service connection shall be made if the water meter cannot be set within a dedicated street or alley Right-of-Way in use by the public and reasonably accessible to City crews for meter reading and maintenance.

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c. No water service connection from the water main to the meter shall exceed a length of fifty (50) feet.

d. No wastewater system tap shall be made that is not within a dedicated easement, alley or street Right-of-Way permitting reasonable vehicle access to the tap for maintenance purposes.

e. The City Engineer will be the final authority for acceptance or nonacceptance and interpreter of this Section.

8. Application of Other Provisions to Water and Wastewater Service Outside the Corporate Limits

a. Applicability of **A. Within Corporate Limits**

For definitions, descriptions, sizes and other information concerning water and wastewater extensions outside the City, reference is made to **A. Within Corporate Limits** regulating the extension of water and wastewater lines within this City and such definitions, standards, sizes and descriptions are hereby adopted and made a part of this Subsection as if fully copied herein.

b. Applicability of the City Plumbing Code

In accordance with **Article F. Building and Safety Code**, any plumbing outside the boundaries of the City that connects to either City water or City wastewater shall meet the requirements of the City plumbing code and be inspected by the City Building and Fire Code Official.

c. Applicability of Other Provisions

All water or wastewater service outside the corporate limits shall, in all respects not otherwise provided in this Code, be subject to the same rules, regulations, and other provisions as govern such service inside the corporate limits.

C. Public Utility Design Standards

1. Public Water Design Standards

a. All pipe material shall be DR-18 C900 PVC, DR-26 C909 PVC, or Class 150 ductile iron.

(1) SDR-9 Polytubing Entrotrace is acceptable for 1” services.

b. All pipe shall be 8” minimum.

c. Minimum cover required is 4 feet.

d. Dead end stub-outs shall be 20 feet long past the valve with a plug.

e. Lines shall be looped unless there is an expansion planned in the future.

f. 2” automatic flashing devices shall be installed at all dead end lines.

g. Water lines shall be encased at street and storm drain crossings. All City streets must be dry bored and encased. Carrier pipes and casings shall be as follows:

(1) 8” main – 14” steel x 0.125” thick

(2) 10” main – 16” steel x 0.125” thick

(3) 12” main – 18” steel x 0.125” thick

(4) 14” main – 20” steel x 0.475” thick

h. All casing shall be new, ASTM A53, Grade A or B steel.

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i. Water lines do not have to be encased under cul-de-sacs.

j. Fire hydrants shall be buried a minimum of 4' and installed with 6" x 13" anchor couplings on either side of the valve. The fire hydrant shall have a 4-1/2" steamer connection. Fire hydrants shall be spaced as per the 2000 International Fire Code or such that a 250' radius touches at least one corner of each lot, whichever is more stringent. Accepted brands are Mueller A-423, American Darling B84Btc and Clow Medallion. Fire hydrants that are placed on private property (example, apartment complexes, large retail stores, commercial and industrial sites) can be dedicated to the City for operation and maintenance if the following requirements are met:

(1) The water line(s) that leads to the fire hydrant(s) along with the hydrant(s) shall be placed in a 15' wide permanent utility easement, dedicated to the City.

(2) The 15' permanent utility easement dedicated to the City shall not be covered by a paved parking lot, building, or any other structure that might interfere with the maintenance of the line(s) or the hydrant(s).

(3) The City is not responsible for the replacement of trees, shrubberies, flowerbeds, or any other landscaping that might be removed during maintenance of the water line(s) or hydrant(s).

k. Vertical clearance between water and storm drains shall be 18" minimum.

l. THHN 14 solid insulated tracer wire shall be laid with all water lines and shall be tied to the valve boxes.

m. Bedding shall be clean compacted sand, 4" to 6" below the pipe and up to the spring line.

n. Backfill shall be placed in loose lifts not exceeding 8" in thickness, compacted to 95% standard proctor density at +/- 3% optimum moisture.

o. Long side services shall be installed by the developer (1" Type K copper minimum).

p. Maximum length of dead-end water lines shall be 500 feet.

q. All water lines must be designed, constructed, and tested in accordance with the requirements of 30 TAC 290.

r. In-line valves shall be placed a maximum distance of 1,000 feet.

s. Water lines shall be placed outside the pavement, unless under a cul-de-sac or crossing at a 90 degree angle.

2. Public Sewer Design Standards

a. All pipe material shall be SDR-26 PVC or ductile iron (8" minimum).

b. All manholes shall be pre-cast or cast-in-place concrete.

c. Pre-cast manholes shall have rubber O-ring gaskets installed at the joints.

d. Manholes shall have outside drops for changes in elevation greater than 30 inches. The drops shall be constructed of PVC with mechanical joint DI fittings and encased in Class "A" concrete.

e. Minimum grades shall meet these 30 TAC 217 requirements:

(1) 8" – 0.33%

(2) 10" – 0.25%

(3) 12" – 0.20%

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f. The bedding requirements shall be the same as for water lines.

g. The backfill requirements shall be the same as for water lines.

h. The encasement requirements shall be the same as for water lines.

i. Minimum cover required is 4 feet.

j. Maximum spacing for manholes is 500'.

k. Sewer lines do not have to be encased under cul-de-sacs.

l. Long side services shall be installed prior to subdivision acceptance or prior to release of building permits.

m. Short side services shall be installed by the developer if the main is over six feet deep.

n. All sewer lines shall be designed to meet the requirements of 30 TAC 217.

o. Sewer lines exceeding 175 feet in length shall terminate in a manhole.

p. Sewer lines shall be placed outside the pavement, unless under a cul-de-sac or crossing at a 90 degree angle.

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2.05. Industrial Waste

A. General Provisions

1. Purpose and Policy

   This Section sets forth uniform requirements for Users of the publicly owned treatment works (POTW) and enables the City of Longview to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR Part 403).

2. Objectives

   The objectives of this Section are:

   a. To prevent the introduction of Pollutants into the POTW that will interfere with the operation of the POTW or contaminate the resulting sludge;

   b. To prevent the introduction of Pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;

   c. To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW;

   d. To provide for equitable distribution of the cost of the municipal wastewater system;

   e. To protect the health and safety of both POTW personnel and the general public who may be affected by the wastewater and sludge from the POTW or by the failure to properly discharge wastewater into the POTW;

   f. To enable the City of Longview, Texas, to comply with its TPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject; and

   g. To protect the Waters of the State within the jurisdiction of the City from the introduction of Pollutants.

   h. To ensure quality of sludge to allow its use and disposal in compliance with statutes and regulations.

3. This Section provides for the regulation of direct and indirect contributors to the POTW through the issuance of Wastewater Discharge Permits to non-domestic Users and through enforcement of general requirements for the other Users. It also authorizes monitoring, compliance, and enforcement activities, requires User reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

4. This Section shall apply to the City of Longview and to persons and entities outside the City who are, by contract or agreement with the City, Users of the City POTW. This Section will replace Ordinance Nos. 1619, 794, 808, 1128, 1129, 1143, and 1429. Except as otherwise provided herein, the Control Authority of the City of Longview shall administer, implement, and enforce the provisions of this Section.

5. On and after the adoption of this Section, any person discharging or seeking approval to discharge non-domestic wastewater into the public sewers, including storm sewers, within the City of Longview, Texas, or within its jurisdiction or wishing to discharge transported wastes into the wastewater treatment system shall be required to comply with the requirements herein before such approval may be granted.

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B. Abbreviations

The following abbreviations shall have the designated meaning:

1. BMP - Best Management Practice
2. BOD5 - Biochemical Oxygen Demand
3. CFR - Code of Federal Regulations
4. COD - Chemical Oxygen Demand
5. EPA - Environmental Protection Agency
6. GPD - Gallons per day
7. l - Liter
8. mg - Milligrams
9. mg/l - Milligrams per liter
10. POTW - Publicly Owned Treatment Works
11. ppm - A weight-to-weight ratio numerically equal to mg/l
12. RCRA - Resource Conservation and Recovery Act
13. SIC - Standard Industrial Classification
14. SIU - Significant Industrial User
15. SWDA - Solid Waste Disposal Act, 42 Act USC 6901, et. seq.
16. TPDES- Texas Pollutant Discharge Elimination System
17. TSS - Total Suspended Solids
18. USC - United States Code
19. WWTP- Wastewater Treatment Plant

C. Regulations

1. Applicability

Unless otherwise stated herein, this section shall apply to all Users of the City's POTW whether or not the User is subject to National Categorical Pretreatment Standard or Pretreatment Standards or any other federal, state, or local pretreatment standards or requirements or whether such user has been issued a wastewater discharge permit.

2. General Discharge Prohibitions

a. In cases where the character or volume of the wastewater from a manufacturing, commercial or industrial facility or other premises is such that it will damage the system or cannot be treated satisfactorily in the system or violates this Section in any manner, the Control Authority shall have the right to require disposal of such waste otherwise and prevent it from entering the POTW.

b. A User shall not discharge or cause to be discharged into the POTW any storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, yard drainage, yard fountain drainage, lawn spray water or pond water, and unpolluted wastewater unless specifically authorized by the Control Authority.

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(1) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, yard drainage, lawn spray waters, and pond water shall be discharged to such sewers as are specifically designed as storm sewers or into a natural outlet.

(2) Unpolluted process water, swimming pool drainage, condensate, yard fountain drainage, and other unpolluted wastewater may be discharged into the POTW upon prior written consent of the Control Authority. The Control Authority on a case-by-case basis shall determine the specific maximum flow rate of such waters. The Control Authority may specify at what times such wastewater may be discharged. These types of wastewaters may be discharged to storm sewers or natural outlets provided such discharges have been permitted by the appropriate state and/or federal agency and the Control Authority has been made aware of such discharges as provided by this Section.

(3) When unpolluted wastewater is mixed with a regulated wastestream, the User shall meet an adjusted limit calculated according to the Combined Wastestream Formula.

c. A User shall not discharge or cause to be discharged any Pollutant that will cause Interference or Pass-Through. A User shall not discharge petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts, which may cause Interference or Pass-Through or may otherwise violate the provisions of this Section.

d. A User shall not discharge any liquids, solids or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances that the City, the state or the EPA has notified the User is a fire hazard or a hazard to the system. Prohibited wastestreams shall include, but are not limited to, any wastestream with a closed-cup flashpoint of less than 60° Celsius (140° Fahrenheit) using the test methods specified in 40 CFR 261.21.

e. A User shall not discharge solid or viscous substances that may cause obstruction to the flow in the City's wastewater system or other Interferences with the operation of the POTW such as, but not limited to: grease, Garbage with particles greater than ½ inch in any dimension, animal internal organs or tissue, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, Grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, acetylene generation sludge, chemical or acid residues, residues from refining, or processing of fuel or lubricating oil, mud, food processing bulk solids, glass grinding or polishing wastes.

f. A User shall not discharge any wastewater having a pH less than 5.5 or greater than 10.5, or wastewater having any other corrosive property capable of causing damage or hazard to Structures, equipment, and/or personnel of the POTW.

g. A User shall not discharge any wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans, animals, or aquatic life, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic Pollutant shall include, but not be limited to, any Pollutant identified pursuant to Section 307(a) of the Act.

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h. A User shall not discharge any trucked or hauled Pollutants, except at discharge points designated by the Control Authority.

i. A User shall not discharge any noxious or malodorous liquids, gases, or solids, which create a public nuisance or hazard to life or prevents entry into the wastewater system for maintenance repair.

j. A User shall not discharge any substances, which may cause the POTW's effluent, or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

k. A User shall not discharge any substances, which will cause the POTW to violate its TPDES permit or the receiving water quality standards.

l. A User shall not discharge any wastewater with objectionable color not removed in the treatment process, such as but not limited to, dye waste and vegetable tanning solutions.

m. A User shall not discharge any wastewater having a temperature, which will inhibit biological activity in the POTW Treatment Plant resulting in Interference.

(1) In no case shall wastewater with a temperature at the introduction into the POTW exceed 40° Celsius (104° Fahrenheit).

(2) A wastestream at the discharge point shall not have a temperature greater than 65° Celsius (149° Fahrenheit).

n. A User shall not discharge any Pollutants, including oxygen demanding Pollutants (BOD 5, etc.) released at a flow, rate and/or Pollutant concentration, which a User knows or has, reason to know will cause Interference to the POTW. In no case shall a Slug or Slug Load have flow rate or contain concentration or quantities of Pollutants that exceed for any time period longer than 15 minutes more than five times the average 24 hour concentration, quantities or flow during normal operation.

o. A User shall not discharge any wastewater containing any radioactive waste or isotopes of such half-life or concentration that exceeds limits established by the Control Authority in compliance with applicable state or federal regulations.

p. A User shall not discharge any wastewater containing materials that exert or cause unusual concentrations of solids or composition; as for example, unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or unusual concentrations of dissolved solids such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate.

q. A User shall not discharge any wastewater containing excessive amounts of wax, plastic, fats, oils, and grease that may, alone or in combination with other waste, solidify or become more discernibly viscous at temperatures between 32° to 150° Fahrenheit or otherwise cause an obstruction in the POTW collection system.

r. A User shall not discharge any detergents, surface-active agents, or any other substances, which may cause excessive foaming in the POTW.

s. A User shall not discharge any Medical Wastes except as specifically authorized by the Control Authority in a wastewater discharge permit.

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t. No person shall discharge or cause to be discharged any pesticide, herbicide, or fungicide, such as, but not limited to, chlordane, heptachlor, aldrin, diedrin, DDT, DDD, or DDE, or any other toxic, poisonous, or other substance that may injure or interfere with the normal treatment processes or may constitute a hazard to human, animal, or plant life, including aquatic organisms or create any toxicity or other hazards in the POTW's receiving stream.

u. No person shall cause any discharge prohibited by state or federal law or regulations, including without limitation, EPA regulations. When the Control Authority determines that a User (s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Industrial Pretreatment Supervisor shall:

(1) Advise the User(s) of the impact of the contribution to the POTW; and

(2) Develop effluent limitation(s) for such User(s) to correct the Interference with the POTW.

3. Compliance Schedule

In order to remedy or avoid a violation of this Section or of a wastewater discharge permit, the Control Authority may require a User to develop a compliance schedule for installation of control technology.

4. Compliance with regulations of public agencies

Any condition that violates any state, federal, or local statute, rule, regulation or ordinance (including, without limitation, any EPA regulation) regulating water quality is prohibited.

D. Direct Discharges Prohibited

1. Discharge into Waters of the State

a. No person shall discharge or cause to be discharged any prohibited or specifically limited Pollutant into any storm sewer, drain, gutter, stream, or natural or manmade outlet or in any way Waters of the State unless such discharge has been specifically reviewed and approved by the appropriate state and/or federal agency.

b. Documentation of approval for Direct Discharges shall be filed with the Control Authority.

2. Discharges onto Public or Private Property

a. No person shall deposit or discharge any wastewater, Industrial Waste, or polluted liquid onto public or private property or street that is adjacent to any natural outlet, natural watercourse, storm sewer, gutter, drainage ditch, or other area within the jurisdiction of the City of Longview, Texas.

b. Pollution of water of the states caused by runoff or washing, whether accidental or intentional, is strictly prohibited.

3. National Categorical Pretreatment Standard or Pretreatment Standard

After the promulgation of the National Categorical Pretreatment Standard or Pretreatment Standard for a particular industrial subcategory, and upon expiration of any compliance grace period, the pretreatment standard, if more stringent than limitations imposed under this Section for sources in that subcategory shall immediately supersede the limitations imposed under this Section. The Control Authority shall notify all affected Users of the applicable reporting requirements under 40 CFR Section 403.12.

4. Modification of National Categorical Pretreatment Standard or Pretreatment Standards

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Where the City's wastewater treatment system achieves consistent removal of Pollutants limited by National Categorical Pretreatment Standard or Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the pretreatment standards. "Consistent removal" shall mean reduction in the amount of a Pollutant or alteration of the nature of the Pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent that is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in 40 CFR Part 403.7(c)(2) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify Pollutant discharge limits contained in 40 CFR Part 403.

5. Specific Pollutant Limitations Local Limits

No person shall discharge wastewater containing in excess of the Pollutant limits below. These limits are based on either flow proportional or time proportional Composite Samples, except Cyanide (Total) and Oil and Grease which are collected as Grab Samples.

Element Limit

a. Aluminum 10.00 mg/l
b. Arsenic 0.18 mg/l
c. Barium 4.00 mg/l
d. Cadmium 0.11 mg/l
e. Chromium (total) 3.00mg/l
f. Copper 1.94 mg/l
g. **Cyanide (Total) 0.0005mg/l
h. Lead 0.85 mg/l
i. Manganese 5.00 mg/l
j. *Mercury 0.00 mg/l
k. Molybdenum 0.59 mg/l
l. Nickel 0.50 mg/l
m. Selenium 0.084 mg/l
n. Silver 0.088 mg/l
o. Zinc 4.00 mg/l
p. Oils and Grease (HEM) 100.0 mg/l

* Compliance will be determined at the MAL of 0.01 mg/l

* *Compliance will be determined at the minimal analytical level.

6. Application of Best Management Practices (BMP)

Upon petition to, and approval by the Director of Public Works, nonsignificant Industrial Users may, in lieu of monitoring for the local limits set forth in **5. Specific Pollutant Limitations Local Limits** above, develop and implement best management practice policies and procedures. Facilities defined to be significant Industrial Users must adhere to the local limits set forth in **5. Specific Pollutant Limitations Local Limits** above. Once approved by the Director of Public Works, a facility's BMP becomes a fully enforceable local limit. After approval

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of a BMP, the Director of Public Works shall issue the facility a certificate of BMP approval. Facilities failing to abide by an approved BMP, will be subject to:

a. The local limits set forth in **5. Specific Pollutant Limitations Local Limits** above;

b. Enforcement actions set out in **O. Enforcement**; and

c. The requirement to obtain a Wastewater Discharge Permit as set forth in **F. Administration**.

7. BMP Policy Components

The minimum components of an approved BMP include the following:

a. A description of the facility's industrial processes;

b. A detailed description of the facility's wastewater treatment operations;

c. A list and description of the chemicals used or stored at the facility;

d. Policies and procedures for employee training;

e. A detailed description of the methods used for minimizing, to the greatest practical extent, adverse environmental impact; and

f. Other information as required by the Director of Public Works.

8. Certificate of BMP Approval

Upon approval of a BMP, the Director of Public Works will issue the facility a certificate of BMP approval. Until the issuance of a certificate of BMP approval, facilities are subject to the local limits set out in **5. Specific Pollutant Limitations Local Limits** above. A certificate of BMP approval shall be issued for a specified period of time, not to exceed five years from the effective date of the certificate. A certificate of BMP approval may be issued for a period less than five years, at the discretion of the Director of Public Works.

9. State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations and those in this Section.

10. City's Right of Revision

a. The City reserves the right to establish by ordinance more stringent limitations or requirements on wastewater discharges if deemed necessary to comply with the objectives presented in **A.1. Purpose and Policy**.

b. Any person who wishes to increase his/her flow, concentration, or mass of Pollutants above the limits stated in his/her wastewater discharge permit or certificate of BMP approval must obtain an amended permit from the City.

11. Prohibition of Dilution

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standard or Pretreatment Standards, or in any other Pollutant-specific limitation developed by the City or state.

12. Prevention from Accidental Discharges

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in a manner, which could result in a discharge of such Pollutants, substances, or wastewater to the POTW. To prevent accidental discharge of prohibited materials, facilities

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shall be provided and maintained at the owner or User's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. The plan shall contain, at a minimum, the following:

a. A description of discharge practices including non-routine batch discharges;

b. A description of stored chemicals;

c. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of contaminant Structures or equipment, measures for containing toxic organic Pollutants, including solvents, and measures and equipment for emergency response; and

d. Procedures for immediate notification of the facility's authorized representative and the Control Authority in the event of an accidental or slug discharge. Slug discharge is defined as any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch discharge.

(1) These procedures shall be posted in a conspicuous place in the workplace.

(2) Employers shall ensure all employees who may cause such a discharge to occur are advised of the emergency notification procedures.

(3) No User who commences contribution to the POTW after the effective date of this Section shall be permitted to introduce Pollutants into the system until the City has approved accidental discharge procedures. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Section.

13. Procedures in Case of Accidental Discharge

a. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the Industrial Pretreatment Division of the incident. The notification shall include:

(1) Name and address of the facility;

(2) Name of person responsible for operation of the facility (a contact person for the Control Authority);

(3) Location of discharge;

(4) Time the discharge began and duration of the discharge;

(5) Type of waste being discharged;

(6) Cause of the discharge;

(7) Concentration and volume of the waste;

(8) Corrective actions taken; and

(9) Whether or not the discharge has been discontinued.

b. Within five days following an accidental discharge, the User shall submit to the Industrial Pretreatment Division a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences.

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c. Such notification shall not relieve the User of any expense, loss, or damage or other liability, which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property.

d. Nor shall such notification relieve the User of fines, civil penalties, or other liability, which may be imposed by this Section or other applicable law.

E. Fees

1. Purpose

One purpose of this Section is to provide for the recovery of cost from Users of the POTW for the implementation of the program established herein.

2. Schedule of Fees

The fees shall be paid in accordance with the City's Fee Schedule.

F. Administration

1. Wastewater Dischargers

Any non-domestic User of the POTW may be required to obtain a Wastewater Discharge Permit from the Control Authority. Categorical and significant Industrial Users and all Users who deliver transported waste to the POTW shall be required to obtain a Wastewater Discharge Permit prior to any discharge.

2. Wastewater Discharge Permits

All significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant Industrial Users connected to or contributing to the POTW shall obtain a wastewater discharge permit within 180 days after the effective date of this Section.

3. Deny/Condition New or Increase Contributions

The Control Authority may deny or condition new or increased contributions of Pollutants, or changes in the nature of Pollutants, to the POTW by Industrial Users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its TPDES permit.

4. Classifications of Wastewater Discharge Permits

The Control Authority shall be authorized to issue two specific classifications of Wastewater Discharge Permits, classified according to the disposal method or type, quality, or quantity of wastewater to be discharged to the POTW:

a. CLASS S (significant wastewater discharge permit) shall be issued to all Users who meet the criteria for Significant Industrial User as outlined in 40 CFR 403.3(t)(1) and as defined in **Article I. Definitions** of this UDC. All categorical Users shall be issued a Class S permit.

b. CLASS NS (nonsignificant wastewater discharge User) may be issued to any non-domestic User of the POTW who does not meet the criteria for significant Industrial User but the Control Authority has reason to believe should have a control document. The Control Authority shall be authorized to issue six types of the Class NS permit:

(1) TYPE M (minor wastewater discharge permit) may be issued to non-domestic Users of the POTW who contribute less than 25,000 gallons of process wastewater per day and who do not otherwise meet the criteria of the Class S permit but, in the opinion of the Control Authority, should be regulated for quality, quantity, or type of wastewater discharge.

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(2) TYPE C (commercial wastewater discharge permit) may be issued primarily to establishments engaged in the retail sale of prepared food and drinks for on-premises or immediate consumption including, but not limited to, carry-out, delivery, catering, and institutional food services, as well as any firm, hospital, nursing home, or other person or entity whose wastewater discharges require pretreatment in the form of a grease or sand trap.

(3) TYPE I (intermittent wastewater discharge permit) may be issued to Users who normally do not contribute wastewater to the POTW because of closed-loop treatment systems, but may occasionally wish to discharge wastewater to the POTW when the treated water cannot be recycled. Requirements for at least 24-hour advance notice of discharge shall be included in all Type I permits.

(4) TYPE T (transported wastewater discharge permit) shall be issued to all Users who deliver wastes, septic tank or portable toilet waste or Grease Trap Waste, to the POTW by truck.

(5) TYPE U (unusual discharge hauling permit) shall be issued to all Users who deliver unregulated/regulated, unusual process water, including underground storage tank (UST) Excavations, bad batches of product, car wash holding tanks, and purge water from monitoring wells, to the POTW.

(6) TYPE N (no discharge permit) may be issued to facilities that do not discharge process wastewater to the POTW, but would be categorical Users if process wastewater was discharged.

5. Transported Wastewater Requirements

a. Loads will only be accepted during hours specified by the Industrial Pretreatment Division.

b. Type U haulers are subject to a permit fee and the current monthly wastewater rate, which doubles if hauled from outside the City limits. Type T haulers are subject to a permit fee and a rate per gallon with no change if the hauler comes from within or out of the City limits. All haulers are subject to surcharge fee if samples taken exceed limits and a clean-up fee if the discharge area is not sufficiently cleaned up.

c. All haulers must sign in at the Industrial Pretreatment Division office before dumping.

d. Tests, which may be conducted on samples collected from trucks, include oil and grease, pH and metals. These tests will be paid for by the hauler and will continue until a base line for treatment of these wastes can be established.

e. Each hauler will be required to be permitted by the TCEQ.

f. Transported Wastewater Discharge Permits must be available in the vehicle at all times for inspection by staff from the Industrial Pretreatment Division.

g. The Industrial Pretreatment Division will verify that each hauler is properly permitted before being allowed to discharge their load.

h. No Industrial Wastes will be accepted unless the Industrial Pretreatment Supervisor has granted prior approval.

6. Permit Application

Users required to obtain a Wastewater Discharge Permit shall complete and file with the City an application in the form prescribed by the Director of Public Works in accordance with the requirements of this Section. Existing Users shall apply for a Wastewater Discharge Permit within 30 days after the effective date of this Section, and proposed new Users shall apply at

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least 90 days prior to connecting to or contributing to the POTW. The User shall submit a fully completed application before any Wastewater Discharge Permit will be granted.

7. Extra-Jurisdictional Industrial Users

   a. Any significant Industrial User located beyond the City limits shall submit a Wastewater Discharge Permit application that complies with the requirements of this Section, and obtain a Wastewater Discharge Permit before connecting to the POTW.

   b. The Control Authority may require other Industrial Users located beyond the City limits to submit a Wastewater Discharge Permit application that complies with the requirements of this Section, and obtain a Wastewater Discharge Permit before connecting to the POTW.

8. Application Signatories and Certification

   All Wastewater Discharge Permit applications and User reports must be signed by an authorized representative of the User and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

9. Permit Modifications

   a. Within nine months of the promulgation of a National Categorical Pretreatment Standard or Pretreatment Standard, the Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to National Categorical Pretreatment Standard or Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by **F. Administration**, the User shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard or Pretreatment Standard. In addition, the User with an existing Wastewater Discharge Permit shall submit to the Industrial Pretreatment Division within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard or Pretreatment Standard the information required by **F. Administration**.

   b. A Wastewater Discharge Permit may be modified for good cause at any time during the life of the Wastewater Discharge Permit by the Control Authority.

      (1) Modification of the Wastewater Discharge Permit may be made for reasons such as, but not limited to, the following:

         (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

         (b) To address significant alterations or additions to the permitted operation, processes, or wastewater volume or character since the time the Wastewater Discharge Permit was issued;

         (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

         (d) Violation of any terms or conditions of the Wastewater Discharge Permit;

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(e) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required report;

(f) Revision of or a grant of Flood Damage Prevention Variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(g) To correct typographical or other errors in the Wastewater Discharge Permit; or

(h) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(2) In addition to the above reasons, a Type T Wastewater Discharge Permit may be modified for any the following reasons:

(a) To reflect changes in limitations or requirements;

(b) To reflect changes or alterations in operations;

(c) When a vehicle is modified or replaced; or

(d) When the volume of waste handled, equipment, or total operation is expanded by 50% or more.

c. Except as provided by federal or state laws, the permitted shall be informed of any proposed changes in the Wastewater Discharge Permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance except where the changes were a result of the Combined Wastestream Formula or the issuance of alternate limits for production-based standards according to 40 CFR 403.6 I(3).

d. The permitted shall file for modification of the Wastewater Discharge Permit at least 90 days prior to all changes or alterations of the pretreatment facilities or processes or any changes, which may affect the character of the wastewater discharge.

e. The Wastewater Discharge Permit shall be maintained as an accurate representation of the User's wastewater discharge to the POTW. Failure to maintain the Wastewater Discharge Permit as an accurate representation of the wastewater discharge to the POTW shall be cause for enforcement action.

10. Search Warrants

If the Control Authority, and/or the Approval Authority has been refused access to a building, Structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City design to verify compliance with this Section or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Control Authority may seek issuance of a search warrant.

11. Permit Conditions

a. Wastewater Discharge Permits shall be expressly subject to all provisions of this Section and all other applicable regulations, User charges and fees established by the City.

b. The Class S shall minimally contain, where applicable, National Categorical Pretreatment Standard or Pretreatment Standards and requirements for new or existing sources as set forth in 40 CFR 401 through 471 and amendments thereto.

c. All permits shall contain the following:

(1) A statement of permit ownership;

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(2) A statement of duration of the permit including specific dates of validity;

(3) A statement that the permit is non-transferable without prior notification to the Control Authority in accordance with **9. Permit Modifications above**; a copy of the permit will be provided to the new owner or operator at the time the notification is given to the Control Authority;

(4) Effluent limits based on applicable pretreatment standards;

(5) Self-monitoring, sampling, and reporting requirements, including an identification of Pollutants to be monitored, sampling location, sampling frequency, specific analytical methods and method detection limits, and sample type(s);

(6) A statement of applicable administrative, civil, and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule shall not extend any compliance date beyond that required by the applicable federal, state or local law; and

(7) Statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment requirements, including those which become effective during the term of the permit. At the discretion of the Control Authority, a permit may contain, but need not be limited to, the following conditions:

(a) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the POTW;

(b) Limits on the average and maximum wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirement for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs, which may include the number of sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(f) Compliance schedule;

(g) Requirements of submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;

(i) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW; and

(j) Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this Section.

12. Permits Duration

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall be informed of any proposed changes in this Wastewater Discharge Permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance.

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13. Permit Transfer

    Wastewater Discharge Permits are issued to a specific User for a specific operation at a specific location. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the City.

14. Transfer of BMP Approval

    A certificate of BMP approval may be transferred to a new owner or operator only after at least 30 days advance notice is given to the Director of Public Works. The notice to the Director of Public Works must include a written certification by the new owner or operator that:

    a. States that the new owner and/or operator have no immediate intent to change the facility's operations;

    b. Identifies the specific date on which the transfer is to occur; and

    c. Acknowledged full responsibility for complying with the existing BMP.

G. Reporting Requirements for Permitted Users

1. Baseline Monitoring Report

   Categorical Users shall submit baseline reports in accordance with the 40 CFR 403.12(b). Within 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical Users currently discharging or scheduled to discharge to the POTW who have not previously submitted such information shall submit to the Control Authority a report that contains the information required in items one through seven in this subsection. At least 90 days prior to commencement of discharge, New Sources and sources that become categorical Users subsequent to the promulgation of an applicable categorical pretreatment standard shall submit to the Control Authority a report that contains the information required in items **a.** through **h.** below. A New Source shall report the method of pretreatment it intends to employ to meet the applicable categorical pretreatment standards. A New Source shall give reasonable estimates of its anticipated flow and quantity of Pollutants to be discharged.

   a. Identifying Information

      The name and address of the facility, including the name of the operator(s) and owner(s).

   b. Permits

      The User shall submit a list of any environmental control permits held by or for the facility.

   c. Description of Operations

      The User shall submit a brief description of the nature, average rate of production, and standard industrial classification code(s) (SICs), of the operation(s) carried out by the facility. This description shall include schematic process diagram and a plumbing diagram, which indicates the point(s) of discharge to the POTW from the regulated process(es).

   d. Flow Measurement

      The User shall submit information showing the measured average and maximum daily flow, in gallons per day, to the POTW from each of the following:

      (1) Each regulated process wastestream;

      (2) Other wastestreams as necessary to allow use of the Combined Wastestream Formula as outlined in 40 CFR 403.6; and

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(3) A verifiable estimate of these flows may be provided where justified by cost or feasibility considerations.

e. Measurement of Pollutants

(1) The User shall identify the pretreatment standards applicable to each regulated process;

(2) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass of Pollutants where required by the standard or the Control Authority) of regulated Pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed according to Approved Analytical Procedures;

(3) A minimum of four Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other Pollutants, 24-hour Composite Samples must be obtained through flow proportional composite sampling techniques where feasible, samples may be obtained through time- proportional composite or through a minimum of four Grab Samples where the user demonstrates that this will provide a representative sample of the effluent being discharged;

(a) The user shall take a minimum of one representative Composite Sample to compile the data necessary to comply with the requirements of this Subsection;

(b) Samples shall be taken immediately downstream from the pretreatment facilities if such exists or immediately downstream of the regulated process if no pretreatment exists. If other wastestreams are mixed with the regulated wastestream prior to pre- treatment, flows and concentrations necessary to allow use of the Combined Wastestream Formula, as outlined in 40 CFR 403.6(e), shall be measured in order to evaluate compliance with the pretreatment standards. Where alternate concentrations or mass limitations have been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Control Authority;

(c) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Parts 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, or where the administrator determines that the part 136 sampling or analytical techniques are inappropriate for the Pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator;

(d) The Control Authority may allow the submission of a baseline report that utilizes only historical data, so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(e) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant discharges to the POTW.

f. Certification

The report shall include a statement reviewed by an authorized representative (as defined in 40 CFR 403.12(l) and certified by a qualified professional indicating whether the

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pretreatment standards are being met on consistent basis and, if not, whether additional operations and maintenance (O & M) or additional pretreatment is required to meet the applicable standards.

g. Calibration Document

Calibration documentation of the flow measurement device shall be provided and performed by a qualified professional.

h. Compliance Schedule

If additional pretreatment or O & M is required to meet the applicable pretreatment standard, a plan outlining the shortest schedule by which such additional pretreatment or O & M will be provided shall be included. The completion date of this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events (including, but not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation) leading to the construction and operation of the additional pretreatment facilities required to meet the applicable pretreatment standard. No increment shall exceed nine (9) months.

(2) No later than fourteen (14) calendar days following each date in the schedule and the final compliance date, a progress report shall be submitted to the Control Authority including, a minimum, whether or not it complied with the increment in the schedule and, if not, the reason for the delay, the date compliance with the increment is expected, and the steps being taken to return the construction to the schedule established. In no instance shall more than nine (9) months elapse between progress reports to the Control Authority.

(3) The compliance schedule shall be signed and certified by the authorized representative in accordance with F.8. Application Signatories and Certification above.

2. 90-Day Compliance Report

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or requirements or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Industrial Pretreatment Division a report indicating the nature and concentration of all Pollutants in the discharge from the regulated process that are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility that are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operations and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified by a Professional Engineer.

3. Periodic Compliance Reports

a. Any user subject to a pretreatment standard or requirement, after the compliance date of such pretreatment standard or requirement, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Industrial Pretreatment Division during the months of May and November, unless required more frequently in the pretreatment standard or requirement or by the Control Authority, a report indicating the

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nature and concentration of Pollutants in the effluent that are limited by such pretreatment standard or requirement. The May report shall include all laboratory analyses from November through April, and the November report shall include all laboratory analyses from May through October. The reports shall also include documentation of the chain of custody for each laboratory analysis. Documentation of the chain of custody must be in a form acceptable to the Control Authority and in compliance with any applicable state or federal regulations. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flow reported in **F.11. Permit Conditions** above. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted.

b. The Control Authority may impose mass limitations on users where the impositions of mass limitations are appropriate. In such cases, the report required by **1. Baseline Monitoring Report** above shall indicate the mass of Pollutants regulated by pretreatment standards or requirements in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director of Public Works, of Pollutants contained therein which are limited by the applicable pretreatment standards or requirements. The frequency of monitoring shall be prescribed in the applicable pretreatment standard or requirement.

c. All analyses, monitoring, and tests required under this Section shall be performed in accordance with procedures established by the Approval Authority pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Approval Authority. Sampling shall be performed in accordance with the techniques approved by the Approval Authority.

4. Compliance Schedules

The Control Authority will require:

a. The development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable pretreatment standards and requirements; and

b. The submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with pretreatment standards and requirements, including but not limited to the reports required in 40 CFR 403.12. If additional pretreatment and/or operation and will be required to meet the pretreatment standards; the compliance schedule, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or operation and maintenance, will be required. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. (40 CFR 403.12 (b)(7)). The conditions in 40 CFR 403.12 (c) (1-3) shall apply to the compliance schedule.

5. Notice of Potential Problems, Including Slug Loading

In a case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a Slug or Slug Load that may cause potential problems for the POTW:

a. A user shall submit oral notice to the Control Authority within 24 hours from the time it becomes aware of such discharge.

b. A written submission shall also be provided within five days of the time the user becomes aware such discharge. The written submission shall contain a description of the discharge

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and its cause; the duration of the discharge, including exact dates and times, and, if the discharge has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the discharge. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

6. Notice of Changed Discharge

All Industrial Users shall promptly notify the POTW in advance of any substantial change volume or character of Pollutants in their discharge, including the listed or characteristic hazardous waste for which the user has submitted initial notification under 40 CFR 403.12(p).

7. Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the Pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

8. Sample Collection

a. Except as indicated otherwise indicated, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Control Authority may authorize the use of time proportional sampling or a minimum of four Grab Samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, Grab Samples may be required to show compliance with instantaneous discharge limits.

b. Samples for oil and grease (HEM), temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

9. Record Keeping

Users subject to the reporting requirements of this Section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Section and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include:

a. The date, exact place, method, and time of sampling, and the name of the person(s) taking the samples;

b. The dates analyses were performed;

c. Who performed the analyses;

d. The analytical techniques or methods used; and

e. The results of such analyses.

These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Longview, or where the Control Authority has specifically notified the user of a longer retention period.

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10. Storage of Hazardous/Dangerous Materials

    a. The storage of any material in areas served by the City's wastewater system or in areas draining into the City's wastewater system that, because of discharge or leakage from such storage, may create an explosion hazard in the POTW or in any other way have a deleterious effect upon the POTW or the treatment processes or constitute a hazard to human, animal, or plant life or the receiving stream shall be subject to review by the Control Authority, who may, at his/her discretion, require reasonable safeguards to prevent discharge or leakage of such materials into the City's wastewater system.

    b. No hazardous or dangerous materials, including, but not limited to, paints, solvents, boiler treatment chemicals, sludges, and hazardous wastes (as defined by 40 CFR 261.3), shall be stored in proximity to a floor drain or other wastewater access. Containers of such materials shall be clearly labeled and stored in a place where the materials, in case of leakage or rupture of the container, cannot enter the POTW.

    c. Where containers of treatment chemicals that are manually or automatically pumped into a system must be maintained in proximity of a floor drain, a physical containment shall be installed that is adequate to contain at least 120% of the maximum volume of the container.

    d. Any facility, including manufacturing, warehousing, distribution, commercial, private, and retail facilities having underground storage of materials shall, upon request by the Control Authority, provide documentation the underground storage meets all applicable federal, state, and local regulations.

H. Monitoring Facilities

1. The Director of Public Works may require the user, at the user's expense, to provide and operate, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Director of Public Works may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the Public Street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

2. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

3. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications.

I. Traps

1. Where necessary to prevent the discharge of grease, oil, flammable substances, sand, or other harmful wastes into the POTW, a user shall provide at his/her own expense a trap to intercept these substances. Traps shall not be required for private living quarters or dwellings.

2. Traps shall be required for all schools, restaurants, cafeterias, car washes, automotive services (including service stations), hospitals, nursing homes, and other commercial establishments for which, in the opinion of the City's Industrial Pretreatment Supervisor, a trap is necessary for protection of the POTW. The owner or operator of an establishment shall have the right to appeal the Industrial Pretreatment Supervisor's decision to the Director of Public Works.

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3. Each trap in active use shall be cleaned at least one time every 90 days (unless the Industrial Pretreatment Supervisor specifies differently). Cleaning more frequently than 90 days may be required by the City's Industrial Pretreatment Supervisor. Cleaning schedules varying from the 90-day minimum shall be issued to the affected establishment in writing. The user shall maintain on the premises written verification of the date when each trap is cleaned, with the location and identity of the trap clearly defined. Unless otherwise allowed by the City, the commercial firm performing the cleaning shall provide such verification. Such verifications shall be kept available to the City for a minimum of three years. The requirements of the plumbing ordinance of the City, where applicable, shall govern the installation and maintenance of traps.

4. Establishments existing prior to the time this amendment is adopted that do not have the required trap(s) installed or whose trap(s) does not currently meet City standards will have 180 calendar days after passage of this amendment to install the required trap(s), or bring their existing trap to standard.

J. Right of Entry: Inspection and Sampling

The City shall inspect and sample the facilities of any user at least once per year to ascertain whether the purpose of this Section is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or the City's representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or the performance of any of the City's duties. Any requests or demands made by the City or the City's representatives shall be acted upon in a timely manner. The City, state, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force that would require proper identification and clearance before entry into the user's premises, the user shall make necessary arrangements with the user's security guards so that upon presentation of suitable identification, personnel from the City, state, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the Control Authority access to the user's premises shall be a violation of this Section. The City may obtain a search warrant from the municipal court in an instance where the user does not provide access to its premises.

K. Pretreatment

1. Users shall provide necessary wastewater treatment as required to comply with all pretreatment requirements, including without limitation, this Section and all National Categorical Pretreatment Standard or Pretreatment Standards. Each user shall achieve compliance with all National Categorical Pretreatment Standard or Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operation procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City prior to the user's initiation of the changes.

2. All records relating to compliance with pretreatment standards or requirements shall be made available to officials of the City of Longview, the EPA or the state upon request and shall be

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retained by the user for a minimum of three (3) years or until any ongoing litigation involving the pretreating user, and related to compliance with this Section, has been resolved.

L. Confidential Information

1. Information and data on a user obtained from reports, questionnaires, permit applications, permitting and monitoring programs and from inspection is subject to the Texas Public Information Act, Texas Government Code Section 552.001, et seq. Such information and data shall be available to the public or other governmental agency without restriction unless the user specifically requests that the information be withheld from public release on the basis that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user or would give advantage to a competitor. Any claim of confidentiality shall be made at the time of submission to the Control Authority. Any request shall be asserted by stamping "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Control Authority may make the information available to the public without further notice. Information identified as confidential by the user shall be kept in confidence and not disclosed to the public. However, if a public information request is made for such information, the City shall request an opinion from the Texas attorney general as to the confidentiality of the information and notify the user of the City's request as required by the Texas Public Information Act. The user understands that the City will abide by the decision of the Texas attorney general with regard to the confidentiality of the requested information and that it is the user's responsibility to enforce any rights the user may have to challenge the attorney general's decision.

2. Any portions of a report for which a user has requested confidentiality in accordance with this Section shall be made available upon written requests to governmental agencies for uses related to this Section, the Texas Pollution Discharge Elimination System (TPDES) permit, and/or the pretreatment programs. Such portions of a report shall also be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

M. Publication of Industrial Users in Significant Noncompliance

The Control Authority shall comply with the public participation requirement of 40 CFR 25 in the enforcement of national pretreatment standards. As a provision of such, the Control Authority shall make at least annual public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of users that, at any time in the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purpose of this provision, a user is in significant noncompliance if its violation(s) meets one or more of the criteria in 40 CFR 403.8. (f)(2)(vii)(A-H).

N. Protection of the POTW Collection System

1. Protection from Damage and Tampering

a. No person shall maliciously, willfully, or negligently break, damage, deface, or tamper with any Structure, appurtenance, or equipment, which is part of the POTW.

b. No person shall cover any manhole on the City’s wastewater system with earth, paving, or any Structure or otherwise render it inaccessible.

c. No building shall be located on top of the City’s wastewater system.

d. No unauthorized person shall remove the earth cover from the City’s wastewater system so that less than two (2) feet of earth remains over the pipe bells.

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e. No person shall remove the cover (lid) from a manhole or cleanout for any purpose except as authorized by the Control Authority.

2. Discharge into the Collection System

a. Discharge of waste shall be made into the POTW collection only at places designated for discharge.

b. No person shall discharge or cause to be discharged any wastes from non-domestic sources into the POTW facilities at a residential or other domestic wastewater source.

c. No person shall discharge or cause to be discharged any waste into the POTW that has been transported from another site onto a residential, commercial, or industrial site.

d. Contractors, painters, pest control operators, and other such persons shall not discharge any process waste into the POTW at a residential site. Such wastes shall be disposed in accordance with all local, state, and federal regulations. Prohibited materials shall include, but are not limited to, paint, washings from paint brushes, solvents, and pesticides and herbicides, including washings from pesticide and herbicide containers and applicators.

O. Enforcement

1. Dangerous Discharges

a. The Control Authority may suspend the water service, wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Control Authority, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes or may cause Interference to the POTW or causes or may cause the City to violate any condition of its TPDES permit.

b. Concurrent with ordering such a suspension, the Control Authority shall issue a brief written report containing information and investigation data upon which the Director of Public Works relied in ordering suspension of service(s). A copy of this report shall be expeditiously forwarded to the affected user(s) and to the City Manager.

c. The Director of Public Works shall order reinstatement of any discontinued water and/or wastewater service(s) upon presentation of a written registered professional engineering proof or other written proof acceptable to the City that the dangerous discharge has been eliminated and in the engineer's opinion, a reoccurrence in the same manner is not possible.

d. Cost incurred by the City or its agents detecting, investigating, monitoring, measuring and eliminating the dangerous discharge along with any disconnect and reconnect fees shall be reimbursed to the City by the user(s) responsible for the dangerous discharge. Any property damages to the POTW or its appurtenant Structures resulting from the dangerous discharge shall also be borne by the user(s) responsible for the dangerous discharge.

e. Subsequent to an order to suspend service(s) the Director of Public Works shall issue a notice of alleged violation to the affected user(s) in accordance with **2** below. This action will afford the affected user(s) an opportunity for administrative procedural review of an alleged violation of this Section and/or its Wastewater Discharge Permit.

2. Notice of Violation

Whenever the City finds that any user has violated or is violating this Section, the user's Wastewater Discharge Permit, or any prohibition, limitation, or requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within

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ten (10) business days of the date of the notice, the user thereof shall submit a plan for the satisfactory correction to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

3. Consent Order

   The Control Authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for the noncompliance. Such documents will include specific actions to be taken by the user to correct the noncompliance within a time period specified by the document.

4. Show-Cause Hearing

   a. The City may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Director of Public Works why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Director of Public Works regarding the violation, the reason why the action is to be taken, and directing the user to show cause before the Director of Public Works why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

   b. The City Council may itself conduct the hearing and take the evidence, or may designate any of its members, the Director of Public Works, or any employee under the supervision of the Director of Public Works to:

      (1) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

      (2) Take the evidence; and/or

      (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

   c. At any hearing held pursuant to this Section, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

   d. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the wastewater service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as necessary and appropriate may be issued.

5. Compliance Order/Compliance Schedule

   a. Applicability

      If a user cannot comply with **C. Regulations** or **D. Direct Discharges Prohibited** of this Section or with any other pretreatment standards, the Control Authority may provide a compliance order containing a schedule for achieving compliance.

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b. Allowable Time for Compliance

The compliance schedule shall be the shortest time in which the user is able to provide pretreatment facilities or changes in operation and maintenance that will achieve compliance. If a user is given a compliance schedule for national categorical standards, the completion date of this schedule shall not be later than the compliance date established for the applicable national categorical standard and shall be in accordance with the 40 CFR 403.

c. Other Requirements

Compliance orders may also contain additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the POTW.

6. Cease and Desist Order

a. When the Control Authority finds that a user has violated, or continues to violate, any provision of the this Section, a Wastewater Discharge Permit or order issued herein, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Control Authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

7. Emergency Suspensions

The Control Authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Control Authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may be present, an endangerment to the environment.

a. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the wastewater system connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings in **8.** of this **O. Enforcement** are initiated against the user.

b. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Control Authority prior to the date of any show cause or termination hearing under **4.** or **8.** of this **O. Enforcement**.

8. Termination of Discharge

a. Any user who violates the following conditions of this Section, or applicable state and federal regulations, is subject to having the user's Wastewater Discharge Permit revoked in accordance with the procedures of **O. Enforcement**:

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(1) Failure of a user to factually report the wastewater constituents and characteristics of his/her discharge;

(2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

(4) Violation of any pretreatment standards or requirements or of conditions of the Wastewater Discharge Permit;

(5) Falsifying self-monitoring reports;

(6) Tampering with monitoring equipment;

(7) Failure to pay fines when assessed;

(8) Failure to pay wastewater charges;

(9) Failure to meet compliance schedules; or

(10) Failure to complete a wastewater survey or Wastewater Discharge Permit application.

b. A Wastewater Discharge Permit shall be automatically voided by the occurrence of any of the following:

(1) Upon cessation of operations or transfer of business ownership; or

(2) Upon issuance of a new Wastewater Discharge Permit.

c. Amendments to a Wastewater Discharge Permit shall supersede and invalidate the portions of the Wastewater Discharge Permit, which they are intended to replace. In addition to the above reasons, a Type T Wastewater Discharge Permit may be suspended or revoked for any of the following reasons:

(1) Use of unregistered, unlicensed, or unsafe vehicles or unregistered or unlicensed vehicle operators;

(2) Mixing of septic tank waste with incompatible waste for the purpose of deception;

(3) Dilution of waste for the purpose of deception;

(4) Discharging of a waste load without a POTW signature on the trip ticket;

(5) Discharge of a waste load within the POTW except at the designated discharge point;

(6) Rejection of more than three loads during the life of a Wastewater Discharge Permit;

(7) Failure to document final disposal of a rejected load;

(8) Providing false or inaccurate information on the source or composition of the waste;

(9) Failure to maintain proper records as outlined in this Section;

(10) Failure to remain current on charges for transported waste delivery; or

(11) Loss or failure to renew state certifications or permits.

d. Revocation of BMP approval

The Director of Public Works may revoke a certificate of BMP approval for good cause, including, but not limited to, the following reasons:

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(1) A violation of any of the prohibited discharge standards set forth in C. Regulations and D. Direct Discharges Prohibited above;

(2) Failure to notify the Director of Public Works of significant changes to the facility or the type of wastewater discharged from the facility;

(3) Misrepresentations or failure to fully disclose all relevant facts in the request for certificate of BMP approval;

(4) Failure to update the revise a facility's BMP as needed, and submit such changes to the Director of Public Works within 30 days of such change(s);

(5) Refusing to allow the Director of Public Works timely access to the facility premises and records;

(6) Failure to comply with an enforcement action;

(7) Failure to complete a wastewater survey;

(8) A change in operation of process, which would require the facility to obtain a Wastewater Discharge Permit;

(9) Failure to provide advance notice of the transfer of business ownership; or

(10) Failure to comply with the provisions and intent of an approved BMP or to comply with any applicable pretreatment standards or requirements.

e. Legal Action

If any person discharges sewage, Industrial Wastes or other wastes contrary to the provisions of this Section, federal or state pretreatment requirements or any order of the City or in any way violates the provisions of this Section, the City Attorney, without further City Council approval, may take any and all legal actions necessary or appropriate to enforce said requirements. The City Attorney may seek any legal and/or equitable relief necessary or appropriate to prevent, stop, rectify, punish, or in any way obtain redress for any such discharge or violation. Such action by the City Attorney may include, but is not limited to, enforcement in the municipal court, filing of appropriate civil actions in a court or courts of appropriate jurisdiction, or defending the City from suit.

f. Supplemental Enforcement Remedies

(1) Performance Bonds

The Control Authority may decline to reissue a Wastewater Discharge Permit to any user that has failed to comply with the provisions of this Section, any previous Wastewater Discharge Permit, or any order issued hereunder unless such user first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Control Authority to be necessary to achieve consistent compliance.

(2) Liability Insurance

The Control Authority may decline to reissue a Wastewater Discharge Permit to any user that has failed to comply with the provisions of this Section, any previous Wastewater Discharge Permit or any order issued hereunder, or any pretreatment standard or requirement unless the user first submits proof that they have obtained financial assurances sufficient to restore or repair damage to the POTW caused by its damage.

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(3) Water Supply Severance/Wastewater Abatement Severance

Whenever a user has violated or continues to violate any provision of this Section, a Wastewater Discharge Permit or any order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may sever water service, wastewater service, or both to the user. Service will only commence, at the user's expense, after the user has satisfactorily demonstrated ability to comply with the provisions of this Section, the Wastewater Discharge Permit, or any order issued hereunder.

(4) Public Nuisances

Any violation of any provision of this Section, the Wastewater Discharge Permit, or any order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority or his/her authorized representative. Any person or persons creating a public nuisance shall reimburse the POTW for any costs incurred in removing, abating, or remedying said nuisance and shall be subject to the provisions of the City ordinance, if any, governing such nuisances.

P. Affirmative Defenses to Discharge Violations

1. Upset Provision

In an action brought in federal court only:

a. For the purpose of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of **c.** below are met.

c. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that;

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset; and if this information is provided orally, a written submission must be provided within five (5) days:

(a) A description of the Indirect Discharge or Discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

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(5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) User shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. Act of God Defense

In an action brought in municipal or state court only:

a. The Act of God defense constitutes a statutory affirmative defense (Texas Water Code Section 7.251). If a person can establish that an event that would otherwise be a violation of the ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot or other catastrophe, the event is not a violation.

b. A User who wishes to establish the Act of God affirmative defense shall demonstrate, through relevant evidence, that the User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the event for which the User wishes to claim the Act of God defense; and if this information is provided orally, a written submission must be provided within five (5) days:

(1) A description of the Indirect Discharge or Discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

c. Burden of Proof

In any enforcement proceeding, the User seeking to establish the Act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of the ordinance or permit issued under the ordinance, was caused solely by the act of God, war, strike, riot or other catastrophe.

3. Bypass

a. A User may allow any Bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These Bypasses are not subject to the provisions of **b.** and **c.** below.

b. Notice

(1) If a user knows in advance of the need for a Bypass, it shall submit prior notice to the Control Authority at least ten (10) business days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Control Authority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce,

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eliminate, and prevent reoccurrence of the Bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

c. Bypass

(1) Bypass is prohibited, and the Control Authority may take an enforcement action against a user for a Bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage;

(b) There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass that occurred during normal periods of equipment downtime or preventative maintenance; and

(c) The User submitted notices as required under **b.** above.

(2) The Control Authority may approve unanticipated Bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three (3) conditions listed in **(1)** above.

Q. Penalties

1. Injunctive Relief

The Control Authority may seek injunctive relief to restrain or compel actions of a Generator.

2. Penalties

Any person, firm, partnership, or corporation who violates any provision of this Section shall be subject to **Article A.1.06. Violations and Fines**.

3. Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Section, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Section, commits an offense. Such an offense shall be subject to the penalties set forth in this Section for the violation hereof and to any other penalties therefore provide by state or federal law.

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2.06. Grease Trap Maintenance

A. Applicability and Prohibitions

1. This Section shall apply to all non-domestic users of the Publicly Owned Treatment Works (POTW).
2. Grease traps or grease interceptors shall not be required for residential users.
3. Facilities generating fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors in accordance with all applicable provisions of this Section. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing serving, or otherwise making any foodstuff available for consumption.
4. No user may intentionally or unintentionally allow the direct or Indirect Discharge or Discharge of any petroleum oil, no biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause Interference with the collection and treatment system, or as to cause Pollutants to pass through the treatment works into the environment.

B. Installation and Maintenance Requirements

1. Installations

   a. New Facilities

      Food processing or food service facilities that are newly proposed or constructed, or existing facilities that will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to issuance of a Certificate of Occupancy.

   b. Existing Facilities

      Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with this Section, unless specified in writing and approved by the Control Authority.

   c. All grease trap/interceptor waste shall be properly disposed of at a facility in accordance with federal, state, or local regulation.

2. Cleaning and Maintenance

   a. Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.

   b. Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a 24-hour period, in accordance with 30 Texas Administrative Code § 312.143.

3. Self-Cleaning

   a. Grease trap self-cleaning operators must receive approval from the Control Authority annually prior to removing grease from their own grease trap(s) located inside a building, provided:

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(1) The grease trap is no more than fifty (50) gallons in liquid/operating capacity;

(2) Proper on-site material disposal methods are implemented (e.g., absorb liquids into solid form and dispose into trash);

(3) The local solid waste authority allows such practices;

(4) Grease trap waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and

(5) Detailed records on these activities are maintained.

b. Grease trap self-cleaning operators must submit a completed self-cleaning request to the Control Authority for approval. The written request shall include the following information:

(1) Business name and street address;

(2) Grease trap/interceptor operator name, title, and phone number;

(3) Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and

(4) Signed statement that the operator will maintain records of waste disposal and produce them for compliant inspections.

c. Self-cleaners must adhere to all the requirements, procedures and detailed record keeping outlined in their approved application, to ensure compliance with this Section. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:

(1) Date the grease trap/interceptor was serviced;

(2) Name of the person or company servicing the grease trap/interceptor;

(3) Waste disposal method used;

(4) Gallons of grease removed and disposed of;

(5) Waste oil added to grease trap/interceptor waste; and

(6) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.

d. Violations incurred by grease trap self-cleaners will be subject to enforcement action including fines and/or removal from the self-cleaner program.

4. Cleaning Schedules

a. Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

b. Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:

(1) Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or

(2) The discharge exceeds BOD, COD, TSS, FOG, pH, or other Pollutant levels established by the POTW; or

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(3) If there is any history of non-compliance.

c. Any person who owns or operates a grease trap/interceptor may submit to the Control Authority a request in writing for an exception to the ninety (90) day pumping frequency of their grease trap/interceptor. The Control Authority may grant an extension for required cleaning frequency on a case-by-case basis when:

(1) The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the Control Authority, or

(2) Less than twenty-five (25) percent of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.

d. In any event, a grease trap and grease interceptor shall by fully evacuated, cleaned, and inspected at least once every one hundred and eighty (180) days.

5. Manifest Requirements

a. Each pump-out of a Grease Trap or Interceptor must be accompanied by a manifest to be used for record keeping purposes.

b. Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:

(1) Name, address, telephone, and commission registration number of transporter;

(2) Name, signature, address, and phone number of the person who generated the waste and date collected;

(3) Type and amount(s) of waste collected or transported;

(4) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;

(5) Date and place where the waste was deposited;

(6) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;

(7) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;

(8) The volume of the grease waste received; and

(9) A consecutive numerical tracking number to assist transporters, waste Generators, and regulating authorities in tracking the volume of grease transported.

c. Manifests shall be divided into five parts and records shall be maintained as follows:

(1) One part of the manifest shall have the Generator and transporter information completed and be given to the Generator at the time of waste pickup.

(2) The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.

(3) One part of the manifest shall go to the receiving facility.

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(4) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.

(5) One copy of the manifest shall be returned by the transporter to the person who generated the wastes within fifteen (15) calendar days after the waste is received at the disposal or processing facility.

(6) One part of the manifest shall go to the Control Authority within thirty (30) calendar days of the collection event.

d. Copies of the manifests returned to the waste Generator shall be retained for five (5) years and be readily available for review by the Control Authority.

6. Alternative Treatment

a. A person commits an offense if the person introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents, and emulsifiers are materials that allow the grease to pass from the trap into the collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents.

b. It is affirmative defense to an enforcement of a above that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.

c. Bioremediation media may be used with the Control Authority's approval if the person has proved to the satisfaction of the POTW that laboratory testing that is appropriate for the type of grease trap to be used has verified that:

(1) The media is a pure live bacterial product that is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of 160/F (71/C).

(2) The use of media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the City's wastewater system.

(3) The use of the bioremediation media does not cause foaming in the City's wastewater system.

(4) The BOD, COD, and TSS discharged to the City's wastewater system after use of the media does not exceed the BOD, COD, and TSS that would be discharged if the product were not being used and the grease trap was being properly maintained. pH levels must be between 6 and 11.

d. All testing designed to satisfy the criteria set forth in **c.** above shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other Pollutant levels shall use appropriate tests that have been approved by the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality and that are defined in Title 40, Code of Federal Regulations, Part 136 or Title 30, Texas Administrative Code Section 319.11. Testing shall be open to inspection by the City of Longview Industrial Pretreatment Department, and shall meet the Control Authority's approval.

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C. Transporter Requirements

1. Applicability

a. Transport of Liquid Waste

This section shall apply to the transport of Grease Trap Waste, separator waste or grit trap waste within the territorial and extraterritorial boundaries of the City of Longview.

b. Transport of Hazardous Waste

This section shall not apply to the collection or transport of hazardous waste.

2. Liquid Waste Transport Permits and Registrations

a. General Permit and Registration Requirements

(1) The Control Authority shall be authorized to issue a Grease Trap Waste transport permit to any person who operates or wishes to operate a vehicle for the purpose of collecting or transporting Grease Trap Waste within the territorial and extraterritorial boundaries of the City. The City Council may establish a fee or fees for said permit by resolution.

(2) Any person operating or wishing to operate a vehicle for the purpose of collecting or transporting Grease Trap Waste, except hazardous waste, within the territorial and extraterritorial boundaries of the City shall be required to obtain a Class G (Grease Trap Waste transport) permit from the Control Authority prior to operating the vehicle for transporting such wastes.

(3) The Control Authority shall not issue a Class G permit to any person who is not registered in and approved by the state for the collection or transport of wastes. Persons who operate a transport vehicle shall be required to maintain a valid registration from the state(s) in which the vehicle will be operated.

(4) Operators of waste transport vehicles transporting Grease Trap Waste in the territorial and extraterritorial jurisdiction of Longview, Texas, shall possess a valid transporter registration number issued by the Texas Commission on Environmental Quality except where such authorization is not required by the state.

(5) The Control Authority shall not issue a Class G Permit to any person who wishes to operate a separator truck or other vehicles designed to separate grease from the wastes removed from a grease trap or separator and return liquid to the trap. Such vehicles shall be prohibited from operating within the territorial and extraterritorial boundaries of the City of Longview.

(6) A separate permit shall be issued for each vehicle; however, one (1) application may be filed for a firm with multiple vehicles.

b. Grease Trap Waste Transport Permit Requirements

(1) Any person currently operating within the City who is required to obtain a Class G (Grease Trap Waste transport) permit shall apply to the Control Authority on an approved form within sixty (60) days of the effective date of this Section.

(2) Any person currently operating within the territorial and extraterritorial boundaries of the City of Longview who is required to obtain a Class G (Grease Trap Waste transport) permit shall not operate more than one hundred twenty (120) days after the effective date of this Section without a Class G permit except where the appropriate and

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complete application was filed on or before sixty (60) days of the effective date of this Section and the permit was not issued through no fault of the applicant.

(3) Failure to obtain the required permit within the specified time limit shall subject the operator to the enforcement provisions set forth in this Section.

(4) Any person wishing to operate within the territorial and extraterritorial boundaries of the City of Longview who is required to obtain a Class G permit shall apply to the Control Authority on an approved form not less than ninety (90) days prior to the anticipated date of beginning operation. Operation of the vehicle shall not commence prior to the issuance of the appropriate permit.

(5) A separate permit shall be issued for each vehicle; however, one (1) application may be filed for a firm with multiple vehicles.

(6) The permit shall specify the type of waste authorized for transport in each vehicle and shall be maintained in the permitted vehicle at all times.

(7) A permit issued by the Control Authority excludes the transport of wastes that are hazardous in nature.

(8) Any violation of the terms and conditions of a permit shall be deemed a violation of this Section and shall subject the permittee to the enforcement provisions set forth by this Section.

(9) The permit shall be maintained as an accurate representation of the permittee's activities. Failure to maintain the permit as an accurate representation shall be cause for enforcement action.

(10) It is the permittee's responsibility to be familiar with the contents and requirements of the permit and with all federal, state, and local regulations and requirements applicable to the collection, transport, and disposal of nondomestic wastes and to comply with those requirements and regulations, whether or not the requirements are contained in the permit.

(11) Obtaining a permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards and requirements or with any other requirements of federal, state or local law.

c. Inspection of Liquid Waste Transport Vehicles:

(1) The Control Authority reserves the right to inspect any liquid waste transport vehicle at any time as deemed necessary and to refuse to issue a permit to or suspend or revoke the permit for any user whose vehicle does not consistently meet minimum federal, state or local requirements.

(2) The Control Authority may suspend or revoke local permit(s) of any liquid waste transport vehicle not meeting the requirements set forth in this Section or other applicable ordinance. Upon proof the vehicle meets the requirements, the Control Authority may reinstate the permit(s) or require the permittee to submit a new application.

3. Requirements for Generators of Transported Wastes

a. Use of Registered Transporters

A Generator shall not allow Grease Trap Waste to be collected by any transporter without a valid Texas Transporter Registration Number and a Class G permit issued by the Control Authority.

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b. Removal of Waste from Generator's Property

(1) A Generator shall not allow Grease Trap Waste in combination with hazardous waste to be removed from the premises by a transporter operating under any permit authorized by the Control Authority.

(2) A Generator shall not allow wastes to be removed from his/her facility without appropriate manifesting of the waste.

c. Disposal of Transported Waste

(1) The Generator shall inquire as to and approve of the disposal site prior to allowing removal of the waste from his/her property and shall assure the waste will be properly and legally disposed.

(2) The Generator, along with the transporter, shall be responsible for improperly disposed wastes.

D. Powers and Authorities of Control Authority

1. The Control Authority shall be allowed ready access, without delay, to all parts of the premises of a nondomestic user for the purpose of inspection, sampling, records examination and copying, surveillance, and monitoring during any reasonable time in accordance with this Section.

2. The Control Authority shall be allowed ready access, without delay, to a Grease Trap Waste transport vehicle for the purpose of inspection, sampling, records examination and copying, and monitoring during any reasonable time in accordance with this Section.

3. Representatives of the United States Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality shall have the same rights of entry and inspection as described for the Control Authority in **1.** and **2.** above.

E. Penalties

1. A Generator commits and offense if the Generator causes or permits the plugging or blockage of a collection system line.

2. Any person commits an offense if that person allows grease trap, separator, interceptor or Holding Tank Wastes or sludges or other prohibited wastes to be deposited into a street, gutter, storm sewer, or onto public or private property.

3. Any person, firm, partnership, or corporation who violates any provision of this Section shall be subject to Article A.1.06. Violations and Fines.

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Section 3. Infrastructure Permit

3.01. Required Prior to Construction

A. Before beginning construction of any regulated improvement (streets, water or sanitary sewer mains, fire hydrants, storm sewer etc.), an approved Infrastructure Permit is required.

B. All Infrastructure Permits require construction plans detailing the project's applicable features.

1. Such features as streets, cross-sections, and longitudinal slope for drainage; full description of proposed pavement or street improvement; its grade and slopes. dimensions and specifications concerning public utilities to be installed showing proposed position on the ground; specifications of materials and construction; and plan - profile maps of all water lines sanitary sewers and storm sewers showing both ground surface and flow line; and any other pertinent information required by the City Engineer. These Construction Plans must be prepared by a Professional Engineer and shall be based on the City of Longview, Texas 2002 Mapping and Monumentation Project Horizontal and Vertical Control Network

2. In addition to Construction Plans, confirmation of a third party TAS review is required for new sidewalks.

3.02. Acceptance of Construction Plans

A. The City Engineer shall accept the Construction Plans and specifications under this section if they conform to the requirements of this section and have been prepared in accordance with generally accepted engineering practices. If the Construction Plans do not conform to the requirements of this section, the City Engineer shall reject same giving the reasons for rejection in writing. When the objections of the City Engineer have been met, the City Engineer shall accept the Construction Plans as meeting minimum standards.

B. Construction of any of the regulated improvements shall be prohibited unless the Construction Plans for said construction have been accepted in accordance with the requirements of this section. Construction of any of the regulated improvements shall be prohibited unless said construction complies with the Construction Plans accepted by the City Engineer

3.03. Infrastructure Permit Application

A. When Platting

1. On Track 1 projects, the Subdivider or representative shall complete an application for an infrastructure permit once the pre-submission proposal is approved.

2. On Track 2 projects, the Subdivider shall complete an application for an Infrastructure Permit in conjunction with the final plat application.

B. New Commercial Construction Without Platting

1. On new commercial construction, the owner or representative must have an approved Development Site Plan prior to submitting Construction Plans.

2. The application shall be in accordance with the City Planner's application checklist and shall include copies of the Pre-Submission Proposal or Site Plan, if applicable.

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3.04. Approval Authority for Infrastructure Permit

A. Without a Waiver

1. The City Planner and City Engineer jointly may approve an Infrastructure Permit application and issue an Infrastructure Permit if the Pre-Submission Application does not require a waiver but shall not disapprove an Infrastructure Permit application.

2. If the Subdivider or Owner does not agree to conditions of approval imposed by the City Planner or the City Engineer, the Subdivider or Owner shall:

   a. If platting, submit written notice of such to the City Planner before the posting deadline, whereupon the Infrastructure Permit application will be scheduled for consideration at the next available Planning and Zoning Commission meeting.

   b. If not platting, submit an application for a variance to the Construction Advisory and Appeals Board.

B. With a Waiver or if Deferred

1. If an Infrastructure Permit application requires a waiver, then the permit application (and waiver, if one is requested) shall be scheduled for consideration at the next available Planning and Zoning Commission meeting.

2. Additionally. the City Planner, the City Engineer, or the Subdivider may, for any reason, elect to present an Infrastructure Permit application to the Planning and Zoning Commission for approval/disapproval/conditional approval: provided, however, that the Infrastructure Permit application must be placed on the Planning and Zoning Commission agenda before the posting deadline.

3. On receipt of the Infrastructure Permit application and other information required by this section, the Planning and Zoning Commission shall take one of the following actions within thirty (30) days from the Official Submission Date:

   a. Approval of the requested Infrastructure Permit:

   b. Disapproval of the requested Infrastructure Permit, or

   c. Conditional approval of the requested Infrastructure Permit.

4. Conditional approval of an Infrastructure Permit shall be disapproval of the Infrastructure Permit until compliance with the prescribed conditions, but shall be deemed to be approval of such Infrastructure Permit upon compliance with such conditions. All objections made to the Infrastructure Permit. and any conditions imposed on the Infrastructure Permit, shall be furnished by the City Planner to the Subdivider in writing. If an Infrastructure Permit is neither disapproved nor conditionally approved by the Planning and Zoning Commission within 30 days from the date on which the application was officially submitted to the city in accordance with this section, it shall be deemed to have been issued denial of an Infrastructure Permit by the Planning and Zoning Commission shall be final and shall not be appealed to the City Council.

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3.05. Amendment of Infrastructure Permit

A. Application for Infrastructure Permit Amendment

1. Amendment Request

After the issuance of an Infrastructure Permit, the Subdivider may request an amendment to said permit. The amendment request shall be in accordance with the City Planner's application checklist and shall include such information as reasonably required by the City Planner and City Engineer. The number of copies of said amendment request that must be provided shall be as determined by the City Planner not to exceed eight (8) physical copies and one electronic copy.

2. Deadline for Amendment Requests

The amendment request and any accompanying materials required by the City Planner or City Engineer must be received by the City Planner by or before the Pre-Submission Review Deadline If the amendment request or any of the required materials are not received by or before the Pre-Submission Review Deadline, the permit application may be disapproved by the Planning and Zoning Commission.

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Section 4. Abandonment of Public Right-of-Ways or Easements

4.01. General

See Resolution 2806 "Procedures for Abandonment of a Public Right-of-Way/Easement" for additional information on application requirements, processing, and notifications.

4.02. Abandonment of Public Right-of-Ways

A. Purpose

At times, it may be appropriate for a public Right-of-Way to be abandoned. This most commonly occurs if a street or alley, which can be either constructed (paved) or unconstructed (unpaved), is no longer needed or desired. The decision to abandon is specific to each case and a number of factors will be involved in the City's decision.

B. Initiation of Abandonment Process

1. By Adjacent Property Owner(s)

The property owners adjacent to a Right-of-Way from between the two closest street intersections may jointly submit an application to abandon a public Right-of-Way. All property owners between the two closest intersections along the Right-of-Way to be abandoned must be part of the application.

2. By City Council

If the City Council, on its own motion, may submit an application to abandon a public Right-of-Way.

3. Condition for Abandonment

Newly dedicated easement shall be provided for existing utilities in the Right-of-Way.

C. Process

The City Planner shall be responsible for coordinating with City Attorney and assessing the merits of each case. The process of abandoning a Right-of-Way is a two-step process. The following details the procedure for processing an application. See Resolution 2806 adopted by the City of Longview for more information and regulations.

1. Step One: Establish How the City's Interest in the Right-of-Way was Acquired and the Process by which it is Abandoned

In order to properly abandon a Right-of-Way, the City Planner must establish how the City acquired the Right-of-Way, in order to determine the appropriate means by which to abandon it. There are five (5) general methods for acquisition and each method has a different process for abandoning, which the City Attorney will determine. The following are methods the City would likely have used to acquire the Right-of-Way.

a. Dedication by Plat:

(1) In these cases, Right-of-Way is dedicated on the Plat during the subdivision process.

(2) Right-of-Way shall be abandoned by ordinance or resolution with a description of the Right-of-Way or easements.

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(3) Staff will contact all franchise utility companies that serve the City requesting confirmation that they do not have any facilities within said Right-of-Way and that they do not object to its abandonment.

(4) A public hearing is required for an abandonment of Right-of-Way. The public hearing will be held before City Council. Notification must be published in the local newspaper of the City of Longview at least five (5) days prior to the public hearing

(5) If approved, deed and release should be filed in the appropriate County property records. (Note: Filing with the County will place the abandoned Right-of-Way back onto the tax rolls.)

b. Dedication by Prescription:

(1) A prescriptive Right-of-Way is created by use of the public over a period of time.

(2) The abandonment of a prescriptive Right-of-Way is similar to the abandonment of a dedication by separate instrument, with the notable exception being that no instrument exists. These cases should be processed by adoption of ordinance or resolution abandoning the Right-of-Way.

c. Acquisition by Fee-Simple Title Conveyance:

(1) The City acquired and/or purchased land for roadways and owns the title to the land.

(2) Since the City owns the land out-right, the City can sell the land in accordance with **Chapter 271 of the Texas Local Government Code**. However, state law allows for an easier process to sell land to the adjacent property owners.

d. Acquisition by Eminent Domain:

(1) Eminent domain is a legal process where the City would acquire land for streets, in most cases. This process is regulated by the State and shall follow State laws.

(2) The process for repurchasing eminent domain land is regulated by **Texas Property Code Chapter 21**.

2. Step Two: Establish Who Receives the Abandoned Property

The process of deciding who receives an abandoned Right-of-Way depends on the manner of the original dedication or acquisition. The following are some methods the City Council may prescribe with the advice of the City Attorney.

a. Dedication by Plat:

(1) Typically, the owner on either side of Right-of-Way have fee-simple title to the middle of the Right-of-Way. Therefore, when the Right-of-Way is abandoned, the adjacent owners have use of the property to the middle of the former Right-of-Way.

(2) If the Right-of-Way is on the edge of the platted subdivision and came wholly from the platted subdivision, then the abandoned easement Right-of-Way would return to the land/owner(s) from which the original dedication was made.

b. Dedication by Separate Instrument:

Typically, the land owner with the underlying fee-simple title will receive the land.

c. Dedication by Prescription:

Typically, the land owner with the underlying fee-simple title will receive the land.

d. Dedication by Fee-Simple Deed Conveyance:

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The process outlined in **Chapter 271 of the Texas Local Government Code** should be followed.

e. Acquisition by Eminent Domain:

The process outlined in **Texas Property Code Chapter 21** should be followed.

D. Approval

With advice from the City Attorney, the City Council shall either approve or deny the application for the abandonment of a public Right-of-Way. In all cases in which approval is given, certified copies shall be sent to the appropriate County for recording.

4.03. Abandonment of Public Easements

A. Purpose

At times, it may be appropriate for a public easement (e.g., utility easement) to be abandoned. This most commonly occurs if an easement, which has no facilities whether utility, drainage or other, is no longer needed or desired. The decision to abandon is specific to each case and a number of factors will be involved in the City's decision.

B. Initiation of Abandonment Process

1. By the Property Owner of the Impacted Property

The property owner of the tract covered by a Plat may submit a written request to abandon a public easement.

2. By the Director of Development Services

The Director of Development Services may submit a request to abandon a public easement.

C. Process

The Director of Development Services shall be responsible for coordinating with the City Attorney and assessing the merits of each case. In order to properly abandon an easement, the Director of Development Services must establish how the City acquired the easement. There are different methods for acquisition and each method has a different process for abandoning, which the City Attorney will determine. The following details the procedure for processing a request. See Resolution 2806 adopted by the City of Longview for more information and regulations.

1. Dedication by Plat:

a. In these cases, land is dedicated on the Plat during the subdivision process.

b. Easements shall be abandoned by Amending Plat.

2. Dedication by Separate Instrument:

a. In these cases, rights are dedicated by some instrument other than a Plat.

b. Easements shall be abandoned by ordinance or resolution with a description of the easement.

c. A public hearing is required for an abandonment of Right-of-Way. The public hearing will be held before City Council. Notification must be published in the local newspaper of the City of Longview at least five (5) days prior to the public hearing.

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d. If easement is a general "Utility Easement", then City Staff will contact all franchise utility companies that serve the City requesting confirmation that they do not have any facilities within said easement and that they do not object to its abandonment.

e. The Release of Easement document shall contain a description of the area to be abandoned, a reference to the original separate instrument, and any possible reference to partial abandonment.

f. If approved, a copy of the Release of Easement shall be filed in the appropriate County property records.

3. Dedication by Prescription:

a. A prescriptive easement is created by use of the public over a period of time.

b. The abandonment of a prescriptive easement is similar to the abandonment of a dedication by separate instrument, with the notable exception being that no instrument exists. However, these cases should be processed in a similar manner.

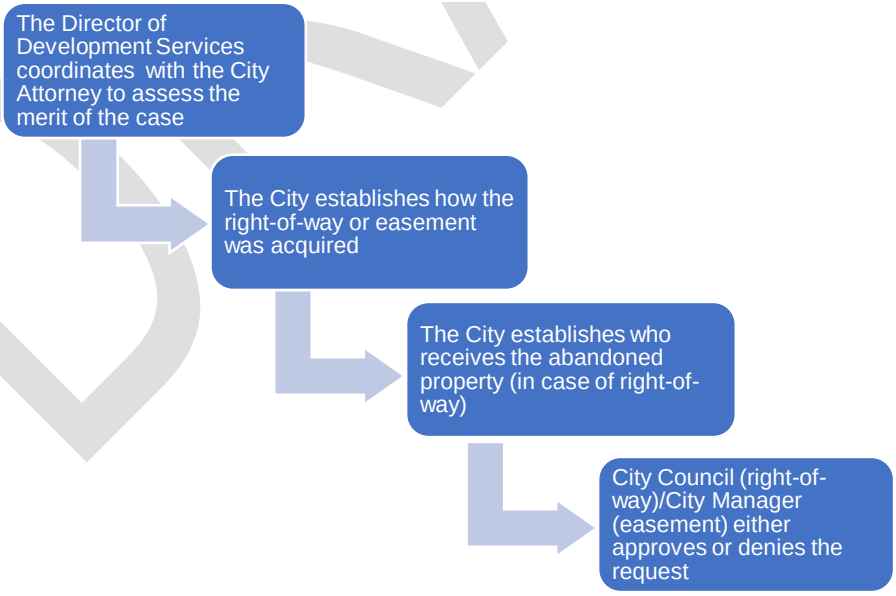
D. Approval

With advice from the City Attorney, the City Manager shall either approve or deny the request for abandoning a public easement. In all cases in which approval is given, a copy of the Release of Easement shall be sent to the appropriate County for recording.

4.04. Abandonment of a Public Right-of-Way or Easement Summary

The Abandonment of a Public Right-of-Way and Easement shall generally follow the following process:

Figure 31. Abandonment Process



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Section 5. Flood Damage Prevention

5.01. General Provisions

A. Applicability

This Section shall apply to all land areas within the corporate limits of the City.

B. Basis for Establishing the Area of Special Flood Hazard

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Harrison County, Texas and Incorporated Areas," dated September 3, 2014, with accompanying Flood Insurance Rate Maps dated September 3, 2014, and "The Flood Insurance Study (FIS) for Gregg County, Texas and Incorporated Areas," dated September 3, 2014 with accompanying Flood Insurance Rate Map dated September 3, 2014, and any revisions thereto are hereby adopted by reference and declared to be a part of this Section.

C. Establishment of a Development Permit

A development permit shall be required for all Development, as that term is defined herein, which shall hereafter occur within the corporate limits of the City.

D. Compliance

No Structure or land shall hereafter be located, altered, or have its use changed nor shall any Development be permitted, without full compliance with the terms of this Section and other applicable regulations.

E. Abrogation and Greater Restrictions

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, or such existing easements, covenants or deed restrictions, conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this Section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the City Council; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

The degree of Flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater Floods can and will occur and Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the Areas of Special Flood Hazards, or uses permitted within such Areas of Special Flood Hazards, will be free from Flood damages. This Section shall not create liability on the part of the City, or any officer or employee thereof for any Flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

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5.02. Administration

A. Designation of City Engineer

The City Engineer is hereby appointed as the Floodplain Administrator to administer and implement the provisions of this Section and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to Flood Management. In the event no person is filling the position of City Engineer or in the event of failure or inability of the City Engineer to carry out the duties and responsibilities assigned to him by this Section, the City Manager may designate another employee of the City to carry out the duties and responsibilities assigned to the City Engineer by the terms of this Section.

B. Duties and responsibilities of the City Engineer

The duties and responsibilities of the City Engineer shall include, but not be limited to the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Section.
2. Review, approve or deny all applications for development permits required by Section **5.01.C** above.
3. Review all permit applications to determine whether proposed building sites, including the placement of manufactured homes, comply with the requirements of this Section.
4. Review permits for proposed Development and inquire as to whether or not the applicant has obtained all necessary permits from those federal, state or local governmental agencies from which prior approval is required (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).
5. Where interpretation is needed as to the exact location of the boundaries of the Areas of Special Flood Hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Engineer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in **D.2** below.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency that is the Texas Water Development Board (TWDB), and the Texas Commissions on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Ensure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood carrying capacity is not diminished.
8. When Base Flood elevation data has not been provided in accordance with **5.01.B** above, the City Engineer shall obtain, review, and reasonably utilize any Base Flood elevation data and Regulatory Floodway data available from a federal, state, or other source, in order to administer the provisions of this Section.
9. When a Regulatory Floodway has not been designated, the Floodplain Administrator must require that no New Construction, substantial improvements, or other Development (including fill) shall be permitted within Approximate or A Zones and AE Zones on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, will not increase the Water Surface Elevation of the Base Flood more than one foot at any point within the City.
10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the City may approve certain Development in Approximate or A Zones or

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in Zones AE or AH, on the City's FIRM that increases the Water Surface Elevation of the Base Flood by more than one foot, provided that the City first applies for a conditional FIRM revision through FEMA.

C. Development Permit

1. Application for a Development Permit shall be presented to the City Engineer on a form furnished by the City Engineer and may include, but not be limited to, plans in duplicate drawn to scale showing the locations, dimensions, and elevation of proposed landscape alterations, existing and proposed Structures, including the placement of manufactured homes, and the location of the foregoing in relation to Areas of Special Flood Hazard. Additionally, the following information is required:

   a. Elevation in relation to Mean Sea Level of the Lowest Floor (including basement) of all new and substantially improved Structures, abutting or within an Area of Special Flood Hazard;

   b. Elevation in relation to Mean Sea Level to which any nonresidential Structure shall be floodproofed;

   c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed Structure shall meet the floodproofing criteria of **5.03.B.2** below;

   d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed Development;

   e. Evidence to ensure that all Silvicultural Activities will be conducted in strict conformance with the provisions of this Section and the standards for Best Management Practices (BMP) set out in the most recent edition of the "Texas Best Management Practices for Silviculture" published by the Texas Forestry Association, which such publication is hereby adopted and incorporated herein by reference for all purposes; provided, however, that in the event of conflict between the provisions of this Section and the BMP standards, the more stringent of the two shall apply; and

   f. Maintain a record of all such information in accordance with **B.1** above).

2. Approval or denial of a development permit by the City Engineer shall be based on all of the provisions of this Section and the following relevant factors:

   a. The danger to life and property due to Flood or erosion damage;

   b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   c. The danger that materials may be swept onto other lands to the injury of others;

   d. The compatibility of the proposed use with existing and anticipated Development;

   e. The safety of access to the property in times of Flood for ordinary and emergency vehicles;

   f. The costs of providing governmental services during and after Flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

   g. The expected heights, velocity, duration, rate of rise and sediment transport of the Flood waters and the effects of wave action, if applicable, expected at the site;

   h. The necessity to the facility of a waterfront location, where applicable;

   i. The availability of alternative locations, not subject to Flood or erosion damage, for the proposed use;

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j. The relationship of the proposed use to the comprehensive plan for that area.

D. Flood Damage Prevention Variance Procedures

1. The City Council shall hear and render judgment on requests for Flood Damage Prevention Variances from the regulations of this Section.

2. The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this Section.

3. Any person or persons aggrieved by the decision of the City Council may appeal such decisions to a court of competent jurisdiction solely on the grounds that the decision was arbitrary, capricious, or not supported by substantial evidence.

4. The City Engineer shall maintain a record of all actions involving an appeal and shall report Flood Damage Prevention Variances to the Federal Emergency Management Agency upon request.

5. Flood Damage Prevention Variances may be issued for the reconstruction, rehabilitation or restoration of Structures listed on the National Register of Historical Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this Section.

6. Generally, Flood Damage Prevention Variances may be issued for New Construction and Substantial Improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing Structures constructed below the Base Flood elevation, provided the relevant factors in **C** above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the Flood Damage Prevention Variance increases.

7. Upon consideration of the factors noted above and the intent of this Section, the City Council may attach such conditions to the granting of Flood Damage Prevention Variances as it deems necessary to further the purpose and objectives of this Section.

8. Flood Damage Prevention Variances shall not be issued within any designated Regulatory Floodway if any increase in Flood levels during the Base Flood discharge would result.

9. Flood Damage Prevention Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the Flood Damage Prevention Variance is the minimum necessary to preserve the historic character and design of the Structure.

10. Prerequisites for Granting Flood Damage Prevention Variances

    a. Flood Damage Prevention Variances shall only be issued upon a determination that the Flood Damage Prevention Variance is the minimum necessary, considering the Flood hazard, to afford relief.

    b. Flood Damage Prevention Variances shall only be issued upon

        (1) A showing of good and sufficient cause;

        (2) A determination that failure to grant the Flood Damage Prevention Variance would result in exceptional hardship to the applicant, not attributable to any actions or inactions on the part of the applicant; and

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(3) A determination that the granting of a Flood Damage Prevention Variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. The burden of proof in all Flood Damage Prevention Variance proceedings shall always be on the applicant.

d. Any applicant to whom a Flood Damage Prevention Variance is granted shall be given written notice stating the elevation, below the Base Flood elevation, at which the proposed Structure's Lowest Floor elevation will be permitted to be built, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor elevation.

e. Flood Damage Prevention Variances may be issued by the City Council for New Construction and Substantial Improvements and for other Development necessary for the conduct of a Functionally-Dependent Use provided that:

(1) The criteria outlined in 1 through 9 above are met, and

(2) The Structure or other Development is protected by methods that minimize flood damages during the Base Flood and create no additional threats to public safety.

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5.03. Provisions for Flood Hazard Reduction

A. General Standards

In all Areas of Special Flood Hazards, the following provisions are required for all New Construction and Substantial Improvements:

1. All New Construction or Substantial Improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All New Construction or Substantial Improvements shall be constructed by methods and practices that minimize Flood damage.
3. All New Construction or Substantial Improvements shall be constructed with materials resistant to Flood damage.
4. All New Construction or Substantial Improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flood.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Flood waters into the system and discharge from the systems into floodwaters.
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flood.

B. Specific Standards

In all Areas of Special Flood Hazards where Base Flood elevation data has been provided as set forth in **5.01.B**, **5.02.B.8**, or **D.3**, the following provisions are required:

1. Residential Construction

New Construction or Substantial Improvement of any residential Structure shall have the Lowest Floor, including basement, elevated no less than two feet above the Base Flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the City Engineer that the proposed construction or Substantial Improvement, as described in the application required by **5.02.C** above (including without limitation the proposed elevation provided in said application pursuant to **5.02.C.1.a**), satisfies the requirements of the subsection.

2. Nonresidential Construction

New Construction or Substantial Improvement of any commercial, industrial or other nonresidential Structure shall either have the Lowest Floor, including basement, elevated not less than two (2) feet above the level of the Base Flood elevation, or, together with attendant utility and sanitary facilities be floodproofed so that below the Base Flood elevation the Structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Professional Engineer or registered architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in

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relation to mean sea level) to which such Structures are flood-proofed shall be maintained by the Floodplain Administrator.

3. Enclosures

New Construction and Substantial Improvements, with fully enclosed areas below the Lowest Floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement that are subject to Flood shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Professional Engineer or registered architect or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to Flood shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes

a. Require that all Manufactured Homes to be placed within Zone A, shall be installed using methods and practices that minimize flood damage. For the purpose of this requirement, Manufactured Homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. All Manufactured Homes shall be in compliance with **1** above).

c. Require that all Manufactured Homes to be placed or substantially improved within Approximate or A Zones or in Zones AH or AE on the City's FIRM be elevated on a permanent foundation such that the Lowest Floor of the Manufactured Home is no less than two (2) feet above the Base Flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this subsection **4**.

d. Require that no Manufactured Home shall be placed in a Regulatory Floodway.

e. Recreational Vehicles

(1) Require that Recreational Vehicles placed on sites within Approximate or A Zones or Zones AH or AE on the City’s FIRM either:

(a) Be on the site for fewer than 180 consecutive days,

(b) Be fully licensed and ready for highway use, or

(c) Meet the permit requirements of **5.02.C. Development Permit**, and the elevation and anchoring requirements for "Manufactured Homes" in this subsection **4**.

(2) A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

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5. Regulatory Floodways

   a. Located within Areas of Special Flood Hazards established in **5.01.B** above, are areas designated as Regulatory Floodways. Since the Regulatory Floodway is extremely hazardous due to the velocity of flood waters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

   b. Encroachments are prohibited, including fill, New Construction, Substantial Improvements and other Development within the adopted Regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in Flood levels within the city during the occurrence of the Base Flood discharge.

   c. If b above is satisfied, all New Construction and Substantial Improvements shall comply with all applicable Flood hazard reduction provisions of this Subsection.

   d. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the city may permit encroachments within the adopted Regulatory Floodway that would result in an increase in Base Flood elevations, provided that the city first applies for a conditional FIRM and Regulatory Floodway revision through FEMA.

   e. Prohibit the placement of any Manufactured Home.

6. Approximate or A Zone

   In Approximate or A Zones, flood hazard areas where Base Flood elevation data has not been provided in accordance with **5.01.B** above, the following provisions shall apply:

   a. A Base Flood elevation shall be established in accordance with **5.02.B.8** above.

   b. The City Engineer shall apply the provisions of this Section 5.03 Provisions for Flood Hazard Reduction to the Base Flood elevation established, but in no case shall the elevation of the Lowest Floor be less than one (1) foot above the Highest Adjacent Grade next to the building site.

   In all other areas located outside of special flood hazards, all New Construction and Substantial Improvements of residential or nonresidential Structures shall have the Lowest Floor elevated at least six (6) inches above the Highest Adjacent Grade next to the building site.

C. Standards for Areas of Shallow Flooding (AO/AH zones)

Located within the Areas of Special Flood Hazard established in **5.01.B** above, are areas designated as shallow flooding. These areas have special flood hazards associated with Base Flood depths of one to three feet where a clearly defined channel does not exist and where the path of Flood is unpredictable and where velocity flow may be evident. Such Flood is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All New Construction and Substantial Improvements of residential Structures have the Lowest Floor (including basement) elevated above the Highest Adjacent Grade at least as high as the depth number specified in feet on the City's FIRM (at least two feet if no depth number is specified).

2. All New Construction and Substantial Improvements of nonresidential Structures shall:

   a. Have the Lowest Floor (including basement) elevated above the Highest Adjacent Grade at least as high as the depth number specified in feet on the City's FIRM (at least two [2] feet if no depth number is specified); or

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b. Together with attendant utility and sanitary facilities be designed so that below the Base Flood elevation the Structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the proposed construction or Substantial Improvement, as described in the application required by **5.02.C.1.a.** (including without limitation the proposed elevation provided in said application pursuant to **5.02.C.1.a.**), satisfies the requirements of this Section.

4. Require within Zones AH or AO adequate drainage paths around Structures on slopes, to guide flood water around and away from proposed Structures.

D. Standards for Development and Subdivision Proposals

1. All commercial and residential subdivision proposals, including without limitation Manufactured Home Parks, shall be consistent with the purposes and objectives of this Section.

2. All proposals for the Development of commercial and residential subdivisions, including without limitation Manufactured Home Parks, shall meet development permit requirements of **5.01.C**, **5.02.C**, and **5.03**.

3. Base Flood elevation data shall be provided by the developer for subdivision proposals and other proposed development including Manufactured Home Parks that is greater than the lesser of 30 lots, or three acres, if not otherwise provided pursuant to **5.01.B** or **5.02.B.8** above.

4. All subdivision proposals including Manufactured Home Parks shall have adequate drainage provided to reduce exposure to Flood hazards.

5. All subdivision proposals including Manufactured Home Parks shall have public utilities and facilities such as wastewater, gas, electrical, and water systems located and constructed to minimize or eliminate Flood damage.

6. All development and subdivision proposals, whether located within or outside of Areas of Special Flood Hazard, shall meet the applicable provisions of **Article D. Subdivision Regulations** and this **Article E. Development Standards**, as well as the Master Drainage Plan and Drainage Criteria and Erosion Control Manual, which is herein adopted.

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5.04. Drainage and Stormwater Control

A. Flood Mitigation and Conveyance; Adequate Drainage Required

1. Flood Mitigation and Adequate Drainage Required

When Development causes an increase of flow exiting the property, a downstream assessment is required. The purpose of the downstream assessment is to protect downstream properties from flooding and erosion increase caused by upstream Development. The extent of the assessment must be analyzed to the point where no adverse impact occurs on downstream property and drainage system. Alternative methods to mitigate flooding are listed below.

a. Provide adequate downstream conveyance systems to meet the adopted 5-year, 25-year and 100-year fully developed watershed (future) flood event.

b. Install stormwater controls on-site to maintain or improve existing downstream conditions. Stormwater controls must completely mitigate the increase in peak discharge due to proposed Development. On-site detention may be utilized but not required. On-site detention of stormwater runoff shall not be a condition nor a requirement for the Development of real property within the city limits. Compliance with the minimum requirements of this Section in no way shall be construed as relieving the property owner of any liability that they may incur as a result of damage to downstream or upstream properties resulting from the Development of the site or to install the infrastructure necessary to provide adequate drainage for the Development site.

c. Mimic existing on-site runoff conditions. The developed flow patterns and discharge at outfall points must be equal to existing conditions on the site.

2. Adequate Drainage Defined; Certification Required

Certification by a Professional Engineer, qualified by education and experience in the field of hydrology and hydraulics, that adequate drainage exists for the Development site as measured by generally accepted engineering standards and procedures is required.

B. Design Criteria for Drainage-Related Infrastructure

The following criteria shall apply in the design of drainage-related infrastructure:

1. The 5-year future flood event shall be used as a system check.

2. The 25-year future flood event shall be used as the conveyance storm event of all drainage systems, road crossings, streets, culverts, channels, detention ponds, and other similar infrastructure.

3. The 25-year future flood event shall be utilized for the design of storm sewers and inlets with street flooding limited to no higher than the top of the curb.

4. The 100-year future flood event shall be used to determine the boundaries of the 100-year flood. If a proposed Development drains into drainage system or channel, the 100-year future flood event must be contained in the Right-of-Way or public easement.

5. For FEMA Areas of Special Flood Hazards, proposed Development shall not increase the Water Surface Elevation of any property upstream or downstream of the construction activity within the floodway.

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C. Downstream Assessment

1. A downstream discharge assessment shall be performed to confirm that the proposed development does not result in increased flooding or increased erosion potential in areas downstream of the development.

2. The assessment shall extend from the outfall of the proposed development to a point downstream where the discharge from the proposed development no longer has a significant impact on the downstream system. For sites draining a watershed less than or equal to 100 acres at a proposed outfall, the downstream assessment may use the 10% rule of thumb as described in the NCTCOG iSWM Technical Manual or a detailed study in order to determine the zone of influence. For all other watersheds, the zone of influence will be defined by a detailed hydrologic and hydraulic analysis.

3. For sites five (5) acres or less with proposed detention and draining a watershed less than twenty-five (25) acres, a downstream assessment is not required. The detention design must adequately mitigate the increase in discharge due to the proposed development.

4. The downstream assessment must demonstrate that the following conditions are met with the proposed development:

   a. No new or increased flooding (0.00 feet) of existing structures

   b. No increase greater than 0.1 feet in 5-, 25- and 100-year creek flood elevations over existing roadways.

   c. No increase greater than 0.1 feet in 5-, 25- and 100-year creek flood elevations, unless contained in existing channel, roadway, drainage easement, and/or ROW

   d. No increase greater than 5% in 5-, 25- and 100-year velocities in existing creeks and channels unless it can be demonstrated that this condition does not cause an adverse effect and is accepted by the City Engineer

   e. No increase in downstream discharges caused by the proposed development that, in combination with existing discharges would result in the capacity of the downstream storm drainage system or existing ROW to be exceeded for the design events.

5. The developer shall provide all supporting calculations to confirm that the above criteria have been satisfied. If the existing drainage systems do not have capacity to convey the increased runoff from the development, additional stormwater infrastructure will be necessary to discharge runoff without causing new or increased flooding or erosion potential downstream of the proposed development.

D. Easements

1. Drainage Area Map

   Along with each Pre-Submission Proposal, a subdivider shall provide a drainage area map showing the proposed project area as well as adjacent areas affected by the subdivision. All drainage calculations shall be shown (or included in a separate report) and shall be in accordance with the Drainage Criteria and Erosion Control Manual.

2. Additional Information

   Based on these drainage calculations, and as a prerequisite to its approval, each Pre-Submission Proposal shall contain within its boundary all required drainage Structures necessary to conform the platted property to the Master Drainage Plan and the Drainage Criteria and Erosion Control Manual. The drainage calculations/report shall show the overall stormwater impact for the land contained within the Pre-Submission Proposal.

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3. Drainage Required

Where a water course drainage way, channel or stream is included in any part of, or is adjacent to the property to be subdivided, it shall be the responsibility of the subdivider to either:

a. Improve said natural drainage channel, if warranted by the Master Drainage Plan and the Drainage Criteria and Erosion Control Manual, according to the standards set forth therein, or;

b. Dedicate the future 100-year floodplain to the City in a floodplain easement.

The City Engineer shall set forth requirements to ensure compatibility with the Master Drainage Plan. The City shall accept an adequate easement or Right-of-Way and thereafter maintain said drainage improvement after the one-year warranty period.

4. Private Runoff

A private drainage easement is required for runoff flowing onto property generated from one property to another. Private drainage shall not be maintained by the City.

5. Private Maintenance Agreement

Private drainage systems such as detention basins and systems serving multiple lots shall include a private maintenance agreement that will identify responsible parties for maintenance.

E. Lot to Lot Drainage

1. Residential Grading and Drainage

a. Surface runoff from residential lots shall cross no more than one (1) additional lot before being directed toward the street or a dedicated drainage easement or Right-of-Way.

b. When the flow reaches the second lot, side lot swales shall be in place to direct the flows to the street or to a Right-of-Way or dedicated drainage easement within the rear yard.

c. Furthermore, no more than one lot may drain to a second lot (i.e., two lots drain onto one lot) before the flow is directed to the Right-of-Way or dedicated drainage easement.

d. Single-family residential lot drainage design shall utilize one of the following Block Grading Types:

(1) Block Grading Type 1 has a ridge along rear lot lines and each lot is graded to drain surface water directly to the street independent of other properties. It is the most simple and desirable type of block grading. Topography, however, will often require other block grading types.

(2) Block Grading Type 2 for a gentle cross-slope involves drainage of some surface water from lots of the high side of the block across the lower tier of lots. Difficulties are not encountered, however, if slopes are gentle and if the water always drains over short routes to the streets and does not concentrate or accumulate in volume at any point inside the block.

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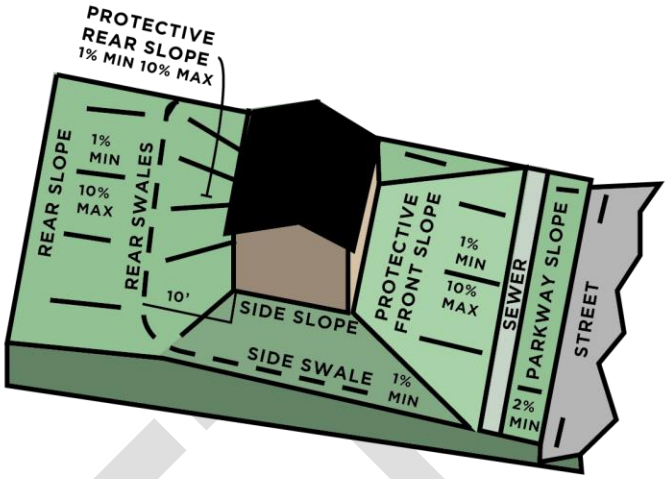
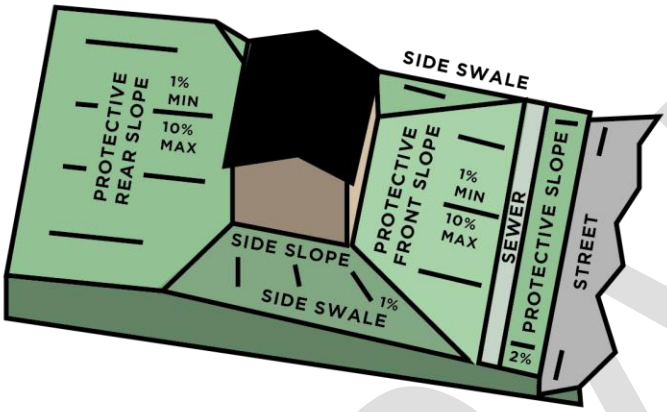
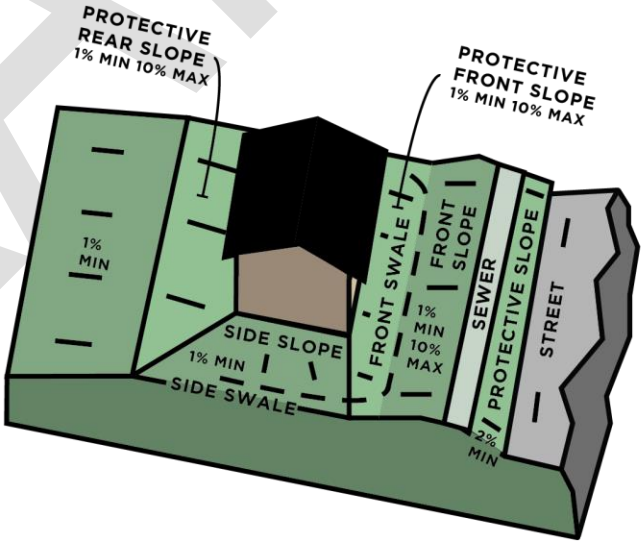
Figure 32. Lot Grading Types



LOT GRADING TYPE A
ALL DRAINAGE TO STREET



LOT GRADING TYPE B
DRAINAGE TO FRONT AND REAR LOT LINE



LOT GRADING TYPE C
ALL DRAINAGE TO REAR LOT LINE

GENERAL NOTES

1. EXCEPT AS NOTED, BUILDING PAD GRADING TO BE PERFORMED BY HOUSE CONTRACTOR AFTER COMPLETION OF SUBDIVISION IMPROVEMENTS

2. ALL FINISH FLOOR ELEVATION SHALL BE MINIMUM OF 8" ABOVE THE HIGHEST GRADE ADJACENT TO BUILDING PAD. SEE CURRENT BUILDING CODE. FLOOR ELEVATIONS SHOWN ARE BASED ON THE MINIMUM FRONT SETBACK. ALL GRADING TYPE A & B LOT FINISH FLOORS SHALL BE AT LEAST 1.0 FT ABOVE THE ROAD CROWN ALONG LOT FRONTAGE.

3. DRIVEWAY SLOPES BREAKS SHALL NOT EXCEED AN ALGEBRAIC DIFFERENCE OF +/-14% WITHOUT PROPER VERTICAL CURVE.

4. MEANDER SWALES AROUND SPECIMEN TREES AND DO NOT DISTURB WETLAND VEGETATION.

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Figure 33. Block Grading Type 1: Ridge Along Rear Lot Lines

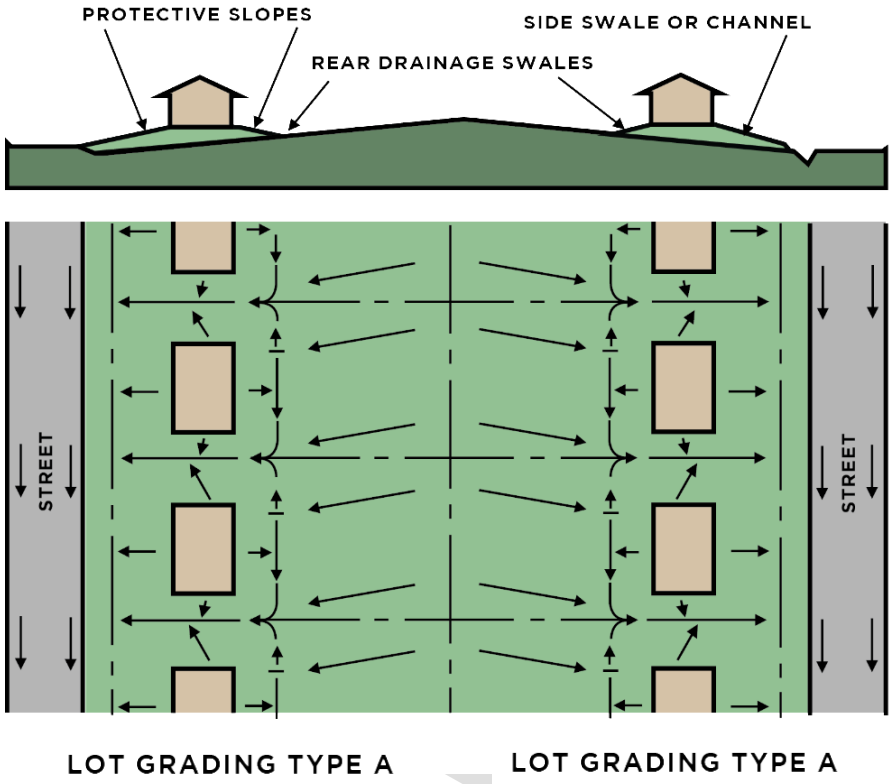
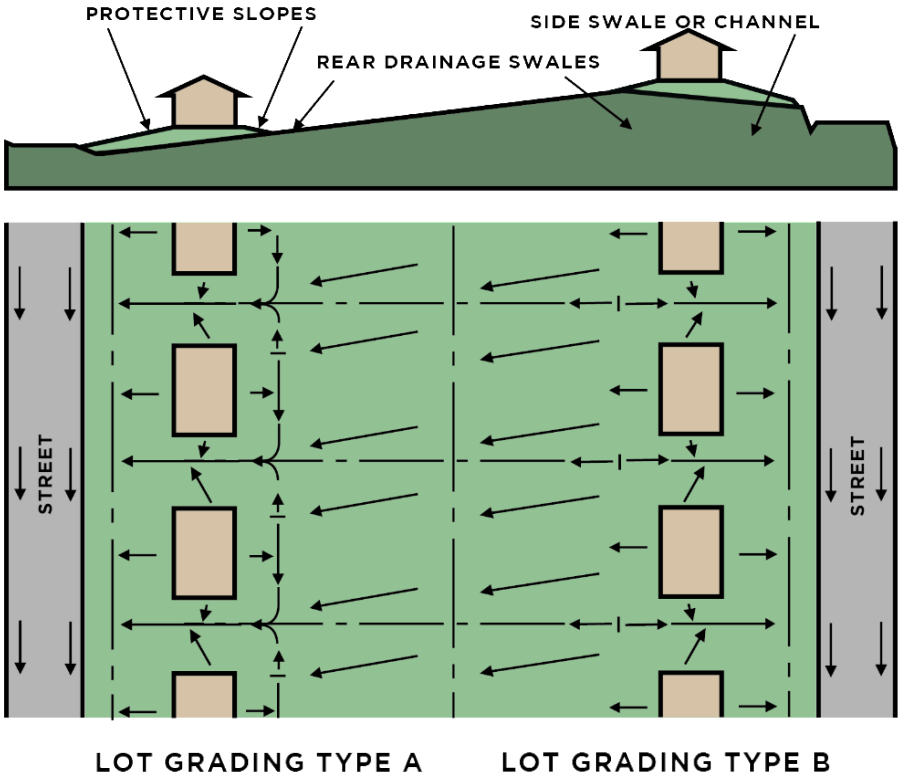


Figure 34. Block Grading Type 2: Gentle Cross-Slope



2. Nonresidential Grading and Drainage

   a. Grading and drainage plans shall provide that surface runoff from nonresidential individual lots cross no more than one (1) additional lot before being directed toward a private on-site system or a dedicated City drainage system.

   b. When the flow reaches the second lot, side lot swales may be utilized to direct the flows to private enclosed systems or to a dedicated City drainage system within a dedicated easement or in street Right-of-Way.

   c. No runoff may drain to a third lot. The flow must be directed to the street system or to a dedicated City drainage system with a dedicated easement.

   d. Concentrations of stormwater shall not be discharged to City streets through driveways or flumes but shall be collected into an enclosed system, either private or public, prior to reaching the curb line of the roadway.

   e. Specific deviations from these guidelines may be addressed on an individual basis by the City Engineer.

F. Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned Structures within or adjacent to a watercourse, so that such Structures will not become a hazard to the use, function, or physical integrity of the watercourse.

G. Post-Construction Stormwater Management

1. Post-construction stormwater management measures must be implemented to minimize discharges of Pollutants to the city's stormwater system and excessive discharges of Pollutants to surface waters and groundwater. These discharges can negatively impact public health, welfare, and the environment by potentially impacting human health by transporting and depositing Pollutants. The intent of this Section is to address these discharges to the stormwater system.

2. The purposes of this Section are to establish an inspection and enforcement program to address post-construction stormwater management to protect public health, welfare, and the environment, and to enable the city to comply with post-construction related stormwater provisions of NPDES.

H. Requirement to Implement and Maintain Post-Construction Stormwater Measures

Owners of properties must maintain post-construction stormwater management measures to address post-construction stormwater runoff to the stormwater system. These measures may be structural or nonstructural BMPs.

I. Right of Entry; Post-Construction Inspections

The City Engineer is authorized upon presentation of identification to enter properties at reasonable hours to conduct inspections of post-construction stormwater measures, such as retention and detention facilities, dry wells, and storm drains. The City Engineer is authorized to take photographs and collect other information reasonably necessary to determine compliance with this Section.

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J. Security Deposit Sufficient for Certificate of Occupancy

A developer whose project is substantially complete, save and except for final grading, or permanent erosion control, or landscaping, may post a security deposit in an amount determined by the City Engineer as sufficient to ensure final completion of such improvements, and receive a Certificate of Occupancy; provided such project otherwise complies with city ordinances, and provided the issuance of such certificate is conditioned upon final completion. For the purposes of this Section, proper security shall consist of a cash bond, letter of credit, or security bond in a form acceptable to the City Attorney.

K. City Support for Drainage and Stormwater Control

In support of drainage and stormwater control, the City shall:

1. Use current needs and 25-year future flood event criteria to prioritize projects for the five-year City capital improvements list;
2. Where creeks and drainage ways are owned by or have been dedicated to the City, continue to clean out such drainageways and creeks and improve the flow of channel;
3. Develop a maintenance plan to keep City-owned drainage improvements functioning properly;
4. Complete property acquisition by dedication or otherwise as recommended in the City's Master Drainage Plan; and
5. Create and maintain hydrologic and hydraulic models of the City's drainage system to identify potential problems and improvements.

L. Flood Damage Prevention Variances

The provisions of this Section and the criteria included herein shall not in any way diminish or revise the process of granting Flood Damage Prevention Variances under the City's ordinances and policies regarding drainage controls, and the City Council's sole authority to grant such Flood Damage Prevention Variances shall be and is hereby in all things preserved.

M. Stop Work Orders

Upon notice from the City Engineer that work on any building, Structure, dike, bridge, or any improvement or any other form of development that would affect water drainage, is being done contrary to the provisions of this regulation, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his/her agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the City Engineer, provided, written notice shall follow within twenty-four (24) hours from the time oral notice to stop work is issued.

N. Revocation of Permit

The Floodplain Administrator may revoke a permit or approval issued under the provisions of this regulation, in cases where there has been any false statement or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.

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Article F. Building and Safety Code

Article Contents:

Section 1. Buildings and Structures

Section 2. Fire Prevention

Section 3. Mechanical Code

Section 4. Electrical Code

Section 5. Plumbing and Gas Code

Section 6. Energy Conservation Code

Section 7. Pool and Spa Code (Reserved)

Section 1. Buildings and Structures

1.01. In General

A. Existing Construction

1. Any owner or licensed contractor who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building and Fire Code Official and obtain the required permit. The required permit is in addition to any other license or permit required by law, including without limitation any required contractor's license.

2. Any building or structure, construction of which was commenced prior to the effective date of annexation, shall not be required to conform with the terms of the construction codes provided that the construction is completed within a period of six (6) months from the effective date of annexation.

B. Modifications Authorized

The Building Inspections Division of the City may make modifications in individual cases upon a showing of good cause with respect to the height, material or location of a fence, wall, gate or latch or the necessity therefore, provided the protection as sought hereunder is not reduced. The Building Inspections Division may also permit other protective devices or structures as long as protection afforded the protection afforded by the substitute structures or devices is not less than the protection afforded by the wall, fence, gates and latches required herein.

C. Same - Penalty for Violation of Section

Each person in possession of land within the City, either as owner, purchaser, lessee, tenant or a licensee upon which is situated an outdoor swimming pool, family pool or wading pool having a minimum depth in excess of 12 inches, which swimming pool, family pool or wading pool is not

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completely surrounded by a fence or wall as is required by **1.04.B.27**, shall be guilty of a misdemeanor.

D. Building and Fire Code Official Authority

1. The City's Building and Fire Code Official is responsible for the implementation, administration, initial interpretation, and enforcement of the City's construction codes, including the International Fire Code.
2. The term "Code Official" throughout this UDC means Building and Fire Code Official.
3. The Building and Fire Code Official and any assistants shall not own, be connected with or have any material interest in any business regulated by this article; nor shall he/she or his/her assistants hold any office or official position in any organization whose members are required to be licensed or registered under this article; provided that this shall not be construed to prevent him/her or his/her assistants from holding membership in such an organization.

E. Liability

The Building and Fire Code Official, officer or employee charged with the enforcement of any of the codes listed in this Article, while acting for the City, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any officer of the building inspection division, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

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1.02. Building Code

A. Building Codes Adopted

The 2012 International Building Code, published by the International Code Council, Inc., is hereby adopted as the official building code of the City. All references to the "building code" or the "code" in this section shall be construed to refer to said 2012 International Building Code unless the context clearly requires otherwise. Only those appendices of the building code that are expressly named in this Section **1.02** are adopted as part of the building code. All other appendices to the aforesaid building code are excluded. The provisions of this subsection **1.02**, including without limitation any modifications or amendments to the building code, shall control over the provisions of said building code.

B. Modifications

The 2012 International Building Code adopted in **A.** above is hereby amended in the following respects (references are made by number to specific sections of the code):

1. Section 101.1 of the code is hereby amended to read as follows:

   101.1 Title. These regulations shall be known as the Building Code of the City of Longview, Texas, hereinafter referred to as "this code."

2. Section 101.2.1 of the code is hereby amended to read as follows:

   101.2.1 Appendices. Appendices C, D, E, F and G to the 2012 International Building Code are hereby adopted in their entirety; provided, however, that said appendices shall be subject to such amendments as shall be provided in Subsection **B**. All other appendices to said code are hereby excluded in their entirety.

3. Section 101.4.4 of the code is hereby amended to read as follows:

   101.4.4 Property maintenance. The provisions of the property maintenance code of the City of Longview, Texas, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

4. A new Section 101.4.7 is hereby added to the code, said section to read as follows:

   101.4.7 Addresses. Approved numbers and addresses shall be provided for all new and existing buildings so that the number is plainly visible and legible from the street or roadway.

5. Section 102.4 of the code is hereby amended to read as follows:

   102.4 Referenced codes and standards. The codes and standards referenced in this code shall be those listed in Chapter 35 of this code, and said codes and standards shall be considered part of the requirements of this code to the prescribed extent of each reference. Where NFPA Standards are referenced in this code, the most current effective edition of that referenced standard shall apply; provided, however, that any reference to an NFPA standard contained in the National Electrical Code published by the National Fire Protection Association shall be construed to refer instead to the applicable standard contained in the electrical code officially adopted by the City. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

6. Sections 103.1, 103.2 and 103.3 of the code are hereby deleted in their entirety.

7. Section 105.2 of the code is hereby amended by deleting Subsection 1 so that one-story detached accessory structures of 120 square feet or less are not exempt from the permit requirements of the code. The remainder of Section 105.2 shall remain unchanged.

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8. Section 110.3.3 of the code is hereby amended to read as follows:

   110.3.3 Lowest floor elevation. The elevation certification required in Section 1612.5 shall be submitted to the City Engineer.

9. Section 110 of the code is hereby amended by adding a new Section 110.7, said new section to read as follows:

   110.7 Responsibility for inspections. Each permit holder shall be responsible for obtaining any and all inspections required under this code. The Building and Fire Code Official or other appropriate official of the City may deny any additional permit or permits required for a project until all inspections required for the project have been obtained.

10. Section 111.1 of the code is amended to read as follows:

    111.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the occupant, the ownership or the existing occupancy classification of a building or structure or portion thereof shall be made until the Development Review Team has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the jurisdiction.

11. Section 111 of the code is hereby amended by adding a new Section 111.5 and a new Section 111.6, said section to read as follows:

    a. 111.5 Posting of a certificate of occupancy and Maximum Occupant Load. Where a certificate of occupancy is required, said certificate shall at all times be posted in a conspicuous place near the main entrance of the building or structure for which said certificate is required. Where a Maximum Occupant Load certificate is required, it shall be posted in an obvious place near the main entrance of the structure or space where required. The occupant shall be responsible for compliance with this section.

    b. 111.6 Definitions. As used in this code, the terms defined in this section shall have the meanings set forth herein unless another meaning is required by the context. The term "occupant" shall mean the person, corporation or entity (as the case may be) occupying a building or structure. The term "occupancy" shall refer to the type of use for which a structure or building is used.

12. Section 113 of the code is hereby rewritten in its entirety to read as follows:

    a. 113.1 General. The Construction Advisory and Appeals Board shall hear and decide appeals of orders, decisions and determinations made by the Building and Fire Code Official relative to the application and interpretation of this code.

    b. 113.2 Definitions. All references to the Construction Advisory and Appeals Board shall be construed to refer to the Construction Advisory and Appeals Board created by Section 19-16 of the Code of Ordinances of the City of Longview, Texas. All references to the Construction Board of Adjustment and Appeals shall be construed to mean the aforementioned Construction Advisory and Appeals Board. All references in this code to the board of appeals shall be construed to mean the aforementioned Construction Advisory and Appeals Board.

    c. 113.3 Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building and Fire Code Official. Appeals shall be in a form acceptable to the Building and Fire Code Official. The fee for filing such an appeal shall be as set by resolution of the City Council. During the pendency of the appeal, the ruling of the Building and Fire Code Official shall be in full force and effect.

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d. 113.4 Meeting to hear appeal. The Construction Advisory and Appeals Board shall meet within thirty (30) calendar days after notice of appeal has been received. However, the Board may extend the time for the hearing if the facts and complexities of the issues so warrant or if the person making the appeal requests in writing at or before the time of the hearing that he be granted additional time to prepare his/her appeal. If such person fails to make his/her appearance at the proper time and place to present his/her appeal, then such appeal shall be dismissed by the Board. All decisions by the Board are final.

13. Section 114.4 of the code is hereby amended in its entirety to read as follows:

114.4 Violation penalties. Any person, firm, corporation or agent who violates a provision of this code or fails to comply with any of the requirements of this code or who erects, constructs, alters, repairs, demolishes or moves any structure in violation of the construction documents submitted to and approved by the Building and Fire Code Official, in violation of the directive of the Building and Fire Code Official, or in violation of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor. Each such person, firm, corporation, or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits of and as provided in **Article A.1.06. Violations and Fines** of this Unified Development Code.

14. Section 116 of the code is hereby rewritten in its entirety to read as follows:

116.1 Substandard structures. Any structure that is a Dangerous Building or Structure shall be subject to any other rules, regulations, or ordinances as may now exist or may hereafter be adopted by the City of Longview to regulate dangerous, unsafe, or substandard buildings or structures.

15. Section 1101 of the code is hereby rewritten in its entirety to read as follows:

SECTION 1101

GENERAL

1101.1 Scope. The provisions of this chapter shall control the design and construction of facilities for accessibility to physically disabled persons.

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC/ANSI A117.1. The provisions of the Texas Architectural Barriers Act (Chapter 469 of the Texas Government Code), and any rules adopted under the authority of that act (including without limitation the Texas Accessibility Standards and the rules found in Title 16, Texas Administrative Code, Chapter 68) shall apply as prescribed in said act and rules and shall be considered a part of this code as if copied in full herein. In case of a conflict between the provisions of the Texas Architectural Barriers Act or the rules adopted under the authority of said act and the other provisions of this code, the stricter provisions shall prevail. For purposes of this section, the term "stricter provisions" shall mean the provision or provisions which result in greater access for physically disabled persons to the facility or facilities in question.

16. Section 1610 of the code is hereby amended by adding a new Section 1610.2, said new section to read as follows:

1610.2 Retaining Walls that are four (4) feet or taller. Retaining walls that are four (4) feet or taller used for the purpose of holding back soil or for the control of erosion shall be constructed of reinforced concrete or of keystone systems; provided, however, that such a retaining wall is not required to be constructed of reinforced concrete or of a keystone system if the wall is constructed in accordance with an engineer's design with the designing engineer's seal affixed.

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Retaining walls not constructed from such an engineer's design shall have a foundation with all of the following:

a. Four rebar 5/8 of an inch in diameter and continuous in the footing or beam trench, two bars in the top third of the beam and two bars in the bottom third of the beam, supported every 36 inches by stakes or stirrups made of rebar 3/8 of an inch in diameter for reinforcement;

b. A minimum depth of 18 inches; and

c. A minimum width equaling the greater of either (i) 12 inches or (ii) the width of the retaining wall construction.

17. Section 3107 of the code, including Section 3107.1, is hereby deleted in its entirety.

18. Section 3109.2 of the code is hereby amended to read as follows:

3109.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein:

a. PUBLIC SWIMMING POOL: The term "public swimming pool" shall mean any "pool" as defined by the Texas Department of State Health Services Standards for Public Pools and Spas, 25 Texas Administrative Code, §§ 265.181-265.208, as amended. In particular, the definition of said term is set forth in 25 Texas Administrative Code, § 265.182 (99), as amended.

b. RESIDENTIAL SWIMMING POOL: The term "residential swimming pool" shall mean any structure that both 1) is a "residential pool or spa" as defined by the Texas Department of State Health Services Standards for Public Pools and Spas, 25 Texas Administrative Code, §§ 265.181-265.208, as amended, and 2) is not covered by the provisions of Appendix G of the 2012 International Residential Code, as said residential code is amended by the ordinances of the City of Longview. See 25 Texas Administrative Code, § 265.182 (113), as amended, for the definition of "residential pool or spa."

c. SWIMMING POOL: Unless otherwise indicated by context, the term "swimming pool" shall mean any "public swimming pool" and any "residential swimming pool" as those terms are defined in this section.

19. Section 3109.3 of the code is hereby amended to read as follows:

3109.3 Public swimming pools. Public swimming pools shall be enclosed as required by the Texas Department of State Health Services Standards for Public Pools and Spas, 25 Texas Administrative Code, §§ 265.181-265.208, as amended.

20. There is hereby added to the code a new Section 3109.6, said section to read as follows:

3109.6 State law. In addition to the requirements of this code, swimming pools shall meet any applicable requirements of Texas law.

21. Section D101.1 of Appendix D of the code is hereby amended to read as follows:

D101.1 Scope. The fire district shall include such territory or portion as outlined in Subsection **B**. Wherever in this appendix reference is made to the fire district, it shall be construed to mean the fire district designated and referred to in said Subsection **B**.

22. Section D101.2, including sections D101.2.1, D101.2.2, and D101.2.3, is hereby rewritten in its entirety to read as follows:

D101.2 Establishment of area. For the purpose of this code, the fire district shall include that territory or area as described in Subsection **B**.

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C. Trenching Requirements

1. On construction projects in which trench excavation will exceed a depth of five feet, bid documents and contracts for said projects must include detailed plans and specifications for trench safety systems that meet the standards of the Occupational Safety and Health Administration and that include pay items for such safety systems.

2. These requirements will not apply to a contract entered into by a person subject to the safety standards adopted under Article 6053-1, Revised Statutes of the State of Texas, as those statutes presently read or as hereafter amended.

3. The Director of Public Works is hereby authorized and shall promulgate trenching standards for inclusion in bid documents and contracts governed by this section. All standards shall be submitted to City Council for approval prior to implementation.

4. Any person, firm, corporation or agent who shall violate a provision of this section or fail to comply therewith, or any of the requirements hereof, or shall undertake any construction project in which trench excavation will exceed a depth of five feet without compliance herewith, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits of and as provided by Section 1-4 of the Code of Ordinances of the City of Longview, Texas as such Section 1-4 presently reads or shall hereafter be amended.

D. Fire District

1. The fire district shall be as designated on the fire district map attached to Ordinance No. 3085. The fire district shall include all areas so designated and shall include a buffer zone of 200 feet around the outside perimeter.

2. All buildings and structures that are hereafter erected or altered within the designated fire district shall comply with the provisions of APPENDIX D of the 2012 International Building Code, as said code is adopted and amended in this Code.

3. No building or other structure, or portions thereof, shall be erected or maintained by any property owner, lessee, licensee, contractor, utility or government entity not otherwise exempt by law, which creates interference or obstruction to the City of Longview's law enforcement, public safety, general government or emergency telecommunications towers and emergency radio broadcast corridor.

   a. To ensure compliance with this section, any person or entity intending to construct or erect within the City of Longview, a building or structure greater than 50 feet in height, shall submit plans, either as a part of the building permit review process, or city plan review process, that indicate the location and height of all buildings and structures in excess of 50 feet in height. If said plans indicate the proposed building or structure is in the vicinity of the City's emergency microwave telecommunications towers or the emergency radio broadcast corridor, said plans shall be accompanied by documentation demonstrating that the proposed building or structure would not result in any disturbance or interference to the City of Longview's emergency microwave telecommunications towers or the emergency radio broadcast corridor.

   b. If a determination is made that the proposed building or structure would create a disturbance or interference, the property owner, lessee, licensee contractor, utility or government entity may:

      (1) Modify their plans in such a manner as to remove the interference or disturbance; or

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(2) Provide appropriate facilities and/or equipment at no cost to the City of Longview to ensure the continued satisfactory operation of the emergency telecommunication network.

c. Variances from the requirements of this section shall be prohibited.

4. A violation of this section is a criminal offense punishable by a fine of up to $2,000. Each day that a violation of this section continues is a separate offense.

5. Unless otherwise specifically set forth in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

6. The City Attorney is hereby authorized, without further action of the City Council, to seek injunctive relief where necessary to compel compliance with this section.

E. Moving of Buildings

1. Permit Required

A building or part of any building shall not be moved through or across any sidewalk, street, alley, highway or City Right-of-Way within the city limits without first obtaining a permit from the Building and Fire Code Official.

2. Written Application

Any person desiring to move a building shall first file with the Building and Fire Code Official a written application setting forth the following information:

a. Type and kind of building to be moved.

b. The original cost of such building.

c. The extreme dimensions of the length, height and width of the building.

d. Its present location and proposed new location by lot, block, subdivision and street numbers.

e. The approximate time such building will be upon the streets, and contemplated route that will be taken from present to new location.

3. Permit Refusal

If in the opinion of the Building and Fire Code Official, the moving of any building will cause serious injury to persons or property or serious injury to the streets, City Right-of-Way or other Improvements, or the building to be moved has deteriorated more than 50% of its original value by fire or other element, or the moving of the building will violate any of the requirements of this code or of the zoning regulations, the permit shall not be issued and the building shall not be moved over the streets. Any building being moved for which permit was granted shall not be allowed to remain in or on the streets for more than 48 hours.

4. Bond Required

The Building and Fire Code Official, as a condition precedent to the issuance of such permit, shall require a bond to be executed by the person desiring such removal permit, with corporate surety to the Building and Fire Code Official's satisfaction. Such bond shall be made payable to the City and for such amount as the Building and Fire Code Official prescribes. It shall indemnify the City against any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways, City rights-of-way, and any other property which may be affected by the moving of a building. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay said City

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as liquidated damages in amount not exceeding $50.00 to be prescribed by the Building and Fire Code Official for each and every day's delay in completing such removal or in repairing any damages to property or Improvement or in clearing all public rights-of-way, streets, alleys or highways of all debris occasioned thereby.

5. Notice of Permit

   Upon the issuance of said moving permit, the Building and Fire Code Official shall cause notice to be given to the superintendent of fire alarm, Chief of Fire Department, telephone or light companies, or others whose property may be affected by such removal. The building department shall set forth in all notices the route that will be taken, time started, and approximate time of completion.

6. Public Safety Requirements

   Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

   a. There shall be a minimum of five red lights placed on each street side of the building. Such red lights shall be attached to the building in such a fashion as to indicate extreme width, height, and size.

   b. In addition to the red lights on the building, flares shall be placed at regular intervals for a distance of 200 ft (61 m) up the street on each side of the building.

   c. When more than 50% of the street, measured between curbs, is occupied at night by the building or when in the opinion of the Building and Fire Code Official, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall employ at their expense, two flagmen, one at each street intersection beyond the building. Such flagmen shall remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night.

F. Improvements by Owner

   The owner of any house, building, or structure proposed to be moved shall make all necessary improvements required in order for said house, building or structure to comply with the requirements of this code within 90 days from the date of the issuance of the moving permit. Extensions of such time as deemed reasonable may be granted by the Building and Fire Code Official upon a showing of delay caused by matters beyond the control of the owner or house mover. The application for the moving permit shall be accompanied by an application for a building permit, accompanied by complete plans and specifications showing the changes or conditions of said house, building, or structure as the same is proposed to be when moving and all contemplated improvements, signed by the owner or the owner's agent.

G. For Modular Homes, see **Article B.3.04.A.8. Modular Home Standards** and **1.05. Modular Home Requirements**.

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1.03. Existing Building Code

A. Existing Building Code Adopted

The 2012 International Existing Building Code, published by the International Code Council, Inc., is hereby adopted as the official existing building code of the City of Longview, Texas. All references to the "existing building code" or the "code" in this subsection **1.03** shall be construed to refer to said 2012 International Existing Building Code unless otherwise specified. Only those appendices of the code that are expressly named in this subsection **1.03** are adopted as part of the code. All other appendices to the aforesaid code are excluded. The provisions of this subsection **1.03**, including without limitation any modifications or amendments to the code, shall control over the provisions of said code.

B. Modifications

The 2012 International Building Code adopted in **A** above is hereby amended in the following respects (references are made by number to specific sections of the code):

1. Section 101.1 of the code is hereby amended to read as follows:

   101.1 Title. This code shall be known as the International Existing Building Code of Longview, Texas, and shall be cited as such, hereinafter referred to as this "code."

2. Section 101.6 of the code is hereby amended to read as follows:

   101.6 Appendices. Appendix B to the 2012 International Existing Building Code is hereby adopted in its entirety; provided, however, that said appendix shall be subject to such amendments as shall be provided in Subsection **B**. All other appendices to said code are hereby excluded in their entirety.

3. Section 103.1, 103.2 and 103.3 of the code are hereby deleted in their entirety.

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1.04. Residential Code

A. Residential Code Adopted

The 2012 International Residential Code, published by the International Code Council, Inc., is hereby adopted as the official residential code of the City. All references to the "residential code" or the "code" in this subsection **1.04** shall be construed to refer to said 2012 International Residential Code unless otherwise specified. Only those appendices of the code that are expressly named in this subsection **1.04** are adopted as part of the code. All other appendices to the aforesaid code are excluded. The provisions of this subsection **1.04**, including without limitation any modifications or amendments to the code, shall control over the provisions of said code.

B. Modifications

The 2012 International Residential Code adopted in **A.** above is hereby amended in the following respects (references are made by number to specific sections of the code):

1. Section R101.1 of the code is hereby amended to read as follows:

   R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Longview, Texas, hereinafter referred to as "this code."

2. Without change to Section 102.4.1 or Section 102.4.2, the remainder of Section R102.4 of the code is hereby amended to read as follows:

   R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where NFPA standards are referenced in this code, the most current effective edition of that referenced standard shall apply; provided, however, that any reference to an FPA Standard contained in the National Electrical Code published by the National Fire Protection Association shall be construed to refer instead to the applicable standard contained in the electrical code officially adopted by the City. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. Any references in this code to the ICC Electrical Code shall be construed to refer instead to the official electrical code of the City of Longview, Texas.

   EXCEPTION: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

3. Section R102.5 of the code is hereby amended to read as follows:

   R102.5 Appendices. Appendices A, B, C, G, H and J to the 2012 International Residential Code are hereby adopted in their entirety. All other appendices to said code are hereby excluded in their entirety.

4. Without change to Section 102.7.1, Section R102.7 of the code is hereby amended to read as follows:

   R102.7 Property maintenance; existing structures. The provisions of the Longview City Code, including without limitation the provisions of **1.02. Building Code**, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety, hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. Any references in this code to the International Property Maintenance Code shall be construed to refer instead to the aforesaid code of ordinances and, where appropriate, to the aforesaid **1.02. Building Code**. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue

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without change, except as is specifically covered in this code, in the aforesaid code of ordinances, or in the official fire code of the City of Longview, Texas.

5. Sections R103.1, R103.2 and R103.3 of this code are hereby deleted in their entirety.

6. Section R107.3 of this code is hereby amended to read as follows:

   R107.3 Temporary Power. The Building and Fire Code Official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the provisions of the official electrical code of the City of Longview, Texas.

7. Section R108.2 of the code is hereby rewritten in its entirety to read as follows:

   R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule established by resolution of the City Council of the City of Longview. A permit may be denied or revoked by the Building and Fire Code Official for failure to pay any such permit fees or any related fees imposed by ordinance or resolution of the City Council.

8. Section R108.4 of the code is hereby amended to read as follows:

   R108.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, including without limitation any fees that may be prescribed by ordinance or by resolution of the City Council of the City of Longview.

9. Section R110.1 of the code is hereby amended to read as follows:

   a. R110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the occupant, the ownership or the existing occupancy classification of a building or structure or portion thereof shall be made until the Building and Fire Code Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

   b. EXCEPTION: Change in ownership of a single-family dwelling, by itself, shall not require the issuance of a certificate of occupancy.

   c. R110.1.1 Request for Safety Inspection. The occupant of a structure or premises may request a safety inspection of the structure or premises by submitting a written request for such an inspection in a form acceptable to the Building and Fire Code Official. Any such request must state the offending condition, must state that the offending condition has been made known to the property owner, must be signed by the applicant, must be accompanied by acceptable proof of occupancy by the applicant and must include such other information as the Building and Fire Code Official shall reasonably require. If such a request is submitted and the Building and Fire Code Official has reasonable cause to believe that there exists in the structure or upon the premises any unsafe, dangerous or hazardous conditions, or any major violation of this code, the Building and Fire Code Official shall conduct a safety inspection of the structure and/or premises, as appropriate.

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10. Section R110 of the code is hereby amended by adding a new section R110.6, said new section to read as follows:

    R110.6 Definitions. As used in this code, the terms defined in this section shall have the meanings set forth herein unless another meaning is required by the context. The term "occupant" shall mean the person, corporation or entity (as the case may be) occupying the building or structure. The term "occupancy" shall refer to the type of use for which a building or structure is used.

11. Section R112 of the code is hereby rewritten in its entirety to read as follows:

    a. R112.1 General. The Construction Advisory and Appeals Board shall hear and decide appeals of orders, decisions and determinations made by the Building and Fire Code Official relative to the application and interpretation of this code.

    b. R112.2 Definitions. All references to the Construction Advisory and Appeals Board shall be construed to refer to the Construction Advisory and Appeals Board created by Section 19-16 of the Longview City Code. All references in this code to the board of appeals shall be construed to mean the aforementioned Construction Advisory and Appeals Board.

    c. R112.3 Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building and Fire Code Official. Appeals shall be in a form acceptable to the Building and Fire Code Official. The fee for filing such an appeal shall be as set by resolution of the City Council. During the pendency of the appeal, the ruling of the Building and Fire Code Official shall be in full force and effect.

    d. R112.4 Meeting to hear appeal. The Construction Advisory and Appeals Board shall meet within thirty (30) calendar days after notice of appeal has been received. However, the Board may extend the time for the hearing if the facts and complexities of the issues so warrant or if the person making the appeal requests in writing at or before the time of the hearing that he be granted additional time to prepare his/her appeal. If such person fails to make his/her appearance at the proper time and place to present his/her appeal, then such appeal shall be dismissed by the Board. All decisions by the Board are final.

12. Section R113.4 of the code is hereby amended to read as follows:

    R113.4 Violation penalties. Any person, firm, corporation or agent who violates a provision of this code or fails to comply with any of the requirements of this code or who erects, constructs, alters, repairs, demolishes or moves any structure in violation of the construction documents submitted to and approved by the Building and Fire Code Official, in violation of the directive of the Building and Fire Code Official, or in violation of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor. Each such person, firm, corporation, or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits of and as provided in **Article A.1.06. Violations and Fines** of this Unified Development Code.

13. Section R313 of the code is deleted in its entirety.

14. Section R322.2.1 of the code is hereby amended to read as follows:

    R322.2.1 Elevation requirements

    a. Buildings and structures shall have the lowest floors elevated at least 2 feet above the design flood elevation.

    b. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least 2 feet above the highest adjacent grade.

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c. Basement floors that are below grade on all sides shall be elevated to or above the design flood elevation.

EXCEPTION: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

15. There is hereby added to the code a new Section R401.2.1, said section to read as follows:

R401.2.1 Alternate requirements. In the construction of all dwellings placed on a concrete slab, the requirements of this section R401.2.1 may be followed as an alternative to the requirements outlined above in Section R401.2 of this code. The requirements of this Section R401.2.1 are as follows: The beams shall be a minimum of 12 inches in width and 18 inches in depth and contain four five-eighths inch reinforcing rods, or any design approved by an architect or engineer licensed by the State of Texas. All reinforcing spacing shall be overlapped a minimum of 18 inches. All intersections and corners shall have bent reinforcing bars. All concrete slabs shall have 6-6/10-10 welded wire mesh reinforcing as a minimum.

16. There is hereby added to Chapter 4 of the code a new Section R409, said section to read as follows:

SECTION R409

RETAINING WALLS THAT ARE FOUR (4) FEET OR TALLER

R409.1 Construction. Retaining walls that are four (4) feet or taller used for the purpose of holding back soil or for the control of erosion shall be constructed of reinforced concrete or of keystone systems; provided, however, that such a retaining wall is not required to be constructed of reinforced concrete or of a keystone system if the wall is constructed in accordance with an engineer's design with the designing engineer's seal affixed. Retaining walls not constructed from such an engineer's design shall have a foundation with all of the following:

a. Four rebar 5/8 of an inch in diameter and continuous in the footing or beam trench, two bars in the top third of the beam and two bars in the bottom third of the beam, supported every 36 inches by stakes or stirrups made of rebar 3/8 of an inch in diameter for reinforcement;

b. A minimum depth of 18 inches; and

c. A minimum width equaling the greater of either (i) 12 inches or (ii) the width of the retaining wall construction.

17. Chapter 11 of the code is deleted in its entirety and replaced with Chapter 11 of the 2009 International Residential Code published by the International Code Council, Inc.

18. Section G2410.2 of the code is hereby amended to read as follows:

G2410.2 (309.2) Connections. Electrical connections between gas utilization equipment and the building wiring, including the grounding of the equipment, shall conform to the official electrical code of the City of Longview, Texas.

19. Section G2414.5 and Section G2414.5.2 of the code are hereby deleted; provided, however, that Sections G2414.5.1 and G2414.5.3 of the code are not deleted and shall remain unchanged.

20. Section P2503.4 of the code is hereby amended to read as follows:

P2503.4 Building sewer testing. The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer and filling the building sewer with water, testing

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with not less than a 10-foot head of water above the lowest section of piping being tested or 5 psi air test, and be able to maintain such pressure for 15 minutes.

21. Subsection 1 of Section P2503.5.1 of the code is hereby amended to read as follows:

    Water test. Each section shall be filled with water to a point not less than 10 feet above the highest fitting connection in that section, or to the highest point in the completed system or 5 psi of air. Water shall be held in the section under test for 15 minutes before inspection. The system shall prove leak free by visual inspection.

22. Section P2602.1 of the code is hereby amended to read as follows:

    P2602.1 General. The water-distribution system of any building or premises where plumbing fixtures are installed shall be connected to a public water-supply system if connection to such a system is available within 300 feet of the property line of the property on which the building or premises is located. When connection to a public water-supply system within 300 feet of the property line of the property on which the building or premises is located is not available, an individual water supply system shall be provided. Any such water supply system must comply with all applicable federal, state, and local laws, including without limitation any applicable City ordinances. The drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public sewer system if connection to such a system is available within 300 feet of the property line of the property on which the building or premises is located. When connection to a public sewer system within 300 feet of the property line of the property on which the building or premises is located is not available, an individual (private) sewage disposal system shall be provided. Any such sewage disposal system must comply with all applicable federal, state, and local laws, including without limitation any applicable City ordinances.

23. Section P2901 of the code is hereby amended by adding Sections P2901.2, P2901.2.1, P2901.2.2, P2901.2.3, P2901.2.4, P2901.2.5, P2901.2.6, P2901.2.7 and P2901.2.8, said sections to read as follows:

    a. P2901.2 Protection of potable water outlets. Cross connections or other similar unacceptable plumbing practices which could cause contamination of the City's water supply are prohibited. Inspections for such unacceptable practices in accordance with state requirements are hereby authorized.

    b. P2901.2.1 Customer Service Inspections Required. From and after the effective date of this section, a customer service inspection certification shall be completed by those persons authorized in this section to conduct same under the following circumstances:

        (1) Prior to providing continuous water service to new construction;

        (2) On any existing service when the backflow protection program manager or his/her designee, in his/her sole discretion and opinion, has reason to believe that cross connections or other unacceptable plumbing practices exist;

        (3) For any material improvement, correction, or addition to private plumbing facilities as determined by the City Manager.

    c. P2901.2.2 Qualified Inspectors. The following individuals shall be and are hereby authorized to conduct customer service inspection certifications within the City of Longview, in accordance with the terms and provisions hereof:

        (1) City plumbing inspectors, who have received all necessary state-required certifications, endorsements and licenses;

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(2) Licensed master plumbers, who have received all necessary state-required certifications, endorsements and licenses, upon specific written authorization of the City Manager, and only for such inspections on single-family residential services;

(3) Individuals who have completed a TCEQ approved Customer Service Inspection course and passed the required examination and hold current certification or endorsement as a Customer Service Inspector.

d. P2901.2.3 Unacceptable Practices to be Eliminated. When unacceptable plumbing practices are discovered, they shall be promptly eliminated to prevent possible contamination of the City water system. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists, or until sufficient additional safeguards have been taken.

e. P2901.2.4 Required Certifications. Copies of properly completed customer service inspection certifications shall be kept on file by the Backflow Protection manager, or his/her designee. All such certifications shall be maintained for a minimum of ten (10) years. The Backflow Protection program manager or his/her designee shall prepare appropriate certification forms. All such forms shall include as a minimum the name and registration number of the inspector performing the inspection, the type of registration, the date of the inspection, and the signature of the inspector. As a minimum, each such form shall include the following certifications and information, as applicable:

(1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state plumbing codes.

(2) No cross connection between the City drinking water supply and a private water source exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.

(3) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.

(4) No pipe or pipe fitting which contains more than 8% lead exists in private plumbing facilities which have been installed on or after July 1, 1988.

(5) No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.

(6) No plumbing fixture is installed which is not in compliance with the state approved plumbing code.

f. P2901.2.5 Backflow Protection Required. No water connection from the City's water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination.

(1) Air Gap or Backflow Prevention Assembly Required; Inspection Required. At any residence or establishment where an actual or potential contamination hazard exists, additional protection shall be required at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be as

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specified in state law, including without limitation the rules promulgated by the Texas Commission on Environmental Quality or the state agency having appropriate jurisdiction.

(2) Internal Cross Connection Control Program; Inspection Required. At any residence or establishment where an actual or potential contamination hazard exists and an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required. An adequate internal cross-connection control program must protect the public water supply in accordance with the requirements set forth by the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction) and must include annual inspection and testing in accordance with Section P2901.2.6 below.

g. P2901.2.6 Testing of Backflow Prevention Assemblies; Report.

(1) Testing Required. All required backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Additionally, all such backflow prevention assemblies shall be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. Notwithstanding anything to the contrary in the Plumbing Code, annual testing by a recognized backflow prevention assembly tester shall not be required for backflow prevention assemblies that are used solely with residential irrigation systems without chemical additives; provided however, that all required backflow prevention assemblies shall be tested upon installation as required by this section.

(2) Test and Maintenance Report. A test and maintenance report must be completed by the recognized backflow prevention assembly tester for each assembly tested in accordance with this Section P2901.2.6. All such reports shall include as a minimum the name and registration number of the tester performing the inspection, the type of registration, the date of the inspection, the tester's certification of the assembly as required in subsection (a) of this Section P2901.2.6, and the signature of the tester. Such reports must also contain the information required by Section P2901.2.8 below and any additional information required by the City Manager's designee. Such reports must be in a form acceptable to said designee. Due Date. Upon installation of a backflow prevention assembly, a signed and dated original of the test and maintenance report shall be filed with the Backflow Protection program managers designee within the time limit set by said designee. Thereafter, the annual test and maintenance report required by this Section P2901.2.6 shall be filed with the City Manager's designee on or before October 1 of each year. The date of the inspection and testing evidenced by such an annual report must fall within the twelve (12) months immediately preceding the October 1 on which the report is due.

(3) Failure to File Report; Penalty. The City Manager's designee may order the cut-off of water service to any residence or establishment in violation of this Section P2901.2.6. Additionally, any water customer to whom the requirements of this Section P2901.2.6 apply may be punished by a fine of up to $2,000.00 for the failure to comply with said section.

h. P2901.2.7 Recognized Backflow Prevention Assembly Testers. Recognized backflow prevention assembly testers shall have completed a course on cross-connection control and backflow prevention assembly testing, passed a test administered by the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction) or its designated agent, and hold a current professional certification as a backflow

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prevention assembly tester. Any course taken to satisfy the requirements of this section must be a course approved by the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction).

i. P2901.2.8 Standards for Backflow Prevention Assembly Testing Gauges. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the requirements of the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction). Backflow prevention assembly testers must include test gauge serial numbers on each test and maintenance report form filed with the City in accordance with Section P2901.2.6. On each such form, the backflow prevention assembly tester shall certify that each gauge used in the production of the report form meets the requirements of the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction) and has been tested within the last year in accordance with the requirements of this Section P2901.2.8.

24. Section P2902.1 of the code is hereby amended to read as follows:

    P2902.1 General. A potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply. Connections shall not be made to a potable water supply in a manner that could contaminate the water supply or provide a cross-connection between the supply and source of contamination unless an approved backflow-prevention device is provided. Cross-connections between an individual water supply and a potable public water supply shall be prohibited. The standards set forth in American Water Works Association Manual 14, including without limitation all standards for backflow-prevention, shall apply to all connections to a potable water supply.

25. Part VIII of the code, including chapters 34 through 43 of the code, is hereby rewritten in its entirety to read as follows:

    Part VIII - Electrical.

    The official electrical code of the City of Longview, Texas, is hereby adopted as the electrical system and equipment requirements of this code.

26. Without change to the wording of any other definition in Section AG102.1 of Appendix G of the code, said section is hereby amended by rewriting the definition of "swimming pool" to read as follows:

    SWIMMING POOL. Any structure that is a "residential pool or spa" as defined by the Texas Department of State Health Services Standards for Public Pools and Spas, 25 Texas Administrative Code, §§ 265.181-265.208, as amended. See 25 Texas Administrative Code, § 265.182 (113) for the definition of "residential pool or spa."

27. Section AG105 of the code is hereby amended by adding a new section AG105.6, said new section to read as follows:

    AG105.6 Certificate of Occupancy. No swimming pool may be used for either swimming or recreational bathing or be filled with water unless a certificate of occupancy has been issued and is currently valid for said swimming pool. No certificate of occupancy may be issued for any swimming pool that does not comply with this section AG105. Each person holding a permit issued under the authority of this code for the construction of a swimming pool shall be responsible for ensuring that the swimming pool complies with this section AG105.6.

28. That Appendix G of the code is hereby amended by adding a new Section AG109, said new section to read as follows:

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SECTION AG109

STATE LAW

AG109.1 Application of state law.

In addition to the requirements of this code, residential swimming pools shall meet any applicable requirements of Texas law.

1.05. Modular Home Requirements

A. The Building and Fire Code Official is responsible for establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Texas Occupations Code § 1201).

B. Modular Homes must be placed on an approved platted lot.

C. Per the Texas Occupations Code § 1202.253, single family and duplex Modular Homes shall:

1. Have a value equal to or greater than the median taxable value for each single family dwelling located within five hundred (500) feet of the lot on which the Modular Home is proposed to be located, as determined by the most recent county certified tax appraisal roll;
2. Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single family dwellings located within five hundred (500) feet of the lot on which the Modular Home is proposed to be located;
3. Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single family dwellings; and
4. Be securely affixed to an approved permanent foundation.

D. For purposes of **C.1** above, “value” means the taxable value of the industrialized housing and the lot after installation of the housing as determined by the appraisal district.

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Section 2. Fire Prevention

2.01. Fire Alarms

Alarms shall be installed, inspected and accepted in accordance with the adopted version of the International Fire Code and Development Services inspection processes. Fire alarms shall be subsequently registered and permitted through the Longview Fire Department. Registration, user duties, service fees including false alarm fees, permit suspension and revocation and appeals are outlined in this section.

2.02. Fire Lanes

A. Designation of Fire Lane

The Building and Fire Code Official is hereby authorized to designate Fire Lanes on property where such areas must be kept free of parked vehicles and other obstructions to provide ready access on such property in case of fire or other emergencies. The designation by the Building and Fire Code Official of such Fire Lanes shall never be held to make the City responsible for the maintenance of such Fire Lanes, but the owner of such property shall continue to be responsible for the maintenance of such area.

B. Submission of Plans to Building and Fire Code Official

1. For new commercial construction, a developer shall submit a Development Site Plan of the proposed construction prior to the issuance of a building permit to the Building and Fire Code Official for review and approval as to the adequacy of the Fire Lanes provided.
2. For all other permit types, a Plot Plan showing proposed Fire Lanes may be required.

C. Notice to Property Owner; Signs to be Posted

1. Upon the designation of a Fire Lane pursuant to this article, the Building and Fire Code Official shall give notice of such designation to the owner of such property, directing the owner to cause notice to be provided at the expense of the owner, at designated locations, such notice being a sign or signs, or markings upon the pavement or asphalt lettered "Fire Lane - No parking."
2. Such notice shall conform to specifications established by the Building and Fire Code Official.

D. Miscellaneous Rules

1. The operator of such premises shall maintain, free of obstruction, all fire lanes on his/her premises.
2. No person may mark, post or otherwise identify a non-fire lane, private vehicular passageway as a Fire Lane or in such manner as tends to create confusion as to whether the passageway is a Fire Lane.
3. No person may stop, park, or leave standing any nonemergency vehicle, whether attended or unattended, in a Fire Lane.
4. The owner of premises at or upon which a Fire Lane exists, or the agent of the owner, may have any motor vehicle which is parked in a Fire Lane, except an authorized emergency vehicle, removed and stored at the expense of the owner or operator of the vehicle.
5. An unauthorized vehicle in a Fire Lane is subject to removal by the Fire Chief, the Fire Chief's designee, any Fire Marshal, or any police officer.

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6. An unauthorized vehicle in a Fire Lane is prima facie evidence that the person in whose name the vehicle is registered is guilty of a violation of the parking provisions of **3.** above.
7. Allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

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2.03. Fire Prevention Code

A. Fire Code Adopted

The 2012 International Fire Code, published by the International Code Council, Inc., is hereby adopted as the official Fire Code of the City. All references to the "Fire Code," or the "code" in this subsection **2.03** shall be construed to refer to said 2012 International Fire Code unless otherwise specified. Only those appendices of the code that are expressly named in this subsection **2.03** are adopted as part of the code. All other appendices to the aforesaid code are excluded. The provisions of this subsection **2.03**, including without limitation any modifications or amendments to the code, shall control over the provisions of said code.

B. Modifications

The 2012 International Fire Code adopted in **A.** above is hereby amended in the following respects (references are made by number to specific sections of the code):

1. Section 101.1 of the code is hereby amended to read as follows:

   101.1 Title. These regulations shall be known as the Fire Code of the City of Longview, Texas, hereinafter referred to as "this code."

2. Section 101.2.1 of the code is hereby amended to read as follows:

   101.2.1 Appendices. Appendices B, C, D, E, F, and G to the 2012 International Fire Code are hereby adopted in their entirety. All other appendices to said code are hereby excluded in their entirety.

3. Section 102.7 of the code is hereby rewritten in its entirety to read as follows:

   102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 of this code, as said codes and standards may be amended by the ordinances and resolutions of the City of Longview, Texas, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference; provided, however, that any references in this code to the ICC Electrical Code shall be construed to refer instead to the official electrical code of the City of Longview, Texas, and any reference to a specific provision or provisions of said ICC Electrical Code shall be construed to refer instead to the appropriate provisions of the official electrical code of the City of Longview, Texas. Where NFPA standards are referenced in this code, the most current effective edition of that referenced standard shall apply; provided, however, that any reference to an NFPA Standard contained in the National Electrical Code published by the National Fire Protection Association shall be construed to refer instead to the applicable standard contained in the electrical code officially adopted by the city. Where differences occur between the provisions of this code and the provisions of the referenced codes and standards, the provisions of this code shall apply.

4. Section 103 of the code, including Sections 103.1, 103.2, 103.3, 103.4 and 103.4.1, is hereby rewritten in its entirety to read as follows:

   SECTION 103

   FIRE CODE OFFICIAL

   a. 103.1 General. Except to the extent such responsibilities are assigned to the Fire Marshal in this section 103.1, the Building and Fire Code Official and such other person or persons as shall be designated by the city manager of the City of Longview, shall be responsible for the implementation, administration, initial interpretation, and enforcement of the provisions of this code. The Fire Marshal shall be responsible for issuing any and all operational

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permits required by section 105.6 of this code and shall be responsible for any implementation, administration, initial interpretation, and enforcement relating to said permits. The Fire Marshal shall also be responsible for any implementation, administration, interpretation, and enforcement relating to any fire safety inspections that are not conducted in conjunction with the issuance of a certificate of occupancy from the City or of a city permit for the construction or alteration of a building or structure. Any references in this code to the "Fire Marshal" or to the "code official" or to the "fire code official" shall be construed to refer to the Building and Fire Code Official with regard to the authority and responsibilities assigned to the Building and Fire Code Official by this Section 103.1 and to the Fire Marshal with regard to the authority and responsibilities assigned to the Fire Marshal by this Section 103.1. For purposes of this Section 103.1, the term "Building and Fire Code Official" shall mean the person designated as the Building and Fire Code Official or any person designated by said Building and Fire Code Official to perform the duties of the Building and Fire Code Official in this Section 103.1. For purposes of this Section 103.1, the term "Fire Marshal" shall mean the person designated as the Fire Marshal for the City of Longview as described in Section 40- 39 of the Longview City Code or any person designated by said Fire Marshal to perform the duties of the Fire Marshal in this Section 103.1.

b. 103.2 Liability. The fire code official, officer or employee charged with the enforcement of this code, while acting for the City of Longview, Texas, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. The fire code official and any designee of the City Manager, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

5. There is hereby added to the code a new Section 105.1.4, said section to read as follows:

   105.1.4 Schedule of permit fees; failure to pay fees. A fee for each permit issued under the authority of this code shall be paid as required, in accordance with the schedule established by resolution of the City Council of the City of Longview. A permit may be denied or revoked by the fire code official for failure to pay any such permit fees or any related fees imposed by ordinance or resolution of the City Council.

6. There is hereby added to the code a new Section 105.1.5, said section to read as follows:

   105.1.5 Work commencing before permit issuance. Any person who commences any work for which this code requires a permit before obtaining the necessary permit shall pay twice the usual permit fee for each permit required for said work but not obtained before commencement of said work.

7. There is hereby added to the code a new Section 105.1.6, said section to read as follows:

   105.1.6 Related fees. The payment of the fee for any permit required under this code shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, including without limitation any fees that may be prescribed by ordinance or by resolution of the City Council of the City of Longview.

8. There is hereby added to the code a new Section 105.1.7, said section to read as follows:

   105.1.7 Refunds. The fire code official is hereby authorized to establish a refund policy.

9. Section 105.6.31 of the code is hereby amended to read as follows:

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105.6.31 Open Burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground; provided, however, that such a permit is not required for recreational fires. Instructions and stipulations of the permit shall be obeyed. This section does not authorize any recreational fire that is otherwise prohibited by law, including without limitation any recreational fire prohibited by this code or by state law. An operational permit for open burning shall not be issued for and shall not authorize any fire prohibited by this code or by other law, including without limitation, (1) any fire prohibited by the regulations of the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction), (2) any fire prohibited by the regulations found at 30 Texas Administrative Code Sections 111.201-111.221 or by any other state or federal regulations, and (3) any fire prohibited by city ordinance. An operational permit for open burning issued under this code shall be in addition to and shall not take the place of any other required permit, including without limitation any other city, state or federal permit that may be required.

10. There is hereby added to the code a new Section 106.5, said new section to read as follows:

    106.5 Responsibility for inspections. Each person or entity subject to this code shall be responsible for obtaining any and all inspections required under this code. The fire code official or other appropriate official of the City may deny any additional permit or permits required for a project until all inspections required for the project have been obtained.

11. There is hereby added to the code a new Section 106.6, said new section to read as follows:

    106.6 Fees. The City is hereby authorized to charge fees for conducting any inspection related to fire safety, including without limitation any inspection required by this code, any inspection required by other law, and any inspection requested by any entity. Said fees shall be as established by resolution of the City Council. The fire code official or other appropriate official of the City may deny any additional permit or permits required for a project and/or refuse to conduct any required or requested inspection until all required inspection fees have been paid.

12. Section 108 of the code, including sections 108.1, 108.2 and 108.3, is hereby rewritten in its entirety to read as follows:

    SECTION 108

    APPEALS

    a. 108.1 General. The Construction Advisory and Appeals Board shall hear and decide appeals of orders, decisions and determinations made by the fire code official relative to the application and interpretation of this code.

    b. 108.2 Definitions. All references to the Construction Advisory and Appeals Board shall be construed to refer to the Construction Advisory and Appeals Board of the Longview City Code. All references to the Fire Code Board of Appeals shall be construed to mean the aforementioned Construction Advisory and Appeals Board. All references in this code to the board of appeals shall be construed to mean the aforementioned Construction Advisory and Appeals Board.

    c. 108.3 Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the fire code official. Appeals shall be in a form acceptable to the fire code official. The fee for filing such an appeal shall be as set by resolution of the City Council. During the pendency of the appeal, the ruling of the fire code official shall be in full force and effect.

    d. 108.4 Meeting to hear appeal. The Construction Advisory and Appeals Board shall meet within thirty (30) calendar days after notice of appeal has been received. However, the Board may extend the time for the hearing if the facts and complexities of the issues so

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warrant or if the person making the appeal requests in writing at or before the time of the hearing that he be granted additional time to prepare his/her appeal. If such person fails to make his/her appearance at the proper time and place to present his/her appeal, then such appeal shall be dismissed by the Board. All decisions by the Board are final.

13. Without change to Section 109.4.1, Section 109.4 of the code is hereby amended to read as follows:

    109.4 Violation penalties. Any person, firm, corporation or agent who violates a provision of this code or fails to comply with any of the requirements of this code or who erects, constructs, alters, repairs, demolishes or moves any structure in violation of the construction documents submitted to and approved by the fire code official, in violation of the directive of the fire code official or the fire code official's designee, or in violation of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor. Each such person, firm, corporation, or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits of and as provided in **Article A.1.06. Violations and Fines** of this Unified Development Code.

14. Section 110 of the code, including Sections 110.1, 110.1.1, 110.1.2, 110.2, 110.3 and 110.4, is hereby rewritten in its entirety to read as follows:

    SECTION 110

    UNSAFE BUILDINGS

    110.1 Substandard structures. Any structure that is a Dangerous Building or Structure shall be subject the rules, regulations, or ordinances as may now exist or may hereafter be adopted by the City of Longview to regulate dangerous, unsafe, or substandard buildings or structures. The Fire Marshal shall notify the Code Compliance Division of the City of Longview, or such other city department or division as may be appropriate, of the existence of such a structure, including without limitation any structure that has become a Dangerous Building or Structure due to damage by fire.

15. Section 111.4 of the code is hereby amended to read as follows:

    111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and shall be subject to such penalties as provided by law, including without limitation, the penalties prescribed by Section 109.3 of this code.

16. Without change to Section 307.1.1, Section 307.1 of the code is hereby amended to read as follows:

    307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance both with this section and with all applicable city, state and federal laws, including without limitation 30 Texas Administrative Code Sections 111.201 - 111.221 and any applicable city ordinances.

17. There is hereby added to the code a new Section 310.9, said new section to read as follows:

    310.9 Application of other law. The requirements of this Section 310 shall be in addition to the requirements of any other law, including without limitation any other city ordinance, state, or federal law prohibiting or regulating smoking. This Section 310 shall not be construed to repeal,

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supplant, limit or amend the requirements of Chapter 88 of the Longview City Code, which requirements shall continue in full force and effect.

18. Section 311.1.1 of the code is hereby rewritten to read as follows:

    311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated in accordance with the requirements of the Longview City Code

19. The exception in Section 906.1 of the code is hereby repealed so that portable fire extinguishers shall be installed in all A, B, and E occupancies, regardless of whether or not the occupancy is equipped with quick-response sprinklers. The remainder of Section 906.1 of the code shall remain unchanged.

20. There is hereby added to Section 5601.1 of the code an additional exception, said exception to be numbered 10 and to read as follows:

    The transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies and the discharge of a firearm or air gun at a sport shooting range, to the extent that Section 229.001 of the Texas Local Government Code prohibits the City from regulating such activities.

21. There is hereby added to the code a new Section 5601.1.3.1, said section to read as follows:

    5601.1.3.1 Affirmative defense. It is an affirmative defense to prosecution for possession of fireworks brought under this code or under any provision of the Longview City Code that, at the time of the alleged offense, the defendant was in compliance with the requirements of Texas Local Government Code Section 342.013(b), as amended.

22. There is hereby added to the code a new Section 5601.1.3.2, said section to read as follows:

    5601.1.3.2 Confiscation of fireworks prohibited in certain circumstances. The city may not confiscate fireworks that are found to be in compliance with the provisions of Texas Local Government Code Section 342.013(a), as amended.

23. There is hereby added to the code a new Section 5601.2.5, said section to read as follows:

    5601.2.5 Application deadline. Application for a permit required by this chapter must be made in writing at least ten days in advance of the use, handling, event, occurrence or circumstance to be authorized by the permit.

24. There is hereby added to the code a new Section 3301.9, said new section to read as follows:

    5601.9 Fireworks; Nuisance defined. In accordance with the authority provided by Texas Local Government Code Section 217.042 and with the general authority granted to the city by its Charter and by state law, the City of Longview, Texas, hereby declares the unregulated possession, manufacture, storage, handling, sale and use of explosives, explosive materials, and fireworks to be a nuisance. The City further finds and determines that said unregulated possession, manufacture, storage, handling, sale and use constitute a significant threat to public health, safety, and welfare.

25. There is hereby added to the code a new Section 5601.10, said new section to read as follows:

    5601.10 Jurisdictional area. The provisions of this chapter shall apply to the area within the corporate limits of the City of Longview, Texas, and to the area outside the corporate limits but within 5000 feet of said limits.

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26. Section 202 of the code is hereby amended by adding a new definition to said section, said new definition to read as follows:

    ANIMAL CARE FACILITY. A building or portion of a building in which services are provided for animals and which is not constantly attended by a person 18 years of age or older who is legally competent and capable to oversee the animals in his or her care. The term includes without limitation, animal hospitals, boarding facilities, kennels, animal shelters, pounds, veterinary clinics, and pet shops.

27. The caption and first sentence of Section 907.2 of the code are hereby amended to read as follows, provided that the remainder of Section 907.2 shall remain unchanged except as specifically modified by the Longview City Code:

    907.2 Where required - new buildings and structures. An approved fire Alarm System installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.24 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

28. There is herby added to the code on new Section 907.2.24, said new section to read as follows:

    907.2.24 Animal care facilities. An automatic smoke detection system shall be installed throughout any animal care facility.

29. The caption and first sentence of Section 1103.7 of the code are hereby amended to read as follows, provided that the remainder of Section 1103.7 shall remain unchanged except as specifically modified by the Longview City Code:

    1103.7 Fire alarm systems. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.8 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code.

30. There is hereby added to the code a new Section 1103.7.8, said new section to read as follows:

    1103.7.8 Animal care facilities. An automatic smoke detection system shall be installed throughout each existing animal care facility. Each automatic smoke detection system required by this Section 1103.7.8 shall be monitored in accordance with Section 907.6.5. In this Section 1103.7.8 the term "existing" refers to buildings, facilities or conditions that are already in existence, constructed or officially authorized prior to the adoption of this Section 1103.7.8.

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Section 3. Mechanical Code

3.01. Mechanical Code Adopted

The 2012 International Mechanical Code, published by the International Code Council, Inc., is hereby adopted as the official mechanical code of the City. All references to the "mechanical code" or the "code" in this **Section 3** shall be construed to refer to said 2012 International Mechanical Code unless otherwise specified. Only those appendices of the code that are expressly named in this **Section 3** are adopted as part of the code. All other appendices to the aforesaid code are excluded. The provisions of this **Section 3**, including without limitation any modifications or amendments to the code, shall control over the provisions of said code.

3.02. Modifications

The 2012 International Mechanical Code adopted in **3.01.** above is hereby amended in the following respects (references are made by number to specific sections of the code):

A. Section 101.1 of the code is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Longview, Texas, hereinafter referred to as "this code."

B. Section 101.2.1 of the code is hereby amended to read as follows:

101.2.1 Appendices. Appendix A to the 2012 International Mechanical Code is hereby adopted in its entirety. All other appendices to said code are hereby excluded in their entirety.

C. Sections 103.1, 103.2, 103.3, and 103.4 of the code are hereby repealed in their entirety.

D. Section 106.5.2 of the code is hereby amended to read as follows:

106.5.2 Fee schedule. The fees for all permits, inspections, and other related work under this code shall be as set forth by resolution of the City Council of the City of Longview, Texas.

E. Section 106.5.3 of the code is hereby amended to read as follows:

106.5.3 Fee refunds. The Building and Fire Code Official is authorized to establish a refund policy.

F. Section 107 of the code is hereby amended by adding a new Section 107.7, said new section to read as follows:

107.7 Responsibility for inspections. Each permit holder shall be responsible for obtaining any and all inspections required under this code. The Building and Fire Code Official or other appropriate official of the City may deny any additional permit or permits required for a project until all inspections required for the project have been obtained.

G. Section 108.4 of the code is hereby amended in its entirety to read as follows:

108.4 Violation penalties. Any person, firm, corporation or agent who violates a provision of this code or fails to comply with any of the requirements of this code or who erects, constructs, alters, repairs, demolishes or moves any structure in violation of the construction documents submitted to and approved by the Building and Fire Code Official, in violation of the directive of the Building and Fire Code Official, or in violation of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor. Each such person, firm, corporation, or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such

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violation, such person shall be punished within the limits of and as provided in **Article A.1.06. Violations and Fines** of this Unified Development Code.

H. Section 109 of the code is hereby rewritten in its entirety to read as follows:

109.1 General. The Construction Advisory and Appeals Board shall hear and decide appeals of orders, decisions and determinations made by the Building and Fire Code Official relative to the application and interpretation of this code.

109.2 Definitions. All references to the Construction Advisory and Appeals Board shall be construed to refer to the Construction Advisory and Appeals Board created by the Code of Ordinances of the City of Longview, Texas. All references to the Plumbing and Mechanical Code Advisory and Appeals Board shall be construed to mean the aforementioned Construction Advisory and Appeals Board. All references in this code to the board of appeals shall be construed to mean the aforementioned Construction Advisory and Appeals Board.

109.3 Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building and Fire Code Official. Appeals shall be in a form acceptable to the Building and Fire Code Official. The fee for filing such an appeal shall be as set by resolution of the City Council. During the pendency of the appeal, the ruling of the Building and Fire Code Official shall be in full force and effect.

109.4 Meeting to hear appeal. The Construction Advisory and Appeals Board shall meet within thirty (30) calendar days after notice of appeal has been received. However, the Board may extend the time for the hearing if the facts and complexities of the issues so warrant or if the person making the appeal requests in writing at or before the time of the hearing that he be granted additional time to prepare his/her appeal. If such person fails to make his/her appearance at the proper time and place to present his/her appeal, then such appeal shall be dismissed by the Board. All decisions by the Board are final.

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Section 4. Electrical Code

4.01. In General

A. The National Electrical Code, 2017 Edition, Adopted; Modifications

1. The National Electrical Code, 2017 Edition, published by the National Fire Protection Association, is hereby adopted as the official electrical code of the City of Longview, Texas. All references to the "electrical code," the "NEC," or the "code" in this article shall be construed to refer to said National Electrical Code unless otherwise specified. All annexes of the code are adopted for informational purposes only, except that Annex G is expressly excluded from this code. The provisions of this article, including without limitation any modifications or amendments to the code, shall control over the provisions of said code.

2. The electrical code adopted in this section is hereby amended in the following respects (references are made by number to specific sections of the code:

   a. Section 210.12 (A) of the code is hereby amended by adding a new Exception No. 4, said new exception to read as follows: Exception No. 4: One 120v, 20 amp circuit, protected by a conventional heat activated overcurrent protection device, serving a single receptacle dedicated to a cold storage appliance, may be installed."

B. Purpose

The purpose of this article is to reduce the personal and fire hazards from electrical causes, to provide a mechanism for the enforcement of state electrical licensing requirements and to establish local registration, permit, and inspection procedures to assure quality electrical work. To accomplish this, the requirements set forth are intended to provide minimum standards for electrical work.

C. Applicability

The provisions of this article shall apply to all electrical work, wiring, and equipment to which electricity is to be supplied by any electrical distribution system within the City; provided, however, this article shall not apply to electrical work, wiring or equipment related to the generation, transmission, distribution, and sale of electrical energy or communication services by a public utility, telephone, telegraph or district messenger company. The provisions pertaining to registration, permits, fees, and bonds shall not apply to the generation, transmission, distribution or sale of electrical energy or communication by such companies and their employees; however, any electrical work, wiring, or installations for light, heat, power, and communication equipment of such companies within a building shall be done according to the requirements of the NEC and its amendments and shall require and be subject to registration, fees, building permits and applicable state electrical licensing requirements.

As used in this section, the term "electrical work" shall mean any act in connection with the installing, altering, repairing, or maintaining of electrical wires, conduits, apparatus or other electrical installations, designed or capable of carrying electrical energy, which act ordinarily requires the use of tools.

D. Compliance of Electrical Work

No electrical work shall be approved unless the same is in strict conformity with the NEC and its amendments, as adopted in this article, and the laws of the state. The provisions of this article shall prevail over the National Electrical Code in case of conflicting provisions. Unless specifically amended in this article the provisions of the National Electrical Code shall constitute the approved method of electrical work done or to be performed. All electrical work done or installed for any

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purpose whatsoever shall be and remain at all times fully subject to the police and regulatory powers of the City.

E. Unlawful Acts Prohibited; Alternative Remedies Preserved; Culpable Mental State not Required

1. It shall be unlawful for any person, acting in any capacity, to violate or cause to be violated, disobey, or refuse to comply with, or resist or oppose the execution of this article and its amendments, or any rule, regulation or order promulgated pursuant thereto, and it shall be unlawful for any person to occupy or maintain any building or structure in which the electrical work, wiring, or appliances are in violation of this article as amended. Any person who commits any act declared to be unlawful, or fails to perform an act required by this article as amended, shall be subject to the provisions of **Article A.1.06. Violations and Fines** of this Unified Development Code. Any electrical installations erected or altered in violation of this article as amended shall be removed at the expense of the person erecting or altering or allowing the same. The provisions of this article shall not be exclusive of any other method prescribed by law for the arrest and punishment of a person for an offense of like grade. For purposes of this article, "person" shall include, but not be limited to, any individual, corporation, partnership, association, firm or other legally recognizable entity.

2. In addition to the provisions of **1**. above, the provisions of and the remedies set out in **Subchapter B of Chapter 54 of the Texas Local Government Code**, or its successor statute, as the same shall exist or hereafter be amended, shall in all things apply to this article.

3. Unless otherwise expressly provided by state or federal law, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

F. Administration and Enforcement

The administration and enforcement of this article is assigned to and shall be the responsibility of the Building and Fire Code Official and his/her assistants, who shall have the following powers and duties:

1. To interpret and enforce the provisions of this article, including the authority to file complaints in municipal court against persons who violate any of its provisions or to invoke any other remedies available under state law or other applicable ordinances.

2. To make inspections as required in the performance of their official duties by the permitting process, or to inspect a house or premises as required under the City's ordinances regulating dangerous buildings, and only in conformance with the procedural requirements for lawful entry, to enter any house or premises to examine any electrical wiring or installation of electrical wiring, fixtures, or equipment therein.

3. To order the electrical service disconnected where improper or defective wiring exists, where electrical construction or equipment has been installed without a permit as required in this article, or where a building has been occupied without a Certificate of Occupancy therefor first being issued by the Building and Fire Code Official.

4. To order compliance with provisions of this article where a change of occupancy occurs in a building which requires changes or alterations to existing wiring.

5. To disconnect electrical service in cases of emergency where necessary for safety of persons or property or where electrical equipment may interfere with the work of the fire department.

6. To attach to electrical equipment or electrical meters an official notice or seal to prevent the use of electricity; and it shall be unlawful for any person to use any such seal or break, change, destroy, tear, mutilate, cover or otherwise deface or injure any such official notice or seal posted by any electrical inspector.

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7. To order all persons to cease doing any work being done without a permit where a permit is required or where such work is otherwise being done in violation of this article.
8. To cooperate with the civil municipal court of record, or the successor thereto, in the enforcement of compliance with this article with regard to substandard buildings or structures or other matters under said entity's jurisdiction.

It shall be unlawful for any person to interfere with the Building and Fire Code Official or his/her assistants in the discharge of their duties or to prevent or in any manner attempt to prevent them from carrying out the provisions of this article.

G. Inspections; Orders or Compliance

The Building and Fire Code Official shall make a thorough inspection of all electrical work from time to time, and where such electrical work is in a dangerous or unsafe condition, or is deemed to be an interference with the work of the fire department, the official shall notify the person owning, using or operating the electrical work to place it in a safe, secure and noninterfering condition. Any person failing, neglecting or refusing within a reasonable time to make the necessary repair or changes, or to have the necessary work completed within a reasonable time after the receipt of such notice, shall be deemed guilty of violation of this article and every day which shall elapse after the expiration of such reasonable time until such wires and apparatus are repaired, removed or changed as required by the Building and Fire Code Official shall be considered a separate offense within the intent and meaning of this article. The time limit specified by the Building and Fire Code Official in the required notice shall be prima facie evidence of the reasonable time needed to complete the necessary work.

H. Submittal of Plans

The Building and Fire Code Official may require plans, specifications and a complete feeder layout of large or special installations of electrical work; and, when such plans, specifications and layout are demanded, it shall be a violation of this article for any person to install any part of the electrical work concerned until the Building and Fire Code Official initially approves the installations.

I. Inspections; Procedures for New Installations

1. The Building and Fire Code Official shall inspect and approve electrical work after rough-in work is completed and requests for inspections are made.
2. All requests for inspection of electrical work shall be made before the electrical work concerned is to be concealed or connected for service as the case may be.
3. No electrical work for which a permit is required under this article shall be concealed in any manner from access or sight until such electrical work has been inspected and approved by the Building and Fire Code Official and no electrical work shall be connected to a source of energy until such electrical work is completed and all outlets supplied with approved fixtures, devices, or covers and such electrical work has been finally approved for service.
4. When any electrical work for which a permit is required under this article has been installed, but not concealed or connected for service, as the case may be, the electrician to whom the permit was issued shall request inspections by notifying the Building and Fire Code Official in such a manner as the Building and Fire Code Official may prescribe. The Building and Fire Code Official shall inspect such electrical work as soon as practical.
5. Whenever the complexity of electrical work may demand it, the Building and Fire Code Official may schedule inspections to be made of phases of electrical work completed and ready for inspection. It shall be unlawful for any person to fail to request an inspection pursuant to such schedule and **2** above hereof.

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6. If the electrical installations upon final inspection meet all the requirements of this article, the Building and Fire Code Official may take the necessary action to allow connection of such electrical work to a source of energy. In the event that the electrical work fails to meet the requirements of this article, the master electrician holding a permit for such electrical installation shall be notified by the enforcement official of existing deficiencies. The master electrician shall, upon receipt of written notice of existing defects, take prompt action to correct such defects and call for reinspection of work.
7. Whenever a master electrician is given notice of defects in electrical work, he/she shall promptly correct same. Failure to do so within 15 days of notice of defects shall be unlawful and a violation of this article and, in addition to any other penalties, the Building and Fire Code Official shall refuse to issue any further permits for electrical work to such electrician until existing defects are corrected and approved in accordance with the provisions of this article.
8. After final inspection a written certificate of approval shall be issued, upon request, to a master electrician to cover any electrical work done by him/her and approved by the Building and Fire Code Official.

J. Electrician's License and Registration Required

1. Except as otherwise expressly provided in this Section, it shall be unlawful for any person to do electrical work or cause electrical work to be performed unless such person holds a valid electrical license issued by the state, is working under the conditions of such license, and is registered with the City in full compliance with the requirements of this Section. When two or more master electricians are working on the same job the supervision, direction, and control of the electrical work shall be the responsibility of the person to whom the permit was issued.
2. Unless otherwise expressly provided by state or federal law, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

K. Exceptions

The following classes of electrical work may be carried out by persons who are not licensed or registered electricians:

1. Electrical work on one's own homestead, as reflected by public records, performed only by the person owning such homestead, provided that a permit shall have first been obtained by such person and such person shall have complied with all other requirements of this Section except the licensing requirements and registration provisions; and further that such person shall first demonstrate to the Building and Fire Code Official his or her ability to perform the electrical work for which the permit is requested; such demonstration to include but not be limited to the filing of plans and specifications for the proposed electrical work.
2. The replacement of lamps, fuses and connection of devices to suitable receptacles which have been permanently installed; provided, however, replacement of ballasts must be carried out by persons registered under this Section.
3. The installation, alteration or repair of any wiring, devices or equipment for the operation of a signal or the transmission of messages where such wiring, devices, appliances or equipment operates at a voltage not exceeding 50 volts between conductors and does not include generating or transforming equipment.
4. The installation, alteration or repair of electrical wiring, devices, appliances and equipment installed by or for an electrical public service corporation operating under a franchise from the City when such activity is for the use of such corporation in the generation, transmission, distribution or metering of electrical energy or for the use of such corporation in the operating of street railways, signals or the transmission of messages.

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5. Any work involved in the manufacture or test of electrical materials, devices, appliances or apparatus, but not including any installation of wiring other than that required for testing purposes, provided such equipment as completed is approved by the Building and Fire Code Official before it is installed or used, under a permit covering such installation.

6. The performance of electrical work by a person who is employed by a private industrial business and who is performing electrical work solely on manufacturing equipment for said private industrial business; provided, however, that said person is not performing work on the electrical service to said manufacturing equipment.

L. Permits

1. Except as otherwise specifically provided in this Section, it shall be unlawful for any person to install, cause to be installed, or permit any person to install any electrical wiring, fixtures or equipment within or on any building, structure, or premises, publicly or privately owned or to make any alteration, additions, changes, or repairs within the scope of this Section, without first having procured a permit therefor issued by the Building and Fire Code Official.

2. If any person commences any electrical work before obtaining the necessary permit he shall be subject to a penalty of double the permit fees.

3. No service entrance equipment shall be connected to the electric distribution system unless a permit shall have been obtained, the fees paid, and required inspections performed.

4. No permit shall be required for the following:

   a. Maintenance work or the making of minor repairs such as replacement of lamps.

   b. The connection of portable electrical equipment to suitable permanently installed receptacles.

   c. The replacement of a motor by another motor of the same horsepower and rating, solenoid valves, low pressure controls or other controls when the electrical supply to the same is or has been properly installed by a licensed electrician.

   d. The installation of electrical conductors or equipment to be installed by or for a public utility corporation in the generation, transmission, sale, or use of electrical energy as outlined in their franchises, nor for the use of such corporation in the transmission of messages.

   e. Any work involved in the manufacturing, testing or servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.

5. A permit issued shall be construed to be a license to proceed with the work in a reasonably expeditious fashion and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this Section, nor shall such issuance of a permit prevent the Building and Fire Code Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this article. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, and is proceeding at a reasonable rate. If the work authorized by such permit is delayed for an unreasonable period of time, the permit shall become invalid; suspension or abandonment of work for a period of 180 days after the commencement of work shall be prima facie evidence of an unreasonable delay. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit, provided the extension is requested in writing and justifiable cause is demonstrated. Such extensions shall be in writing by the Building and Fire Code Official.

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M. Permit Application

Applications for permits shall be made upon forms provided by the Building and Fire Code Official and shall contain the following:

1. The date the application is submitted.
2. The name of the person under whose authority the application is made.
3. The name of the person actually submitting the application to the Building and Fire Code Official and the capacity of such person to submit the application.
4. The exact address where electrical work is to be done.
5. A description of the electrical work to be done.
6. The signature of the person in the office of the Building and Fire Code Official receiving the application.
7. The time and date that such application is actually received by the Building and Fire Code Official.
8. Other pertinent information required by the Building and Fire Code Official.
9. Applications for permits may be accepted in the manner and form deemed necessary by the Building and Fire Code Official to accomplish the purposes and intent of this article.
10. Except as otherwise specifically provided in this article no permit shall be issued to any person who is not both the holder of a master electrician's license from the state and validly registered in accordance with the provisions of this article.
11. Each master electrician may appoint not more than two full-time employees of his/hers to act as his/her agent in obtaining permits by filing with the Building and Fire Code Official an affidavit sworn to before an officer authorized to administer oaths, stating the name and address of each such agent, that each such agent is a regular full-time employee under the personal supervision of such master electrician and that such master electrician assumes all and full responsibility for any permit taken out or applied for by any such agent. Such affidavit shall be permanently filed by the Building and Fire Code Official.

N. The Use and Installation of Wires Generally

Every person owning or operating wire or wires over streets, alleys, or buildings within the city limits shall use only wires that are suitable and strong; and shall safely attach them to strong and sufficient supports and insulate them at all points of attachment; shall remove all wires when use thereof is abandoned; shall suitably insulate every wire where it enters a building; and if such wire is for any purpose other than electric light or power current, shall attach to it at suitable points in the circuit an appliance calculated to prevent fire near the place of entrance of the building.

O. Minimum Standards Required by SWEPCO

The standards set out herein for electrical installation are the minimum acceptable standards under the law. Contractors are advised that Southwestern Electric Power Company may impose additional requirements for electrical installations not set out in this code as a prerequisite to receiving electrical service, and are advised to coordinate all installations with city inspectors and the power company.

P. Signal Wires and Power Lines on Same Pole

Wherever possible signal wires shall not be carried on the same pole with or in close proximity to electric light or power wires and where a joint occupancy pole line of these two classes is necessary or where the route of two such systems cross each other, the high potential electric light

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or power wires shall be placed and maintained not less than four feet above every signal wire, and if it be found impossible to provide such a separation the exception thereto shall be under a method worked out and approved by the electrical inspector after determining that such plan is safe and equitable.

Q. General Regulations

All wires from main service switch to the point of contact with the electric company service wires shall be run in conduit of the approved type.

R. Temporary Service Poles

Temporary service poles for construction purposes shall be adequately braced, safely constructed, and properly grounded. The ground wire shall be no less than #6 Ga. solid copper, and extend to an approved electrode.

S. Miscellaneous Provisions

1. The use of tandem or "piggy back" circuit breakers and thin line circuit breakers is prohibited.
2. The use of aluminum wire for electrical wiring is prohibited; provided, however, that aluminum wire may be used for electrical wiring for services and feeders in size 1/0 and larger.
3. The disconnecting means for all mechanical equipment shall in no case be installed farther than six feet from the service side of the equipment.

T. Identification of Vehicles; Offense; No Culpable Mental State Required

1. Required Identification

Except as expressly exempted in this Section, all persons engaged in performing electrical work, as defined in this Section, shall identify each and every motor vehicle utilized by such person by placing the company or electrical contractor's name and state master license number on the motor vehicle. Any identification required by this section must comply with the requirements of Section 1305.166 of the Texas Occupations Code. Each state master licensee's number will be registered with the Building and Fire Code Official.

2. Offense Defined; Affirmative Defense

The use of a motor vehicle by a person engaged in performing electrical work, as defined in this Section, in violation of the provisions of this section shall constitute a misdemeanor and shall be punishable as provided in Section 1-4 of the Longview City Code. It shall be an affirmative defense to prosecution under this section that the vehicle in question is not utilized in the performance of electrical work.

3. Culpable Mental State Not Require

Unless otherwise expressly provided by state or federal law, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

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Section 5. Plumbing and Gas Code

5.01. Plumbing Code

A. Plumbing Code Adopted

The 2012 International Plumbing Code, published by the International Code Council, Inc., is hereby adopted as the official plumbing code of the City. All references to the "plumbing code" or the "code" in this subsection **5.01** shall be construed to refer to said 2012 International Plumbing Code unless otherwise specified. Only those appendices of the code that are expressly named in this subsection **5.01** are adopted as part of the code. All other appendices to the aforesaid code are excluded. The provisions of this subsection **5.01**, including without limitation any modifications or amendments to the code, shall control over the provisions of said code.

B. Purpose

For the protection and preservation of life and of the public health, safety, property and the general welfare of the people, the following provisions are enacted relating to the installation, alteration or repair of pipes, fittings and fixtures for water, sewage and natural gas in all buildings and structures and on all property now erected, changed, constructed, reconstructed, repaired or altered in the City, and outside the City, if same be connected to either the city water or sewerage systems. The intent and purpose of this ordinance is to regulate the installation, alteration or repair of all piping, fittings, fixtures, etc., used for the conduction of water, sewage and natural gas in or on and about any and all premises in the City, and outside the boundaries of the City, if same be connected to either the City water or City systems.

C. Applicability

This code shall apply to all plumbing as herein defined within the boundaries of the City. Any plumbing outside the boundaries of the City, connecting to either the City water or sewerage systems shall meet all the requirements of this ordinance as to methods of installation and materials and shall be inspected by the city Building and Fire Code Official except that the requirements shall not apply to gas installations outside the City even though the building on which the installation is made connects to the City water or sewer. Nor shall they apply to that work done by authorized employees of the City, in the laying of city water mains and services and city sewer mains and services in the streets and alleys by authorized employees of any franchised gas distributing company.

D. Compliance of Plumbing Work

No plumbing work shall be approved unless the same is in strict conformity with the plumbing code and its amendments, as adopted in this section, and the laws of the state. The provisions of this ordinance shall prevail over the Standard Plumbing Code in case of conflicting provisions. All work done or installed for any purpose whatsoever shall be and remain at all times fully subject to the Charter powers of the City.

E. Unlawful Acts Prohibited

It shall be unlawful for any person, as owner, agent, servant, or lessee, to violate or cause to be violated, disobey, or refuse to comply with, or resist or oppose the execution of this Article III and its amendments or any rule, regulation or order promulgated pursuant thereto, and it shall be unlawful for any person to occupy or maintain any building or structure in which the plumbing fixtures, or plumbing system is in violation of this subsection **5.01** as amended. Any person who commits any act declared to be unlawful, or fails to perform an act required by this subsection **5.01** as amended, shall be subject to the provisions of **Article A.1.06. Violations and Fines** of this Unified

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Development Code. Any plumbing fixtures installed or altered in violation of this subsection **5.01** as amended shall be removed at the expense of the person installing or altering or allowing the same. The provisions of this subsection **5.01** shall not be exclusive of any other method prescribed by law for the arrest and punishment of a person for an offense of like grade.

F. Administration and Enforcement

The administration and enforcement of this subsection **5.01** is assigned to and shall be the responsibility of the Building and Fire Code Official, who shall have the following powers and duties:

1. To enforce the provisions of this ordinance and to file complaints in municipal court against persons who violate any of its provisions.
2. To enter any premises where the water or gas service has been disconnected because improper or defective plumbing exists or where plumbing fixtures have been installed without a permit as required by this section.
3. To order compliance with provisions of this ordinance where a change of occupancy occurs in a building which requires changes or alterations to the existing plumbing system.
4. To disconnect gas service in cases of emergency where necessary for safety of persons or property or where gas service equipment may interfere with the work of the Fire Department.

It shall be unlawful for any person to interfere with the Building and Fire Code Official or his/her assistants in the discharge of their duties or to prevent or in any manner attempt to prevent them from carrying out the provisions of this ordinance.

G. Licenses Required

Except as otherwise provided in **H. Exceptions** below, it shall be unlawful for any person to install, alter, or renovate any plumbing unless such person is either a master plumber or journeyman plumber, who is licensed by the Texas State Board of Plumbing Examiners as provided by the Plumbing License Law of 1947, as amended, or is an apprentice plumber working under the direct supervision and control of a master or journeyman plumber.

H. Exceptions

The following activities, work and conduct shall be expressly permitted without license:

1. Homeowner: Plumbing work done on one's own homestead, as reflected by public records, performed only by the person owning such homestead; provided, that a permit shall have first been obtained by such person and be done in accordance with all city codes pertaining to work done.
2. Maintenance, utility and appliance work: Plumbing work done by anyone who is regularly employed as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged and who does not engage in the occupation of a plumber for the general public construction, installation and maintenance work done on the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; and plumbing work done by persons engaged by a public service company in the laying, maintenance and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances; appliance installation and service work done by anyone who is an appliance dealer or is employed by an appliance dealer, and acting as an appliance installation man, or appliance service man in connecting appliances to existing piping installations. Provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all valid city ordinances.

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I. Modifications

The plumbing code adopted in **A** above is hereby amended in the following respects (references are made by number to specific sections of the code):

1. Section 101.1 of the code is hereby amended to read as follows:

   101.1 Title. These regulations shall be known as the Plumbing Code of the City of Longview, Texas , hereinafter referred to as "this code."

2. There is hereby added to the code a new Section 101.2.1, said section to read as follows:

   101.2.1 Appendices. Appendices B, C, D and F to the 2012 International Plumbing Code are hereby adopted in their entirety. Appendix E to the 2012 International Plumbing Code is hereby adopted in its entirety; provided, however, that the table provided in Section 604.1 of this code (as amended by Section 73-112 of the Longview City Code) may be used as an alternative means of determining minimum pipe size. All other appendices to the 2012 International Plumbing Code are hereby excluded in their entirety.

3. There is hereby added to the code a new Section 101.2.2, said section to read as follows:

   101.2.2 Automatic vents and air admittance devices. The use of automatic vents and air admittance devices shall be permitted only by special permission granted by the Building and Fire Code Official.

4. Sections 103.1, 103.2, 103.3, and 103.4 of this code are hereby deleted in their entirety.

5. Section 106.6.2 of the code is hereby amended to read as follows:

   106.6.2 Fee schedule. The fees for all permits, inspections, and other related work under this code shall be as set forth by resolution of the City Council of the City of Longview, Texas.

6. Section 106.6.3 of the code is hereby amended to read as follows:

   106.6.3 Fee refunds. The Building and Fire Code Official is authorized to establish a refund policy.

7. Section 108.4 of the code is hereby amended in its entirety to read as follows:

   108.4 Violation penalties. Any person, firm, corporation or agent who violates a provision of this code or fails to comply with any of the requirements of this code or who erects, constructs, alters, repairs, demolishes or moves any structure in violation of the construction documents submitted to and approved by the Building and Fire Code Official, in violation of the directive of the Building and Fire Code Official, or in violation of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor. Each such person, firm, corporation, or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits of and as provided in **Article A.1.06. Violations and Fines** of this Unified Development Code.

8. Section 109 of the code, including Sections 109.1, 109.2, 109.2.1, 109.2.2, 109.2.3, 109.2.4, 109.2.5, 109.2.6, 109.3, 109.4, 109.4.1, 109.5, 109.6, 109.6.1, 109.6.2, and 109.7, is hereby rewritten in its entirety to read as follows:

   a. 109.1 General. The Construction Advisory and Appeals Board shall hear and decide appeals of orders, decisions and determinations made by the Building and Fire Code Official relative to the application and interpretation of this code.

   b. 109.2 Definitions. All references to the Construction Advisory and Appeals Board shall be construed to refer to the Construction Advisory and Appeals Board created by Section 19-

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16 of the Code of Ordinances of the City of Longview, Texas. All references to the Plumbing and Mechanical Code Advisory and Appeals Board shall be construed to mean the aforementioned Construction Advisory and Appeals Board. All references in this code to the board of appeals shall be construed to mean the aforementioned Construction Advisory and Appeals Board.

c. 109.3 Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building and Fire Code Official. Appeals shall be in a form acceptable to the Building and Fire Code Official. The fee for filing such an appeal shall be as set by resolution of the City Council. During the pendency of the appeal, the ruling of the Building and Fire Code Official shall be in full force and effect.

d. 109.4 Meeting to hear appeal. The Construction Advisory and Appeals Board shall meet within thirty (30) calendar days after notice of appeal has been received. However, the Board may extend the time for the hearing if the facts and complexities of the issues so warrant or if the person making the appeal requests in writing at or before the time of the hearing that he be granted additional time to prepare his/her appeal. If such person fails to make his/her appearance at the proper time and place to present his/her appeal, then such appeal shall be dismissed by the Board. All decisions by the Board are final.

9. Section 305.4.1 of the code is hereby amended to read as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

10. Section 312.2 is hereby amended to read as follows:

312.2 Drainage and vent water test. A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than a 10 foot head of water. In testing successive sections, at least the upper 10 feet of the next preceding section shall be tested so that no joint or pipe in the building, except the uppermost 10 feet of the system, shall have been submitted to a test of less than a 10 foot head of water. The water shall be kept in the system, or in the portion under test, for at least 15 minutes before inspection starts. The system shall then be tight at all points.

11. Section 602.2 of the code is hereby amended to read as follows:

602.2 Potable water required. Only potable water shall be supplied to plumbing fixtures that provide water for drinking, bathing or culinary purposes, or for the processing of food, medical or pharmaceutical products. Unless otherwise provided in this code, potable water shall be supplied to all plumbing fixtures. The water-distribution system of any building or premises where plumbing fixtures are installed shall be connected to a public water-supply system if connection to such a system is available within 300 feet of the property line of the property on which the building or premises is located. When connection to a public water-supply system within 300 feet of the property line of the property on which the building or premises is located is not available, an individual water-supply system shall be provided. Any such watery-supply system must comply with all applicable federal, state, and local laws, including without limitation any applicable city ordinances.

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12. Section 604.1 of the code is hereby amended to read as follows:

    604.1 General. The design of the water distribution system shall conform to accepted engineering practice. Pipe sizes may be determined either in accordance with Appendix E of this code or in accordance with the table provided in this section. If the table provided in this section is used to determine pipe size, the following minimum water pipe sizes may be followed, based upon the number of openings:

No. of Openings	Water Pipe Size
1-2	½ (one-half) inch
3-5	¾ (three-fourths) inch
6 or more	1 (one) inch

13. Section 608.1 of the code is hereby amended to read as follows:

    608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply. Connections shall not be made to a potable water supply in a manner that could contaminate the water supply or provide a cross-connection between the supply and source of contamination unless an approved backflow-prevention device is provided. Cross-connections between an individual water supply and a potable public water supply shall be prohibited. The standards set forth in American Water Works Association Manual 14, including without limitation all standards for backflow-prevention, shall apply to all connections to a potable water supply. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.9.

14. Section 608.15 of the code, including Sections 608.15.1, 608.15.2, 608.15.3, 608.15.4, 608.15.4.1, and 608.15.4.2 is hereby rewritten in its entirety to read as follows:

    a. 608.15 Protection of potable water outlets. Cross connections or other similar unacceptable plumbing practices which could cause contamination of the city's water supply are prohibited. Inspections for such unacceptable practices in accordance with state requirements are hereby authorized.

    b. 608.15.1 Customer Service Inspections Required. From and after the effective date of this section, a customer service inspection certification shall be completed by those persons authorized in this section to conduct same under the following circumstances:

        (1) prior to providing continuous water service to new construction;

        (2) on any existing service when the Backflow Protection Program manager or his/her designee, in his/her sole discretion and opinion, has reason to believe that cross connections or other unacceptable plumbing practices exist;

        (3) for any material improvement, correction, or addition to private plumbing facilities as determined by the City Manager.

    c. Qualified Inspectors

        The following individuals shall be and are hereby authorized to conduct customer service inspection certifications within the City of Longview, in accordance with the terms and provisions hereof:

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(1) City plumbing inspectors, who have received all necessary state-required certifications, endorsements and licenses;

(2) Licensed master plumbers, who have received all necessary state-required certifications, endorsements and licenses, upon specific written authorization of the City Manager, and only for such inspections on single-family residential services;

(3) Individuals who have completed a TCEQ approved Customer Service Inspection course and passed the required examination and hold current certification or endorsement as a Customer Service Inspector.

d. 608.15.3 Unacceptable Practices to be Eliminated

When unacceptable plumbing practices are discovered, they shall be promptly eliminated to prevent possible contamination of the city water system. The existence of a serious threat to the integrity of the public water supply shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists, or until sufficient additional safeguards have been taken.

e. 608.15.4 Required Certifications

Copies of properly completed customer service inspection certifications shall be kept on file by the Backflow Prevention program manager or his/her designee. All such certifications shall be maintained for a minimum of ten (10) years. The City Manager shall prepare appropriate certification forms. All such forms shall include as a minimum the name and registration number of the inspector performing the inspection, the type of registration, the date of the inspection, and the signature of the inspector. As a minimum, each such form shall include the following certifications and information, as applicable:

(1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state plumbing codes.

(2) No cross connection between the city drinking water supply and a private water source exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.

(3) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.

(4) No pipe or pipe fitting which contains more than 8% lead exists in private plumbing facilities which have been installed on or after July 1, 1988.

(5) No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.

(6) No plumbing fixture is installed which is not in compliance with the state approved plumbing code.

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f. 608.15.5 Backflow Protection Required

No water connection from the city's water supply system shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination.

(1) Air Gap or Backflow Prevention Assembly Required; Inspection Required. At any residence or establishment where an actual or potential contamination hazard exists, additional protection shall be required at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be as specified in state law, including without limitation the rules promulgated by the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction).

(2) Internal Cross Connection Control Program; Inspection Required. At any residence or establishment where an actual or potential contamination hazard exists and an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required. An adequate internal cross-connection control program must protect the public water supply in accordance with the requirements set forth by the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction) and must include annual inspection and testing in accordance with Section 608.15.6 below.

g. 608.15.6 Testing of Backflow Prevention Assemblies; Report

(1) Testing Required

All required backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Additionally, all such backflow prevention assemblies shall be tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. Annual testing by a recognized backflow prevention assembly tester shall not be required for backflow prevention assemblies that are used solely with residential irrigation systems without chemical additives; provided, however, that all required backflow prevention assemblies shall be tested upon installation as required by this section.

(2) Test and Maintenance Report

A test and maintenance report must be completed by the recognized backflow prevention assembly tester for each assembly tested in accordance with this Section 608.15.6. All such reports shall include as a minimum the name and registration number of the tester performing the inspection, the type of registration, the date of the inspection, the tester's certification of the assembly as required in subsection (a) of this Section 608.15.6, and the signature of the tester. Such reports must also contain the information required by Section 608.15.8 below and any additional information required by the City Manager's designee. Such reports must be in a form acceptable to said designee.

(3) Due Date

Upon installation of a backflow prevention assembly, a signed and dated original of the test and maintenance report shall be filed with the City Manager's designee within the time limit set by said designee. Thereafter, the annual test and maintenance report required by this Section 608.15.6 shall be filed with the City Manager's designee on or before October 1 of each year. The date of the inspection and testing evidenced by

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such an annual report must fall within the twelve (12) months immediately preceding the October 1 on which the report is due.

(4) Failure to File Report; Penalty

The City Manager's designee may order the cut-off of water service to any residence or establishment in violation of this Section 608.15.6. Additionally, any water customer to whom the requirements of this Section 608.15.6 apply may be punished by a fine of up to $2,000.00 for the failure to comply with said section.

h. 608.15.7 Recognized Backflow Prevention Assembly Testers. Recognized backflow prevention assembly testers shall have completed a course on cross-connection control and backflow prevention assembly testing, passed a test administered by the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction) or its designated agent, and hold a current professional certification as a backflow prevention assembly tester. Any course taken to satisfy the requirements of this section must be a course approved by the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction).

i. 608.15.8 Standards for Backflow Prevention Assembly Testing Gauges. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the requirements of the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction). Backflow prevention assembly testers must include test gauge serial numbers on each test and maintenance report form filed with the city in accordance with Section 608.15.6. On each such form, the backflow prevention assembly tester shall certify that each gauge used in the production of the report form meets the requirements of the Texas Commission on Environmental Quality (or the state agency having appropriate jurisdiction) and has been tested within the last year in accordance with the requirements of this Section 608.15.8.

15. Section 701.2 of the code is hereby amended to read as follows:

a. 701.2 Sewer required

The drainage system of any building or premises where plumbing fixtures are installed shall be connected to a public sewer system if connection to such a system is available within 300 feet of the property line of the property on which the building or premises is located. When connection to a public sewer system within 300 feet of the property line of the property on which the building or premises is located is not available, an individual (private) sewage disposal system shall be provided. Any such sewage disposal system must comply with all applicable federal, state, and local laws, including without limitation any applicable city ordinances.

16. Section 1101.2 of the code is hereby amended to read as follows:

a. 1101.2 Where required

All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system or to an approved place of disposal. For one-and two-family dwellings, and where approved, storm water is permitted to discharge onto flat areas, such as streets or lawns, provided that the storm water flows away from the building.

17. Section 1108 of the code, including Section 1108.1, Section 1108.2, and Section 1108.3 is hereby deleted in its entirety.

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18. Section 1112.1 of the code is hereby amended to read as follows:

    a. Section 1112.1 Subsoil drains

    Subsoil drains shall be open-jointed, horizontally split or perforated pipe conforming to one of the standards listed in Table 1102.5. Such drains shall not be less than 4 inches (102mm) in diameter. Where the building is subject to backwater, the subsoil drain shall be protected by an accessibly located backwater valve. Subsoil drains shall discharge to a trapped area drain, sump, dry well or approved location above ground. The subsoil sump shall be required to have either a gas-tight cover or a vent. The sump and pumping system shall comply with Section 1113.1. The drain should be designed to prevent possible development of excess hydrostatic pressure by removing excess moisture via gravity to a suitable exit that will also allow access for periodic cleaning of the drain. A minimum of six inches of free draining washed coarse aggregate should then be completely surrounded by a filter cloth (manufactured for this purpose) to prevent clogging by fine sands and/or silty soil.

J. Test and Maintenance Report Filing; Extension

That, upon request from the owner or occupant of an establishment or residence at which an actual or potential contamination hazard exists, the City Manager's designee may extend the time for filing a test and maintenance report required to be filed on or before October 1, 2001, until January 2, 2002.

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5.02. Gas Code

A. Gas Code Adopted

The 2012 International Fuel Gas Code, published by the International Code Council, Inc., is hereby adopted as the official gas code of the city. All references to the "fuel gas code," the "gas code" or the "code" in this subsection **5.02** shall be construed to refer to said 2012 International Fuel Gas Code unless otherwise specified. Only those appendices of the code that are expressly named in this subsection **5.02** are adopted as part of the code. All other appendices to the aforesaid code are excluded. The provisions of this subsection **5.02**, including without limitation any modifications or amendments to the code, shall control over the provisions of said code.

B. Modifications

The 2012 International Fuel Gas Code adopted in **A.** above is hereby amended in the following respects (references are made by number to specific sections of the code):

1. Section 101.1 of the code is hereby amended to read as follows:

   101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Longview, Texas, hereinafter referred to as "this code."

2. Section 101.3 of the code is hereby amended to read as follows:

   101.3 Appendices. Appendices A, B and C to the 2012 International Fuel Gas Code are hereby adopted in their entirety. All other appendices to said code are hereby excluded in their entirety.

3. Sections 103.1, 103.2, 103.3 and 103.4 of this code are hereby deleted in their entirety.

4. Section 106.6.2 of the code is hereby amended to read as follows:

   106.6.2 Fee schedule. The fees for permits, inspections, and other related work under this code shall be as set forth by resolution of the City Council of the City of Longview, Texas.

5. Section 106.6.3 of the code is hereby amended to read as follows:

   106.6.3 Fee refunds. The Building and Fire Code Official is authorized to establish a refund policy.

6. Section 108.4 of the code is hereby amended in its entirety to read as follows:

   108.4 Violation penalties. Any person, firm, corporation or agent who violates a provision of this code or fails to comply with any of the requirements of this code or who erects, constructs, alters, repairs, demolishes or moves any structure in violation of the construction documents submitted to and approved by the Building and Fire Code Official, in violation of the directive of the Building and Fire Code Official, or in violation of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor. Each such person, firm, corporation, or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits of and as provided in **Article A.1.06. Violations and Fines** of this Unified Development Code.

7. Section 109 of the code, including Sections 109.1, 109.2, 109.2.1, 109.2.2, 109.2.3, 109.2.4, 109.2.5, 109.2.6, 109.3, 109.4, 109.4.1, 109.5, 109.6, 109.6.1, 109.6.2, and 109.7, is hereby rewritten in its entirety to read as follows:

   a. 109.1 General. The Construction Advisory and Appeals Board shall hear and decide appeals of orders, decisions and determinations made by the Building and Fire Code Official relative to the application and interpretation of this code.

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b. 109.2 Definitions. All references to the Construction Advisory and Appeals Board shall be construed to refer to the Construction Advisory and Appeals Board created by Section 19-16 of the Longview City Code. All references to the Plumbing and Mechanical Code Advisory and Appeals Board shall be construed to mean the aforementioned Construction Advisory and Appeals Board. All references in this code to the Board of Appeals shall be construed to mean the aforementioned Construction Advisory and Appeals Board.

c. 109.3 Notice of Appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the decision is rendered by the Building and Fire Code Official. Appeals shall be in a form acceptable to the Building and Fire Code Official. The fee for filing such an appeal shall be as set by resolution of the City Council. During the pendency of the appeal, the ruling of the Building and Fire Code Official shall be in full force and effect.

d. 109.4 Meeting to hear appeal. The Construction Advisory and Appeals Board shall meet within thirty (30) calendar days after notice of appeal has been received. However, the Board may extend the time for the hearing if the facts and complexities of the issues so warrant or if the person making the appeal requests in writing at or before the time of the hearing that he be granted additional time to prepare his/her appeal. If such person fails to make his/her appearance at the proper time and place to present his/her appeal, then such appeal shall be dismissed by the Board. All decisions by the Board are final.

8. Section 303.3 of the code is hereby amended by adding a new Exception 6, said exception to read as follows:

   When an existing unit is being replaced and the minimum combustion air, gas and vent piping requirements are being met.

9. Sections 403.4.3, 403.4.4, 403.5.2, 403.5.3 are hereby deleted from the code.

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Section 6. Energy Conservation Code

6.01. Energy Conservation Code Adopted; Tracking and Reporting Authorized

A. Adoption. Effective September 1, 2016, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2015, and as supplemented by Texas Health and Safety Code, § 388.003 (i) and (j), is adopted as the official energy conservation code of the City for single-family residential construction as it is defined in Texas Health and Safety Code, § 388.002 (12). Effective November 1, 2016, the International Energy Conservation Code, as it existed on May 1, 2015, is adopted as the official energy conservation code of the City for all residential, commercial, and industrial construction that is not single-family residential construction as it is defined in Texas Health and Safety Code, § 388.002. Unless otherwise specified, all references to the "energy conservation code" or the "code" in this **Section 6** shall be construed to refer to said energy efficiency provisions of the International Residential Code and to said International Energy Conservation Code. The provisions of this **Section 6**, including without limitation any modifications or amendments to the code, shall control over the provisions of said code. In this section, the term "International Residential Code" and the term "International Energy Conservation Code" have the meanings assigned to those terms in Texas Health and Safety Code, § 388.002.

B. Tracking and reporting. The City Manager or the City Manager's designee is hereby authorized and directed to track and report to the State Energy Conservation Office on implementation of the energy conservation code to the extent such tracking and reporting is required by law and to establish any procedures necessary or convenient for same."

C. Third-party energy inspectors are required to meet the qualifications of State Energy Conservation Office of Texas.

6.02. Modifications

The International Energy Conservation Code adopted in **6.01.** above is hereby amended in the following respects (references are made by number to specific sections of the code):

A. Section C101.1 of the code is hereby amended to read as follows:

C101.1 Title. This code shall be known as the International Energy Conservation Code of Longview, Texas, and shall be cited as such. It is referred to herein as this "code."

B. There is hereby added to the code a new section C104.8, said section to read as follows:

104.8 Responsibility for inspections. Each permit holder shall be responsible for obtaining any and all inspections required under this code. The Building and Fire Code Official or other appropriate official of the City may deny any additional permit or permits required for a project until all inspections required for the project have been obtained.

C. Section C107 (which consists of sections C107.1, C107.2, C107.3, C107.4 and C107.5) of the code is hereby repealed in its entirety and replaced with the following:

SECTION C107

FEES

C107.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set by resolution of the Longview City Council.

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D. Section C108.4 of the code is hereby amended to read as follows:

C108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor. Each such person, firm, corporation, or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits of and as provided in **Article A.1.06. Violations and Fines** of this Unified Development Code, including without limitation a fine of up to $2,000.00. Unless otherwise specifically set fort herein, or in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this section.

E. Section C109 (which consists of Sections C109.1, C109.2, and C109.3) of the code is hereby repealed in its entirety and replaced with the following:

SECTION C109

APPEALS

C109.1 General. Appeals of the decision of the code official shall be in accordance with the official building code of the City of Longview, Texas, as said building code may be amended by the City from time to time.

F. There is hereby added to Chapter 1 of the code a new section C110, said section to read as follows:

SECTION 110

VIOLATIONS

1. C110.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

2. C110.2 Notice of violation. The Building and Fire Code Official is authorized to serve a notice of violation or order on the person responsible for the erection construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

3. C110.3 Prosecution of violation. If the notice of violation is not complied with promptly, the Building and Fire Code Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provision of this code or of the order or direction made pursuant thereto.

4. C110.4 Violation Penalties. Any person, firm, corporation or agent who violates a provision of this code or fails to comply with any of the requirements of this code or who erects, constructs, alters, repairs, demolishes or moves any structure in violation of the construction documents submitted to and approved by the Building and Fire Code Official, in violation of the directive of the Building and Fire Code Official, or in violation of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor. Each such person, firm, corporation, or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and

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upon conviction of any such violation, such person shall be punished within the limits of and as provided in **Article A.1.06. Violations and Fines** of this Unified Development Code.

G. Section C202 of the code is hereby amended by amending the definition of the term "code official" to read as follows:

"CODE OFFICIAL. Any reference in this code to the "code official" shall be construed as a reference to the Building and Fire Code Official."

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Section 7. Pool and Spa Code (Reserved)

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Article G. Sign Regulations

Article Contents:

Section 1. General Provisions

Section 2. Construction and Safety

Section 3. Sign Measurements

Section 4. Sign Types

Section 6. Appeals and Variances

Section 5. Enforcement

Section 6. Appeals and Variances

Section 1. General Provisions

1.01. Purpose

The purpose is to provide uniform sign regulations for the City that balance the right of individuals and businesses to identify themselves and convey messages with the right of the public to be protected against the unrestricted proliferation of signs. It is further intended to encourage signs which are well designed; which preserve locally recognized values of community appearance; which protect public investment in, and the character of, public thoroughfares; which aid in the attraction of shoppers and other visitors who are important to the economy of the City; which reduce hazards to motorists and pedestrians traveling on the public roadways; and thereby promote the public health, safety and welfare. Its provisions shall be held to be the minimum requirements in the installation, erection, location, alteration, replacing, improving and maintenance of all signs.

1.02. Permits Required

A. No sign, shall be erected, re-erected, constructed, attached, altered or have its neon tubing rearranged, except as provided by this section and after a permit for the same has been issued by the Building and Fire Code Official. A separate permit shall be required for a sign for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for Illuminated Sign before a Sign Permit can be issued.

B. A Sign Permit shall be required for the following sign types:

1. Athletic Field Sign
2. Billboard Sign
3. Blade Sign
4. Changeable Copy Sign
5. Illuminated Sign

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6. Monument Sign
7. Roof-Mounted Sign
8. Pole Sign
9. Subdivision Sign
10. Wall Sign
11. Balloon Sign
12. Small Temporary Sign
13. Inflatable/Wind-Operated Signs

1.03. No Permit Required

A. A Sign Permit shall not be required for the following:

1. Normal maintenance, painting, repainting or cleaning of a sign with no structural changes;
2. Replacement of a sign face that does not increase the area of the sign face or add any additional illumination;
3. Temporary Signs except for Balloon Sign;
4. Window Signs;
5. City, state, federal, or other government signs;
6. Seasonal decorations;
7. Incidental signs;
8. Banner Signs
9. Short-Term Banner Signs
10. Any non-illuminated, framed wall sign made of plastic, metal, wood or combinations thereof mounted directly on the wall or mansard type front of a building or structure less than eight (8) square feet in size.
11. Any non-illuminated wall sign mounted consisting of only of plastic raised letters not more than 24-inches in height mounted directly on the wall of a building;
12. Any noncommercial sign that:
    a. Does not have a total sign face area greater than 36 square feet;
    b. Is not more than eight (8) feet in height;
    c. Is not illuminated; and
    d. Does not have any moving elements.

B. These exemptions shall not be construed as relieving the owner or erector of any such sign from the responsibility of its erection and maintenance and its compliance with the provisions of this section or any other law or ordinance regulating the same.

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1.04. Application for Permit

Application for a Sign Permit shall be made in writing upon forms furnished by the Building and Fire Code Official. Such application shall contain, at a minimum, a description of the proposed sign, the location by street and number of the proposed sign structures, the existing zoning of the property where the sign is to be placed, as well as the name, address and telephone number of the owner of the sign and of the Sign Contractor. The Sign Contractor must be licensed by the City. The Building and Fire Code Official shall require the filing of plans or other pertinent information to ensure compliance with this section.

1.05. Plans Required

A. Each application for a Sign Permit shall be accompanied by plans and such other pertinent information as is necessary, in the opinion of the Building and Fire Code Official, to fully advise the Building and Fire Code Official as to site location, height, weight, size, material, method of erection, and construction of said sign.

B. Plans must demonstrate setbacks and include a Plot Plan.

C. Any freestanding sign or Off-Premise Sign over twenty (20) feet in height above ground, as measured vertically at ninety (90) degrees from ground to the top of the sign, shall have a State of Texas engineer's seal affixed to the plans. In addition to these requirements, when required by the Building and Fire Code Official, a registered State of Texas professional structural engineer shall prepare and affix said seal to the plans indicating that the sign meets all good engineering practices and standards.

D. Engineered Plans shall be submitted for Blade Signs.

E. Signs must be permitted separately from any building or Development Site Plans permit.

F. A current Certificate of Occupancy for the business requesting a Sign Permit shall be on file before a Sign Permit can be issued.

1.06. Expiration of Sign Permit

In all cases where a Sign Permit has been approved, the Sign Permit shall be obtained and the sign(s) erected within a period not to exceed ninety (90) days from date of approval. In the event such sign or signs are not erected within this period the permit shall become null and void. The Building and Fire Code Official may grant an extension of time to any sign requiring a state or federal permit. However, in no case may such an extension exceed the period ending thirty (30) days after the date on which the final required state or federal permit is issued.

1.07. Fees

Sign Permit and Sign Contractor license fees shall be paid in accordance with the fee schedule established by resolution of the City Council. The Sign Permit fee shall be doubled when the installation or alteration of a sign is commenced or completed before the necessary permit is obtained.

1.08. Interpretation

This section shall be interpreted and applied so as to be consistent with all laws of this state and of the United States, including without limitation the Constitution of the United States and the Constitution of the State of Texas.

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Section 2. Construction and Safety

2.01. General Requirements

Signs shall be designed and constructed to withstand wind pressure and working stresses as required by the construction codes. Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. Illuminated signs and neon signs shall be wired and installed in accordance with the requirements of this **Section 2**. Signs may be internally or externally lighted as long as the light is so designed as to be shielded away from adjoining properties and does not impair driver visibility on adjoining rights-of-way.

2.02. Sign Maintenance

A. All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

B. Any sign in disrepair, as determined by the Building and Fire Code Official is declared in violation of this section and as such shall be brought into compliance with this section by the owner or permit holder within thirty (30) calendar days. Failure to comply may result in court action to remove per Chapter 19.

C. The City may consider a sign to be abandoned when:

1. The sign is damaged or dilapidated, according to the Building and Fire Code Official,
2. The sign structure does not have an advertisement display for 180 days,
3. The sign structure does not comply with the International Property Maintenance Code,
4. The sign does not comply with the requirements as set forth in this **Article G**.
5. Setbacks from property lines shall be determined based on sign types and zoning districts.

D. A sign that has been identified as abandoned by the Building and Fire Code Official but is otherwise in conformance with this section may be replaced in adherence to the requirements of this Article.

2.03. Location

A. Any person, persons, company or corporation erecting signs shall obtain site clearance approval from each utility entity, before installation. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress. No sign shall be attached in any form, shape, or manner that will interfere with any opening required for ventilation. No signs or other advertising structure shall be erected as to obstruct visibility as defined in **Article E.1.05. Intersection Visibility Triangle**.

B. When a sign is allowed to project over the sidewalk, no part of the sign, except the supporting pole, shall be less than 11 feet from the sidewalk immediately below. When a sign is allowed to project over a driveway, parking space or head-in parking, no part of the sign, except the supporting pole, shall be less than 14 feet 6 inches from the grade immediately below.

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2.04. Materials

A. Wood, approved plastic or plastic veneer panels as provided in the construction codes or other materials of combustible characteristics similar to wood, used for moldings, cappings, nailing blocks, letters and latticing shall comply with the construction codes.

B. Notwithstanding any other provisions of this article, plastic materials which burn at a rate no faster than two and one-half (2 1/2) inches per minute when tested in accordance with American Society for Testing and Materials, Volume D, Section 635 (ASTM D 635) shall be deemed approved plastics and can be used as the display surface material and for the letters, decorations and facings on signs and outdoor display structures. Individual plastic facings of illuminated signs shall not exceed two hundred (200) square feet in area. If the area of a display surface exceeds two hundred (200) square feet, the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet plus fifty (50) percent of the difference between two hundred (200) square feet and the area of display surface. The area of plastic on a display surface shall not in any case exceed one thousand and one hundred (1,100) square feet. Letters and decorations mounted upon an approved plastic facing or display surface shall be made of approved plastics.

2.05. Inspections

A. All signs for which permits are required shall be subject to inspection by the Building and Fire Code Official. Footing inspections shall be required by the Building and Fire Code Official for all signs having footings. All signs containing electrical wiring shall be subject to the provisions of the electrical code, and the electrical components used shall bear the label of an approved testing agency as defined and determined by the adopted City of Longview construction codes. All signs may be re-inspected at the discretion of the Building and Fire Code Official.

B. The issued Sign Permit and, when applicable, the approved plans for the sign shall be posted at the address site for the sign.

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Section 3. Sign Measurements

3.01. General

A. Whenever this **Article G** shall refer to or require the measurement of a distance between a sign and another object (including, without limitation, another sign), the distance shall be measured by the shortest line parallel to the ground that connects the point on the sign that is nearest the object to the line that both is perpendicular to the ground and extends through the nearest point on said object.

B. Whenever this **Article G** shall refer to or require the measurement of a distance between a sign and a right-of-way or property line (including, without limitation, a setback), the distance shall be measured by the shortest line parallel to the ground that connects the point on the sign that is nearest the right-of-way or property line to the plane that both is perpendicular to the ground and extends through and along said right-of-way or property line.

3.02. Setbacks

Setbacks shall be measured in linear feet from property lines to leading edge of the sign. For signs only, setbacks shall only be measured from the Right-of-Way.

3.03. Sign Area

Sign Area shall be calculated in square feet, and by means of the smallest square, circle, rectangle, or combination thereof that will encompass the sign face.

Figure 35. Sign Area Calculation

3.04. Calculation of Area of Multifaceted Signs

The Sign Area for a sign with more than one face shall be calculated by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be calculated by the measurement of one of the faces.

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3.05. Sign Height

Sign height shall be measured in linear feet. The overall height of a sign structure is measured from the lowest grade level within ten (10) feet of the base of the sign to the highest point of the sign structure.

Figure 36. Sign Height

3.06. Sign Width

Sign width shall be measured in linear feet from the outermost point on each side of a sign, including the sign structure.

3.07. Spacing

A. Spacing Requirement for Signs on Separate Lots

A minimum distance of fifty (50) feet must be maintained between all sign structures that are not attached to a building.

B. Spacing Requirement for Sign on Same Lot and Same Frontage

A minimum distance of one hundred and fifty (150) feet must be maintained between all sign structures that are not attached to a building.

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Section 4. Sign Types

4.01. Regulations by Zoning District

The sign zoning districts shall correlate with the zoning districts set forth in **Article B. Zoning Regulations**; "Residential Zoning Districts" and "Nonresidential Zoning Districts" shall include the districts identified within their definitions in **Article I. Definitions**. Sign zoning districts for planned development districts, if not specifically identified in the ordinance creating the Planned Development District, shall be determined by the City Planner.

4.02. Permanent Signs

A. Athletic Field Sign

1. Definition

   A sign that is designed, intended, or used to inform or advertise to the spectators of an athletic event.

2. Specification

   Athletic Signs must be on the same premise as the athletic field and must be attached to a scoreboard or the inside of a fence surrounding the field. All signs must be oriented toward the field or its seating areas.

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B. Off-Premise Sign

1. Definition

A sign that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located. The term does not include directory signs.

2. Static Off-Premise Sign Specifications

Static Off-Premise Sign and similar outdoor advertising, excluding directory signs, are prohibited within the City of Longview except in commercial and industrial zoning districts and only on a 2 to 1 removal/replacement basis where twice the amount of proposed square footage of sign area must be removed through the demolition/removal of an existing static Off-Premise Sign(s). All static Off-Premise Signs constructed after the enactment of this Article must meet all Federal, State, and City requirements and must also meet the following requirements:

a. A static Off-Premise Sign shall not exceed a maximum overall height of thirty-five (35) feet, measured from the highest point of the sign to ground level.

b. A static Off-Premise Sign shall not be located to create a safety hazard, to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct the driver's view of approaching, merging or intersecting traffic, or to be likely to cause a driver to be unduly distracted in any way.

c. A static Off-Premise Sign shall not be located within one thousand five hundred (1,500) feet of any residentially zoned district, public park, public forest, public playground or scenic area, designated as such by the City or any other governmental agency.

d. The gross sign area of a static Off-Premise Sign shall be calculated by calculating the area enclosed within the outer edge of the frame (border) of each sign face panel and then calculating the sum of the areas for all sign face panels on the sign.

e. The maximum sign area for any one (1) sign face panel of a static Off-Premise Sign shall not exceed four hundred (400) square feet in size.

f. The minimum separation shall be three thousand (3,000) feet from any other static Off-Premise Sign. Separation between static Off-Premise Sign shall be measured from the nearest points of each static Off-Premise Sign to one another.

g. A static Off-Premise Sign shall be supported by a single pole.

h. Double-faced billboards shall maintain the same sign face panel dimensions on both sides.

i. If illuminated, a static Off-Premise Sign shall be lighted only by lights which are properly installed, shaded or concealed, and are aimed so that the light will project onto the sign face and will not interfere with the vision of motor vehicle operators, nor shine directly onto nearby residential property located in any residentially zoned district.

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j. A static Off-Premise Sign shall be considered a structure and shall observe all setbacks and structure separation requirements of the zoning district in which the sign is located.

3. Digital Off-Premise Sign Specifications

Except as otherwise expressly provided in this section, digital Off-Premise Signs are prohibited. A static Off-Premise Sign is allowed to be retrofitted with a digital sign face panel on an existing pole inside the city limits of Longview when all of the following criteria are met:

a. Only those existing Off-Premise Signs located along the Loop 281 and Marshall Ave./Hwy 80 Corridors with a zoning classification of Commercial (C-1 and C-2), Industrial (I-1 and I-2) or Commercial and Industrial Planned Developments (PD) that allow for billboards are eligible for retrofit. Each of the aforementioned corridors shall be defined as the land area within 500 feet of the named roadway.

b. A static Off-Premise Sign shall not be retrofitted to become a digital Off-Premise Sign within one thousand five hundred (1,500) feet of another existing digital Off-Premise Sign along Marshall Ave./Hwy 80 and two thousand eight hundred (2,800) feet along Loop 281 corridors. For purposes of this subsection, the distance between signs on the same side of the roadway shall be measured along and parallel to the roadway from the existing sign to the nearest point on the proposed sign. For signs on opposite sides of the roadway, the distance between signs shall be measured along and parallel to the roadway from the existing sign to the nearest point on the same side of the roadway that is located on a line perpendicular to the roadway that passes through the site of the proposed sign and then along that perpendicular line to the nearest point on the proposed sign. For signs within one of the allowed corridors but located along a cross-street rather than on the street after which the corridor is named, the distance shall be measured along and parallel to the roadway from the existing sign to the cross-street (or, if the existing sign is located along the cross-street, to the street after which the corridor is named) and then along and parallel to the other street to the nearest point on the proposed sign. If a street must be crossed in making such a measurement, the distance shall be measured by incorporating the perpendicular line method described in this subsection.

c. The sign being retrofitted to become a digital Off-Premise Sign shall be on an existing single pole with engineering to support the digital retrofit. The retrofitted sign may not contain more than 2 sign face panels back to back. The sign face panels may be parallel or in the shape of a "V," but no point on the back of each sign face panel shall be more than 15 feet from the corresponding point on the other sign face panel.

d. A static Off-Premise Sign may be located on either side of a roadway; however, each sign must only be visible from one direction of travel (i.e., signs must be perpendicular to roadway, not including allowable “V”-shaped signs).

e. Four (4) static sign face panels shall be removed for every one (1) digital sign face panel to be retrofitted. This will include the static sign face panel that is being replaced with the digital sign face panel. For purposes of satisfying this requirement to remove four (4) static sign face panels, a sign face panel of a changeable copy sign that is a legal, nonconforming Off-Premise Sign may be treated as a static sign face panel.

Example: The sign face panel that will be retrofitted to digital plus three additional sign face panels shall be removed.

f. The maximum sign area for a digital sign face panel shall not exceed four hundred (400) square feet in size.

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g. The total square footage of the four sign face panels being removed shall total a minimum of one thousand two hundred (1,200) square feet.

h. Double-faced billboards shall maintain the same dimension of sign face panel on both sides. If an existing billboard is being retrofitted with a digital sign face panel in which a larger billboard is on the opposite side, that larger sign face panel must also be retrofitted with a new static sign face panel to match the size of the digital sign face panel. This would not count as one of the sign face panels for removal, nor will it affect the non-conforming status of the sign.

i. Digital Off-Premise Sign Retrofit Procedures

A static Off-Premise Sign may be retrofitted with a digital sign face panel following the procedures below:

(1) A demolition permit shall be obtained from the Building Inspection division for the complete removal of an Off-Premise Sign in order to be counted towards the sign face panels that are removed to satisfy the requirements of this section.

(2) Off-Premise Sign(s) and pole(s) shall be completely demolished and inspected for compliance with the demolition permit before a credit will be issued for a new digital Off-Premise Sign. Conditional permits may be issued to allow for TxDOT approval, but construction on the sign being retrofitted is contingent upon the removal.

(3) The registered owner of the Off-Premise Sign will receive a credit for the Off-Premise Sign being removed if an immediate digital Off-Premise Sign retrofit is not planned.

(4) Credits shall be valid until applied or until six (6) years from the date of issuance of the credit, whichever occurs earlier.

(5) Credits may be transferred with written notice to the Director of Development Services within 30 days of a transfer. Notice must be an affidavit signed by all parties involved in the transfer of credits.

(6) The Planning and Zoning division will maintain an inventory database of all existing Off-Premise Signs, removed Off-Premise Signs, and credits obtained by the registered owner of removed Off-Premise Signs or through a transfer. The inventory database will be updated based on information obtained from the Off-Premise Sign owners and other permit activity involved with the removal and replacement of Off-Premise Signs.

(7) A digital sign face panel may be replaced with the same size digital sign face panel when the operational life of the sign has expired. Such maintenance replacement of the digital sign panel shall not require the 4 to 1 replacement for a new sign.

j. Digital Off-Premise Sign Operation

A digital Off-Premise Sign shall adhere to all of the following regulations:

(1) Messages shall have a minimum hold time of seven seconds between transitions from one message to another.

(2) A change of message shall be accomplished within two seconds.

(3) A change of message shall occur simultaneously on the entire sign face.

(4) A digital Off-Premise Sign shall automatically adjust the intensity of its display according to natural light conditions.

(5) The owner of a digital Off-Premise Sign shall coordinate with local authorities to display, when appropriate, emergency information that has been provided in the proper

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formats that are important to the traveling public. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

(6) The owner of a digital Off-Premise Sign shall provide the Building Inspection division contact information for someone who can be contacted at any time and who is able to turn off the digital Off-Premise Sign promptly after a malfunction occurs.

(7) Prohibitions. A digital Off-Premise Sign shall not:

(a) Be illuminated by flashing, intermittent, or moving lights;

(b) Contain or display animated, moving video, or scrolling advertising;

(c) Consist of a static image projected upon a stationary object

(8) A digital Off-Premise Sign shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.

(9) Maximum brightness levels shall not exceed 7,000 nits when measured from the sign face at its maximum brightness during daylight hours and 500 nits when measured from the sign face at its maximum brightness at night.

(10) Prior to the issuance of a permit for a digital Off-Premise Sign retrofit, the applicant shall provide written certification that the light intensity will not exceed the levels specified in this section.

(11) All new electrical shall be UL listed and labeled.

(12) A digital Off-Premise Sign shall contain a default mechanism that, in the event a malfunction occurs, freezes the sign in one position, turns the sign off, or causes the sign to display an unchanging blank screen.

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C. Blade Sign

1. Definition

   A sign that projects from a building or wall, to which it is affixed, by more than twelve (12) inches. The sign may extend above the roofline but shall not be roof mounted.

2. Specifications

   a. A Blade Sign shall not exceed the maximum height in the zoning district.

   b. Any Blade Sign shall be not more than two hundred (200) square feet in size.

   c. When a sign is allowed to project over the sidewalk, no part of the sign, except the supporting pole, shall be less than 11 feet from the sidewalk immediately below. When a sign is allowed to project over a driveway, parking space or head-in parking, no part of the sign, except the supporting pole, shall be less than 14 feet 6 inches from the grade immediately below.

   d. All Blade Signs shall be engineered.

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D. Changeable Copy Sign

1. Definition

A sign or portion of a sign that utilizes changing lights, mechanically rotating elements, or similar form of mechanical or electronic display to form text and/or images. This definition includes without limitation rotating face signs, television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

2. Specifications

a. All Changeable Copy Sign shall adhere to all regulations set forth in this Article.

b. A Changeable Copy Sign shall not be used as an Off-Premise Sign; provided, however, that a Changeable Copy Sign may be used as a noncommercial sign.

c. The maximum area of a Changeable Copy Sign shall not exceed sixty-four (64) square feet, and its measurement is to be included in the total sign allowance for a given site.

d. The maximum height of a Changeable Copy Sign shall not exceed twenty (20) feet.

e. A Changeable Copy Sign shall not be allowed within any residential zoning district with the exception that they be allowed for nonresidential uses that are allowed in SF zoning districts.

f. All images displayed on Changeable Copy Sign shall not blink, flash, rotate, or behave in any other way that constitutes or implies rapid visual motion.

g. All Changeable Copy Sign messages shall have a minimum hold time of three (3) seconds between transitions from one sign face to another.

h. During transition from one sign face to another, messages may fade in, dissolve, or scroll from one sign face to another or have limited animation, provided that the animation does not violate any portion of these rules or become a distraction to passers-by.

i. Changeable Copy Sign messages may include limited animation provided that the duration of each animation is no more than six (6) seconds and that the animation does not violate any portion of these rules or become a distraction or passersby.

j. Signs with a total Changeable Copy Sign area of ten (10) square feet or less may have continuous scrolling of a single line of message text.

k. All Changeable Copy Sign shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.

l. Maximum brightness levels for Changeable Copy Sign shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours and 1,000 nits when measured from the sign's face at its maximum brightness at night.

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m. Prior to the issuance of a permit for a Changeable Copy Sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above.

n. All electrical equipment on a newly constructed sign that contains a Changeable Copy Sign shall be UL listed, and labeled.

o. All power to a Changeable Copy Sign shall be supplied via underground carrier, inside approved conduit, and shall be installed in accordance with the **Article F.Section 4 Electrical Code**.

p. When malfunctioning, all Changeable Copy Sign must either be turned off or display a blank screen.

E. Menu Board Sign

1. Definition

A sign displaying the menu for a drive-up window for a food establishment.

2. Specifications

Restaurants are allowed additional freestanding signs for Menu Board Signs. A Menu Board Sign may not exceed eight (8) feet in height and must be located at least (10) feet from any property line. The City Planner will determine the appropriate number of menu board signs permitted on a single property.

F. Marquee Sign

1. Definition

A permanent roof-like structure extending from part of the wall of a building but not supported by the ground and constructed of a durable material such as metal or glass.

2. Specifications

a. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.

b. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.

c. No portion of a marquee sign shall extend vertically above the eave line.

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G. Monument Sign

1. Definition

A permanent ground sign fully supported by a masonry base that may include a pole for support that is generally constructed out of brick, stone, cast concrete, or other masonry materials as approved by the City Planner across the entire base of the structure. Pole cannot be visible.

2. Specifications

a. Monument Signs with a setback from zero (0) to ten (10) feet from the property line can be a maximum of eight (8) feet in height, sixty-four (64) square feet in area. Monument Signs with a setback of greater than ten (10) feet from the property line can be a maximum fifteen (15) feet high, one hundred fifty (150) square feet in area.

b. The number of Monument Signs shall be limited to one such sign per public road frontage per lot or parcel, except that a lot or parcel that has more than two hundred fifty (250) linear feet of public road frontage may have one additional pole or Monument Sign for each additional two hundred fifty (250) feet of frontage or fraction thereof, provided each sign is at least one hundred fifty (150) feet from any other pole sign or Monument Sign.

c. Monument Signs shall be allowed for nonresidential uses that are allowed in single-family districts. Only one monument sign is allowed per street frontage.

d. Monument Signs in any residential district shall be limited to a maximum of seventy-five (75) square feet in area and ten (10) feet in height with a ten (10) foot setback.

H. Roof-Mounted Channel Letters/Raceway Channel Letters

1. Definition

Channel Letters erected upon or above a roof or parapet of a building or structure. The letters may be erected on a raceway placed above the entry of the building.

2. Specifications

a. The scale of the channel letters shall not exceed twenty (20) percent of the façade of the building or structure it is attached to.

b. The materials and colors of a the channel letters should be consistent with the building's or structure's features.

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I. Pole Sign

1. Definition

A freestanding sign supported by a pole or poles having no guy wires or braces to the ground or to any other structure not including banners. Pole Signs refer to On-Premise Signs, Off-Premise Pole Signs are considered to be billboards.

2. Specifications

a. Pole Signs permitted in GR must meet the following criteria:

(1) A freestanding Pole Sign fifty (50) square feet or less in area must have at least a five (5) foot setback from the public Right-of-Way and cannot exceed fifteen (15) feet in height.

(2) A freestanding Pole Sign shall have at least a ten (10) foot setback from the Right-of-Way and shall not exceed thirty-five (35) feet in overall height and shall not exceed two hundred (200) square feet in sign area.

b. Pole Signs in C-1, C-2, I-1, I-2, IH 20 must meet the following criteria:

(1) A freestanding Pole Sign fifty (50) square feet or less in area must have at least a five (5) foot setback from the public Right-of-Way and cannot exceed fifteen (15) feet in height.

(2) A freestanding Pole Sign shall have at least a ten (10) foot setback from the Right-of-Way and shall not exceed forty-five (45) feet in overall height and shall not exceed two hundred (200) square feet in sign area.

(3) When a Pole Sign is used as a directory sign and is shared by three (3) or more tenants, the maximum area may be up to two hundred fifty (250) square feet, provided the sign has a setback of not less than ten (10) feet from the Right-of-Way and not exceed thirty-five (35) feet in overall height. The maximum height may extend to forty-five (45) feet when five (5) or more tenants share one such sign, provided the sign has a setback of not less than fifteen (15) feet from the Right-of-Way and the maximum area shall not exceed four hundred (400 square feet.

c. The number of Pole Signs shall be limited to one such sign per public road frontage per lot or parcel, except that a lot or parcel that has more than two hundred fifty (250) linear feet of public road frontage may have one additional Pole Sign for each additional two hundred fifty (250) feet of frontage or fraction thereof, provided each sign is at least one hundred fifty (150) feet from any other Pole Sign.

d. Pole Signs within 1,000 feet of Interstate 20 are exempt from height or size requirements set forth in this section. The setback from the right-of-way shall be five (5) feet.

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J. Development Sign

1. Definition

An identification sign at the main entrance or entrances to a development project.

2. Specifications

Development Signs shall be a maximum of seventy-five (75) square feet in area and ten (10) feet in height. A Development Sign shall not be a pole sign, and there shall be no more than two (2) Development Signs per subdivision entrance. A Development Sign may also act as an entryway sign.

K. Wall Sign

1. Definition

A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building. A Wall Sign shall not extend above the wall/parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending along a building side shall be considered a part of the wall. The roof and roof area are not included in the wall area. Mansard and fake mansard roofs are to be considered part of the wall area.

2. Specifications

Wall Signs may not extend past the top of the parapet wall or roof eave and may not extend more than twelve (12) inches from the wall to which the sign is affixed.

L. Planned Development District Sign

In a Planned Development District, the sign standards shall be specified in the amending ordinance creating the planned development district or shall revert to the regulations specified for the base zoning district.

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4.03. Temporary Signs

A. Balloon Sign

1. Definition

A non-porous, flexible inflated device used solely for the purpose of advertising including cold-air inflatable balloons, but not including toy balloons or lighter than air balloons such as hot-air balloons or blimps that are designed to carry passengers. The sign must be static and does not include inflatable or wind-operated signs.

2. Specifications

a. Occupants of premises may install, erect, or display a Balloon Sign for a period not to exceed fourteen (14) consecutive days per event and no more than four (4) events every twelve (12) months.

b. No portion of the Balloon Signs may be located closer than five (5) feet from the public Right-of-Way and may not extend over any other property not under the control of the permit holder.

c. It shall not extend to a height greater than thirty (30) feet above ground level unless it is attached to the roof of a building, in which case it shall not extend more than ten (10) feet above the highest part of the roof.

d. Thirty (30) feet of clearance shall be maintained from all power lines to balloon. It shall remain properly tethered and meet the safety and construction requirements outlined in **Section 2**.

B. Banner Sign

1. Definition

A Banner Sign is a sign intended to be affixed to an attached structure, with characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind, intended to be used for a long period of time.

2. Specifications

A Banner Sign must be attached in its entirety to either the walls, poles, or columns of the main building; or to a solid wood or masonry fence. A Banner Sign cannot be affixed to utility poles, support wires, or freestanding poles that are not a part of a building.

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C. Small Temporary Sign

1. Definition

A Small Temporary Sign is a sign used for a temporary period of time.

2. Specifications

a. The Small Temporary Sign shall not exceed four (4) square feet in size. No portion of the sign may be located closer than two (2) feet from the public Right-of-Way and may not extend over any other property.

b. A Small Temporary Sign posted on property that is actively marketed for sale or under construction must be removed within five (5) days following the sale of the property or completion of construction.

c. All other Small Temporary Signs may be placed on a property for up to ten (10) days before and five (5) days after an event. In no case shall a Small Temporary Sign be displayed for more than fifteen (15) consecutive days.

D. Streamer or Pennant

1. Definition

A Streamer is a temporary display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, without a logo or advertising message printed or painted on them.

A Pennant is a wind device usually made of a lightweight plastic, fabric or other material not containing a message of any kind, usually triangular in shape and attached to a single cord.

2. Specifications

Occupants of premises located in permitted Zoning Districts will be allowed to install and display streamers and pennants that are in good condition and properly maintained.

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E. Vehicular Sign

1. Definition

   A Vehicular Sign is a sign that is attached to a vehicle for advertisement purposes.

2. Specifications

   A Vehicular Sign may not have any flashing or moving elements, must be securely attached to the vehicle, shall not project beyond the surface of a vehicle for a distance in excess of eight (8) inches, and shall be attached to a vehicle so that the driver's vision is not obstructed from any angle. Signs, lights and signals used by authorized emergency vehicles shall not be restricted. The vehicle must be in good working condition and must have current tags.

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F. Prohibited Signs

Any sign using any combination of forms, colors, or lights which imitate standard public traffic regulatory, emergency signs, or signals; flashing signs; abandoned signs; snipe signs; stacked billboards; tri-billboards; mobile signs, inflatable/wind operated signs; signs in the Right-of-Way other than permitted by the City or the state, as appropriate, portable signs, and any temporary sign except those allowed in **Article G.4.03**.

G. Projection into Public Right-of-Way

No sign shall be erected so as to project into the public Right-of-Way of any street or alley, except in the CB, Central Business District. In the CB District, any sign that projects into the public Right-of-Way shall not extend outward from any building face into the public Right-of-Way for a distance of more than ten (10) feet or within two (2) feet of the street curb, whichever is more restrictive.

4.04. Permitted Signs by Zoning District

Table 45. Permitted Signs by Zoning District

Sign Types	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TF	TH	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD
Permanent Signs																						
Athletic Field Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Off-Premise Sign														P	P	P	P	P	P	P	P	P
Blade Sign											P	P	P	P	P	P	P	P	P	P	P	P
Changeable Copy Sign											P	P	P	P	P	P	P	P	P	P	P	P
Menu Board Sign													P	P	P	P	P	P	P	P	P	P
Monument Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Roof-Mounted Channel Letters/Raceway Channel Letters											P	P	P	P	P	P	P	P	P	P	P	P
Pole Sign													P	P	P			P	P		P	P
Development Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wall Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sign Types	A	SF-1	SF-2	SF-3	SF-4	SF-4.5	SF-5	TF	TH	MF	O	NS	GR	C-1	C-2	CB	DT	I-1	I-2	IH-20	P	PD
Temporary Signs																						
Balloon Sign											P	P	P	P	P	P	P	P	P	P	P	P
Banner Sign										P	P	P	P	P	P	P	P	P	P	P	P	P
Small Temporary Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Streamer or Pennant															P	P		P	P		P	P
Vehicular Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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Section 5. Enforcement

5.01. Nonconforming Signs

A. Nonconforming Status

Any sign which existed at the time of adoption of this Article that was legally erected prior to enactment of this Article but fails to conform to the provisions specified herein shall be regarded as a nonconforming sign, which may remain in place. Such signs need not be reconstructed but must be kept in good repair and maintained in a safe condition.

B. Loss of Nonconforming Status

A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations, or be removed if any of the following occurs:

1. The sign is dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign; or
2. The sign is damaged or deteriorated to a point where restoration cost exceeds 60% of the cost of erecting a new sign of the same type at the same location. In determining loss of nonconforming status, the cost of erecting a new sign of the same type at the same location shall be determined by a licensed Sign Contractor, selected by the City, at the owner's expense.

5.02. Persons Subject to Enforcement

The owner or lessee of the sign, the owner or lessee of the land or structure upon which the sign is located, or the person causing or allowing the erections, alteration, replacement, relocation or repair of the sign or structure shall be subject to the provisions of this ordinance as applicable.

5.03. Signs in Right-of-Way

No person shall locate, maintain, or cause to be placed, located, or maintained, or allow to continue to exist on or extending over on to any Right-of-Way, whether the Right-of-Way is owned by the City or by the State of Texas, any sign without written permission granting such use; except as provided in **Article E.Section 1. Streets, Sidewalks, and Driveways**, regulating the use of public rights-of-ways.

5.04. Removal Authority

The Building and Fire Code Official is authorized to order the removal any of the following signs:

A. Any sign that has lost its nonconforming status;

B. Any sign that was erected in violation of this Article or of any other law, regulation or ordinance applicable at the time the sign was erected.

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5.05. Removal of Signs in Right-of-Way

A. For any sign that was erected in City or state Right-of-Way in violation of this Article or of any other law, regulation or ordinance applicable at the time the sign was erected, the Building and Fire Code Official may order the immediate removal of the sign without prior notice. Not later than the 10th day after the date the City removes the sign, the City shall give notice to the owner in the manner and in the form required by **5.06. Removal of Signs Not in Right-of-Way** below; provided, however, that such notice shall not contain a statement advising the owner that if the work is not completed within ten (10) days, the City will perform the work and assess the cost of the work to the owner. Instead, the notice shall contain a statement that the City has removed the sign and has assessed the cost of the work to the owner. Alternatively, before the removal of such a sign, the Building and Fire Code Official may give notice to the owner of the sign in the manner required by **5.06. Removal of Signs Not in Right-of-Way** below and proceed in accordance with the procedure set forth in that section.

B. The City shall conduct a hearing under this section if, not later than the 30th day after the date of the removal of the sign, the sign owner files with the City a written request for a hearing. If a hearing is requested, it shall be conducted according to **5.07. Removal Hearing** below.

5.06. Removal of Signs Not in Right-of-Way

For any sign other than a sign erected in City or state Right-of-Way in violation of this section or of other law, the City shall give ten (10) days' notice of the violation to the sign owner prior to removal of the sign.

A. The notice shall be given:

1. Personally to the owner in writing; or
2. By letter addressed to the owner at the owner's post office address; or
3. If personal service cannot be obtained or the owner's post office address is unknown:
   a. By publication at least twice within ten consecutive days; or
   b. By posting notice on or near the sign to which the violation relates; or
   c. By posting notice on a placard attached to a stake driven into the ground on the property on which the sign is located.

B. The notice shall contain:

1. The name and address of the sign owner;
2. An identification, which is not required to be a legal description, of the property upon which the sign is located;
3. A statement describing the violation, and the work necessary to correct the violation;
4. A statement advising the owner that if the work is not completed within ten days, the City will perform the work and assess the cost of the work to the owner;
5. A statement that the owner may, within ten (10) days of the date of the notice of a violation, submit a written request to the appropriate person named in the notice for an informal hearing before the Construction Advisory and Appeals Board to contest whether the violation exists; and
6. A statement that the City may, at any time, file a criminal misdemeanor complaint in municipal court, in addition to or in lieu of any other remedy provided by law.

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5.07. Removal Hearing

If a written request for a hearing is received in accordance with **5.05. Removal of Signs in Right-of-Way** above or **5.06. Removal of Signs Not in Right-of-Way**, a hearing shall be held before the Construction Advisory and Appeals Board. Unless the owner requests and is granted an immediate hearing, and waives the right to notice, notice of the time and place of the hearing shall be sent to the owner by certified mail. At the hearing, the Construction Advisory and Appeals Board may consider all facts relating to the existence of a violation. After the hearing, the Construction Advisory and Appeals Board may determine that a violation requiring the removal of a sign does or does not exist.

5.08. Presumptions

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon. For the purpose of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

5.09. Notice of Sign Removal Costs; Hearing

A. After the City removes a sign, the City shall give notice to the owner in the manner required by **5.06.A** above. The notice shall contain:

1. The name and address of the owner;
2. An identification, which is not required to be a legal description, of the property on which the sign is located;
3. A description of the violations that occurred;
4. A statement that the City removed the sign;
5. The amount of expenses incurred by the City and owed by the sign owner; and
6. An explanation of the sign owner's right to request in writing a hearing about the City's removal of the sign, and the time period in which a written request must be submitted to the City.

B. The City shall conduct a hearing on the removal of a sign under this article if, not later than the 10th day after the date of notice, the property owner files with the City a written request for a hearing.

The following shall apply to the conduct of the hearing:

1. A hearing shall be conducted by the Construction Advisory and Appeals Board not later than the 45th day after the date a request for hearing is filed.
2. The owner and the City may testify or present witnesses or written information related to the City's removal of the sign.
3. The City has the burden to show that a violation of this Article existed, notice was given in substantial compliance with this Article, and costs incurred to abate the violation were reasonable.
4. At the close of the hearing, the Construction Advisory and Appeals Board shall approve the assessment, deny the assessment, or adjust the amount of the assessment and approve it as adjusted.

C. Notice of Violation Not Requiring Removal; Hearing

1. Upon determining that a sign is illegal, not maintained, or otherwise in violation of the provisions of this Article in a manner that does not require removal, the Building and Fire Code

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Official shall give notice to the sign owner, where possible, and owner of the property on which the sign is located to comply with the provisions of this Article.

2. Notice of violation for violations of the provisions of this Article regarding permanent signs may be given up to 30 days to comply. Additional time may be granted by the Building and Fire Code Official in writing if substantial compliance is proceeding.
3. Notice of violation for violations of the provisions of this Article regarding temporary or prohibited signs requires immediate compliance. Additional time may be granted by the Building and Fire Code Official in writing if substantial compliance is proceeding.
4. The owner of the sign may appeal the order of the Building and Fire Code Official in writing to the Construction Advisory and Appeals Board within ten (10) days of the receipt of the order.

D. Exemptions

Any sign owned by the City, the state or the federal government shall be exempt from the requirements of this Article; provided, however, that this exemption shall not be construed as consent for any such entity to place signs in Rights-of-Way or on other real property owned or controlled by the City.

5.10. Cumulation

This section shall be cumulative of any other ordinance of the City, having to do with sign standards, materials or construction; provided, however, that the provisions of this section pertaining to the use of the various types of signs in various districts and their size and location shall take precedence over all other ordinances, regulations and standards.

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Section 6. Appeals and Variances

6.01. Appeal of Decisions of Building and Fire Code Official or City Planner

A. All questions of interpretation and enforcement of **Section 4. Sign Types** shall be first presented to the City Planner. All questions of interpretation and enforcement of any other provision of this section shall be first presented to the Building and Fire Code Official.

B. Any person aggrieved by any interpretation of or by any decision or ruling of the City Planner under **Section 4. Sign Types** shall have the right to make an appeal to the Zoning Board of Adjustment. Questions of interpretation and enforcement of **Section 4. Sign Types** shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the City Planner.

C. Any person aggrieved by any interpretation of or by any decision or ruling of the Building and Fire Code Official under any provision of this section other than a provision of **Section 4. Sign Types** shall have the right to make an appeal to the Construction Advisory and Appeals Board. Questions of interpretation and enforcement of any provision of this section other than a provision of **Section 4. Sign Types** shall be presented to the Construction Advisory and Appeals Board only on appeal from the decision of the Building and Fire Code Official.

D. Unless expressly provided otherwise in this section, all appeals presented to the Zoning Board of Adjustment and any action and authority of the Zoning Board of Adjustment in response to said appeals shall be governed by the zoning ordinance and the then current bylaws of said board. Unless expressly provided otherwise in this section, all appeals presented to the Construction Advisory and Appeals Board and any action and authority of the Construction Advisory and Appeals Board in response to said appeals shall be governed by **Article F. Building and Safety Code** of this code, as amended, and the then-current bylaws of said board.

E. Notice of appeal shall be in writing and must be filed within thirty (30) days from date of the decision, interpretation or ruling of the City Planner or the Building and Fire Code Official, as the case may be.

6.02. Sign Variances

A. As part of the permit application process, an applicant for a Sign Permit may apply for a variance from certain requirements of this section.

B. Any request for a variance to the provisions of **Section 4. Sign Types** shall be directed to the Zoning Board of Adjustment. Any request for a variance to any other provision of this section shall be directed to the Construction Advisory and Appeals Board. In granting a variance, the authority having jurisdiction may attach additional requirements necessary to carry out the spirit and purpose of this section in the public interest.

C. A sign variance may be granted by the Zoning Board of Adjustment or the Construction Advisory and Appeals Board, as applicable, where all of the following criteria are met:

1. A literal application of this section would not allow the property to be used for a sign.
2. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
3. A literal application of this section would result in an undue hardship for the sign user. The term "hardship" includes only conditions resulting from a literal interpretation of this section and that are due to conditions unique to the property in question. The term does not include any condition that would apply generally to the City or that is present generally throughout the City.

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The term does not include any condition that in any way results from the applicant's own action. The term does not include a self-created or personal condition or a purely financial condition. Simply dividing a building into multiple occupancies shall not be sufficient grounds for granting a variance.

4. Application for a variance has been accepted prior to installation.
5. All variance application fees are paid.
6. The variance does not authorize a use in a zoning district in which the use is prohibited by this section or by the zoning ordinance.
7. The granting of the variance would not be contrary to the general objectives of this section.

6.03. Hearing Fee

The standard fee for a hearing before the Construction Advisory and Appeals Board or the Zoning Board of Adjustment, as applicable, shall accompany notice of appeal or variance request and be paid in accordance with the fee schedule established by resolution of the City Council.

6.04. Hearing

Within a period of thirty (30) days from the filing of an appeal or variance request under this Article, the Zoning Board of Adjustment or the Construction Advisory and Appeals Board, as applicable, shall hear the request, together with the testimony of all parties concerned, and render a decision thereon within three (3) days thereafter.

6.05. Authority of Zoning Board of Adjustment and Construction Advisory and Appeals Board

Subject to the provisions of this section, the Zoning Board of Adjustment and the Construction Advisory and Appeals Board shall have the power to grant variances to the provisions of this Article and to interpret the provisions of this Article. Subject to the provisions of this section, the Construction Advisory and Appeals Board shall have the power to authorize alternate signage if said board determines that such alternate signage is equivalent to or in excess of the standards of this Article, considering adequacy, stability, strength and safety to the public health and welfare.

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Article H. Reserved

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Article I. Definitions

Article Contents:

Section 1. Usage and Interpretation

Section 2. Words and Terms Defined

Section 1. Usage and Interpretation

1.01. Usage and Interpretation Rules

For the purpose of this UDC certain terms or words herein shall be interpreted or defined as follows:

A. Words used in the present tense include the future tense;

B. The singular includes the plural;

C. The word "person" includes a corporation as well as an individual;

D. The term "shall" is always mandatory; and

E. The term "may" is discretionary.

1.02. Words and Terms Not Expressly Defined

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

Section 2. Words and Terms Defined

For the purpose of this UDC, certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the City Council.

2.01. A

1. Abandoned Sign

   Any sign which was erected for or by the owner, occupant or business on a property and is now unrelated to the present use of this property; any sign, except a real estate sign, which is located on property which becomes vacant and unoccupied for a period of three months or more.

2. Abutting

   Adjacent, adjoining, and contiguous to. It may also mean having a lot line in common with a Right-of-Way or easement, or with a physical improvement such as a street, waterline, park, or open space.

3. Access

   A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase “pedestrian access easement”).

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4. Accessory Building

A subordinate building that meets all of the following criteria:

a. No portion of the building is either primarily intended or primarily used for any purpose involving human occupancy,

b. The building is associated with another building (whether detached from or attached to said other building) that is primarily intended or used for a purpose or purposes involving human occupancy, and

c. The building is used and intended for a purpose that is customarily incidental to the associated other building. Examples of Accessory Buildings may include but are not limited to cooling towers, storage buildings, fire pump buildings, a private garage for automobile storage, a tool house, a greenhouse, a home workshop, a children's playhouse and a garden shelter.

5. Accessory Dwelling Unit

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure

6. Accessory Sign

A sign that is incidental to the primary for the main building of the premises.

7. Accessory Structure

An awning, cabana, storage cabinet, carport, windbreak, porch or other similar feature that has a floor area exceeding twenty-five (25) square feet and has an opaque top or roof.

8. Accessory Use

A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

9. Accessory Vehicle

Recreational vehicle, travel trailer, boat, boat trailer, utility trailer, or any vehicle designed to be towed and not capable of self-propulsion

10. Act or "the Act"

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. seq., 86 Stat. 816, Pub. L. 92-500.

11. Address

An identifier that is assigned to a tract of land, a building or a portion of a tract of building with the purpose of helping emergency services personnel locate said tract, building or portion thereof. The term includes the street number, the building number (if any) and the unit number (if any), either individually or in any combination. The address of a tract of land, a building, or a portion thereof is also usually used for the purposes of facilitating the location of the identified tract, building or portion thereof by members of the general public or other persons wishing to visit or locate said tract, building or portion thereof and of facilitating the delivery of mail to same.

12. Adequate Drainage

The drainage of water in such a manner that the water does not adversely impact property.

13. Addressing Administrator

The manager or director of the division or department designated by the City Manager to enforce and administer **Article E.1.04. Addressing Standards**. The term shall also mean any person designated by said manager or director to represent said manager or director for the purposes of enforcement and administration of **Article E.1.04. Addressing Standards**.

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14. Administrator

The department(s) or division(s) of the City designated by the City Manager to administer and/or enforce the provisions of this article and any person or persons designated by such a division or department to represent the division or department for said purpose.

15. Adverse Impact

In relation to drainage, the actions of one property owner are not allowed to adversely affect the rights of other property owners.

16. Advertising Matter

Any goods, wares, merchandise or other advertising object that is placed on, anchored on or suspended from any building, pole sign, sidewalk, parkway, driveway, lawn, area or parking area. The term includes, but is not limited to, light, inflatable objects, pennants, or flags for the purpose of calling attention to any goods, wares, merchandise sale or business.

17. Agriculture, Ranching

An area of five (5) acres or more with a residential dwelling on-site that is used for growing of farm products, vegetables, fruits, trees and grain; for raising thereon of usual farm poultry, farm animals such as horses, cattle, sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises but not including, the commercial feeding of offal and garbage to swine and other animals, not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

18. Agriculture, Commercial Crops

An area used for the growing of farm products, vegetables, fruits, flowers, trees and/or grain and including the necessary accessory structures or uses for raising, treating and storing products raised on the premises.

19. Agriculture, Commercial Livestock

An area used for the raising of the poultry and livestock animals such as horses, cattle, and sheep and including the necessary accessory structures or uses for raising, and housing animals raised on the premises. See Code of Ordinances for additional regulation of livestock.

20. Airport, Landing Field or Heliport

A landing facility for fixed and rotary wing aircraft including terminal, fueling, repair and storage facilities and subject to approval by the City.

21. Alarm Company

Any person engaged in the full-time or part-time business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, installed or monitored any alarm system in an alarm site.

22. Alarm Coordinator

The individual designated by the Fire Chief to administer, control and review false alarm reduction efforts, issue alarm permits, and enforce the provisions of this article.

23. Alarm Permit

A permit issued by the alarm coordinator pursuant to this article.

24. Alarm Signal

A signal initiated by a device whose activation is indicative of the presence of a fire or fire signature, including but not limited to a manual fire alarm box, automatic fire detector, water-flow switch, or other similar device.

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25. Alarm Site

A single fixed premise or location having one street address served by one or more alarm systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

26. Alarm System

Any assembly of equipment (whether mechanical, electrical, electronic or any combination thereof) arranged to send an alarm signal and intended to summon the fire department.

27. Alarm User

Any person who uses or is in control of an alarm system at an alarm site.

28. Alcohol Related Uses

Any establishment, place of business or person engaged in the selling of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code.

29. Alley

A Right-of-Way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street. A public space or thoroughfare that affords only secondary means of access to property abutting thereon.

30. Alteration

A physical change in or to a building or site. The term includes, but is not limited to, any one or more of the following: construction, reconstruction, Restoration, Rehabilitation, demolition, relocation and ordinary maintenance. The term also includes, but is not limited to, any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affects the appearance and cohesiveness of the structure or property so changed.

31. Alternative One-Family Dwelling Unit

Term applies in relation to addressing. A dwelling unit that does not form part of a multiple-family dwelling and does not front on a street. The term may include but is not limited to a secondary residential building, a mobile home located in a traditional mobile home park, a residence in an off-street residential complex and other similar dwelling units.

32. Alternative One-Family Dwelling Unit Complex

Term applies in relation to addressing. Either:

a. A group of two or more alternative one-family dwelling units located on the same tract of land or on the same platted lot or on immediately adjacent tracts or platted lots or,

b. A group consisting of at least one standard one-family dwelling unit and one or more alternative one-family dwelling units all located on the same tract of land or on the same platted lot or on immediately adjacent tracts or platted lots.

The term may include but is not limited to mobile home parks, off-street residential complexes, a standard one-family dwelling unit with an associated secondary residential dwelling and other similar properties.

33. Amusement, Indoor

An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line. Examples include but are not limited to escape rooms, arcades, trampoline parks, bingo halls, or indoor golf simulators.

34. Amusement, Outdoor (Permanent)

A facility or area for sports, entertainment, games of skill, or recreation open to the general public where any portion of the activity takes place outside of an enclosed permanent structure and the portion of the activity that takes place outside of an enclosed permanent structure is not a temporary outdoor

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amusement as defined by this zoning ordinance. Examples include but are not limited to an outdoor event center, golf driving range, archery range, miniature golf course, game court, athletic field, batting cage, and stadium or arena.

35. Amusement, Outdoor (Temporary)

A facility or area used on a temporary basis for the purpose of amusement or recreation that has no permanent structure or installation and that is open no more than once a month for no more than 8 calendar days per event. Examples include but are not limited to a festival, concert, traveling show, exhibit, carnival, circus, games of skill or chance, and riding device(s). A specific use permit for a temporary outdoor amusement is issued for a period not to exceed two (2) years but may be renewed thereafter; provided, however, that such a specific use permit shall never be renewed for a period of more than two (2) years.

36. Animal Clinic or Hospital, No Outside Runs or Pens

Facility entirely indoors in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing or other treatment for which payment is received.

37. Animal Clinic or Hospital, with Outside Runs or Pens

Facility with a fenced yard where outside runs or pens are allowed, in which dogs, cats, or other domestic animals are accepted for medical treatment, grooming, bathing or other treatment for which payment is received.

38. Animal Crematory

A facility containing properly installed, certified apparatus intended for use in the act of cremation of animals.

39. Animal Grooming Services

A facility for professional washing and grooming of animals.

40. Animal Shelter

Facility in which three (3) or more dogs, cats, or other domestic animals are held for adoption or accepted for boarding for which payment is received.

41. Animation

Movement or the appearance of movement of images on a sign display through the use of patterns of lights, changes in color or light intensity, computerized special effects, video display, or by other means.

42. Annual (Plant)

Plants that complete their full life cycle within a single growing season. All portions of the plant die annually.

43. Antique Shop

An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.

44. Apartment

A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed or occupied as a place of residence by a single family, individual or group of individuals.

45. Apartment House

As it relates to **Article E.Section 2. Water and Wastewater**, any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments; or which is occupied as a home or place of residence by three or more families, living in independent dwellings units.

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46. Applicant

The person or entity responsible for the submission of an application. The applicant must be the actual owner of the property for which an application is submitted, or shall be a duly authorized representative of the property owner. Also see Developer.

47. Application

The package of materials, including but not limited to an application form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.

48. Application Form

The written form (as provided by and as may be amended by the City Manager) that is filled out and executed by the applicant and submitted to the City along with other required materials as a part of an application.

49. Approval

a. Approval constitutes a determination by the official, board, commission, or City Council responsible for such determination that the application is in compliance with the minimum provisions of this UDC.

b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the Professional Engineer or Professional Land Surveyor who sealed the plans is responsible for the adequacy of such plans.

50. Approval Authority

The administrator of the EPA, the administrator of the TCEQ or their designated representative.

51. Approved Analytical Procedures

Analytical procedures approved for the testing of wastewater samples in accordance with Title 40 of the Code of Federal Regulations, Part 136 (40 CFR 136) and amendments thereto or any method that has been approved for analysis in accordance with the approval procedure outlined in 40 CFR 136 or those analytical procedures approved by the Texas Commission on Environmental Quality, formerly the Texas Natural Resource Conservation Commission, as appropriate.

52. Approved Surface

A surface constructed of asphalt, concrete, brick, cobblestones, or an equivalent material approved by the City Planner. The term does not include a surface constructed of dirt, Grass, or gravel.

53. Approved Water Product List

The Approved Water Product List of City of Longview maintained by the Director of Development Services.

54. Appurtenant Features

Shall mean the feature that define the design of a building or property including but not limited to porches, railings; columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

55. Archeological Property or Archeological Site

Any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

56. Area of the Lot

The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

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57. Area of Special Flood Hazard

The land in the floodplain within the city subject to a one percent or greater chance of flooding in any given year and had the same meaning as assigned to the term "Special Flood Hazard Area" or "SFHA" in the FIRM and the Flood Insurance Study. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, Approximate or A Zones, AE, AH, AO, A99, VE or V.

58. Areas of Special Flood Hazard

See Area of Special Flood Hazard.

59. Art Gallery or Museum

An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

60. Asphalt or Concrete Batching Plant

A permanent manufacturing facility for the production of asphalt or concrete.

61. Assisted Living

A home operated by a business or non-profit organization where ill or elderly people are provided with lodging and meals, with or without nursing care.

62. Authorized Emergency Vehicle

Shall have the meaning set out in Section 541.201 of the Texas Transportation Code.

63. Automobile

Includes (unless specifically excluded by definition) automobiles, trucks, tractors, motorized farm machinery, motorcycles, scooters, mopeds, all-terrain vehicles, recreational vehicles and go-carts.

64. Auto Glass, Muffler or Seat Cover Shop

A facility for the retail sale, installation or replacement of auto glass, mufflers (custom fabrication) or seat covers.

65. Auto Parts Sales, Inside Display

A facility for the retail sale of auto parts, tools and related items, inside a structure.

66. Auto Parts Sales, Outside Display

A facility for the retail sale of auto parts, tools and related items, outside a structure, requiring the use of a screening fence, completely obscuring all stored parts from view.

67. Auto Repair, Major

A facility (either independent or in conjunction with another) performing repairs, inside or outside a building, such as:

a. Clutch, transmission, differential, axle, spring and frame repairs;

b. Major overhauling or engines requiring removal of cylinder head or crankcase;

c. Radiator repair requiring removal;

d. Recapping, retreading or outdoor storage of tires;

e. Any auto related use requiring the outdoor storage of parts, tools or equipment.

68. Auto Repair, Minor

A facility (either independent or in conjunction with another) performing repairs inside a building, such as:

a. Servicing of spark plugs, batteries, distributors and distributor parts;

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b. Tire sales, servicing and repair (with no outdoor storage or recapping, retreading or regrooving);

c. Replacement of mufflers and tail pipes with pre-manufactured parts (no custom fabrication), water hose, fan belts, all fluids, light bulbs, fuses, floor mats, seat belts, windshield wipers, grease retainers, wheel bearings, mirrors and the like;

d. Brake relining and repair;

e. Radiator cleaning and flushing, replacement of water pump;

f. Minor servicing and repair of carburetors;

g. Fuel pump, oil pump and line repairs;

h. Minor motor adjustment not involving the removal of the cylinder head or crankcase;

i. Sales and installation of automobile radios and minor accessories.

69. Auto Sales and Repair (Inside Only, Minor Repair)

A facility for the display and retail sale of or for the minor repair of new or used automobiles, motorcycles, motor scooters, recreational vehicles or trailers. This use occurs only inside a structure.

70. Auto Sales and Repair (Outside, Major Repair)

A facility for the display and retail sale of or for the repair of new or used automobiles, motorcycles, motor scooters, recreational vehicles or trailers. This use may occur inside or outside a structure.

71. Auto Wrecking or Salvage Yard

A yard or building where autos or machinery are stored, dismantled and/or offered for sale as whole units, salvaged parts or processed metal.

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72. Backfill

The restoration of excavated material.

73. Bakery or Confectionary Shop, Retail

A place for preparing, cooking, baking, and selling of baked goods, such as pastry items and donuts on the premises.

74. Bakery or Confectionary Shop, Wholesale

A facility that is used for the production and distribution of baked goods and confectioneries to retail outlets. Limited small-scale hand assembly and packaging is permitted as part of this use.

75. Balloon Sign

See **Article G.4.03.A. Balloon Sign**.

76. Banner Sign

See **Article G.4.03.B. Banner Sign**.

77. Base Flood

The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

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78. Basement

A building story, which is partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

79. Bar/Nightclub

An establishment that serves alcoholic beverages by the drink for on-site consumption and that derive 75 percent or more of the gross revenue from the on-premise sale of alcoholic beverages. This definition includes night clubs.

80. Barrier

A device/treatment controlling the management, circulation, separation, or direction of traffic, including but not limited to, wheel stops, raised islands, dividers or barricades.

81. Bed and Breakfast

A residential unit offered for rental to guests for residential purposes for a period of one (1) to thirty (30) nights. Examples include, but are not limited to, Airbnb, Vacation Rentals by Owner, HomeAway, and other brokers. Such rentals may include a shared room, a single room, or the entire dwelling unit. These uses are conducted by the homeowner or tenant, not by a hotel or other business.

82. Berm

An earthen mound designed to provide visual interest, screening or decreased noise.

83. Best Management Practices (BMP)

Schedules of activities, prohibitions or practices, maintenance procedures, and other management practices to prevent or reduce pollution.

84. Billboard Sign

See **Article G.4.02.B Off-Premise Sign**.

85. Billiard Parlor/Pool Hall

An establishment in which billiards are played or offered either as the main use or as an accessory to any other occupancy. This term does not include businesses in which one (1) billiard table is operated as an accessory to any other occupancy that is allowed in the GR, General Retail District.

86. Biochemical Oxygen Demand (BOD5)

The quantity of oxygen utilized in the biochemical degradation of organic matter and the oxygen used to oxidize inorganic material under standard laboratory procedure (approved analytical procedure) where a diluted sample is incubated for five days at 20° Celsius and expressed in milligrams per liter (mg/l).

87. Blade Sign

See **Article G.4.02.C. Blade Sign**.

88. Blink or Blinking

A form of flashing where the pattern of sudden illumination changes occurs with more than two on-off cycles per second.

89. Block

A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad Right-of-Way, highway, stream, or corporate boundary lines.

90. BOD

See Biochemical Oxygen Demand (BOD5).

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91. Brick Kiln or Tire

A heating device used to assist in metal extraction or cement production.

92. Building

A structure created to shelter any form of human activity. The term may include, but is not limited to, a house, barn, church, hotel, or similar structure. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

93. Building Code

The official building code of the City in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official building code of the City to the extent required by said code.

94. Building Line

A line parallel or approximately parallel to the property line at a specified distance, making the minimum distance from the property line that a building may be erected.

95. Building Height

a. Vertical distance between the finished grade within two (2) feet of the foundation to the highest point of the roof.

b. For varying rooflines or elevations, the height is the average height of three (3) equidistant points on each elevation.

c. Architectural elements that do not add floor area to a building or structure, such as parapet walls, chimneys, vents, and roof equipment are not considered part of the height of a building.

d. **Figure 2. Method for Measuring Building Height**.

96. Building Material Sales

An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise. Sometimes referred to as a "Contractor's Yard". Note that this definition does not include home improvement stores that provide goods to the general public (e.g., Home Depot or Lowe's).

97. Building Number

An identifier that is assigned to a specific building within a multiple building complex with the purpose of helping emergency services personnel locate said building. The term does not include the street number or the unit number (if any). The building number is also frequently used for the purposes of facilitating the location of the identified building by members of the general public or other persons wishing to visit or locate said building and of facilitating the delivery of mail to said building.

98. Building and Fire Code Official

The Building and Fire Code Official of the City or designee.

99. Building Permit

A permit issued by the City before a building or Structure is started, improved, enlarged, or altered as proof that such action is in compliance with the City code.

100. Buffer Yard

A transitional area with landscaping at the edge of a property that is required when a more intensive land use locates adjacent to a less intensive land use, intended to screen or reduce the impacts. See **Article B.4.05. Buffer Yards**.

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101. Bus Station or Terminal

Any premises for the transient housing or parking of motordriven buses, and the loading and unloading of passengers.

102. Bypass

The intentional diversion of wastewater from any portion of a User's treatment facility.

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103. Cabinet and Upholstery Shop

A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

104. Canopy

A roof-like structure that shelters a drive lane use such as, but not restricted to, a gasoline pump island. A canopy is open on two or more sides and may be supported by either columns or by being attached to the building to which it is accessory.

105. Caliper

Diameter of a predominant tree trunk measured six (6) inches above grade for trees four (4) inches in diameter or less. For trees with larger diameter, the caliper shall be the measurement of the tree diameter four and one-half (4 1/2) feet above grade.

106. Canopy Tree

Any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown, which attains a height of at least thirty (30) feet above grade.

107. Car Wash, Tunnel

A facility with an automatic wash provisions are used by the customer to wash motorcycles, automobiles and light load vehicles in exchange for financial consideration.

108. Car Wash, Detail Shop

A facility with hand wash provisions for use by the customer to wash motorcycles, automobiles and light load vehicles in exchange for financial consideration. All operations are conducted inside the facility.

109. Categorical Standards or Categorical Pretreatment Standards

National Categorical Pretreatment Standard or Pretreatment Standard as set forth in any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 USC 1317), which applies to a specific category of Industrial Users.

110. CDBG Public Service Center

A building and grounds owned by the City of Longview, or owned and operated by a non-profit organization with a 501(c)3 federal tax exemption certification, which is used for an approved Community Development Block Grant (CDBG) program activity.

111. Cellar

A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

112. Cemetery, Columbarium, or Mausoleum

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbaria, crematoriums, mausoleums, and funeral establishments, when operated in

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conjunction with and within the boundary of such cemetery. See State Health Code for additional reference.

113. Central Business District Banner

Vertical banner program in the central business district that announces special events.

114. Certificate of Appropriateness

A Certificate of Appropriateness issued by the Historic Preservation Commission pursuant to this article.

115. Certificate of Completion

An official certificate issued by the Development Review Team that indicates conformance with the City's rules and regulations; however, a future occupant is still required to obtain a Certificate of Occupancy.

116. Certificate of Occupancy

An official certificate issued by the Development Review Team that indicates conformance with the City's rules and regulations and that authorizes legal use of the premises.

117. Changeable Copy Sign

See **Article G.4.02.D. Changeable Copy Sign**.

118. Chemical Oxygen Demand (COD)

The measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater expressed in milligrams per liter (mg/l) as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

119. Child Care Home, ≤6 Children

Regular care occurring in the caretaker's own residence for not more than six (6) children, excluding children who are related to the caretaker but in no case exceeding twelve (12) children at any given time. See **Chapter 42 of the Human Resources Code, Regulation of Certain Facilities, Homes, and Agencies that Provide Child Care Services**.

120. Child Care Home, 6+ Children

Regular care occurring in the caretaker's own residence for more than six (6) children, excluding children who are related to the caretaker. See **Chapter 42 of the Human Resources Code, Regulation of Certain Facilities, Homes, and Agencies that Provide Child Care Services**.

121. Child Care Facility, Children's Home

A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See **Chapter 42 of the Human Resources Code, Regulation of Certain Facilities, Homes, and Agencies that Provide Child Care Services**.

122. Cleaning, Commercial Plant

An industrial facility where fabrics are cleaned and dyed with substantially non-aqueous organic solvents on a commercial or wholesale basis.

123. Cleaning, Dry Cleaners Pick-up and Drop-Off

Fabrics, clothes, and linens cleaning shop or drop-off/pick-up station that serves as an outlet for a large off-site facility.

124. Cleaning, Laundromat

A laundromat facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

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125. Clothing Resale Shop

An establishment for the sale of clothing or apparel, at least some of which is used or secondhand clothing or apparel. The term does not include any establishment that sells items other than clothing or apparel. (Ordinance No. 3281)

126. City

The City of Longview, Texas, together with all its governing and operating bodies.

The City of Longview, Texas, a municipal corporation, acting by and through its governing body, or its City Manager, each of whom is required by Charter to perform specific duties. Responsibility to final enforcement of contracts involving the City of Longview is by Charter vested in the City Manager.

127. City Attorney

The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

128. City Council

The duly elected governing body of the City of Longview, Texas.

129. City Engineer

The Professional Engineer designated as the City Engineer of the City of Longview, Texas, and shall also include anyone designated by the City Engineer to carry out or aid in the execution of one or more of the City Engineer's duties or powers under this section.

130. City Manager

The City Manager of the City of Longview, Texas, or the City Manager's designee(s).

131. City Planner

The Planning Manager, as designated by the Director of Development Services, and shall also include anyone designated by the City Planner to carry out or aid in the execution of one or more of the City Planner's duties or powers under this section.

132. City Secretary

The person(s) so designated by the City Council to provide clerical and official services for the City Council. This term shall also include any designee of the City Secretary.

133. Clinic

A group of offices for one or more physicians, surgeons, or dentists, to treat sick or injured outpatients who do not remain overnight.

134. COD

See Chemical Oxygen Demand (COD).

135. Combined Wastestream Formula

As set forth in 40 CFR 403.6 (e).

136. Commercial Driveway

Commercial driveway means a driveway serving an office, retail, or administration building or place, an apartment building with more than five units, a refueling station, more than two single-family residences, an automobile parking lot or area, farm, ranch, school, church, cemetery, oil well/gas well or related facilities, public building or place, or buildings or places of a like character.

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137. Community Center, Public

A building and grounds owned by and operated by a governmental body for the social, recreational, health or welfare of the community served.

138. Community Event

An event that is open to the public for the purpose of amusement, recreation, or education.

139. Community Home for People with Disabilities

An institution licensed by the State that provides food and shelter; personal guidance; care; habilitation services; and supervision to patients with a disability.

In accordance with **Sec. 123.003 of the Texas Human Resources Code**, the use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential. For additional information, see the **Texas Human Resources Code Chapter 123**.

140. Community Unit Development

An area of three (3) acres or more of unsubdivided land or the frontage on one side street between two intersecting streets, planned as a single integral residential development which may contain variable types of housing with yard setback and open space standards differing from the district in which it is located but which observes the overall density standards set forth in such district. Where the overall density standards are proposed to vary from those of the district in which the community unit development is located, the development should be handled as a Planned Development District.

141. Composite Sample

A sample made up of a mixture of discrete samples collected at the same sampling point at equal intervals over a 24-hour period (or greater), with each interval not to exceed two hours. In a flow-proportional Composite Sample, the discrete portions are varied according to flow. Where flow is not continuous over a 24-hour period, portions shall be collected at equal intervals over the period of discharge in a 24-hour period, with each interval not to exceed two hours.

142. Comprehensive Plan

a. The plan, including all revisions thereto, adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City.

b. The plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, parks other public and private developments and improvements and population projections.

c. The plan may consist but is not limited to the following plan elements: Future Land Use Plan, Transportation and Circulation Plan, Public Facilities Assessment, Parks, Recreation, and Open Space Plan, Neighborhood and Community Livability, Annexation and Growth Management Strategies, and Economic Development Summary.

143. Consumer

The actual user of water or wastewater service from a city connection.

144. Construction Advisory and Appeals Board

The Construction Advisory and Appeals Board for the City of Longview, Texas, created by Chapter 19 of the Longview City Code.

145. Construction Codes

The official electrical code, building code, mechanical code, fuel gas code, plumbing code, residential code, energy conservation code, and fire code of the City of Longview, Texas, as adopted by the City Council and as said codes may from time to time be amended by said Council.

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146. Construction Plans

A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.

147. Contractors Yard or Storage Yard

A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

148. Contributing Property

A property that contributes to a district's historical significance through location setting, design, construction, workmanship, and/or association with historical persons or events.

149. Control Authority

The City of Longview as the POTW with an approved pretreatment program.

150. Corporate Limits

The boundaries of the City of Longview, Texas, including without limitation, any area that may be annexed into said city after the effective date of this UDC.

151. Council

The City Council of the City.

152. County

Gregg and/or Harrison Counties.

153. County Clerk

The County Clerk of the county having appropriate jurisdiction.

154. Court

An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or permanent space.

155. Court or Civil Municipal Court

Unless otherwise specified, the Civil Municipal Court of Record created under Chapter 28 of the Longview Code of Ordinances.

156. Coverage

The percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of two (2) feet from the walls of a building shall be excluded from coverage computations.

157. Credit Access Business

A credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan. See **Section 393.601 of the Texas Finance Code** for additional regulations and information.

158. Crematory

A facility containing properly installed, certified apparatus intended for use in the act of cremation.

159. Cul-de-Sac

A short, residential street having but one vehicular access to another street, and terminated on the opposite end by a vehicular turnaround.

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160. Curb Cut

The distance measured along the edge of the travel lane between the intersections of the driveway curb returns and the street.

161. Curb Line

The raised ledge adjacent to the paved portion of the roadway that delineates that portion of the roadway maintained for the purpose of vehicular travel, or, where there is no raised ledge or curb, the edge of the paved portion of roadway.

162. Curb Return

The portion of curb or street edge that connects intersecting curb lines or pavement edges of two streets and is usually in the shape of a quarter of a circle.

163. Custom Personal Service Shop

Tailor, dressmaker, shoe shop or similar shop offering custom service.

164. Cut

A cut made into the paved surface of a Public Street, alley, curb, sidewalk paved surface, or planting space.

2.04. D

165. Dairy Plant

A facility producing dairy products such as milk, butter, cheese, and ice cream.

166. Dangerous Building or Structure

All buildings or structures which have any of the following defects or lack of facilities:

a. All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail or rain, or damage through fire to the extent that the roof, windows or doors, or portions of the house, building or structure which protect the interior from the weather, would no longer reasonably protect from the weather.

b. All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand the forces of nature.

c. All buildings or structures not wired so as to provide in operating condition electrical circuits sufficient to safely carry a load imposed by normal use of appliances and fixtures.

d. All buildings or structures of which the floors, walls, ceilings, and all supporting members are not capable of bearing imposed loads safely.

e. All buildings or structures so deteriorated or constructed or permitted to be constructed as to constitute a menace to the health or safety, including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects, reasonably calculated to spread disease, and including such conditions hazardous to safety as inadequate bracing or use of deteriorated materials.

f. All buildings or structures which constitute or in which are maintained fire hazards as that term is defined by the ordinances of the City of Longview, Texas.

g. All buildings or structures substantially in noncompliance with the requirements of the city's building code, electrical code, plumbing code, fire code, property maintenance code, or other applicable codes of the City of Longview such that said buildings or structures constitute a menace or hazard to the public health or safety.

h. All buildings or structures so dilapidated or substandard as to be unfit for human habitation.

i. All buildings or structures which, because of activities involving the sale, use, or abuse on said premises of illicit drugs or alcohol or other similar activities as certified to by the Chief of Police, or the

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Fire Marshal, or the environmental health officer, or their designee, constitute a fire hazard or a menace to the health, safety, and welfare of the citizens of the City of Longview.

167. Date of Adoption

The date of adoption of this UDC shall be the date this ordinance becomes effective.

168. Day Camp

A facility arranged and conducted for the instruction and organized outdoor recreation of children on a daytime basis.

169. Daycare

A business for the care of children or adults at a location other than a caretaker's residence for less than 24 hours a day. See **Chapter 42 of the Human Resources Code, Regulation of Certain Facilities, Homes, and Agencies that Provide Child Care Services**.

170. Daylight Hours

The portion of one calendar day from sunrise to sunset.

171. Dead-End Street

A street, other than a cul-de-sac, with only one outlet.

172. Decision-Maker

The City official or group, such as the City Council, or Planning and Zoning Commission, responsible for deciding action on an application authorized by this UDC.

173. Design Review

The decision-making process conducted by an established review committee or the City that is guided by the terms set forth in **Article C. Historic Preservation**.

174. Design Review Guideline

A set of guidelines adopted by the Historic Preservation Commission that details acceptable alterations of designated properties.

175. Developer

a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this UDC.

b. The word Developer is intended to include the terms Subdivider, property owner, and, when submitting platting documents, applicant.

176. Development

Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, mining, dredging, filling, grading, paving, drainage, utilities, storage, excavation or drilling operations, clearing of trees and other vegetation, silvicultural activities, storage of equipment or materials and agricultural activities.

177. Development Site Plan

A Development Site Plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the Zoning Regulations.

178. Development Application

An application, developed and updated by the City Manager, for any type of plan, permit, plat, or Construction Plans/drawings authorized or addressed by this UDC. Also, may be referred to as a permit within **Chapter 245 of the Texas Local Government Code**.

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179. Development Guide

The Development Guide of City of Longview.

180. Development Permit

A permitted issued by the City that is required prior to any site work.

181. Development Review Team

The group of City officials designated by the City Manager to review development applications, which may include but is not limited to the City Planner, City Engineer, Director of Development Services, Director of Public Works, Building and Fire Code Official, and Fire Marshal.

182. Dilapidated or Deteriorated Condition

Where structural support or frame members are visibly bent, broken, dented, or structurally unsound as determined by the Building and Fire Code Official to such an extent that a danger of injury to persons or property is created.

183. Direct Discharge

The discharge of wastewater directly to the Waters of the State of Texas, including storm drains, man-made and natural drains, and other outlets.

184. Directional Sign

A sign that contains only information designed to direct pedestrians or vehicular traffic to the location of a facility on the property on which the sign is located. Such signs may include, but are not limited to arrows, words or logos. A sign is not a directional sign if the sign lists any goods or services for sale.

185. Directory Sign

A sign listing the occupant or occupants of a building or group of buildings located on the same or contiguous lot(s) or tract(s) of land.

186. Director of Development Services

The person(s) so designated by the City Manager to provide oversight for and have responsibility of the City's Development Services Department. This term shall also include any designee of the Director of Development Services. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the City Manager, such as "Development Services Director."

187. Director of Public Works

The person(s) so designated by the City Manager to provide oversight for and have responsibility of the City's Public Works Department. This term shall also include any designee of the Director of Public Works. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the City Manager.

188. District

A section of the City of Longview for which the regulations governing the area, height or use of the land and buildings are uniform.

189. Domestic Sewage

Water-borne wastes normally discharged from the sanitary conveniences of dwellings (including apartments, houses and hotels), office buildings, institutions, free from storm, surface water and Industrial Wastes.

190. Dorm

A building, where lodging and meals for three or more persons are served for compensation, typically for students.

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191. Drainage Criteria and Erosion Control Manual

The most recent version of the supplemental manual to the Master Drainage Plan, which includes drainage design standards. See Engineering Criteria Manual.

192. Drapery, Needlework or Weaving Shop

A facility specializing in sewn or embroidered items.

193. Driveway

Any way, place, or area constructed within the public Right-of-Way connecting the public roadway with private property for the purpose of providing access for motor vehicles to private property.

194. Driveway Curb Return

The portion of curb or driveway edge formed by the radius of a semi-circle, said radius being perpendicular to the curb or driveway edge and perpendicular to the curb line.

195. Driveway Curb Return Radius

The radius required to form the driveway curb return.

196. Driveway Contractor's License

The license required by **Article E.1.06.D**.

197. Driveway Permit

The driveway permit required by **Article E.1.06.A**, but not a temporary driveway permit.

198. Driveway Width

That portion of the driveway as measured at the end of the driveway curb return radius at the most distant point from the curb line.

199. Dump or Sanitary Fill Area

A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

200. Dwelling Unit

A building or portion of a building that is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

2.05. E

201. Easement

a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.

b. An area established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.

c. The City shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

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202. Electrical Code

The official electrical code of the City of Longview, Texas, as adopted by the City Council and as said code may from time to time be amended by said Council.

203. Electrical Generating Plant

All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

204. Electrical Transmission Line

Overhead utility lines for the transmission of electricity at 100,000 volts or more, between generation or switching facilities and local distribution systems.

205. Electronic Power Substation

A part of the electrical distribution system with the primary function to transform electrical voltage, and includes transformer stations and switching stations.

206. Embankment

Excavated material placed on the surface.

207. Emergency Radio Broadcast Corridor

Emergency radio broadcast corridor shall mean the area beginning at an elevation of 50 feet in height above ground level extending upward thereafter and extending outward a distance of 25 feet along and either side of an imaginary line connecting any of the emergency radio microwave broadcast towers used by the City.

208. Energy Conservation Code

The official energy conservation code of the city in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official energy conservation code of the city to the extent required by said code.

209. Engineer

See Professional Engineer.

210. Engineering Plans

See Construction Plans.

211. Engineering Criteria Manual

A separate and stand-alone document or complication of documents not included within this UDC, the Engineering Criteria Manual details specific engineering requirements (e.g., drainage criteria) for the construction of Improvements. The Engineering Criteria Manual is developed and maintained by the City Manager or designated responsible official.

212. Environmental Protection Agency (EPA)

The U.S. Environmental Protection Agency (EPA), or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

213. Excavation

The removal of the surface of any portion of the public Rights-of-Way or the removal of any material from below the surface of any portion of the public Rights-of-Way.

214. Existing Construction

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

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215. Existing Tree

Any canopy tree or non-canopy tree that is present on a lot prior to development.

216. Exterior Feature

Features including the architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the kind and texture of the building material and the type and style of the windows, doors, walls, reefs, light fixtures, signs, and other appurtenant features.

217. Extraction and Storage of Sand, Caliche, Stone, or Gravel

The excavation and storage of sand, gravel, minerals, or other raw resources from the earth.

218. Extraterritorial Jurisdiction

The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in **Chapter 42 of the Texas Local Government Code**, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this UDC. Also referred to as "ETJ".

2.06. F

219. Façade or Front Façade

A façade directly visible from any public street or main circulation drive and the façade used as the primary entrance to the building.

220. Facilities

Any tangible property that may be placed in the public Rights-of-Way. Facilities include, but are not limited to, wires, cables, pipelines, poles, and conduits of any nature.

221. Fairground or Exhibition Area

An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

222. Family

Any number of individuals living together as a single household in which not more than four (4) individuals are unrelated by blood, marriage or adoption.

223. False Alarm

An alarm signal that is received by the public safety answering point or by any fire department personnel when there is not a situation requiring a fire department response at the alarm site from which the alarm signal originated. The term includes, but is not limited to, any event considered to be a false alarm in **Article F.Section 2. Fire Prevention**. The term does not include any event that qualifies as a legitimate alarm under **Article F.Section 2. Fire Prevention**.

224. Fats, Oils and Greases (FOG)

Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

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225. Fee Schedule

A listing of fees for various applications, which is prepared by the City Manager and approved by City Council and may be amended periodically. The Fee Schedule is approved separately from this UDC.

226. Feed Store

An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

227. Field or Construction Office, Temporary

A structure or shelter, subject to removal by order of the Building and Fire Code Official, used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

228. Fire Chief

The chief of the fire department and any individual designated by said chief to undertake any of the duties or functions imposed upon the Fire Chief in this UDC.

229. Fire Code

The official fire code adopted by the City Council. See **Article F. Building and Safety Code**.

230. Fire Department

The City of Longview Fire Department.

231. Fire Lane

Fire lane shall mean any area appurtenant to entrances or exits of a building deemed necessary by the Building and Fire Code Official to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by the Building and Fire Code Official as such. A fire lane may include sidewalks, driveways, portions of parking lots, or other areas adjacent to or near building entrance or exits, or any fireplug.

232. Fire Marshal

The City Official designated by the Fire Chief to carry out or aid in the execution of one or more of the Fire Marshal's duties and powers.

233. Fire Station and Similar Public Safety Building

A building used for fire equipment and firefighters or serves similar other public purposes.

234. Flag

See **Article G.4.03.D. Streamer or Pennant**.

235. Flash or Flashing

A pattern of changing light illumination where the sign or message illumination alternates suddenly between fully illuminated and fully non-illuminated more often than two on-off cycles per second.

236. Flashing Sign

An illuminated sign using a rotating beacon, beam, or flashing illumination in which the artificial source of light does not maintain a stationary or constant intensity and color at all times when such sign is illuminated. This does not include changeable copy signs.

237. Flood

Flood or "Flooding" refers to a general and temporary condition of partial or complete inundation of normally dry land area from:

a. The overflow of inland or tidal waters.

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b. The unusual and rapid accumulation or runoff of surface waters from any source.

238. Flood Damage Prevention Variance

A grant of relief to a person from any requirement found in **Article E.Section 5. Flood Damage Prevention** when specific enforcement would result in unnecessary hardship. A Flood Damage Prevention Variance, therefore, permits construction or development in a manner otherwise prohibited by **Article E.Section 5. Flood Damage Prevention**. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations)

239. Flood Hazard Boundary Map

An official map of the city issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated as Zone A. Also referred to as “FHBM”.

240. Flood Insurance Rate Map

The Flood Insurance Rate Map (FIRM) for the city issued by the Federal Emergency Management Agency to be effective on September 3, 2014.

241. Flood Insurance Study

The official Flood Insurance Study report issued by the Federal Emergency Management Agency in association with the FIRM. The report contains flood profiles, the Water Surface Elevation of the Base Flood, as well as the flood hazard boundary-floodway map.

242. Flood Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood management regulations.

243. Flood Management Regulations

Zoning ordinances, subdivision regulations, the master drainage plan, the Drainage Criteria and Erosion Control Manual, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

244. Flood Mitigation

The management and control of flood water movement from the site to minimize flood risk to people and properties for the 100-year fully developed watershed (future) flood event.

245. Flood Protection System

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within the city subject to flooding and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

246. Floodplain

Floodplain or "Flood-Prone Area" shall mean any land area susceptible to being inundated by water from any source. (See Flood.)

247. Floodplain Administrator

The City Engineer or other City official designated by the City Manager to manage areas of floodplain.

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248. Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

249. Floodway

Floodway or "Regulatory Floodway" is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

250. Floor Area

The habitable area of a building that is served by a conditioned air system, but specifically excluding porches, patios, breezeways, automobile storage areas, garages, workshops, attic storage areas and basements.

251. Floor Area Ratio

The ratio between the total square feet of floor area in a structure and the total square feet land in the lot or tract on which the structure is located.

252. Florist

Retail business whose principal activity is the selling of plants that are not grown on the site and whose business is conducted within an enclosed building.

253. Fraternal Organization Lodge or Civic Club

Buildings and facilities, owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business.

254. Front Yard

See Yard, Front.

255. Frontage

All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

256. Functionally-Dependent Use

A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

257. Funeral Home

A place for the storage of human bodies prior to their burial, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies and services connected with.

258. Furniture Store, New and Used

An establishment for the sale of new or used furniture, separately or in combination.

2.07. G

259. Gallon Size

This term shall have the meaning given to that term in the American Standard for Nursery Stock (ANSI Z60.1-2004), approved May 12, 2004, by the American Nursery and Landscape Association.

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260. Game Room

An establishment that provides facilities for playing games, including gambling rooms. This use does not include bingo parlors or arcades.

261. Garage Sale Sign

A temporary sign advertising an occasional sale or garage sale from a residentially zoned property as defined in the zoning ordinance.

262. Gas Pump

A facility providing the dispensing of fuel by the auto operator, either as an independent use or in conjunction with another use.

263. Gas Transmission Line and Metering Station

Pipelines and appurtenant facilities installed for the purpose of transmitting gas from a source to a distributing center, to a large volume position perpendicular to the gate.

264. Gas Station

A facility for the retail sale of motor vehicle fuel, alternative fuel, vehicle charging, lubricating oils and minor repairs (as herein defined) of automobiles.

265. Garbage

Animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of foods and from the handling, storage, or sale of produce composed largely of putrescible organic matter and its natural moisture.

266. Generator

Any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a Grease Trap Waste.

267. Golf Course, Private

An area of twenty-five (25) acres or more containing a golf course with or without a clubhouse, which is available to a specific recorded membership. Such an area may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts, similar service and recreational facilities for the members.

268. Golf Course, Public

A golf course owned and operated by the City for the use, benefit and enjoyment of the citizens or by some other public agency such as the state or county.

269. Grab Sample

A sample, which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

270. Grass

Any of the numerous grass species that will attain a thick green cover of turf over the available soil area.

271. Grease Trap or Interceptor

A device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the wastewater collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the wastewater collection system. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."

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272. Grease Trap Waste

Material collected in and from a grease trap/interceptor in the wastewater service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from dewatering processes.

273. Grocery, Convenience Store

A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption that is 6,000 sq.ft. or less.

274. Grocery, Market

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is between 6,000 and 30,000 sq.ft.

275. Grocery, Supermarket

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is greater than 30,000 sq.ft.

276. Ground Cover

Any woody or herbaceous plant that effectively shades sod that will not generally attain a height above two (2) feet.

277. Group Home

A temporary or permanent residence that provides housing for three (3) or more unrelated people. Such use is not licensed by the State.

2.08. H

278. Habitable Floor

Any floor usable for one or more basic human life functions, which include working, sleeping, eating, cooking or recreation, or a combination thereof.

279. Halfway House

A licensed group residential facility for housing inmates on release from more restrictive custodial confinement, or for housing other individuals, initially placed in such a facility, in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to aid residents in their return to society, thus enabling them to live independently. This term shall include alcohol or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

280. Hauling or Storage Company

Establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

281. Heavy Manufacturing or Industrial Uses

Any manufacturing, industrial servicing or storage process not prohibited by law except the following uses may be located in **I-2, Heavy Industrial District** upon approval by the City Council in accordance with the procedure established in **Article B.5.05 Specific Use Permit (SUP)**.

a. Acid manufacture.

b. Ammonia manufacture.

c. Carbon black manufacture.

d. Cement, lime, gypsum or plaster of paris manufacture.

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e. Chlorine manufacture.

f. Cotton gin or compress.

g. Explosives storage or manufacture.

h. Glue and fertilizer manufacture.

i. Petroleum and petroleum products refining and manufacture.

j. Petroleum tank farm.

k. Petrochemical plant.

l. Rendering plant.

m. Tanning, curing, treating or storage of skins or hides.

n. Wrecking yard or salvage yard.

o. Any use which due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor; vibration or danger of explosion or fire is presently or in the future determined a hazard and subject to special control.

282. Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

283. Historic Landmark

Any building, structure, object, site, district, area or land designated as a Historic Landmark pursuant to **2.03** within **Article C. Historic Preservation**.

284. Historic Overlay District

An area designated as a Historic Overlay District pursuant to Section **2.04** within **Article C. Historic Preservation**.

285. Historic Preservation Commission

The Historic Preservation Commission of City of Longview established pursuant to **Article C. Historic Preservation**.

286. Historic Preservation Officer

The City staff member appointed by the City Manager to function as the Historic Preservation Officer pursuant to **Article C.1.02**, or that City staff member's designee.

287. Historic Property

A district, site, or object significant in America, Texas, or local history, architecture, engineering, archeology or culture.

288. Historic Resource

Includes but is not limited to structures of architectural significance, historic properties, and archeological properties, as well as landscape feature of historic significance.

289. Historic Structure

Any individual building or object that is significant for historical, architectural, or archeological reasons.

290. Holding Tank Waste

Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

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291. Home Occupation

An occupation conducted entirely within the dwelling unit, by the occupants thereof, which is incidental and secondary to the use of the dwelling for residential purposes.

292. Homeowners' or Property Owners' Association

A formal nonprofit organization operating under recorded land agreements through which:

a. Each lot and/or property owner in a specific area is automatically a member; and

b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and

c. The charge if unpaid, becomes a lien against the nonpaying member's property.

293. Home Tool Rental

A store or shop renting tools, equipment and/or other goods for use in normal residential activities. This specifically excludes any type of equipment normally associated with commercial or industrial activity, such as ditching machines, tractors, bulldozers or other similar heavy machinery equipment.

294. Hospital

An institution licensed by the State of Texas that provides medical or surgical care for patients.

295. Hotel

A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel, an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary services such as linen, maid service, telephone, use and upkeep of furniture.

296. Hotel, Extended Stay

A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Residence hotel room units are designed to be suitable for long-term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis.

297. Household Appliance Service and Repair

A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

2.09. I

298. Improvement

Any Improvement, facility, or service together with its associated public site, Right-of-Way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City will ultimately assumes the responsibility, subject to the issuance of a Letter of Compliance and plat filing.

299. Improvement Agreement

Identifies the Improvements to be constructed and provides assurances through a Maintenance Security and Performance Security, ensuring that the required Improvements will be constructed to the City's standards in a timely manner and subject to applicable warranty periods.

300. Indirect Discharge or Discharge

The introduction of Pollutants into a POTW from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Act, (33 U.S.C.1251 et seq.).

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The introduction of Pollutants into a POTW from any non-domestic source. Interference means a discharge that alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of a violation of the city's TPDES permit. pH means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

301. Individual Meter

A water meter intended to measure the amount of water supplied by the city to an individual unit within a Multi-Unit Facility.

302. Individual Owner

A person requesting extension of water and/or wastewater service to a property that will be used as his/her own residence or business; or an individual commercial or industrial concern requesting extension of water and/or wastewater service to property to be used for its own operation, which property or a portion thereof will not be sold, leased or rented in connection with any intended function.

303. Industrial Pretreatment Division

The division or department charged by the Director of Public Works with the duties and authority outlined for the Industrial Pretreatment Division.

304. Industrial Pretreatment Supervisor

The city staff member charged by the Director of Public Works with the duties and authority outlined for the Industrial Pretreatment Supervisor.

305. Industrial User

A source of Indirect Discharge or Discharge, which does not constitute a "discharge of Pollutants" under regulations, issued pursuant to Section 402 of the Act (33 USC 1342).

306. Industrial Waste

Waste resulting from any process of industry, manufacturing, trade or business; from development of any natural resource; from any mixture of the waste with water or normal wastewater; and wastewater containing Pollutants in higher concentrations than normal domestic sewage as defined in this section.

307. Infrastructure

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.

308. Infrastructure Permit

A permit issued under Article III of the City Charter that authorizes the construction of the required improvements (and, as appropriate, any other regulated improvements) in a subdivision in advance of approval of the plat.

309. Integrity

The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

310. Interference

A discharge that, alone or in conjunction with discharges from other sources, either:

a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal;

b. Is a cause of a violation of any requirement of the POTW's TPDES permit, including an increase in the magnitude or duration of a violation or of the prevention of sewage sludge use or disposal, in compliance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations):

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i. Section 405 of the Act;

ii. Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA);

iii. Clean Air Act;

iv. Toxic Substances Control Act; and

v. Marine Protection, Research, and Sanctuaries Act.

311. Intersection Curb Return

The portion of curb or street edge formed by the radius of a semi-circle, said radius being perpendicular to the curb or street edge and perpendicular to the curb line.

312. Intersection Curb Return Radius

The radius required to form the curb return.

313. Intersection Visibility Triangle

The triangular-shaped area at the intersection of two streets that must be kept clear to ensure visibility at the intersection. See **Article E.1.05. Intersection Visibility Triangle**.

314. Individual

An individual human being.

315. Inventory

A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

316. Illuminated Sign

A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous/neon tubes or other means that are specifically placed to draw attention to, or provide nighttime viewing of, the subject matter on the sign face.

317. Incidental Sign

Small sign, not more than two (2) square feet in surface area, of a non-commercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones and so forth. Also included in this group of signs are those designated to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building by means of a directory designating only names and addresses.

318. Inflatable/Wind-Operated Signs

See **Article G.1.02.B.13.**

2.10. J

319. Junk

Junk is defined to mean and include unregistered motor vehicles which are unfit for reconditioning for use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been part of any motor vehicle or old iron, chain, brass, tin, lead or other base metals, old rope, bags, rags, waste paper, paper clippings, clips, bagging, rubber, glass, empty bottles, bones or any other articles which have been discarded or are no longer used for the purpose for which they were manufactured.

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320. Junkyard

A junkyard is hereby defined as any business and any place of storage or deposit which displays in or upon which there is displayed to the public, junk, as that term is herein defined.

321. Junked Vehicle

The meaning assigned to that term in Sec. 49-52 of the Longview City Code. Nothing in this article shall be interpreted to create any exception to the requirements of that section or to authorize the possession or parking of a junked vehicle in violation of that section.

2.11. K

2.12. L

322. Landscape Feature

Any plant material or topographic feature, the demolition of which requires a permit or other permission from the City or the removal of which requires a permit or other permission from the City.

323. Landscape Plan

Required plan during the building permit process indicating the required landscaping, as referenced in **Article B.4.06.J. Landscape Plan Required**.

324. Landscaped Area

An area devoted to and which may consist of plant materials, water forms, planters, brick, stone, aggregate and other materials customarily utilized for landscaping purposes, or any combination of these items, but not including the use of smooth concrete or asphalt and like materials.

325. Landscaping

Changing, rearranging or adding to the original plant materials or scenery of land, including the reshaping of the land by moving earth, preservation of original plant materials or addition of new plant materials, or any combination of these treatments.

326. Lawful Nonconforming Development

A development lawfully established prior to the effective date of a section that fails to comply with the requirements of the section.

327. LED

Light emitting diode.

328. Letter of Compliance

Notification to an applicant from the City Engineer that all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with this UDC and with the City's design/engineering standards.

329. Levee

A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

330. Library, Public

A building for the viewing and check out of books, videos and other literature.

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331. License

A written license issued by the City Secretary allowing a person to operate and maintain a mobile home park or travel trailer park under the provisions of this article and regulations issued hereunder.

332. Light Manufacturing or Industrial Uses

Light manufacturing processes which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noise or vibration at the boundary of the I-1 district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas and including, but not limited to such uses as:

a. Woodworking and planning mill with dust and noise control;

b. Textile manufacture with dust and odor control;

c. Ceramic and pottery manufacture with dust, odor and fume control;

d. Plastic products manufacture with dust and fume control;

e. Paint, oil, shellac and lacquer manufacture when hoods and fume destructors are used in the cooking process;

f. Grain processing with hoods, dust and odor controls;

g. Gelectroplating or battery making with acid, fume and odor controls; or

h. Manufacturing or industrial operations of any type which meet the general conditions set forth above and which are not offensive by the reason of the emission of noise, odor, smoke, gas, fumes, dust, glare or the creation of a hazard, but specifically excluding the uses listed in heavy manufacturing or industrial uses.

333. Liquor Package Store

An establishment offering for sale within a building, liquor as that term is defined in the Texas Alcohol Beverage Code, Section 1.04, to consumers for off-premises consumption only and not for the purpose of resale.

334. Livestock Auction

A place of business to which the public may consign livestock for sale by auction open to public bidding or sold on a commission basis.

335. Local Historic Landmark

Any site, building, structure, or landscape of historic significance that receives Local Historic Landmark designation by the City pursuant to **Article C. Historic Preservation**.

336. Local Utility Distribution Lines

The facilities provided by a municipality or franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service.

337. Lodging House

A building where lodging for five (5) or more persons is provided for compensation.

338. Logo

Any design or insignia of an organization, individual, company, or product that is commonly used in advertising to identify that organization, individual, company or product.

339. Lot

Land occupied or to be occupied by a building and its Accessory Buildings, together with such open spaces as are required under this UDC, and having its principal frontage upon a street or officially approved place.

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340. Lot Coverage

The percentage of the total area of a lot occupied by the base (first story floor) of buildings located on the lot or the area determined as the maximum cross-sectional area of the building.

341. Lot Depth

a. The distance between the front and rear property line midpoints, not including any easements along the property lines.

b. See **Figure 3. Method for Measuring Lot Depth**.

342. Lot Lines

The property lines bounding a lot as defined herein.

343. Lot of Record

A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk , or a parcel of land, the deed for which it is recorded in the office of the County Clerk prior to the adoption of this UDC.

344. Lot Width

a. The distance between the side property lines measured along the front building line.

b. See **Figure 4. Method for Measuring Lot Width**.

345. Lowest Floor

The Lowest Floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's Lowest Floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

2.13. M

346. Main Building

The building or buildings on a lot, which are occupied by the primary use.

347. Maintenance Security

Maintenance Security is a legally enforceable agreement to warranty the contractor's materials and workmanship for a period of one (1) year following the issuance of a Letter of Compliance.

348. Manufactured Home

A Manufactured Home will display a red certification label on the exterior of each transportable section. Per the **Texas Occupations Code Chapter 1201.003(20)**, a HUD-Code Manufactured Home means a structure:

a. Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;

b. Built on a permanent chassis;

c. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

d. Transportable in one or more sections;

e. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;

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f. Includes the plumbing, heating, air conditioning, and electrical systems of the home; and

g. Does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

349. Manufactured Home Park

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

350. Manufactured Home Rental Community

A property on which spaces are rented for the occupancy of manufactured homes for non-transient residential use and for which rental is paid at intervals of one month or longer.

351. Master Drainage Plan

The City of Longview's Master Drainage Plan, as amended.

352. Mean Sea Level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other data, to which Base Flood elevations shown on the city's Flood Insurance Rate Map are referenced.

353. Mechanical Code

The term "mechanical code" shall mean the official mechanical code of the city in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official mechanical code of the city to the extent required by said code.

354. Medical Wastes

Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

355. Menu Board Sign

See **Article G.4.02.E Menu Board Sign**.

356. Meter Bank

A group of Individual Meters located together so that each and every Individual Meter in the group may be conveniently read by a person standing in one location without moving.

357. Mining or Storage of Mining Wastes

The development or extraction of a mineral from its natural occurrences on affected land and storage of such materials.

358. Mixed-Use

A tract of land or building or structure developed for two or more different uses configured vertically within one building such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

359. Mobile Home

Per the **Texas Occupations Code Chapter 1201.003(20)**, a Mobile Home means a structure:

a. Constructed before June 15, 1976;

b. Built on a permanent chassis;

c. Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

d. Transportable in one or more sections; and

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e. In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and

f. Includes the plumbing, heating, air conditioning, and electrical systems of the home.

360. Mobile Home Lot

A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

361. Mobile Home Park

A parcel of land which has been developed for the placement of two or more mobile homes.

362. Mobile Home Stand

That part of an individual lot which has been reserved for the placement of one mobile home unit.

363. Mobile Food Unit

A unit that is designed to be readily movable and from which food and/or beverages are prepared and/or sold.

364. Mobile Food Unit Park

An area designed to accommodate mobile food units that congregate to offer food and/or beverages for sale to the public as the primary use of the property.

365. Model Home/Sales Office

A facility temporarily used as a sales office for a residential development. In order to qualify as a model home/sales office, such a facility must meet all the requirements for a residential dwelling unit, including without limitation any requirements in this zoning ordinance, in any applicable City of Longview construction codes and in any other applicable city ordinance. The Building and Fire Code Official shall issue a temporary certificate of occupancy for a model home/sales office for the amount of time necessary to complete the sales of the development. A model home/sales office shall not be located in another subdivision or used for sales in another subdivision.

366. Modular Home

A modular structure is built in a factory and place onto a transporter just for the purpose of getting it from the factory to the site. It then must be lifted off the transport trailer by a crane and set upon a permanent foundation. The transport frame is then returned to the factory with the truck.

367. Monument Sign

See **Article G.4.02.G. Monument Sign**.

368. Motel

A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.

369. Motor or Railroad Freight Terminal

A transportation facility in which quantities of goods or container cargo are stored without undergoing any manufacturing processes, transferred to other carriers, or stored outdoors in order to transfer them to other locations.

370. Multiple-Building Complex

A group of two (2) or more buildings that meets all of the following criteria:

a. The buildings in the group are managed by the same person as a single enterprise or are commonly treated as a single enterprise;

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b. All of the buildings in the group are located on the same tract of land or on the same platted lot or on immediately adjacent tracts or platted lots; and

c. At least one of the buildings in the group does not front on a street and is required to have an address.

The term includes but is not limited to multiple-family dwelling or apartment, office complexes and other similar properties. The term does not include an alternative one-family dwelling unit complex.

371. Multiple-Family Dwelling, Condominium or Apartment

Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

372. Multiple-Unit Building

Any building in which all or a portion of the building is designed, built, rented, leased or let to be used by two or more separate enterprises. For purposes of this definition and without limiting this definition, each dwelling unit constitutes a separate enterprise. For purposes of this definition and without limiting this definition, each portion of a building under the control of a different owner or tenant constitutes a separate enterprise. The term "multiple-unit building" includes but is not limited to a multiple-family dwelling.

373. Multi-Unit Facility

Any apartment house, manufactured home rental community, multiple use facility or condominium on which construction begins after January 1, 2003.

2.14. N

374. National Categorical Pretreatment Standard or Pretreatment Standard

Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 USC 1347) that applies to a specific category of Industrial Users.

375. National Register of Historic Places

The nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology and engineering maintained by the National Park Service and administered on a statewide basis by the Texas Historical Commission. A property or structure included on the National Register of Historic Places is not considered a Local Historic Landmark unless designated as a Local Historic Landmark by the City council pursuant to the procedures set forth in this article, including without limitation the procedures set forth in **Article C.2.02** within **Article C. Historic Preservation**.

376. Neighborhood Pub/Tavern (<2,500 sf)

An small-scale establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where snacks may be available for consumption on the premises.

377. New Construction

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood management purposes, "New Construction" means structures for which the "start of construction" commenced on or after the effective date of a flood management regulation adopted by the city and includes any subsequent improvements to such structures.

378. New Source

a. Any building, structure, facility or installation from which there is or may be a discharge of Pollutants, the construction from which commenced after the publication of proposed pretreatment standards

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under Section 307(c) of the Act that will be applicable to such sources if pretreatment standards are thereafter promulgated in accordance with that section, provided that:

i. The building, structure, facility, or installation is constructed at a site on which no other source is located; or

ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an existing source; or

iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the site. Factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered in determining whether the source is substantially independent.

b. Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, but otherwise alters, replaces or adds to existing process or production equipment.

c. Construction of a New Source has commenced if the owner or operator has:

i. Begun or caused to begin as part of a continuous on-site construction program:

- Any placement, assembly, or installation of facilities or equipment; or
- Significant site preparation work including clearing, Excavation or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of New Source facilities or equipment; or

ii. Entered into binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable amount of time. Options to purchase or contracts, which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this definition.

379. Night

The portion of two calendar days from sunset to sunrise.

380. Nits

A measurement of light in candelas per meter squared. Used as a measurement of brightness.

381. Non-Canopy Tree

Any self-supporting woody plant with one or more well-defined trunks, which will attain a height of at least fifteen (15) feet, but not including a canopy tree.

382. Nonconforming Lot

A lot that is classified as legal nonconforming.

383. Nonconforming Structure

A structure that is classified as legal nonconforming.

384. Nonconforming Use

A use of land that is classified as legal nonconforming.

385. Noncommercial Sign

A sign with a message or messages that, taken as a whole, are primarily noncommercial in nature, as defined by the courts of this state and of the United States. The term includes, without limitation, a political sign. The term does not include a sign, including without limitation a billboard, that contains primarily a noncommercial message on a temporary basis and that is generally available for rent or

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purchase to carry other messages that are not primarily noncommercial, such as commercial advertising. The term does not include a protective sign.

386. Nonconforming Sign

Any sign lawfully constructed which fails to conform to the provisions of this ordinance.

387. Nursery, Retail

A facility for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

388. Nursery, Wholesale

The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building not exceeding 20 percent of the combined wholesale and retail sales volume during any year.

389. Nursing Home

A home licensed by the State of Texas where elderly or chronically ill people are provided with shelter, food, and care. This term does not include hospitals or clinics, which focus on the diagnosis and treatment of sick or injured people.

2.15. O

390. Object

A physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

391. Occupancy

The use or intended use of the land or buildings by proprietors or tenants.

392. Occupant

The term "occupant" shall mean any individual living, sleeping, cooking, or eating in or having actual possession of or access to a dwelling unit; provided, however, that no individual under ten years of age shall be subject to criminal liability under the provisions of this UDC.

393. Office, Neighborhood

An establishment for the conduct of a variety of professional, medical, or other similar office businesses in an office setting completely enclosed within a structure less than or equal to 5,000 sq.ft.

394. Office, Community

An establishment for the conduct of a variety of professional, medical, or other similar office businesses in an office setting completely enclosed within a structure between 10,000 and 20,000 sq.ft.

395. Office, Regional

An establishment for the conduct of a variety of professional, medical, or other similar office businesses in an office setting completely enclosed within a structure greater than 20,000 sq.ft.

396. Off-Premises Sign

A sign which is used or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the same lot or tract of land on which the sign is located. The term includes, but is not limited to, billboards and directory signs.

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397. Off-Set

The distance between two driveways, each on the opposite side of the street from the other, as measured by the shortest distance between two imaginary parallel lines, each line having as its starting point the nearest edge of the driveway located on the opposite side of the street and extending across the street at a right angle to the curb line.

398. Official Submission Date

A calendar of official submission dates for subdivision related applications requiring City review and approval pursuant to **Chapter 212 of the Texas Local Government Code**.

399. Official Texas Historical Markers

Markers (or signs) administered through county historical commissions and the Texas Historical Commission that commemorate aspects of local history such as churches, schools, cemeteries, individuals, and businesses. A property or structure on which an Official Texas Historical Marker is located in not considered a Local Historic Landmark unless designated as a Local Historic Landmark by the City Council pursuant to the procedures set forth in this article, including without limitation the procedures set forth in **Article C.2.01.** within **Article C. Historic Preservation**.

400. Official Vesting Date

Pursuant to **Chapter 245 of the Texas Local Government Code**, an application or plan for development is considered filed on the date the applicant delivers the application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.

401. One-Family Dwelling Detached

A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract and occupied by one family.

402. One-Family Dwelling Attached (Townhome)

A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

403. On-Premise Sign

A sign that promotes or advertises activities, commodities, services, or endeavors which are offered on the same lot or tract of land on which the sign is located. These signs include but are not limited to pole signs, freestanding signs, and wall signs.

404. On-Site Sewage Facility

A septic tank or similar installation on an individual lot that uses an aerobic bacteriological process or equally satisfactory process for the elimination of raw sewage.

405. Open Salvage Yard for Rags or Machinery, etc.

A yard or building where automobiles or machinery are stored, dismantled or offered for sale as whole units, as salvaged parts or as processed metal.

406. Open Space

Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

407. Ordinary Maintenance

Activities relating to a property that would be considered ordinary or common for maintaining the property, including but not limited to the replacement of a porch floor with identical or in-kind materials and painting. The term expressly omits activities involving the expansion, modification, enlargement, reduction, renovation or remodeling of buildings or structures.

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408. Oversize Cost

The difference between the evaluated cost of the main as built and the evaluated cost of the size of main determined to be the minimum size required to serve the subdivision. The minimum size main upon which Oversize Cost shall be determined shall not be less than the standard main defined herein. This cost shall be determined in all cases by the City Engineer.

409. Outdoor Display, Storage, and Sales

Any outdoor display, storage, and/or sales of any new or used goods, junk, inventory, raw materials, merchandise, vehicles, or other items outdoors that extends beyond regular hours of business.

410. Outside Display, Storage, and Sales (Temporary)

See Temporary Outdoor Display, Storage, and Sales.

2.16. P

411. Parcel

An unplatted tract of land or platted lot.

412. Park Street

A private way which affords principal means of access to individual mobile home lots.

413. Parking Space

Open space or garage space reserved exclusively for the parking of a vehicle.

414. Parking Lot, Commercial

A vehicle parking facility that is operated as a business enterprise by charging a fee for parking.

415. Parking Lot, Incidental

A vehicle parking facility that is used for additional parking for adjacent businesses, does not charge a fee for parking, and is not specifically for truck parking. This use may be on a separate lot from the main use, but must lie within three hundred (300) feet of said main use.

416. Parkway

That portion of the public right-of-way located between the edge of the pavement (or curb) of any public street (which is not an alley) and the boundary of the public right-of-way.

417. Pass-Through

Any discharge of pollution that exits the POTW into the Waters of the State in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's TPDES or NPDES permit (including without limitation an increase in the magnitude or duration of a violation).

418. Pavement Width

The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the back of the curbs.

419. Pawn Shop

A facility for loaning money on the security of personal property and the sale of unclaimed property.

420. PD Concept Plan

A map depicting the development plan for the area of a Planned Development.

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421. PD Design Statement
A design statement stating the intent of a Planned Development.

422. PD Master Plan
Comprised of the PD Concept Plan and PD Design Statement.

423. Pennant
See **Article G.4.03.D. Streamer or Pennant**.

424. Perennial (Plant)
Plants that survive for many growing seasons. Generally, the top portion of the plant dies during the winter season and regrows each spring.

425. Perimeter Street
A street that abuts a parcel of land to be subdivided on one side.

426. Performance Security
Performance Security is a legally enforceable agreement to ensure that a Subdivider installs the required infrastructure in accordance with the City's standards.

427. Person
Person means an individual, firm, association, organization, partnership, trust, foundation, company, or corporation, or any other entity whatsoever, but the term does not include the City.

428. Petroleum Collecting or Storage Facilities
Places primarily devoted to the storage of petroleum.

429. Petroleum or Gas Well
Places primarily devoted to subsurface mining of gas or oil. Typical uses are gas and oil drilling operations.

430. Petroleum Products Storage, Wholesale
An area where storage of petroleum is allowed (tank farm).

431. pH
The logarithm (base 10) of the reciprocal of the hydrogen ion activity expressed in gram moles per liter of solution; a measure of the acidity or alkalinity of a solution, expressed in standard units (S.U.).

432. Pharmacy, Professional
A standalone establishment operated by a registered pharmacist which dispenses medicines and health aids.

433. Place of Worship
A place of worship and religious training of recognized religions, including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel.

434. Planned Development District
A planned development district designated under the authority of the zoning ordinance.

435. Planning and Zoning Commission
The Planning and Zoning Commission of the City.

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436. Plant Materials

Living trees, shrubs, vines, grass, ground covers, cactus and flowering annuals, biennials and perennials.

437. Plat Vacation

Plat Vacation is a method of vacating or cancelling an existing plat.

438. Plot Plan

A plan illustrating the layout of a proposed lot or subdivision of lots. A Plot Plan identifies the property lines, Right-of-Way or easements, setbacks, building footprints for the Main Building and any Accessory Buildings, driveways, and any other significant site feature. A Plot Plan serves as a Development Site Plan for single-family and two-family developments.

439. Plumbing

The term "plumbing" shall mean all of the following supplied facilities, equipment, and devices: gas pipes, toilets, lavatories, sinks, laundry tubs, catch basins, wash basins, bathtubs, shower baths, waste sewer pipes and sewerage system, septic tanks, drains, vents, traps, and any other fuel-burning or water-using fixtures and appliances, including private fire hydrants, together with all connections to water, wastewater, sewer, or gas pipes.

440. Plumbing Code

The term "plumbing code" shall mean the official plumbing code of the city in effect at the time of construction; provided, however, that all existing structures and equipment and any replacement or new installation must comply with the current official plumbing code of the city to the extent required by said code.

441. Plumbing Shop

Establishments primarily engaged in retails sales of plumbing, heating, and air-conditioning equipment, without warehouse facilities, includes storage for ordinary repair but no materials for contracting work.

442. Point of Curvature

The point at which a straight curb line first begins to curve to form a curb return.

443. Pole Sign

See **Article G.4.02.I. Pole Sign**.

444. Pollutant

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, Garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

445. Portable Building Sales

A facility primarily engaged in retail sales of portable buildings.

446. Posting Deadline

The deadline by which the agenda for the next regularly scheduled meeting for any governmental body must be posted in order to comply with the requirements of the Texas Open Meetings Act (Chapter 551 of the Texas Government Code).

447. POTW

See Publicly Owned Treatment Works.

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448. POTW Treatment Plant

That portion of the POTW designed to provide treatment, including recycling and reclamation, of wastewater.

449. Premises

A lot, plot or parcel of land, including any structures thereon.

450. Pre-Existing Agreement

A franchise agreement, a pipeline license agreement, or any other agreement governing the use of the public Rights-of-Way and the compensation to the city for that use that was entered into before March 1, 2000, and that is still in effect on that date.

451. Pre-Submission Conference

The Pre-Submission Conference is a meeting between the City and the applicant prior to submission of the Pre-Submission Proposal. The purpose of the conference is to discuss the proposed development to ensure the applicant is aware of requirements and expectations, and that the Pre-Submission Proposal conforms to the provisions of the UDC.

452. Pre-Submission Proposal

The Pre-Submission Proposal is a document submitted to the City by the applicant prior to submission of the plat, showing the general features of the proposed development to ensure that it conforms to the provisions of the UDC. The Pre-Submission Proposal is not a Plat.

453. Preservation

The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary as well as ongoing maintenance of the historic building materials.

454. Preservation Planning

Planning for the continued identification and evaluation of historic properties and for their protection and enhancement.

455. Pretreatment or Treatment

The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of nature of Pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6 (d).

456. Pretreatment Requirements

Any locally adopted substantive or procedural requirements related to Industrial Wastewater pretreatment that may supplement national pretreatment standard requirements imposed on an Industrial User.

457. Pretreatment Standards or Standards

Standards regulating prohibited discharges, categorical pretreatment standards, and Pretreatment Requirements.

458. Print Shop, Large-Scale

Large-scale manufacturing and distribution of newspapers, books, and/or similar media.

459. Print Shop, Local

A small-scale establishment that primarily reproduces, in printed form, individual orders from an individual, business, profession, service, industry or government organization.

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460. Private Garage

An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

461. Private Street

A street that is owned and maintained by any entity other than a governmental entity. Such streets shall be constructed to the minimum standards set forth in this UDC and Engineering Criteria Manual.

462. Private Utility Shop or Storage

A privately owned shop and/or storage facility essential to the health, safety, and general welfare of the public, such as the generation, transmission, or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; the collection, storage or diversion of surface waters from land; and the provision of mass transportation.

463. Private Water Service Line

The portion of the water service line that connects to the public water service line, located on private property between the water meter and the private structure.

464. Private Wastewater Service Line

The portion of the wastewater service line that connects to the public wastewater service line, located on private property between the Right-of-Way line and the private structure.

465. Professional Engineer

A person licensed as a Professional Engineer in the State of Texas.

466. Professional Land Surveyor

A person registered as a Professional Land Surveyor in the State of Texas.

467. Protective Sign

A sign that is associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "beware of dog," "no trespassing," and "no solicitors."

468. Protected Area

An area barricaded so that construction practices in the field will protect existing trees and other plant materials from compaction of soil, changes in grade, erosion, and damage from vehicles and construction machinery.

469. Protected Tree

A tree having a predominant trunk measuring six (6) caliper inches or more in diameter when measured four and one half feet above grade.

470. Public Building, Shop or Yard of Local, State or Federal Government

Facilities such as office buildings, maintenance yards or shops required by branches of local, state or federal government for service to an area such as highway department yard or city service center.

471. Public Park or Playground

An open recreation facility or park owned and operated by a public agency such as the municipal park department or school board and available to the general public.

472. Public Playfield or Stadium

An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.

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473. Public Street

A street that is owned and maintained by a governmental entity. Where context so indicates, the term shall also include a street that is intended to be dedicated or conveyed to the public or to a governmental entity.

The paved portion of a way for motorized vehicular traffic that is maintained by the state or by the city, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, alley or however otherwise designated.

474. Public Water Service Line

The portion of the water service line between a water main located in a Public Street or alley to and including the water meter and box through which a given property is supplied with water.

475. Public Wastewater Service Line

The portion of the wastewater service line located in a Public Street or alley between the main or lateral and the Right-of-Way line nearest to the site to be served.

476. Publicly Owned Treatment Works

A treatment works as defined by Section 212 of the Act, (33 USC 1292) that is owned in this instance by the city. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or Industrial Wastes of a liquid nature. It also includes sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

2.17. Q

2.18. R

477. Radio, Television, Cellular or Microwave Tower

Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

478. Railroad Passenger Station

A facility, either light or heavy rail, for the boarding of passengers and related ticketing sales and offices.

479. Ramp

The portion of driveway adjacent to the curb line and extending from the curb line to the end of and including the flares and radii on each side of the driveway.

480. Ramp Flare or Flare

The portion of driveway ramp that connects the edge of the driveway and the curb line of the street, is straight, rather than semi-circular in shape, and forms an angle of other than 90 degrees with the driveway and an angle of other than 90 degrees with the curb.

481. Real Estate Sign

A temporary, on-premises sign pertaining to the sale, lease or rental of real property.

482. Rear Yard

See Yard, Rear.

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483. Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans used, corrected, and/or clarified in the field.

484. Recorded Texas Historical Landmark

A designation made by the Texas Historical Commission for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least fifty (50) years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Place designations. A Recorded Texas Historical Landmark is not considered a Local Historic Landmark unless designated as a Local Historic Landmark by the City Council pursuant to the procedures set forth in this article, including without limitation the procedures set forth in **Article C.2.01** within **Article C. Historic Preservation**.

485. Recreational Vehicle

A vehicle that is:

a. Built on a single chassis;

b. Four hundred square feet or less when measured at the largest horizontal projections;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

The term "recreational vehicle" means a vehicle (whether self-propelled or designed to be towed) that is designed for temporary human habitation for uses including recreational camping or seasonal use and is permanently built on a single chassis.

486. Recycling Collection Center

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, or clothing for recycling purposes conducted totally within an enclosed structure or container. This definition does not include a facility at which any processing takes place other than the crushing of cans as they are deposited.

487. Recycling Processing Facility

A facility used for recycling of recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans and other products that involve processing, chipping or grinding to return such products to a condition in which they may again be remanufactured into new products.

488. Refuse Collection Facility

A refuse collection facility is defined as a receptacle intended for the disposal, collection or temporary storage of unsorted solid waste products and refuse outdoors. A refuse collection facility includes, without limitation, trash dumpsters and trash compactors. The term does not include a dumpster located on a lot with an active building permit for the sole purpose of collecting solid waste products and refuse that result from construction occurring on said lot during the effective period of the active building permit.

489. Regulated Improvement

Any improvement required by or regulated by this UDC. The term shall not include any residential or nonresidential building intended for human habitation or occupancy that is not an Improvement.

490. Regulatory Floodway

A natural drainage area that accommodates the design flood for existing creeks and open drainage ways.

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the Water Surface Elevation.

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491. Rehabilitation

The act or process of returning a property to a state of utility through repair or Alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

492. Rescue Mission/Home

A group residential facility, usually operated by a nonprofit, charitable or religious organization, which provides temporary boarding and/or lodging and ancillary services on the premises to primarily indigent, needy, homeless, or transient persons. May also include ancillary services such as counseling, vocational training, etc.

493. Research and Development Laboratory (Life Sciences)

A facility that includes laboratories and experimental equipment for medical testing, agricultural research, and biological research.

494. Research and Development Laboratory (Technology)

A facility that includes laboratories and experimental equipment for prototype design, engineering, and product testing.

495. Residence

Same as dwelling; also when used with district, an area of residential regulations.

496. Residential District

Residential district means a single family, patio home, duplex, townhouse, multifamily or mobile home zoning district as defined in the Zoning Regulations.

497. Residential Driveway

A driveway serving no more than two single-family residences or one duplex.

498. Residential Street

A street that is intended primarily to serve traffic within a neighborhood or limited residential district and that is used primarily for access to abutting properties.

499. Residential Use

Residential use means use of a structure as a residence.

500. Responsible Official

The City staff person who has been designated by the City Manager to accept a type of development application for filing, to review and make recommendations concerning such applications, and where authorized, to initially decide such applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of development applications. Also includes any designee of the designated City staff person.

501. Restaurant, with Drive-In/Drive-Thru Service

An establishment engaged primarily in the business of preparing food and purveying it. Customer orders may be by means of a window designed to accommodate automobile traffic. Consumption of food may be either on or off the premises.

502. Restaurant with Private Club

An establishment offering food for sale which is prepared on the premises to be consumed on the premises which has fifty-one (51) percent of its annual gross business in sales of such food and non-alcoholic beverages; and having a private club permit or license from the State of Texas, allowing on-premises consumption of alcoholic beverages, in addition to beer and wine.

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503. Restaurant, without Drive-In/Drive-Thru Service

An establishment serving food to be consumed primarily while seated at tables or booths within a building.

504. Restoration

The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of earlier work.

505. Retaining Wall

A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures, and vehicles.

506. Retail, Big Box

"Big Box" uses are defined as single-tenant retail buildings over 70,000 square feet providing goods to the general public.

507. Retail, Shop (Other Than Listed)

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These retail uses are not specifically listed in the Permitted Use Chart.

508. Retirement Community

A multiple-family structure, controlled by either a public body, institutional body, or nonprofit corporation, 80 percent of whose occupants shall be 65 years of age or over.

509. Right-of-Way

a. A public parcel of land occupied or intended to be occupied by a street or alley.

b. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or wastewater or storm sewer facilities, or for any other use.

c. The use of Right-of-Way shall also include parkways and medians outside of pavement.

d. For platting purposes, the term "Right-of-Way" shall mean that every Right-of-Way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.

510. Rights-of-Way

See Right-of-Way.

511. Rodeo Ground

A facility for the public performance featuring bronco riding, calf roping, steer wrestling, and bull riding.

512. Roof-Mounted Sign

See **Article G.4.02.H Roof-Mounted Channel Letters/Raceway Channel Letters**.

2.19. S

513. School, Business or Trade

A business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school or commercial art school.

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514. School, College or University

An academic institution of higher learning accredited or recognized by the state and offering a program or series of programs of academic study.

515. School, Primary or Secondary

A school that provides primary, and/ or secondary school curricula. The school shall be accredited by the state to provide academic instruction for any of grades, kindergarten through 12.

516. Screening

A method of visually shielding one abutting or nearby structure or use from another by fencing, walls, berms and/or densely planted plant materials, or any combination of these methods.

517. Secondhand Store or Rummage Sale

Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment.

518. Self-Storage/Mini Warehouse

A facility that provides separate storage areas for individual or business uses. The storage areas are designed to allow for private access by the tenant for storing or removing property. Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage area for sales, service and repair operations, or manufacturing is not considered accessory to the self-storage/mini warehouse use.

519. Septic Tank Waste

Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

520. Setback/Setback Line

A line parallel or approximately parallel to the property line at a specified distance, making the minimum distance from the property line that a building, structure or sign may be erected.

521. Severe Property Damage

Substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

522. Sewage Pumping Station

A pumping station that is made up of a large tank, acting as the receiver for sewage from a building or a group of buildings.

523. Sewage Treatment Plant

A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

524. Sexually Oriented Business

An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

525. Shade Tree

A plant having at least one well-defined stem or trunk and has a canopy that screens and filters the sun.

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526. Shared Parking

The use of the same off-street parking stalls to satisfy the off-street parking requirements for two or more uses.

527. Short-Term Banner Sign

See **Article G.1.03.A.9.**

528. Short-Term Residential Rental

See Bed and Breakfast.

529. Shrubs

A woody perennial plant distinguished from herbaceous plants by its persistent woody stem and from a tree by a mature height of less than fifteen (15) feet and having no distinctive elevated crown of foliage.

530. Side Yard

See Yard, Side.

531. Sign

Any structure or displays erected for the purpose of advertising or attracting attention to any business, activity or message.

532. Sign Area

See **Article G.3.03**.

533. Sign Contractor

A person, firm, association or corporation, who provides services to install, erect, repair, maintain, rebuild or reconstruct signs.

534. Sign Permit

The permit required by **Article G.1.02 Permits Required** for the erection, re-erection, construction, attachment, or alteration of a sign or the replacement of sign faces or rearrangement of neon tubing on a sign.

535. Significant Industrial User

Any non-domestic user of the POTW who:

a. Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter 1, subchapter N;

b. Discharges an average of 25,000 gallons or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewaters) per workday;

c. Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic (BOD5, TSS, etc.) design capacity of the POTW Treatment Plant;

d. Has a reasonable potential, in the opinion of the Control Authority, to adversely affect the POTW Treatment Plant's operation (inhibition, Pass-Through, sludge contamination, or endangerment of POTW workers, etc.) or to violate any pretreatment standard or requirement; or

e. Is found by the Control Authority to have a significant impact, either singly or in combination with other contributing industries, on the POTW, the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system, or may pose a health/welfare hazard to the POTW workers or the public or may injure the environment.

536. Significant Noncompliance

Any violation or violations that meet one or more of the following of 40 CFR 403.8(f)(2)(vii):

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a. Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter;

b. Technical review criteria (TRC) violations, defined as those in which 33% or more of all the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD5, TSS, fats, oil and grease, and 1.2 for all other Pollutants except pH);

c. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) the Control Authority determines has caused, alone or in combination with other discharges, Interference, Pass-Through or has endangered the health of the POTW personnel or the general public;

d. Any discharge of a Pollutant or Pollutants that has caused an imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such discharge;

e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or obtaining final compliance;

f. Failure to provide, within 30 days after the due date, required reports including, but not limited to, baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance;

h. Any other violation or group of violations the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program; or

i. The current definition accepted by the approval authority.

537. Silvicultural Activities

All forest management activities, including intermediate cuttings, harvest, log transport and forest road construction.

538. Single Housekeeping Unit

Any household whose members are an interactive group of persons jointly occupying a dwelling unit share a single lease agreement, including joint access to and use of all common areas including living, kitchen, and eating areas within the dwelling unit and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and whose makeup is determined by the members of the unit, rather than by the landlord, property manager, or other third party. This does not include a boarding or rooming house. (Ordinance No. 4105)

539. Site

The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.

540. Slaughterhouse or Meat Packing Plant

A facility for the slaughtering and processing of animals and the refining of their byproducts.

541. Slug or Slug Load

Any discharge of a non-routine, episodic nature, including but not limited to accidental spill or a noncustomary batch discharge.

542. Small-Cell Network Node

Low-powered cellular equipment that supplement cellular network capacity.

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543. Small Temporary Sign

See **Article G.4.03.C. Small Temporary Sign**.

544. Smelter or Refinery

A facility for the extraction of metal from ore or the refinement of oil or other substance.

545. Snipe Sign

A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, stakes, utility poles, fences, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

546. Spa, Salon or Barber Shop

Establishments primarily engaged in providing services generally involved in the care of a person's appearance including, but not limited to, barber and beauty shops, tanning salons, spa salons and medical spa.

547. Special District

This term includes Special Utility Districts, Municipal Utility Districts, and Water Supply Corporations.

548. Special Utility District

A Special Utility District operating under Chapter 65 of the Texas Water Code and any officer, employee, contractor or agent working on behalf of such a district.

549. Specific Use Permit

An approval for a specific use that has been determined to be more intense or to have a potentially greater impact than a use permitted-by-right within the same zoning district.

550. Stable

An establishment where horses are kept and rented to the general public for riding or are quartered for members.

551. Stacked Billboards

Any billboard with more than one face per side.

552. Streamer

See **Article G.4.03.D. Streamer or Pennant**.

553. Standard Industrial Classification (SIC) Code

A classification pursuant to the Standard Industrial classification manual issued by the executive office of the president, office of management and budget, 1996.

554. Start of Construction

For other than New Construction or Substantial Improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes Substantial Improvement and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of pipe, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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555. State

State of Texas.

556. State Archeological Landmark

A designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archeological" landmarks, this designation can include buildings as well as archeological sites. A State Archeological Landmark is not considered a Local Historic Landmark unless designated as a Local Historic Landmark by the City Council pursuant to the procedures set forth in this article, including without limitation the procedures set forth in **Article C.2.01** within **Article C. Historic Preservation**.

557. State Highway

Any street maintained by TxDOT pursuant to an agreement with the City of Longview. The term also includes city streets that intersect state highways and includes features that support traffic flow of the state highway. The length of city street included under this definition shall be measured from the curb line of the state highway to the furthermost end of turn lanes, acceleration lanes, deceleration lanes, and related improvements that are in place solely to support traffic ingress and egress onto the state highway. This length shall include, as a minimum, the street surfacing maintained by TxDOT.

558. Storage or Sales Warehouse

An enclosed structure for the storage and sales of goods for distribution or transfer to another location.

559. Storm Sewer

Pipes, sewers or other conveyances specifically designed to accept discharges of storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, yard drainage, lawn spray waters, pond water, and other similar water runoff. The term does not include pipes, sewers, or other conveyances connected to a facility providing water treatment. A storm sewer is not a part of the POTW.

560. Storm Water

Any flow occurring during or following any form of precipitation including snowmelt.

561. Story

The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.

562. Street

Any thoroughfare or public driveway, other than an alley, which has been dedicated or deeded to the public for public use.

563. Street Classifications

The City of Longview recognizes the following Street Classifications (see **Article E.1.09.C. Street Dimensions and Cross-Sections**):

a. Arterial

A roadway that carries a high volume of traffic, including:

i. Principal Arterial

A principal traffic artery more or less continuous across the city that is intended to connect remote parts of the City and that is used primarily for fast or heavy volume traffic.

ii. Minor Arterial

A street that carries traffic from smaller streets such as Collectors to the major system of Principal Arterials.

b. Collector

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A street used primarily to provide access to Local Residential streets and to conduct traffic to an activity center or to a Minor Arterial or Principal Arterial. Includes:

i. Major Collector

ii. Minor Collector

c. Local Residential

A street that provides direct access to adjacent land and to higher transportation networks.

564. Street Line/Property Line

A dividing line between a lot, tract or parcel of land and a contiguous street; the Right-of-Way line.

565. Street Name

An identifier that is assigned to a specific street with the purpose of helping emergency services personnel locate said street. The term does not include an address. The street name is also frequently used for the purposes of facilitating the location of the identified street by members of the general public or other persons wishing to visit or locate said street or a place located along said street and of facilitating the delivery of mail to places located along said street.

566. Street Number

An identifier that is assigned to a specific building, tract of land or platted lot with the purpose of helping emergency services personnel locate said building, tract or lot. The term does not include the building number (if any) or the unit number (if any). The street number is also frequently used for the purposes of facilitating the location of the identified building, tract or lot by members of the general public or other persons wishing to visit or locate said building, tract or lot and of facilitating the delivery of mail to said building, tract or lot.

567. Street Width

The shortest distance between the property or easement lines that delineate the Right-of-Way of a street.

568. Street Yard

The area of lot located between the street Right-of-Way line(s) and each building that faces the said street Right-of-Way.

569. Structure

Anything constructed or erected that requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks, and curbs.

570. Studio, Art

A building or portion of a building used as a place of work for one or more photographers, artists or artisans.

571. Studio, Gym and Gymnastics Facilities

A facility where members or nonmembers use equipment or space for the purpose of physical exercise, dancing, gymnastics, or instruction for such activities.

572. Studio, Tattoo and Piercing

An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;

b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

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573. Subdivider

a. Any person or any agent thereof, dividing or proposing to divide land to constitute a subdivision.

b. In any event, the term shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.

574. Subdivision

a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership except for transfer to heirs of an estate, and shall include re-subdivision.

b. Any other subdivision or re-subdivision of land contemplated by the provisions of **Chapter 212 of the Texas Local Government Code**.

575. Subdivision Plat

A Plat (e.g., Final Plat, Minor Plat, Replat, or Amending Plat) established in **Chapter 212 of the Texas Local Government Code** involving the subdividing of land in two (2) or more parts or the amending of a recorded Plat.

576. Subdivision Regulations

The adopted Subdivision Regulations of the City, as may be amended in the future. See **Article D. Subdivision Regulations**.

577. Subdivision Sign

See **Article G.4.02.J Development Sign**.

578. Subdivision Waiver

See **Article D.6.01 Petition for Subdivision Waiver**.

579. Submission Period

A period beginning 30 days before the next regularly scheduled Planning and Zoning Commission meeting and ending at 5:00 p.m. on the first Tuesday of each month.

580. Substantial Damage

Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

581. Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, or a series of such reconstructions, rehabilitations, additions, or other improvements of a structure, which are initiated after the effective date of this UDC, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure as of the date of the "start of construction" of the first improvement following the effective date of this UDC. For purposes of this UDC, market value shall be the appraised value of the structure as reflected in the official records of the Central Appraisal District with jurisdiction over the structure. This includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and that are the minimum necessary conditions, or

b. Any alteration of a "Historic Structure," provided that the alteration will not preclude the structure's continued designation as a "Historic Structure."

582. Surveyor

See Professional Land Surveyor.

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583. Swimming Pool, Private

A swimming pool used and intended to be used solely by the owner, operator, or lessee thereof and his/her family and by guests invited to use it without payment of any fee or consideration.

584. Swim or Tennis Club

A private recreational club with restricted membership, usually less area than a country club, but not including a clubhouse and/or swimming pool, tennis courts and similar recreational facilities, none of which is available to the general public. Service uses such as restaurants or private clubs are permitted in conjunction with this use, under the terms and conditions of the zoning district which the use is located. This definition includes court centers and uses referred to as racquetball clubs.

585. System Map

A map showing the exact location of all of a person's facilities located within the Right-of-Way.

2.20. T

586. TCEQ

See Texas Commission on Environmental Quality.

587. Telephone Exchange, Switching Relay and Transmitting Equipment

But not including public business facilities, storage or repair facilities.

588. Temporary Driveway Permit

A temporary driveway permit issued under the authority of **Article E.1.06.A.12**.

589. Temporary Outdoor Display, Storage, and Sales

Temporary outdoor display, storage or sale, in the context of this subsection, shall be defined as the keeping of any new or used goods, junk, inventory, raw materials, merchandise, vehicles, or other items outdoors that do not require screening.

590. Temporary Sign

Any sign constructed of cloth, canvas, plastic, light fabric, wallboard or other material with or without frames intended to be displayed for a limited period of time only. See **Article G.4.03. Temporary Signs**.

591. Tenant

A person who owns or is entitled to occupy a dwelling unit or multiple use facility unit to the exclusion of others and, if rent is paid, who is obligated to pay for the occupancy under a written or oral rental agreement.

592. Texas Commission on Environmental Quality

The Texas Commission on Environmental Quality, and its predecessor and successor agencies.

593. Texas Department of Transportation

The public organization responsible for the Texas state highway system.

594. Texas Department of Transportation Access Management Manual

The access management manual promulgated by TxDOT, including any amendments thereto, and any additional or successor rules, regulations or standards promulgated by said department governing driveway access to state highways.

595. Texas Manual on Uniform Traffic Control Devices

The latest manual adopted by the Texas Transportation Commission that contains standards related to traffic signage.

DRAFT

596. Texas Pollution Discharge Elimination System

A permit program pursuant to Section 402 of the Act (33 USC 1342) as delegated to the Texas Natural Resource Conservation Commission from the EPA.

597. Theater, Drive-In

An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

598. Theater, Other

A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received.

599. Thoroughfare Plan

The plan that guides the development of adequate circulation within the City, and connects the City street system to regional traffic carriers.

600. TIA

See Traffic Impact Analysis.

601. Total Suspended Solids

The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and that is removable by a laboratory filtration device in accordance with procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater currently recognized by the U.S. Environmental Protection Agency (EPA) under 40 CFR Part 136 Methods. TSS is expressed in terms of weight per unit volume (mg/l).

602. Toxic Pollutant

Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the EPA under the provision of Section 307(a) of the Act, or other Acts.

603. TPDES

See Texas Pollution Discharge Elimination System.

604. Traffic Impact Analysis

A Traffic Impact Analysis (TIA) is a comprehensive study of all aspects of a development's probable impacts on the transportation system. This study analyzes how traffic generated by a development relates to traffic on internal and adjacent roadways. See **Article E.1.13. Traffic Impact Analysis**.

605. Trailer/RV Camp

A tract of land designed or being used to accommodate one or more recreational vehicles and/or transient portable dwelling units originally designed to be moved on wheels from location to location by automobile, truck or similar prime mover.

The term "trailer camps" shall mean any property which is used as a location for an automobile trailer, or trailer which is, or are, used as a place of residence or business, whether temporary or permanent, by any person or persons, and whether such trailer or trailers, be upon wheels, jacks or affixed to the earth.

606. Trailer or Large Equipment Rental, Sales, or Storage

Retail establishment renting, selling, or storing construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

607. Transporter

A person who is registered with an authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or Grease Trap Waste in accordance with 30 Texas Administrative Code § 312.142.

DRAFT

608. Travel Trailer

A temporary dwelling for travel or recreation built on a chassis eight (8) feet or less wide and thirty (30) feet or less long and designed to move on the highway.

609. Travel Trailer Lot

A parcel of land for the placement of a single travel trailer and the exclusive use of its occupants.

610. Travel Trailer Park

A parcel of land which has been developed for the temporary placement of two or more travel trailers.

611. Truck Parking Lot

Parking lot designated to park trucks or similar large vehicles.

612. TSS

See Total Suspended Solids.

613. Two-Family Dwelling (Duplex)

A single structure designed and constructed with two dwelling units under a single roof for occupancy by two families.

614. TxDOT

See Texas Department of Transportation.

2.21. U

615. Unified Development Code

The adopted Unified Development Code (UDC) of City of Longview, Texas.

616. Unit

This term applies only to this **Article I. Definitions**.

a. A room within a multiple-unit building or a group of adjacent rooms within a multiple-unit building that are under the control and use of the same person or

b. A dwelling unit within a multiple-unit building.

Without limiting this definition to dwelling units, each dwelling unit within a multiple-unit building shall be treated as one unit for purposes of this definition. Without limiting this definition to rented units, each unit within a multiple-unit building that is leased or intended to be leased by a different lessee shall be considered to be a separate unit for purposes of this definition. In accordance with the previous sentence, each separate space or room for rent in a hotel, motel, hostel or other building in which rooms are commonly rented to travelers, visitors or tourists for overnight stays shall be considered to be a separate unit.

617. Unit Number

An identifier that is assigned to a specific unit with the purpose of helping emergency services personnel locate said unit. The term does not include the street number or the building number (if any). The unit number is also frequently used for the purposes of facilitating the location of the identified unit by members of the general public or other persons wishing to visit or locate said unit and of facilitating the delivery of mail to said unit.

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618. Urgent Care Facility/ Emergency Room

A stand-alone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly outpatient basis. Patients are generally treated on a walk-in basis and services are not intended for long-term or overnight care.

619. Used and Scrap Tire Generators

Uses that store more than five hundred (500) tires, either on the ground or in locked containers, trailers, or buildings. Registration with TCEQ is required for such uses.

620. User

Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

Any person, including those located outside the jurisdictional limits of the city, which contributes, causes or permits the contribution or discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

2.22. V

621. Verify

To contact the alarm site by telephonic or other electrical means, whether or not actual contact with an individual is made, before requesting fire department response, in an attempt to avoid the unnecessary dispatch and response of the fire department.

622. Vested Right

A right of an applicant requiring the City to review and decide the application under standards in effect prior to the effective date of the standards of this UDC and/or of any subsequent amendments.

623. Vision Clearance

A space left open and unobstructed by fences, structures, shrubs, trees, or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.

2.23. W

624. Wall Area

The area of the wall from the finished floor elevation (or top of foundation) to the top of the parapet wall or to the bottom of the eave, whichever is highest. This wall area is as shown on the architectural elevation of the wall including glass area and recessed wall areas.

625. Wall Sign

See **Article G.4.02.K. Wall Sign**.

626. Wastewater

The liquid and water-carried waste from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which contributes to or is permitted to enter the POTW. The term includes, without limitation, human, animal, or plant waste from the use of toilet facilities, washing, bathing, and preparing food.

627. Water Surface Elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

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628. Waters of the State

The water of the ordinary flow, underflow, and tides or every foreign river, natural stream, lake, and of every bay of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression and watershed in the state is property of the state.

Water that is imported from any source outside the boundaries of the state for use in the state and that is transported through the beds and the banks of any navigational stream within the state or by utilizing any facilities owned or operated by the state is the property of the state.

629. Water Reservoir, Water Pumping Station or Well

A storage device for containing water, serving as a temporary water source.

630. Water Treatment Plant

The facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.

631. Wastewater Discharge Permit

As set forth in **Article E.2.05.F**.

632. Welding or Machine Shop

A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

633. Well

Any hole or holes, bore or bores, to any sand, formation, strata or depth for the purpose of producing and recovering any oil, gas, liquid hydrocarbon, or any of them.

634. Wellhead

The exact center of the location where the driller inserts the drill bit for purposes of drilling the Well.

635. Wholesale Office and Sample Room

An establishment or place of business primarily engaged in selling or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users; and to other wholesalers; includes an associated sample room open to customers.

636. Window Sign

A sign attached to, placed upon, or painted on the window or door of a building that is intended for public viewing from the exterior of such building.

2.24. X

2.25. Y

637. Yard

a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

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An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

638. Yard, Front

A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.

639. Yard, Rear

A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building, except that area included in the side yard as defined below.

640. Yard, Side

A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.

2.26. Z

641. Zoning Board of Adjustment

The City's Zoning Board of Adjustment, as established in **Article A.2.04.A**.

642. Zoning Districts

Zoning Districts established in **Article B.2.01**.

a. Residential Zoning Districts
   i. A, Agricultural District
   ii. SF-1, One-Family Dwelling District
   iii. SF-2, One-Family Dwelling District
   iv. SF-3, One-Family Dwelling District
   v. SF-4, One-Family Dwelling District
   vi. SF-5, One-Family Dwelling District
   vii. SF-6, One-Family Dwelling District
   viii. TF, Two-Family Zoning District
   ix. TH, Townhome Zoning District
   x. MF, Multi-Family Dwelling District
b. Nonresidential Zoning Districts
   i. O, Office District
   ii. NS, Neighborhood Service District
   iii. GR, General Retail District
   iv. C-1, Light Commercial District
   v. C-2, Heavy Commercial District
   vi. CB, Central Business District
   vii. DT, Downtown Transitional District
   viii. I-1, Light Industrial District
   ix. I-2, Heavy Industrial District

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x. IH-20, IH-20 Corridor District

xi. PD, Planned Development District

xii. P, Parking District

643. Zoning District Map

The official certified map upon which the boundaries of the various Zoning Districts are drawn and which is an integral of the Zoning Ordinance.

644. Zoning Map Amendment (Rezoning)

A change or modification to the boundaries of any zoning district within the City's Official Zoning District Map.

645. Zoning Special Exception

An adjustment in application of the specific regulations of the Zoning Regulations to a particular parcel of property that has been pre-defined by this UDC and does not require a hardship. See **Article B.6.04. Zoning Special Exception**.

646. Zoning Text Amendment

A change of the text within these Zoning Regulations and does not include change or modification to the boundaries of any zoning districts.

647. Zoning Regulations

The adopted Zoning Regulations of the City, as may be amended in the future. See **Article B. Zoning Regulations**.

648. Zoning Variance

An adjustment in application of the specific regulations of the Zoning Regulations to a particular parcel of property which, because of special conditions or circumstances, peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

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