



TOWN OF LITTLE ELM TOWN COUNCIL

December 1, 2020

OVERVIEW

Project	ZO Amendments
P&Z Hearing	11/19/2020
Council Hearing	12/01/2020
Request	Proposed ZO Text Amendments
Applicant	Town of Little Elm, Texas

Planning Analysis

Staff is proposing additions and modifications of uses to Section 106.05.01 (Schedule of uses) along with terms and associated definitions of uses contained within Section 106.01.14 (Land use definitions). Additionally, staff is proposing modifications to Section 106.02.14 (Conceptual Plan Approval).

Recommended Action

The Planning & Zoning Commission recommended approval of the proposed Zoning Ordinance Text Amendments to Town Council as shown in the attached Ordinance No. 1582.

Attachments: Ordinance No. 1582

TOWN OF LITTLE ELM

ORDINANCE NO. 1582

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING CHAPTER 106, "ZONING," OF THE TOWN'S CODE OF ORDINANCES THROUGH TEXTURAL CHANGES TO VARIOUS SECTIONS OF THE ZONING ORDINANCE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the zoning ordinance ("**Zoning Ordinance**") of the Town of Little Elm, Texas ("**Town**"), is contained in Chapter 106 of the Town of Little Elm's Code of Ordinances ("**Code**"); and

WHEREAS, Town staff has recommended that the Zoning Ordinance be amended in various section via proposed textual changes to the Zoning Ordinance; and

WHEREAS, the Town's Planning and Zoning Commission and the Town Council of the Town of Little Elm, Texas, in accordance with the state law and the ordinances of the Town, have given the required notices and have held the required public hearings regarding the adoption of the proposed Zoning Ordinance amendments; and

WHEREAS, after due deliberations and consideration of the recommendation of the Town's Planning and Zoning Commission, and any other information and materials received at the public hearing, the Town Council of the Town of Little Elm, Texas, has determine the various amendments to the Zoning Ordinance are in the best interest of public health, safety, and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. ADOPTION OF AMENDED ZONING ORDINANCE SECTIONS. That Ordinance No. 250 of the Town of Little Elm, Texas, as amended, is hereby repealed and amended by and through the adoption of the amended sections of the Zoning Ordinance, attached hereto, which amended Zoning Ordinance is hereby adopted.

SECTION 3. SAVINGS. This Ordinance (which includes the New Zoning Ordinance) shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 4. PENALTY. Any person, firm, or corporation violating any of the provision of this Ordinance shall be punished by a penalty of a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 5. SEVERABILITY. The sections, paragraphs, sentences, phrases, and words of this Ordinance are severable, and if any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid or unconstitutional, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the New Zoning Ordinance of the Town of Little Elm, Texas, and the Town Council hereby declares that it would have adopted the valid portions and applications of this Ordinance (which includes the New Zoning Ordinance) without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. REPEALER. That all ordinances of the Town of Little Elm in conflict with the provisions of this Ordinance are hereby repealed to the extent of that conflict.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption in accordance with and as provided by law and the Town Charter.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas on the 1st day of December, 2020.

The Town of Little Elm, Texas

DocuSigned by:

David Hillock

David Hillock, Mayor

ATTEST:

DocuSigned by:

Caithan Biggs

Caithan Biggs, Interim Town Secretary

ATTACHMENT – AMENDED SECTIONS OF THE ZONING ORDINANCE

Sec. 106.01.14 - Land use definitions.

Accessory structure. Any structure, either attached or detached from the main building, located on the same lot, the use of which is incidental to that of the main structure. Accessory structures include, but are not limited to, patio covers, arbors, gazebos, cabanas, outdoor kitchens, recreational fire enclosures, trellis, and structures/sheds or the like. A permit is required for many accessory structures (see sections 106.05.02.1(a) and (b), "accessory uses - residential" and "accessory uses - nonresidential," respectively, for regulations).

Adult Day Service. A daytime care establishment that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed, group setting.

Airport or landing field. A landing facility for fixed or rotary wing aircraft containing a minimum of 60 acres (see section 106.05.02.2(a), "airport/helipad/heliport" for regulations).

Airport/heliport. A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for pilots and passengers (see section 106.05.02.2(a), "airport/helipad/heliport" for regulations).

Alternative energy systems.

- (1) *Solar devices.* A solar panel or device is a structure that is intended to capture the light from the sun and transfer that energy to electricity for general use (see section 106.05.02.2(b), "alternative energy sources - solar" for regulations.)
- (2) *Wind energy conversion system (WECS).* Any mechanical device, such as a wind charger, windmill, or wind turbine, which is designed to extract kinetic energy from the wind and converts or stores it for practical use or a form of usable energy. (see section 106.05.02.2(c), "alternative energy sources - wind energy" for regulations)

Alternative financial services. A check cashing business, payday advance or loan business, money transfer business, car title loan business or pawn shop (see section 106.05.02.2(d), "alternative financial services" for regulations).

- (1) *Bank, savings and loan or credit union.* An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is typically licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. This includes businesses' activities listed under SIC Codes 60 and 61, but excludes pawnshops, check cashing businesses, payday advance/loan businesses and car title loan businesses.
- (2) *Car title and loan services.* An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. This excludes state or federally chartered banks, savings and loan associations or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral.
- (3) *Check cashing business.* An establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business. This definition excludes a state or federally chartered bank, savings and loan

association or credit union, pawnshop, grocery store or gas station, so long as the gas station does not handle more than 100 such transactions within any calendar month.

- (4) *Pawn shop.* A shop that lends money in exchange for valuable personal property as security deposited with it or pledged to it. This definition includes the sale of such securities after repossession and the sale of merchandise generally found in retail stores.
- (5) *Payday advance or loan business.* An establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such applicant's check. ?

Amenity center. A recreational facility, including, but not limited to, clubhouse, swimming pool, or play area, operated for the exclusive use of private residents or neighborhood groups and their guests, and not open to the general public.

Antenna. An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum (see section 106.05.02.2(h), "communications antennas" for regulations)

Antenna support structure. Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals and used for commercial broadcasting or telecommunication purposes. This definition shall also include a satellite dish exceeding 12 feet in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable state and federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. Definition includes ancillary ground equipment. (See section 106.05.02.2(i), "communications support structures/towers" for regulations)

Antenna, stealth. A stealth antenna is a commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth antennas include, but are not limited to:

- (1) Antennas within a building's attic space,
- (2) Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located,
- (3) Antennas on a public utility structure, such as a water tower or high transmission line support tower, and painted to match the structure,
- (4) Antennas located within a structure such as a flagpole, church steeple, lamppost, subdivision monument, clock tower, or similar architectural feature, and antennas located on an athletic field light pole.

Antique shop and used furniture. A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Arcade. An establishment in which there are located six or more skill or pleasure machines used for compensation found in the schedule of uses as "Commercial Amusement, Indoor."

Assembly uses. A building or structure for the gathering together of persons for purposes of civic, social or religious functions.

Athletic stadium or field, private. A private field and/or structure used for sporting events with associated spectator seating, either permanent or temporary.

Athletic stadium or field, public. A field and/or structure owned and operated by the town and/or a local independent school district used for sporting events with associated spectator seating, either permanent or temporary. The stadium may include other accessory buildings such as a food service or catering facility and/or dressing rooms/showers.

Automated dispenser machine. An unmanned, freestanding structure that dispenses goods that may include, but are not limited to, water, ice, entertainment videos or CDs, newspapers, and soft drinks, that may be located outside of or separate from the primary structure.

Automated intake machine. An unmanned, freestanding structure that is designed to receive certain goods that include, but are not limited to, recycling items, library books and donations, that may be located outside of or separate from the primary structure.

Automated teller machine (ATM). An unmanned, freestanding structure that performs banking financial functions at a location that may be separate from the controlling financial institution.

Automobile. A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile and boat repair, major. A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats and similar components that may require overnight outdoor storage of vehicles awaiting or under repair, if screened in compliance with all applicable regulations. General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses.

Automobile and boat repair, minor. A daytime retail operation wherein the sale, installation, and/or inspection of tires, batteries, brakes and other related minor parts or accessories is carried on; specifically intended to exclude major automotive repair and overnight outdoor storage of vehicles awaiting or under repair.

Automobile and boat sales, accessories. A retail shop that sells parts or accessories for vehicles that does not include any installation of same.

Automobile and boat sales, new. Retail sales or leasing of new automobiles, light load vehicles or boats. Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: sales, repair, and automobile storage.

Automobile and boat sales, outside display. The use of any land area for the display and sale of new or used vehicles and accessory parts, including tires, for automobiles, trucks, vans, trailers, or recreation vehicles.

Automobile and boat sales, used. Retail sales or offering for sale of used automobiles, light load vehicles or boats.

Automobile and boat/rv storage. The storage on a lot or tract of operable motor vehicles for the purpose of holding such vehicles for sale, distribution or storage.

Automobile parking garage. A structure for the parking of automobiles.

Automobile parking lot. An area where a fee is charged for parking automobiles.

Automobile wash, automated secondary use. A facility for the washing of motor vehicles, including a self-service operation, operated in conjunction with another primary use, such as fueling stations or convenience stores.

Automobile wash, full service. A facility where a customer may have an automobile, motorcycle, or other vehicles washed in exchange for financial remuneration. This definition generally includes detailing of the vehicle and may include other services, such as leather or upholstery cleaning.

Automobile wash, self service. A facility, typically coin or token operated, used by the customer to wash their own automobiles, motorcycles, and other vehicles.

Bakery, candy or ice-cream shop. A relatively small retail establishment that primarily sells baked goods, candy and other confections, and/or ice-cream/yogurt for on-premises consumption or take-out.

Bar. An establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption. If an establishment is located in a hotel or motel, the gross revenues of the particular establishment, rather than the gross revenues of the entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages. (See section 106.05.02.2(e), "bar or brewpub" for regulations)

Bed and breakfast inn. An owner-occupied private home which offers lodging for paying guests not to exceed one week in duration, and which serves breakfast to these guests and which contains one or more guest bedrooms. (See section 106.05.02.2(f), "bed and breakfast" for regulations)

Body art studio. An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the 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. Body piercing shall mean the creation of an opening in an individual's body, other than ear piercing, to insert jewelry or other decoration.

Brewpub. An establishment where the on-site brewing of beer occurs as well as tasting and/or retail sales. (See section 106.05.02.2(e), "bar or brewpub" for regulations)

Building material and hardware sales, major. 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 and may include the rental of construction tools and/or vehicles.

Building material and hardware sales, minor. An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

Business Service. This group includes establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including, but not limited to, advertising agencies, computer programming, and software services, tutoring services excluding trade schools, and office equipment sales, rental, leasing, or repair.

Campground or RV park. Any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes. Also, a tract of land on which two or more campsites are located, established, or maintained as temporary living quarters for recreation, education or vacation purposes.

Caretaker's/guard's residence. A residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard, and his/her family, employed on the premises. (see section 106.05.02.2(g), "caretaker or guard residence" for regulations)

Catering service. A business which offers prepared food and drink for consumption elsewhere.

Child care center, incidental. A place designed solely for the care of children belonging to employees and/or patrons of the primary use. The center shall be completely contained within the primary use and shall not constitute more than 15 percent of the main use. The operating hours of the center shall be the same as the primary use and shall not include overnight lodging, medical treatment, counseling, or rehabilitation services. This use may be subject to regulation by the Texas Department of Family and Protective Services.

Child care center. A facility that is licensed to care for any number of children for less than 24 hours per day, at a location other than the permit holder's primary residence. **Included in this definition are daycare services, Montessori schools.**

Child care, group home. An adult and/or child caring facility licensed by the state, designed to provide resident services to individuals who are physically handicapped, mentally ill, mentally retarded, or developmentally disabled, in which no more than eight such individuals reside with one or more resident counselors or other staff persons. For the purposes of this section, mental illness and developmental disability shall not include illegal use of or addiction to a controlled substance or any criminal behavior.

Child care, foster family home (independent). Per the definition of the department of family and protective services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for up to six children up to the age of 18 years.

Child care, foster group home (independent). Per the definition of the department of family and protective services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents licensed to provide care for seven to 12 children up to the age of 18 years.

Child care, licensed child care center. Per the definition of the department of family and protective services (DFPS) or as amended by the DFPS, an operation providing care for seven or more children younger than 14 years old for less than 24 hours per day at a location other than the permit holder's home.

Child care, licensed child care home. Per the definition of the department of family and protective services (DFPS) or as amended by the DFPS, the primary caregiver provides care in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

Child care, listed family home. Per the definition of the department of family and protective services (DFPS) or as amended by the DFPS, a caregiver at least 18 years old who provides care in her own home for compensation, for three or fewer children unrelated to the caregiver, ages birth through 13 years. Regular care is provided, which is care provided for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.

Child care, registered child care home. Per the definition of the department of family and protective services (DFPS) or as amended by the DFPS, a caregiver who provides regular care in her own home for not more than six children from birth through 13 years. Child day care can be provided for six additional school-aged children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

Clinic, animal (no outside runs). An animal medical facility designed for immediate and short term care (i.e. not requiring the animal to be boarded or kept within the facility overnight), for diagnosis, treatment of household pets including but not limited to dogs, cats, and birds.

Clinic, animal (with outside runs). A facility for diagnosis, treatment or hospitalization of household pets including but not limited to dogs, cats, birds, and horses.

Clinic/medical lab. Offices for one or more physicians, surgeons or dentists engaged in treating sick or injured persons, but not including rooms for the lodging of patients. The facility may also conduct the testing of blood and other tissue samples for the purpose of diagnosis of diseases.

College, university, or trade school. An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation.

Commercial amusement, indoor. An enterprise providing for indoor recreational activities, services, amusements, and instruction, usually for an admission fee. Uses may include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or sports practice areas. Such business shall be constructed to limit noise by installing adequate acoustic barriers.

Commercial amusement, outdoor. An enterprise providing for outdoor recreational activities, services, amusements, and instruction, usually for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

Commissary. A facility that is the home base for a restaurant-equipped vehicle that serves as a mobile food vendor. The commissary also is used for the storage and partial production of food items that are delivered to customers by the mobile food vendor located away from the commissary location.

Communication tower/antenna. Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals. See also "antenna support structure." (See section 106.05.02.2(h), "communication antennas" for regulations)

Concrete batch plant, permanent. A permanent manufacturing facility for the production of concrete or asphalt.

Concrete batch plant, temporary. A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed. Following removal, the tract shall be returned to its previous condition. (See section 106.05.03(a), "batch plants, temporary" for regulations)

Construction yard, field office, temporary. A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction. A facility used for the temporary office and material storage in connection with a project under construction or remodel. (See section 106.05.03(d), "construction yard, temporary" for regulations)

Contractor's shop. A facility for the contractor's office and the storage and maintenance of contractor's supplies and operational equipment.

Custom personal service. A shop, such as tailor, shoe repair, barbershop, beauty shop, health studio, spa/salon, or travel consultant.

Dwelling, assisted living facility. A private facility that provides care for chronically ill, aged, or disabled persons who need some health supervision and related care but not including hospital care. Such facilities do not contain facilities for surgical care or the treatment of alcoholism, drug addiction, communicable disease or injury. A facility designed for adults or children with special needs and/or who need assistance with daily living, including but not limited to the production of meals, assistance with shopping, management of medications and personal grooming. Typically, the resident occupies a room or suite of rooms and eats the majority of meals communally.

Dwelling, assisted living home. A facility located in a private residential home designed for adults who need or desire assistance with daily living, including but not limited to the production of meals, assistance with shopping, management of medications and personal grooming. (See section 106.05.02.2(j), "home child care" for regulations)

Dwelling, boardinghouse or rooming house. A building other than a hotel where lodging and/or meals for three or more persons are provided for compensation.

Dwelling, duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced fire wall from basement to roof, intended or designed for occupancy by two families.

Dwelling, factory-built home. Any manufactured single-family mobile home constructed prior to June 15, 1976. (See also dwelling, HUD-Code manufactured home)

Dwelling, group home. An adult and/or child care facility, licensed by the state, designed to provide resident services to individuals who are physically handicapped, mentally impaired, or developmentally disabled, but does not provide services to individuals with psychiatric, addiction, substance abuse or who exhibit criminal behavior. (See section 106.05.02.2(j), "home child care" for regulations)

Dwelling, HUD-Code manufactured home. A HUD-Code compliant single-family structure constructed after June 15, 1976, designed for long-term residential use that is constructed elsewhere and is moved from the factory or sales location to its permanent site (see also dwelling, factory-built home)

Dwelling, listed family home. A home that provides child care for compensation for three or fewer children, excluding children who are related to the caretaker, for at least four hours a day, three or more days a week, for more than nine consecutive weeks in the caretaker's own residence and that is required to [be] listed with the state. (See section 106.05.02.2(j), "home child care" for regulations)

Dwelling, live-work. A dwelling unit that contains, to a limited extent, a separate commercial component on the ground floor and is typically in the form similar to a townhouse or store with residential quarters above or behind the commercial use.

Dwelling, mobile home. Any manufactured single-family mobile home constructed prior to June 15, 1976.

Dwelling, multifamily. 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. Though residential in use, it is considered a commercial development in regard to and application of development standards and regulations. A building containing three or more dwelling units on a single lot or tract designed to be occupied by three or more families living independent of one another.

Dwelling, patio home. A dwelling on a separate lot with open space setbacks on at least three sides.

Dwelling, single-family, detached. A platted lot containing one dwelling unit, not attached to any other dwelling by any means and is surrounded by open space or yards, designed and constructed for occupancy by one family and has no physical connection to a building located on any other separate lot or tract.

Dwelling, townhome. A structure containing three or more dwelling units with each unit designed for occupancy by one household and each unit attached by a common fire wall.

Electrical power generating plant. All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

Electrical substation. A location for transforming electricity prior to the distribution of electricity to individual customers.

Fairgrounds/exhibition area. An area that may include structures or outside areas for the exhibition of rodeos, conventions and similar special events.

Farm accessory building. A structure located on an active farm, ranch, or orchard in which livestock, feed, equipment, vehicles, or accessories necessary for the running of the business are kept, including but not limited to, barns, silos, sheds and exercise pavilions.

Farm, ranch, stable, garden or orchard. An area of five acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and 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 or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Farmers market. An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. This definition does include the sale of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items when the proper health rules and regulations are followed and/or health permit obtained. (See section 106.05.03(c), "farmers market, temporary" for regulations)

Florist. A facility for the retail sale of flowers, ornamental plants, and accessory items. This definition does not include a nursery with outside display. (See also Greenhouse and Nursery)

Fraternal organization, lodge, civic club, fraternity or sorority. A group of people whose membership is restricted by a set of bylaws or regulations.

Funeral home/crematorium. A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial or cremation, where cremation occurs within the building, with or without place where ceremonies or gatherings connected to the deceased may occur.

Funeral home/mortuary. A place for the storage of human bodies prior to their burial, or a building used for the preparation of the deceased for burial and the display of the deceased, a place where

ceremonies or gatherings connected to the deceased may occur, but does not allow the cremation of human remains.

Gas pumps/fuel sales. A retail fuel sales facility selling fuel for motor vehicles including, but not limited to, automobiles, motorcycles, buses, or recreational vehicles with no ancillary services such as vehicle service, vehicle repair, or sale of items other than fuel. The fueling or gasoline station may be attended or automated.

Golf course, tennis club, polo club, or country club (private). An area of 20 acres or more containing a golf course, polo facilities, tennis facilities and/or a clubhouse and available only to private specific membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, retail sales, and similar recreational or service facilities. A tract of land with at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bar, pro shop, practice facility and other accessory uses.

Greenhouse or nursery for retail plant sales. A facility that may include the outside display of plants offered for sale when such display is located behind the front yard line established in the district in which the nursery or greenhouse is located.

Gun or archery range, indoor. Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged or arrows are shot for either testing or recreation purposes. Such business shall be constructed to limit noise by installing adequate acoustic barriers.

Gunsmith. A retail establishment for the sale and service of guns and related items.

Gymnastics/dance studio/martial arts. A building or portion of a building used by a gymnast, dancer, or martial artist for practice or for instructional classes in gymnastics, dance, or martial arts and similar activities.

Health/fitness center. A facility which promotes physical fitness, weight control, exercise, and personal improvement that may also include massage or bathing.

Heavy machinery sales, service, and storage. A retail or wholesale facility that sells, services and stores heavy machinery such as farm equipment, dredging equipment, paving equipment, etc.

Helipad. A place, typically on the roof of a building or a small ground area where helicopters may land and take off, but without any service or fueling capabilities. (See section 106.05.02.2(a), "airport/helipad/heliport" for regulations)

Home occupation. An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in section 106.05.02.2(k), "home occupations." Any activity carried out for personal gain in a dwelling unit by a resident of the premises, which occupation is secondary to the residential purpose of the premises.

Hospital. An institution or place where sick or injured patients are given medical or surgical care either at public (charity) or private expense.

Hotel. A building or group of buildings designed for and occupied as a temporary abiding place of individuals with access to the rooms from an indoor corridor and providing six or more room units where customary services such as linen, maid service, telephone, and upkeep of furniture are provided for a daily fee.

Hotel, extended stay (also called "residence hotel"). 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 typically being calculated on a weekly and/or monthly basis. Typical residence hotel attributes include, but are not limited to, kitchen facilities, and external doorways into room units. (See section 106.05.02.2(l), hotel, extended stay" for regulations)

Hotel, full-service. A full service hotel is considered a top tier hotel in terms of amenities and service provided to the clientele. (See section 106.05.02.2(m), "hotel, full-service" for regulations)

Hotel, limited service. A limited service hotel provides travelers an economical choice with fewer amenities than a full service hotel. (See section 106.05.02.2(n), "hotel, limited-service" for regulations)

Household appliance service and repair. A retail establishment where household appliances are serviced and repaired on site. May also include sales of new or used household appliances.

Incidental retail and service uses. Defined as operating within another establishment, such as a bank branch, nail salon, eyewear service, tax service, etc. within a "big box" store. May also be located within an office complex or hotel, such as a deli, convenience store, or restaurant for the use of the employees and guests.

Kennel, indoor. An establishment where domesticated animals (four or more dogs, cats or other domestic animals at least four months of age) are housed, groomed, bred, boarded, trained, or sold for commercial purposes that does not include outside pens or runs.

Kennel, outdoor. An establishment where domesticated animals (four or more dogs, cats or other domestic animals at least four months of age) are housed, groomed, bred, boarded, trained, or sold for commercial purposes that includes outdoor pens or runs.

Laundry and/or dry cleaning, commercial. A plant for cleaning garments, fabrics, rugs, uniforms, draperies, or other similar items on a commercial or bulk basis.

Laundry and/or dry cleaning, pickup and receiving station. A facility that only receives and dispenses laundry and dry cleaning that is processed in bulk by a commercial laundry or dry cleaning facility located elsewhere.

Laundry and/or dry cleaning, self-service. A facility for washing and/or dry cleaning garments and similar items where typically the customer supervises and handles the cleaning of his/her garments and items, such as a laundromat. Machines for use are typically of a similar size as found in the home and not a commercial laundry or cleaning plant.

Laundry and/or dry cleaning, small custom shop. A retail establishment for the cleaning of individual garments, fabrics, rugs, draperies or other similar items on the premises, which may include minor garment repair. A custom cleaning shop not exceeding 5,000 square feet of floor area or a pickup station.

Liquor store. A facility for the sale of beer, wine, and/or liquor not for on-premises consumption that derives 75 percent or more of its gross revenue from the on-premises sale of beer, wine, and/or liquor. (See section 106.05.02.2(o), "liquor stores" for regulations).

Machine/welding shop. A facility in which materials are processed by machining, cutting, grinding, welding, etc.

Manufactured home. Any manufactured single-family mobile home constructed prior to June 15, 1976. (See also Dwelling, factory-built home. (See section 106.05.02.2(p), "manufactured home replacement" for replacement regulations)

Manufactured/mobile home display and sales. The offering for sale, storage, or display of trailers, HUD-Code manufactured homes or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis. Such use may be permitted with the approval of the town council in the MH Mobile Home District to permit sale of mobile homes or HUD-Code manufactured homes owned by the mobile home park owner or operator for placement in the mobile home park.

Manufacturing and industrial, heavy. A facility that involves assembly and fabrication activities and the use of machines, tools and labor to make items for use or sale and typically requires access to major thoroughfares, major highways, and/or other means of transportation such as the railroad for transfer of parts and final products. May also include warehousing, research and development, wholesaling operations with infrequent customer or client visits, and may include related office and shipping areas. Heavy industry involves one or more of the following characteristics such as large and heavy products; large and heavy equipment and facilities (such as heavy equipment, large machine tools, and spacious buildings); or complex and numerous processes. The labor for heavy industry often must be highly skilled.

Examples of heavy industry include, but are not limited to, steel manufacturing, automotive assembly, machine tool design and construction, boat or aircraft manufacturing, and power plants.

Manufacturing and industrial, light. A facility that involves assembly and fabrication activities and the use of machines, tools and labor to make items for use or sale. May also include warehousing, research and development, wholesaling operations with infrequent customer or client visits, and may include related office and shipping areas. Light industry is often assembly-based and is typically consumer-oriented (i.e., most light industrial products are sold to retail stores or end users rather than as intermediate parts for use by other industries). Light industry generally has less environmental impact than those associated with heavy industry. Light industry may employ lower skilled workers with only moderate training and often employ large numbers of people. Light industries require a relatively small amount of raw materials, area and power. Examples of light industry include, but are not limited to, plastic items, clothing, shoes, foods, beverages, personal care and home care products, cosmetics, drugs, furniture, consumer electronics, and home appliances.

Media studio. A facility where the production, editing, storage, and/or transmittal of audio/visual media occurs. Includes, but is not limited to, a TV studio, a radio studio, a production or editing facility. (See section 106.05.02.2(q), "media studio" for regulations)

Mini-warehouse/self storage. A building containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage is prohibited within any individual storage unit.

Mixed-use building. A vertical mixed use building that includes a variety of retail, office, and/or residential uses such as lofts, live-work units, apartments and condominiums, but contains nonresidential use in a majority of the ground floor.

Mobile food vendor, food truck. Any person who operates and sells food from a motorized vehicle capable of moving from place to place during the course of the day and may include some preparation of food or drink for sale.

Mobile food vendor, stationary. Any person or persons who operates and sells food from a stationary cart or trailer mounted on a chassis, for a period of 15 calendar days or more per year. Stationary mobile food vendors include, but are not limited to, snow-cone stands, hot-dog carts, and ice-cream carts. Any similar facility that operates for 14 calendar days or less shall be considered a "temporary food establishment" as defined by the town health ordinance, as it exists or may be amended.

Model home. A single-family dwelling in a developing subdivision located on a legally platted lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision. (See section 106.05.03(e), "model home, temporary" for regulations)

Motel. A facility offering short-term overnight lodging accommodations on a daily rate to the general public and having direct access to individual guest rooms from the parking area or outside balconies.

Motorcycle sales/service. A facility that sells, leases, and services motorcycles, usually defined as two-wheeled, self-propelled vehicle having one or two saddles or seats, and may have a sidecar attached. For purposes of this chapter, motorbikes, motor-scooters, mopeds and similar vehicles are classified as motorcycles.

Municipal uses operated by the Town of Little Elm. Any structure, park, open space, or roadway owned and/or operated by the Town of Little Elm, including but not limited to town hall, libraries, recreation centers, parks, and roadways.

Museum/art gallery. A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods related to the collection.

Office, administrative, medical, or professional. A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel,

secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

Office, showroom. A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are examples. Incidental retail sales of products associated with the primary products and/or services are also permitted. Warehousing facilities shall not exceed 50 percent of the total floor area. This designation does not include contractor's shop and storage yard.

Office, warehouse, distribution center. A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. Also referred to as "flex space."

Open storage and display, permanent. A secondary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale. (See section 106.05.02.2(s), "open storage, permanent or ongoing" for regulations)

Open storage and display, temporary. The temporary display of merchandise for sale outside of a building. (See section 106.05.03(f), "open storage, temporary" for regulations)

Open storage and display, under eave display, temporary. The temporary display of merchandise for sale located immediately outside the main entrance to the building and generally in the area that is adjacent to the building and between the building and the walkway/entrance. Items include, but are not limited to, firewood, plants, pumpkins, shopping carts, and other similar items. (See section 106.05.03(g), "open storage, temporary, under eave display" for regulations)

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.

Portable building sales. A retail establishment that sells portable buildings meant to be used as accessory uses only and not for habitation.

Print shop, major industrial plant. An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print shop, minor retail shop. An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but excludes the on-site storage of heavy load fleet vehicles, such as a Kinko's.

Printing plant, reprographic shop. A facility for the reproduction of materials or drawings on a job order or bulk basis utilizing lithography, off-set printing, or other printing techniques.

Private club. A facility that caters to a limited clientele that requires membership standing in order to participate. May include, but is not limited to, cigar clubs, gaming clubs, pool rooms, or other similar type uses. May require additional licenses from TABC or the state for operation. Does not include not-for-profit gaming operations, such as Bingo, offered by charitable organizations.

Religious facility. A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by state law). For the purposes of this chapter, Bible study and other similar activities that occur in a person's primary residence do not constitute a "religious facility."

Research and development center. Facilities for research including laboratories, experimental equipment and operations involving compounding or testing of materials or equipment. Any facility that is determined by health, fire, or building official to be a hazard or nuisance to adjacent property or the

community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

Restaurant. A building or portion of a building where food and drink is served for consumption in the building, and where provisions may be made for serving food on the premises outside the building.

Restaurant, dine-in only. An establishment where food and drink are prepared, served and consumed by the general public within an indoor dining area and may include an outdoor seating area.

Restaurant, dine-in only with alcoholic beverages. An establishment where food and drink, including alcoholic beverages, are prepared, served and consumed by the general public within an indoor dining area and may include an outdoor seating area.

Restaurant, drive-in. An eating establishment where food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises. An establishment where food and drink are prepared and ordered via service screens and served to customers either in an outdoor seating area or in their motor vehicles that are temporarily parked and which the food will generally be consumed in their vehicles or off-premises.

Restaurant, drive-through service. An establishment where food and drink are prepared, served and consumed by customers who are given the option of dining within the indoor dining area, the outdoor seating area or via a service window and drive-through lane to customers in motor vehicles who will be consuming the food off-premises.

Restaurant, pick-up or delivery only. An establishment preparing food to the general public in which the food, once prepared, is either picked up for consumption off-premises, or is delivered to the end user by the restaurant staff.

Restaurant, temporary. A retail food establishment that operates at a fixed location for a limited period of time.

Restaurant, with micro-brewery. An establishment that serves food and alcoholic beverages that prepares handcrafted natural beer or ale intended for consumption on the premises as an accessory use.

Salvage yard, wrecking yard. Any lot upon which four or more motor vehicles of any kind which are incapable of being operated due to condition or a lack of license or have been placed for the purpose of obtaining parts for recycling or resale.

School, charter. An alternative institution to the public school system licensed and funded by the state which provides a basic academic education comparable to that provided in the public schools and receives funding from the state and charges no admission fees to its attendees.

School, private or parochial. A school under the sponsorship of a private or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including private or trade or commercial schools, and receives no funding from any governmental agency. **Establishments that provide cooperative education (co-op) are included in this definition.**

School, public. An educational institution regulated by the state which is operated by the public or an independent school district, having a curriculum that includes kindergarten, elementary or secondary education, but not including private, business, commercial, trade, or craft schools.

Seasonal sales. Temporary display and sale of items customarily associated with a particular season, such as Christmas trees, holiday decorations, firewood; pumpkins, or any other similar product for sale during a recognized holiday.

Senior living facility. A multiple family dwelling means any building or portion thereof which is designed, built, rented, leased or let to contain three or more age-restricted (55 or older) dwelling units or apartments on a single lot, or which is occupied as a home or place of residence by three or more age-restricted (55 or older) families living in independent dwelling units.

Sewage pump station. A facility for transporting sewer including pumps, piping, valves and controls.

Sewage treatment plant. A facility that treats sewage so that it may be returned to the natural water supply without negative effects. Water from a sewage treatment plant is considered "gray water" and is suitable for irrigation but no consumption.

Sexually oriented businesses. Sexually oriented establishments and businesses as defined in town Ordinance No. 628 as it exists or may be amended. Sexually oriented uses include, but are not limited to, adult bookstore, adult video store, adult theater, adult cabaret, sexual encounter center, and nude modeling center. (See section 106.05.02.2(v), "sexually oriented businesses" and the aforementioned town ordinances for regulations)

Smoking establishment. An establishment that sells products and devices primarily for the purpose of smoking or vaping in various forms. These establishments sometime provide a contained area with a separate ventilation system for the purpose of smoking within the associated structure.

Store, big box. A retail establishment with a single-tenant that comprises more than 50,000 square feet, such as Target or Walmart.

Store, convenience. A retail establishment providing for the sale of food items, nonprescription drugs, small household items and gifts. Gasoline and diesel fuel may also be offered for sale. Maximum size of the establishment shall be no more than 6,000 square feet, not including storage areas and administrative offices.

Store, discount, variety or department. A retail establishment offering a wide variety of merchandise in departments and exceeding 6,000 square feet in floor area.

Store, drugstore or pharmacy. A retail establishment for preparing, preserving, compounding and dispensing of drugs and medicines; and may include the display and sale of other merchandise such as cosmetics, notions, fountain service and similar items.

Store, feed. A retail establishment for the sale of grain, prepared feed, and forage for pets, livestock and fowl, but not involving the grinding, mixing, or commercial compounding of such items. An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

Store, furniture, home furnishings and appliance store. A retail facility that sells primarily goods for the home, such as furniture, carpet, appliances, and accessories.

Store, grocery. A retail establishment that displays and sells consumable goods and sundries and may include secondary uses such as a pharmacy, photo shop, banking service, delicatessen, bakery and/or prepared foods.

Store, hardware and home improvement. A retail establishment that sells building materials, paint, cutlery, tools, utensils, screws, nails, etc. This definition does not include "big box" hardware/lumber/home improvement type stores with outdoor display.

Store, incidental retail or service uses. Located within an office or other employment center, such uses include barbershop or beauty shop, smoke shop, candy counter, restaurant, pharmacy, or other incidental activity secondary to the primary office or employment occupancy.

Store, pet shop. A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

Store, shopping center. A group of retail, service, commercial, and restaurant establishments planned, constructed and managed as a single entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Street, private. A thoroughfare which affords access to property abutting thereon for residents of that property and service vehicles only via controlled gate access. The land on which the street is constructed is owned by a homeowners association and the street is maintained by that entity. (See sections 106.05.02.2(t), "private street development/gated communities - existing subdivisions" and (u), "private street development/gated communities - new subdivisions", for regulations)

Street, public. A thoroughfare which affords principal means of access to property abutting thereon. The land on which the street is constructed is owned by a governmental entity and the pavement is maintained by that entity.

Telephone exchange. A telecommunications facility to which subscribers' telephones connect that switches calls among subscribers or to other exchanges for further routing.

Theater, drive-in. An outdoor facility arranged so that patrons can view the screen and receive the sound in the privacy of their cars, or while seated outside.

Theater, indoor. A facility for showing motion pictures to an audience inside an enclosed structure.

Transit center/bus terminal. Passenger terminal or loading facilities for franchised private or publicly-owned transit system.

Truck terminal. An area where trucks used to transport goods are stored or parked between trips.

Truck/trailer/heavy equipment/RV/bus repair. An establishment providing major and minor automobile repair services to heavy load vehicles defined as self-propelled vehicles having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor trailers, buses and other similar vehicles. Such vehicle repair may occur within a structure or outside the structure due to the size of the vehicles.

Truck/trailer/heavy equipment/RV/bus sales. A facility which sells or leases vehicles having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor trailers, buses and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise. The sales and leasing facility includes outdoor storage and display of the vehicles listed.

Utility distribution/transmission line. Facilities, including subsidiary stations, that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

Vending kiosk, commercial. An unmanned structure that provides a product for remuneration. Examples are ice machines, video vending machines (see section 106.05.02.2(w), "vending kiosk, commercial" for regulations).

Vending kiosk, not-for-profit. An unmanned structure that provides a product. The fee for such product may be reduced or waived. (See section 106.05.02.2(x), "vending kiosk, not-for-profit" for regulations)

Warehouse. A large facility used primarily for the storage of goods and may include an office incidental to the primary use.

Water pumping station. A facility for transporting water including pumps, piping, valves and controls.

Water reservoir or well. An artesian well or manmade underground reservoir where water is collected and kept in quantity for use by a water system.

Water treatment plant. A facility for the purifying, storage, and distribution of town water including a system of reservoirs, channels, and mains.

Wholesale and distribution center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials to retailers, wholesalers, agents, brokers, and/or to industrial, commercial, institutional, or professional business users and may include an office incidental to the primary use.

Winery/brewery retail sales. An establishment operated by the holder of a winery or brewery permit which has been lawfully issued to the permittee for the premises by the Texas Alcoholic Beverage Commission (or any successor entity thereto) in accordance with V.T.C.A., Alcoholic Beverage Code ch. 16 for the on-premises consumption of wine and or beer.

Winery/brewery/distillery. A manufacturing plant designed to distill alcoholic spirits such as wine, beer, ale or liquor. No on-premises individual sales of alcoholic drinks are allowed.

Sec. 106.05.01 - Schedule of uses.

Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than uses specified for the district in which it is located as set forth by the use schedule located in section 106.05.01(a) and (b), "Schedule of uses - residential" and "schedule of uses - nonresidential," respectively.

- (a) *Residential zoning districts uses.* P=permitted by right; C=conditional use; S=specific use permit required. A blank space indicates the use is prohibited in that district.

ARTICLE V, TABLE A Residential Zoning Districts	SF-RE	SF-1	SF-2	SF-3	SF-4	A-1	A-2	SF-X	TH	MH-1	MH-2	D	MF
	Ranchette Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family A1	Single-Family A2	Single-Family Mix	Townhome	Manufactured Home District	Manufactured Home Park	Duplex	Multi-family
Primary Residential Uses													
Amenity center	P	P	P	P	P	P	P	>P	P	P	P	P	P
Dwelling, accessory	P												
Dwelling, assisted living facility													S
Dwelling, assisted living home													>S
Dwelling, boarding house or rooming house													P
Dwelling, duplex										P		P	P

Dwelling, HUD Code man. home									
Dwelling, listed family home									
Dwelling, live-work unit							P		
Dwelling, mobile home									
Dwelling, model home									
Dwelling, multifamily									
Dwelling, single-family detached	P								
Dwelling, townhome							P	S	S
Senior living facility		S			S		S		
Mixed use building					C	C	P	C	C
Accessory and Incidental Uses									
Accessory structure	C	C	C	C	C	C	C	C	C
Automated dispenser machine			P		P	P		P	P
Automated intake machine			S		S	S		S	S

Automated teller machine, off-site			S		S	S		S	S
Caretaker's/guard's residence						C		C	C
Construction yard, field office, temporary	C	C	C		C	C	C	C	C
Farm accessory building	C								
Home occupation	C				C	C	C		
Open storage, permanent/ongoing	S				S	S		S	S
Open storage, temporary					C	C		C	C
Seasonal sales	C				C	C		C	C
Solar panels, devices, commercial		C			C	C	C	C	C
Vending kiosk, commercial		C			C	C	C	C	C
Vending kiosk, not-for-profit	C	C	C	C	C	C	C	C	C
Wind energy conversion system (WECS)	C	C	C	C	C	C	C	C	C
Assembly uses	S	P	P	P	P	P	P	P	P

Recreation center	S	P	P	P	P	P	P	P	P
Religious facility	P	P	P	P	P	P	P	P	P
School, private, charter or parochial	S	S	S	S	S	S	S	S	S
School, public	P	P	P	P	P	P	P	P	P
Infrastructure Type Uses									
Airport/landing field/heliport		C		C	C	C	C	C	C
Alternate energy system	C	C	C	C	C	C	C	C	C
Communication tower	C	C	C	C	C	C	S	C	C
Electric power generating plant	S			S	S	S		S	P
Electric substation	S	S	S	S	S	S	S	S	S
Helipad									
Private utility, other than listed	P	P	P	P	P	P	P	P	P
Sewage pumping station	P	P	P	P	P	P	P	P	P
Sewage treatment plant	S	S	S	S	S	S		S	S
Telephone exchange	S	S	P		P	P	P	P	P

Transit center/bus terminal		P	P		P	P	P	P	P
Utility distribution/transmission line	S	S	S		S	S	S	S	S
Water Reservoir, water pumping station, water well	P	P	P		P	P	P	P	P
Water treatment plant	S	S	S		S	S		S	S
Retail Uses									
Antique shop and used furniture, inside only					P	P	P	P	P
Arcade					S	S	S	S	S
Bakery, candy or ice-cream shop			P		P	P	P	P	P
Bar/brewpub					S	S	P	S	S
Building material and hardware sales, major					P	P	P	P	P
Building material and hardware sales, minor					P	P	P	P	P
Commercial amusement, indoor					P	P	P	P	P
Commercial amusement,					S	S	S	P	P

outdoor									
Farmers market					S	S	S	S	
Florist			P		P	P	P	P	P
Greenhouse/nursery for plant sales		S			P	P	P	P	P
Heavy machinery sales and storage						P		P	P
Portable building sales					S	P		P	P
Private club					S	S			
Restaurant, dine-in		S	P		P	P	P	P	P
Restaurant, drive-in			S		P	P	P	P	P
Restaurant, drive-thru			S		P	P	P	P	P
Restaurant, with brewpub					P	P	P	P	P
Restaurant, pick-up only					P	P	P	P	P
Smoking Establishment		S	S		S	S	S	S	S
Store, big box					P	P	P	P	P
Store, convenience			P		P	P	P	P	P
Store, discount, variety, or					P	P	P	P	P

department store									
Store, drugstore or pharmacy					P	P	P	P	P
Store, feed					P	P		P	P
Store, florist			P		P	P	P	P	P
Store, grocery					P	P	P	P	P
Store, hardware and home imp.					P	P	P	P	P
Store, incidental (within another use)					P	P	P	P	P
Store, liquor					S	S	S	S	S
Store, pet shop					PS	PS	PS	PS	PS
Store, shopping center					P	P	P	P	P
Store, other than listed above					P	P	P	P	P
Theatre, indoor		S			P	P	P	P	P
Theatre, drive-in					S	P		P	P
Winery/brewery retail sales					P	P	P	P	P
Service Uses									
Alternative financial services					C	C		C	C

Bank, savings and loan, or credit union		P			P	P	P	P	P
Bed and breakfast inn	S	P	P		P		P		
Body art studio						S	S	S	S
Business Service	S	S	S		S	S	S	S	S
Campground or RV park	S								
Catering service					P	P	P	P	P
Child care center		S	S		S	S	S	S	S
Child care center, in-home	C								
Cleaning and pressing (small shop/pickup)			P		P	P	P	P	P
Clinic/medical lab		P	P		P	P	P	P	P
Clinic, animal (no outside runs)	S		P		P	P	P	P	P
Clinic, animal (with outside runs)	S				S	P		P	P
Commissary					S	S		S	S
Contractor's shop with outside storage						P		P	P
Contractor's shop					P	P		P	P

inside only									
Custom personal service		P	P		P	P	P	P	P
Day Service, Adult		S	S		S	S	S	S	S
Fairgrounds/exhibition area		S			S	P		P	P
Fortune teller/psychic						S		S	S
Funeral home/crematorium		S			S	S		S	S
Funeral home/mortuary		S			P	P	P	P	P
Gunsmith					P	P	P	P	P
Gymnastics/dance studio/martial arts		P	P		P	P	P	P	P
Health/fitness center		P			P	P	P	P	P
Hotel, extended stay					S	S	S	S	S
Hotel, full service					P	P	P	P	P
Hotel, limited service					S	S	S	S	S
Household appliance service and repair		S	P		P	P	P	P	P

Incidental retail and service uses			P		P	P	P	P	P
Kennel, no outside runs					P	P	P	P	P
Kennel, with outside runs					S	S	S	S	S
Laundry/dry cleaning, commercial						P		P	P
Laundry/dry cleaning, pickup station			P		P	P	P	P	P
Laundry/dry cleaning, self-service					P	P		P	P
Motel									
Office, professional and general administrative		P	P		P	P	P	P	P
Personal service (other than listed)					P	P	P	P	P
Print shop, minor retail shop					P	P	P	P	P
Sexually oriented businesses								C	C
Studio, photography, music, artistry		P	P		P	P	P	P	P

and sales									
Motorcycle sales/service					P	P		P	P
Truck, trailer, heavy equipment, RV, bus repair								P	P
Truck, trailer, heavy equipment, RV and bus sales and leasing						P		P	P
Truck terminal						P		P	P
Industrial and Manufacturing Uses									
Concrete batch plant, permanent									S
Concrete batch plant, temporary	C	C	C		C	C		C	C
Machine/welding shop								P	P
Manufacturing or industrial uses, heavy									C
Manufacturing or industrial uses, light								C	C
Mini-warehouse/self-storage						S		S	S
Office/showroom						P		P	P

Print shop, industrial						P		P	P
Research and dev't center						P		P	P
Salvage yard, wrecking yard									S
Warehouse/distrib ution center								P	P
Winery/brewery/di stillery manufacturing					S	S	P	P	P

(Ord. No. 1407, § 2, 8-15-2017)

Sec. 106.02.14. - ~~Conceptual~~ Preliminary site plan approval.

- (a) *Purpose.* The purpose of a ~~conceptual~~ preliminary site plan is to promote safe, efficient and harmonious use of land through application of town-adopted design standards and guidelines; protect and enhance the town's environmental and aesthetic quality; ensure adequate public facilities to serve development; prevent or mitigate adverse development impacts; aid the evaluation and coordination of land subdivision; and promote the public health, safety, and welfare.
- (b) *Applicability.* A ~~conceptual~~ preliminary site plan shall be required for preliminary review and administrative approval and for all planned development districts.
- (c) *~~Conceptual~~ Preliminary site plan format and submission requirements.* The ~~conceptual~~ preliminary site plan submission shall be comprised of the items set forth in the ~~conceptual~~ preliminary site plan checklist, available online, and any additional information/materials, such as plans, maps, or exhibits as deemed necessary by the director in order to ensure that the planned development request is understood and regulations have been met.
- (d) *Official submission date and completeness of application.* When a preliminary site plan is required to be submitted as a zoning exhibit, the following applies:
 - (1) A ~~conceptual~~ preliminary site plan is considered filed on the date the applicant delivers the ~~conceptual~~ preliminary site plan to the town.
 - (2) The town shall consider the approval, disapproval, or conditional approval of a ~~conceptual~~ preliminary site plan application solely on the basis of any regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time.
 - (3) A ~~conceptual~~ preliminary site plan application expires two years after the date the ~~conceptual~~ preliminary site plan application is received if no further action has been taken.
- (e) *Principles and standards for ~~conceptual~~ preliminary site plan review and evaluation.* The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the town, and to ensure that all developments are, to the best extent possible, constructed according to the town's codes and ordinances:
 - (1) The plan is in compliance with all provisions of the zoning ordinance, the comprehensive plan, the thoroughfare plan, and other applicable ordinances of the Town of Little Elm.
 - (2) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
 - (3) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
 - (4) The provision of a safe and efficient vehicular and pedestrian circulation system.
 - (5) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
 - (6) The sufficient width, suitable grade, and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
 - (7) The coordination of streets so as to arrange a convenient system consistent with the thoroughfare plan of the Town of Little Elm.
 - (8) The use of landscaping and screening to provide adequate buffers to shield light, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
 - (9) Sufficient exterior lighting is provided to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.

- (10) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (11) ~~Protection~~ and conservation of soils from erosion by wind or water or from excavation or grading.
- (12) Protection and conservation of watercourses and areas subject to flooding.
- (13) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

(Ord. No. 1407, § 2, 8-15-2017)