

# Chapter 3 Land use standards

## 10.301 Intent

On 22 November 1926, Justice George Sutherland wrote his opinion upholding the practice of zoning in Euclid, Ohio – “A nuisance may be merely the right thing in the wrong place, like a pig in the parlor instead of the barnyard.” Zoning regulates land use; implements community, neighborhood and other applicable land use and development plans; promotes sound planning practice, protects public health, safety and welfare; and ensures the right thing stays in the right place.

## 10.302 Zoning map

### 10.302.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

### 10.302.2 Zoning map established

Zoning district boundaries are shown on an official map titled “City of Hutto Official Zoning Map,” as amended. The map is adopted as a part of this code by reference. Development Services staff will maintain and update the zoning map to reflect zoning changes, annexation, updated property boundaries and street alignments, amendments, and error correction.

The official zoning map has the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of Hutto under the following words:

*This is to certify that this is the official zoning map for the City of Hutto, Texas.*

Regardless of the existence of other zoning maps that may be published, the official zoning map is the final authority of the current zoning status of all property in the City of Hutto. The official zoning map must be available to the public when City Hall is open.

### 10.302.3 Zoning map amendments and changes

When changes are made in the district boundaries or other matter portrayed in the official zoning map, they must be entered on the map as soon as possible after City Council approves the amendment and it is signed by the mayor.

Unauthorized changes are a violation of this code, and punishable subject to this code.

### 10.302.4 Zoning map replacement

If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, City Council must adopt a new official zoning map to supersede the previous map. The new official zoning map may correct drafting or other errors or omissions in the previous map, but no correction will have the effect of amending the original map or any amendments. The new official zoning map will have the signature of the Mayor, attested by the City Secretary, and bearing the Seal of the City of Hutto under the following words:



*This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of Ordinance No, (ordinance number) of the City of Hutto, Texas.*

The previous map or significant parts remaining must be preserved, along with available records related to its adoption or amendment, unless it was destroyed or lost.

**10.302.5 Zoning map interpretation**

- A boundary shown following a street, highway, alley, right-of-way, trail, easement or watercourse is considered to follow the feature’s centerline.
- A boundary shown roughly parallel to a street, highway, alley, right-of-way or other straight feature is considered as parallel. If the zoning map does not show a distance, map scale determines the boundary location.
- A boundary shown running to but not extending into a body of water is considered to run in a straight line until it intersects with another boundary or the city limits.
- A boundary shown following an approximate lot or municipal boundary line is considered as following the line.
- A boundary shown following a shoreline is considered to follow property lines along the shoreline, or the high water mark, whatever is more encompassing.
- Zoning map scale determines boundary location when a boundary is shown crossing a lot or parcel.
- Where a street, property line or other physical feature varies from the zoning map, or other uncertainties exist, City Council will fix the exact district boundary location.

**10.303 Zoning districts**

**10.303.1 Applicability**

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

**Residential districts**

Residential zone prefixes:

- SF-R: residential / estate
- SF-1: residential / single household
- SF-2: residential / two to four households
- MF: residential / multiple household
- MH: residential / manufactured housing

**10.303.2 SF-R residential: single household rural estate**

The SF-R district applies to areas where the present or prospective land use is primarily agricultural, and to serve as a “holding zone” for areas where the future development is uncertain. Low density residential use (less than 4 units per acre net density) is permitted, along with traditional less intensive agricultural uses.

**10.303.3 SF-1 residential: single household medium density**

The SF-1 district is a setting for single household residential development of a medium density suburban or village character, with support facilities and services that are compatible with single household residences. Density must range from four to eight dwelling units per acre net density, depending on the context of the development.

**10.303.4 SF-2 residential: two to four household**

The SF-2 district is a setting for two household, three household and four household residential structures of a medium density, suburban and village character, along with support facilities and services that are compatible with residential areas. Density must range from eight to 14 dwelling units per acre net density, depending on the context of the development.

**10.303.5 MF residential: multiple household**

The MF district is a setting for development of multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multifamily residential buildings, and residential loft buildings. Density must range from 14 to 20 dwelling units per acre net density, depending on the context of the development.

**10.303.6 MH residential: manufactured home**

The MH district is a setting for manufactured home parks with lots held under common ownership, and rented or leased to individual tenants.

**Commercial districts**

Commercial zone prefixes:

- B-1 Commercial: local/neighborhood
- B-2 Commercial: general

**10.303.7 B-1 commercial: local/neighborhood**

The B-1 district is a setting for low-intensity retail uses, offices and personal services intended to serve residents of the adjacent neighborhood. B-1 zoned land should only be grouped together at the intersections of busier non-local streets. Incremental creation of strip commercial districts is discouraged. Site and building design standards are intended to encourage high quality development, promote internal and external pedestrian connectivity, and prevent potential harm to residential districts.

**10.303.8 B-2 commercial: general**

The B-2 district is a setting for development of a wide range of retail uses, offices and personal and business services. B-2 zoned land should only be grouped together at the intersections of busy arterial streets. Incremental creation of strip commercial districts is discouraged. Site and building design standards are intended to encourage high quality development, promote internal and external pedestrian connectivity, and prevent potential harm to residential districts.

## Industrial districts

### Industrial zone prefixes:

- LI industrial: light industry
- I industrial: general industry

### 10.303.9 LI industrial: light industry

The LI district is composed of land and structures used primarily to provide space for commercial enterprises involved in research and development, light manufacturing, packaging, warehousing, distribution, and skilled mechanical trades. LI zoned land should be grouped together in large, contiguous areas, close to transportation facilities but with only minimal frontage on current and future major arterials, well separated from residential areas, in locations that are not ideal or suitable for residential or commercial use according to good planning practice. LI zoning should not be considered in areas where permitted uses would potentially interfere with the creation or dynamic of a vibrant retail area, or potentially create unattractive and dysfunctional strips dominated by mechanical commercial and borderline industrial uses.

#### 10.303.10.1 I industrial: general industry

The I district exists to accommodate areas of high intensity land use primarily devoted to traditional industrial uses and vehicle repair facilities. I zoned land shall not be designated on tracts abutting residential neighborhoods or on tracts abutting designated arterial roadways or any future arterial roadways identified in the comprehensive plan.

## Special purpose districts

### Residential zone prefixes:

- PUD planned unit development
- FBC form based code
- OT old town
- REC recreation

### 10.303.11 PUD planned unit development

#### 10.303.11.1 Intent

The PUD district is a floating zone intended to encourage innovative planning and design techniques for development, when designation of a single use zoning district or application of standard zoning provisions are too rigid for practical application. A PUD district may accommodate development with mixed or varied uses, and/or allow some degree of flexibility in the application of standards and rules in this code to achieve superior results to development on sites with unusual topography, unique settings, or difficult or costly development problems. A PUD district is not intended to permit uses or development not keeping with the spirit of this code or any applicable plans, or avoid imposition of Unified Development Code standards rather than achieve the stated intent of a PUD. Form Based style development is preferable to planned unit developments.

#### 10.303.11.2 District standards

- Designated PUD districts will have unique standards that are described in the adopting section for that district.
- Standards of this code will apply in every PUD district unless specifically superseded by the standards of the PUD district.

- PUDs cannot be used to circumvent Unified Development Code standards and permit substandard development, uses that are otherwise not permitted in the city (junkyards, high-rise pylon signs, etc), or other types of development that do not conform with the spirit and intent of this code, or generally accepted good planning practice.

Procedures for application of planned unit developments are in Section 10.203.12

### 10.303.12 FBC Form Based Code

The Form Based Code Zoning District is intended for a continuum of development from the highest intensity mixed use development immediately adjacent to major transportation corridors to the lowest intensity residential neighborhoods and preserved agricultural land or open space. The Form Based Code Zoning District is intended to:

- Allow a mixture of complimentary land uses that *may* include a mix of housing, retail, offices, commercial services, and civic uses to create economic vitality; Provide a range of housing types within the neighborhoods to accommodate diverse ages and incomes;
- Develop mixed-use areas and residential neighborhoods that are safe, comfortable and attractive to pedestrians;
- Encourage development that preserves woodlands, farms, riparian corridors, and other environmentally sensitive areas; Provide and distribute a range of Open Space types including Parks, Squares, and pocket parks within neighborhoods and mixed use areas;
- Provide flexibility in the siting and design of new developments to anticipate changes in the local and regional market;
- Reinforce streets as public places that encourage pedestrian and bicycle travel;
- Provide an interconnected network of thoroughfares to disperse traffic and reduce automobile trip lengths;
- Encourage efficient land use by facilitating compact development and minimizing the amount of land that is needed for surface parking;
- Provide appropriate locations and design standards for automobile- and truck-dependent uses; and
- Maintain mobility along major traffic corridors and state highways.

Transect zones are described in Section 10.1002.1 and include:

- T-1 Natural
- T-2 Rural
- T-3 Suburban
- T-4 General urban
- T-5 Urban center

Procedures for application for this district is in Section 10.203.7.

### 10.303.13 OT Old Town

#### Purpose and Intent

This district implements the 2009 Heart of Hutto Old Town Master Plan, as amended. This Master Plan provided the community with a unified vision for the redevelopment of Old Town which included the following goals:

- Preserve and maintain the resources which help define the historic character of Old Town Hutto;

- Maintain and enhance a vibrant and walkable Old Town which appropriately balances pedestrian, bike, and vehicular traffic;
- Provide a range of public open space that adds value to adjacent development and which is linked to and accessible from the Hutto street grid;
- Provide a vision that is economically and socially viable for the redevelopment and integration of the former Co-op Site into Old Town Hutto; and
- Develop a set of standards which responds to existing conditions in the city and provides a framework for the integration of new development into the existing fabric of the downtown.

Transect zones are described in Section 10.1003.1 and include:

- OT-3 Traditional neighborhood
- OT-4R Urban residential
- OT-4T Transition
- OT-5H Historic
- OT-5C Co-op
- SD-A Arterial

Procedures for application for this district is in Section 10.203.10.

### 10.303.14 REC recreation

#### 10.303.14.1 Intent

The REC district is a floating zone that accommodates certain recreation and resort uses that take advantage of the land in its natural state, encourages large outdoor recreation uses that could not easily be provided in the already urbanized portions of the area, and permits limited commercial and service uses connected with some recreational activities. REC zoning should not be considered in areas where permitted uses would potentially interfere with the creation or dynamic of a vibrant retail area or industrial center, or be a potential nuisance to adjacent or planned residential areas.

#### Overlay districts

Residential zone prefixes:

- H Historic District overlay
- G Gateway overlay

### 10.303.15 H Historic District overlay

#### 10.303.15.1 Intent

The H overlay district preserves structures, sites or neighborhoods with outstanding historical and cultural significance.

#### 10.303.15.2 Designation of existing sites

Any existing designated historic landmark, site or district in the city when this code is adopted is designated as an H overlay. Special standards for existing sites will continue to apply to the H overlay.

#### 10.303.15.3 District standards

- Being an overlay district, regulations for the underlying zoning districts remain in effect, except as otherwise provided.
- Regulations for a specific H overlay, as described in Section 10.703 of this Code, apply to properties or structures wholly included in that overlay, and portions of property located in the district.

- If there is a conflict between the overlay regulations and the underlying district, overlay regulations apply, even where the applicable regulation is not the higher standard.
- City Council findings for a specific H overlay define the scope of the city's interest in protecting the historic resource, and will provide guidelines used by the Historic Preservation Commission, along with applicable regulations, in considering whether to grant or deny a certificate of appropriateness.
- Each designated H overlay may have unique standards described in the adopting section for that overlay. Standards for underlying districts remain in effect unless replaced by the district-specific standards.

#### 10.303.15.4 Maintenance

- Parties responsible for an improvement on a structure or lot in an H overlay must keep the following in good repair:
  - Exterior portions of the improvement and exterior portions of a structure in the overlay that may be affected by the improvement.
    - Interior portions of the improvement that, if not maintained, may cause or tend to cause their exterior portions to deteriorate, become damaged, or fall into disrepair.
  - Provisions of this section supplement other laws about property maintenance.

Procedures for application of the H overlay district are in Chapter 2 (Administration). Architectural and design standards in the H overlay are in Chapter 4 (Site design standards). Chapter 7 includes various provisions about historic preservation.

#### 10.303.16 G Gateway overlay

##### 10.303.16.1 Intent

The G Gateway Overlay district does the following:

- Coordinate with ongoing planning efforts for the Hutto Gateway and to further goals, policies and objectives outlined in the Comprehensive plan.
- Ensure the integrity of the ongoing planning process so public discourse can take place involving affected property owners and city residents while still ensuring individual development proposals are consistent with Comprehensive plan goals, policies and objectives.
- Ensure new development incorporates the following:
  - Pedestrian-friendly environment with wide sidewalks, tree-lined streets, active shopfronts, short blocks and variety of uses.
  - Variety of public gathering places such as squares and civic greens.
  - Naturally calmed streets, shaded by rows of trees that allow for on-street parking.
  - Streets and sidewalks that form a connected network, providing a variety of pedestrian and vehicular routes to any single destination in and out of the development.
  - Variety of compatible uses, allowing people the opportunity to live, work and play near one another, including, specifically, residential uses above ground floor commercial uses, as appropriate.
  - Opportunities for housing choice and variety, including attached and detached homes available for both rental and ownership.
  - Buildings placed close to the local or internal collector streets, oriented to the sidewalk and street front, providing easy access for pedestrian activity.
  - Building facades that create visual interest through horizontal and vertical articulation with windows, multiple entrances facing streets and sidewalks, and no blank walls.
  - Parking located to the rear or side of buildings.
  - Central Texas native landscaping and trees in parking areas and along bordering walkways.
  - Protection and enhancement of the natural features of the site, using them as the framework in creation of any site plans.
  - Internal principal ("main") street as part of the organization of development on the site.

- Development that does not turn its back on arterial streets, but instead focuses on taming the street edge with element such as slip roads, landscaping and pedestrian-oriented features.

10.303.16.2 Applicability

These standards apply to all applications for development approval in the Gateway Overlay District as designated in Attachment A to Ordinance 07-006-00 (incorporated by reference), except as expressly exempted.

10.303.16.3 Exemptions

These standards do not apply to the following:

- Change in use of an existing structure or expansion of an existing use that is lawfully permitted by the underlying zoning district.
- Use or development for which only a single-family residential building permit or certificate of occupancy is required.
- Single household dwelling on a lot recorded on or before the effective date of this overlay district.
- Rehabilitation of an existing building or structure that does not change the use or enlarge the building or structure.
- Permit or approval where a complete application was filed with the city before the effective date of this overlay district.
- Development sites less than ten (10) acres.

10.303.16.4 Annexation

After the effective date of this ordinance [ordinance adopted April 16, 2007], annexation and initial zoning of land in the area shown in Attachment A attached to Ordinance 07-006-00 (incorporated by reference) will be subject to the Gateway Overlay District.

10.303.16.5 Additional requirement

- All land developed in the Gateway Overlay District must explicitly incorporate the design principles stated in Section 10.303.16.1 either through a Planned Unit Development zoning or through a voluntary compliance to the standards and procedures in the FBC zoning district, unless specifically exempted.
- Adult oriented uses, travel plazas, truck stops, junkyards, and vehicle major repair facilities are expressly prohibited within the Gateway Overlay District.

**10.304 Permitted uses**

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**10.304.1 Applicability**

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

**10.304.2 General standards**

10.304.2.1 Indoor location

All uses must be performed entirely inside a permanent structure conforming to this code and other applicable standards, unless otherwise stated.

10.304.2.2 Principal uses

Only one principal use is permitted on a lot, unless otherwise stated. This restriction does not apply to commercial and industrial centers and buildings planned for multiple users, such as shopping and commercial centers, office buildings, flex space buildings, or mixed use developments.

10.304.2.3 PUD uses

Permitted uses in the PUD district must conform to the approved PUD development plan.

10.304.3 Permitted use table abbreviations

Context	
P	Permitted use permitted by right, subject to performance standards for the use.
C	Permitted use: permitted by right, subject to conditions for the use in that zoning district.
S	Use considered subject to specific use permit review.
-	Not a permitted use.

10.304.4 Agricultural uses

Agricultural uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)											
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A	
Agricultural use	C	-	-	-	-	-	-	-	-	C	P	P	-	-	-	-	-	-	-	-	-	-

10.304.5 Residential uses

Residential uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Assisted living facility	-	-	-	S	-	-	-	-	-	-	-	-	-	S	S	-	-	S	-	-	-
Boarding and rooming house	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	S	-	-	-
Dwelling: live-work	-	-	-	S	-	S	-	-	-	-	-	-	P	P	S	P	P	P	P	P	P
Dwelling: accessory unit	S	S	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-
Dwelling: manufactured	C	C	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling: multiple household	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P
Dwelling: single household attached (townhouse)	-	-	P	P	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P
Dwelling: single household detached	P	P	P	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	-
Dwelling: single household village	-	P	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Dwelling: single household zero lot line	-	P	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	-
Dwelling: two to four household	-	-	P	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-
Group home	C	C	C	C	C	-	-	-	-	-	C	C	C	C	-	C	C	C	-	-	-
Halfway house	S	S	S	S	S	-	-	-	-	-	-	-	-	-	S	S	S	S	-	-	-

Independent living facility	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	S	S
Manufactured home park	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing home	-	-	-	S	-	S	P	-	-	-	-	-	-	-	-	S	-	-	-	-	S	S

10.304.6 Commercial and retail uses

Commercial and retail uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Adult oriented use	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Bakery: retail	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	P	P	P	P	P
Bank	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	-	P	P	P	P
Campground, recreational vehicle park	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	-	-	-	-	-
Car wash	-	-	-	-	-	-	S	C	C	-	-	-	-	-	-	-	-	-	-	-	-
Club/lodge facility	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	-	-	P	P	P	P
Convenience store	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	-	S	P	P	P
Convenience store: with gasoline sales	-	-	-	-	-	S	P	-	-	-	-	-	-	S	-	-	-	-	-	-	S
Day care: child (1-6 children)	P	P	P	P	P	C	P	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Day care: child (greater than 6 children)	S	S	S	S	S	C	P	-	-	-	-	-	S	C	C	-	-	C	C	C	P
Day care: adult (1-4 persons)	S	S	S	-	-	C	P	-	-	-	-	S	S	S	-	S	S	S	-	-	-
Day care: adult (greater than 4 persons)	-	-	-	-	-	C	P	-	-	-	-	-	-	S	-	-	-	-	-	S	S
Day care: pet	-	-	-	-	-	S	P	P	-	S	-	-	-	-	S	-	-	-	-	-	S
Day labor agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Entertainment facility, theater	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Farm product sales	C	C	C	C	C	C	C	-	-	-	C	C	C	C	C	C	C	C	C	C	C
Food catering	-	-	-	-	-	C	P	P	-	-	-	-	-	P	P	-	-	P	P	P	P
Funeral home	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Gas station	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Grocery store	-	-	-	-	-	S	P	-	-	-	-	-	-	-	P	-	-	S	P	P	P
Indoor recreation facility	-	-	-	-	-	S	P	S	-	-	-	-	-	-	S	-	-	-	-	S	P
Instructional facility	-	-	-	-	-	C	P	S	-	-	-	-	-	-	P	-	-	-	P	P	P
Kennel	S	-	-	-	-	-	-	S	-	S	-	-	-	-	-	-	-	-	-	-	S
Large item sales and rental: class 1	-	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-	-	-	S
Large item sales and rental: class 2	-	-	-	-	-	-	S	P	P	-	-	-	-	-	-	-	-	-	-	-	-
Large item sales and rental: class 3	-	-	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-	-	-
Lodging establishment	-	-	-	-	-	S	P	-	-	S	-	-	-	-	P	-	-	-	P	P	P
Lodging establishment: bed and breakfast	S	S	S	S	-	C	P	-	-	S	-	S	S	S	S	S	S	P	P	P	P
Manufactured home sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Commercial and retail uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Nightclub	-	-	-	-	-	-	P	-	-	-	-	-	-	-	S	-	-	-	S	S	S
Office: medical	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	-	S	P	P	P
Office: special medical	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Office: professional	-	-	-	-	-	C	P	S	-	-	-	-	-	P	P	-	-	P	P	P	P
Outdoor recreation facility	-	-	-	-	-	-	S	-	-	P	-	-	S	S	-	-	-	-	-	-	-
Personal and business service shop	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	-	P	P	P	P
Print shop	-	-	-	-	-	C	P	P	P	-	-	-	-	P	P	-	-	P	P	P	P
Restaurant, bar	-	-	-	-	-	C	P	-	-	S	-	-	-	S	P	-	-	S	C	P	S
Retail store (no more than 5,000 sq. ft.)	-	-	-	-	-	C	P	-	-	-	-	-	-	P	P	-	-	P	P	P	P
Retail store (greater than 5,000 sq. ft.)	-	-	-	-	-	S	P	-	-	-	-	-	-	-	P	-	-	-	P	P	P
Special services	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-
Travel plaza, truck stop	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle auction	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Veterinary clinic	-	-	-	-	-	C	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P

10.304.7 Industrial uses

Industrial uses	Zoning district										Transect zones (for FBC Form Based Code and OT Old Town zoning districts)										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
General industrial use	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-
Heavy industrial use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Light industrial use	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	S
Research laboratory	-	-	-	-	-	-	-	P	P	-	-	-	-	-	S	-	-	-	-	S	S
Self-storage facility	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	S
Trade use	-	-	-	-	-	C	C	P	P	-	-	-	-	-	-	-	-	-	-	-	S
Vehicle minor repair facility	-	-	-	-	-	S	C	C	P	-	-	-	-	-	-	-	-	-	-	-	S
Vehicle major repair facility	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle storage facility	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-
Warehouse and distribution facility	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	S

**10.304.8 Institutional and civic uses**

Institutional and civic uses	Zoning district										Transect zones <small>(for FBC Form Based Code and OT Old Town zoning districts)</small>										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Amenity center	C	C	C	C	C	C	C	-	-	C	C	C	C	P	-	-	P	P	P	P	P
Aquatic facility	P	P	P	P	P	C	P	P	P	P	P	P	P	S	-	-	-	-	S	P	P
Athletic facility	S	S	S	S	S	C	P	P	P	P	S	S	S	S	-	-	-	-	-	P	P
Cemetery	S	S	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-
Community facility	S	S	S	S	S	S	S	S	S	S	S	S	P	P	-	-	P	P	P	P	P
Golf course	S	S	S	S	S	-	-	-	-	S	-	S	-	-	-	-	-	-	-	-	-
Hospital	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park and ride lot (as principal use)	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S
Place of worship or assembly	C	C	C	C	C	P	P	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Public utility substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
School: no more than 5 students	-	P	P	P	P	P	P	-	-	-	-	-	P	P	-	-	P	P	P	P	P
School: at least 6 students	-	S	S	S	S	S	S	-	-	-	-	S	S	P	-	-	S	S	P	P	P

**10.304.9 Temporary uses**

Temporary uses	Zoning district										Transect zones <small>(for FBC Form Based Code and OT Old Town zoning districts)</small>										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Construction equipment storage lot	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Construction field office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage sale	P	P	P	P	P	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Mobile Food Vendor						P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	P
Model home / lot sales	P	P	P	P	P	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Portable storage container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary building	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

**10.304.10 Accessory uses**

Accessory uses and structures are intended to allow property owners the full use of their property while maintaining the character of the surrounding area. Accessory uses and structures must be built and used only for purposes that are secondary and normal to the principal use of the property and must be placed on the same lot with the principal use.

Accessory uses	Zoning district										Transect zones <small>(for FBC Form Based Code and OT Old Town zoning districts)</small>										
	SF-R	SF-1	SF-2	MF	MH	B-1	B-2	LI	I	REC	T-1	T-2	T-3	T-4	T-5	OT-3	OT-4R	OT-4T	OT-5H	OT-5C	SD-A
Antenna, radio hobbyist (no more than max hgt in district)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Antenna, radio hobbyist (greater than max hgt in district)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Antenna, non-residential use: no more than 15 ft. above roofline	-	-	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	C
Antenna, non-residential use: other	-	-	-	-	-	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S
Wireless facility: attached	S	S	S	S	S	P	P	P	P	P	S	S	S	S	S	S	S	S	S	P	P
Wireless facility: concealed	S	S	S	S	S	P	P	P	P	P	S	S	S	S	P	S	S	S	S	P	P
Wireless facility: freestanding	-	-	-	-	-	-	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S
Donation drop-off box	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S
Drive through facility	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Home occupation	P	P	P	P	P	-	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-
Residential accessory structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Satellite dish	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Swimming pool	P	P	P	P	P	P	P	S	-	P	P	P	P	P	P	P	P	P	P	P	P
Vending machine (outdoor)	-	-	-	-	-	P	P	P	P	P	-	-	-	-	P	-	-	-	-	P	P
Free-standing cisterns	S	S	S	S	S	P	P	P	P	P	S	S	S	S	P	S	S	S	P	P	P
Wind energy system	S	S	S	S	S	S	S	P	P	S	S	S	S	S	S	S	S	S	S	S	P

**10.304.11 Applicability and Enforcement**

10.304.11.1 Excluded uses

If a use is not expressly permitted in a zoning district, it is prohibited. Uses prohibited in all zoning districts are not necessarily limited to uses described in this code as prohibited.

10.304.11.2 New and undefined uses

As commerce and technology evolve, new types of land uses will develop and forms of land use not anticipated may seek locations in the city. To provide for contingencies, Development Services staff will consider the appropriateness of an undefined use in a certain zoning district. Approval criteria include:

- Impacts of the use, including externalities and use of public services and infrastructure,
- The use is similar in nature and impact to a use listed and defined as a permitted use in that zoning district or PUD.
- The use is not similar in nature and impact to a use defined and listed as a prohibited use in that zoning district or PUD, or prohibited in the district but permitted in a different district.
- The use conforms to the intent of the zoning district and applicable plans.
- The interpretation does not lower the protection given to the public by this code.
- The use does not have the potential to create a dynamic that would harm the vitality or future development potential of surrounding commercial, industrial and residential areas.
- General interpretation standards in Section 10.209.

Performance standards and conditions for uses similar in nature and impact are also considered.

If Development Services staff finds the proposed land use is not appropriate for the district, the applicant may appeal the decision to the Zoning Board of Adjustment within 30 days of determination.

### 10.304.12 Nonconforming uses

Nonconforming uses are addressed in Section 10.206.

## 10.305 Agricultural uses

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### 10.305.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

### 10.305.2 Agricultural use

#### 10.305.2.1 Definition

*Agricultural use*: husbandry and keeping of farm animals, crop production, horse stables and greenhouses, and other similar uses normally associated with agriculture.

#### 10.305.2.2 Permitted locations

- Agricultural uses are permitted in the SF-R district by right.
- Agricultural uses are permitted in the T-1 and T-2 transect zones by right.

#### 10.305.2.3 Conditions

Intensive agricultural uses are prohibited. This includes factory farming, hog farms, dairy farms, feed lots, slaughtering, manure and compost storage and processing, silage fermentation, and keeping more than two animal units (animal unit as defined by Texas Cooperative Extension) per acre of land dedicated to agricultural uses.

Small vegetable and fruit gardens are not considered “crop production”, and are permitted in all zoning districts.

## 10.306 Residential uses

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### 10.306.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

### 10.306.2 Assisted living facility

#### 10.306.2.1 Definition

*Assisted living facility*: residential facility comprising of apartments set up to encourage independent living, while providing personal care services beyond those usually offered by an independent living facility. This includes assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication by a licensed person or the assistance with or supervision of medication; or general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence.

#### 10.306.2.2 Permitted locations

- Assisted living facilities are considered subject to specific use permit review in the MF district.
- Assisted living facilities are considered subject to specific use permit review in the T-4, T-5, and OT-4T transect zones.

#### 10.306.2.3 Conditions

Assisted living facilities must have direct access from a collector or higher street.

### 10.306.3 Boarding and rooming house

#### 10.306.3.1 Definition

*Boarding and rooming house*: building used to accommodate, for compensation (money, services, and other things of value), four or more boarders or roomers, not including the occupant's immediate family members who may be occupying the building. Bed and breakfast inns are not considered boarding and rooming houses.

#### 10.306.3.2 Permitted locations

Boarding and rooming houses are considered subject to specific use permit review in the T-4 and OT-4T transect zones.

### 10.306.4 Dwelling (general)

#### 10.306.4.1 Definitions

- *Dwelling*: building used only for year round residential occupancy and permitted accessory uses, including single household/family dwellings, two-to-four household/family dwellings and multi-unit/family dwellings. This term excludes hotels, motels, extended stay lodging, tents, vehicles, or other structures designed or used primarily for temporary occupancy. Any dwelling is considered a principal building.
- *Dwelling unit*: structure or part of a structure providing complete, independent living facilities for a household, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- *Household*: single person or group of persons living together in a single housing unit, sharing meals, housework, and household costs.

#### 10.306.4.2 Conditions

- Short term rental. Rentals of residences for no more than 30 days are considered subject to the specific use permit review process. This provision does not prohibit home exchanges, where an owner trades their residence with that of another homeowner for a short time.

- Number of dwellings on a lot. Only one dwelling may be placed on a lot. A second dwelling may be placed on a lot, if it is an approved accessory dwelling unit (Section 10.306.5), or part of a development designed and approved for multiple residential buildings on one lot.

### 10.306.5 Dwelling, accessory unit

#### 10.306.5.1 Definition

*Dwelling unit, accessory:* secondary dwelling unit in conjunction with and subordinate to a main single household dwelling unit, whether a part of the same structure as the main dwelling unit or incorporated into a detached garage. Also known as a *mother-in-law apartment*.

#### 10.306.5.2 Permitted locations

- Accessory dwelling units are permitted subject to specific use permit review in the SF-R and SF-1 districts.
- Accessory dwelling units are permitted by right in the T-1, T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.

#### 10.306.5.3 Conditions

- Only one accessory dwelling unit is permitted on a lot.
- Lot size for single household dwellings where an accessory dwelling unit may be added must be at least 7800 sq. ft.
- Accessory dwelling units must be attached to the rear of the main house, or incorporated into a detached garage without eliminating the garage's parking spaces. Complete conversion of a detached garage into an accessory dwelling unit is prohibited.
- Floor area for accessory dwelling units must be 400 sq. ft. – 800 sq. ft., or 400 sq. ft. – 33% of the total living area of the host structure, whatever is smaller.
- Accessory dwelling units must have a separate entrance from the outdoors, oriented to the side or rear of the lot if the unit is attached to the main house.
- Recreational vehicles, mobile homes, and shipping containers are prohibited as accessory dwelling units.

### 10.306.6 Dwelling, live-work

#### 10.306.6.1 Definition

*Dwelling, live-work:* dwelling where limited commercial use operated by a member of the household that lives in the unit is permitted.

#### 10.306.6.2 Permitted locations

- Live-work dwellings are considered subject to specific use permit review in the MF and B-1 districts as well as the OT-3 transect zone.
- Live-work dwellings are permitted by right in the T-4, T-5, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones.

#### 10.306.6.3 Conditions

- Live-work designation applies to an entire multiple household development or a designated portion, not to individual units on a piecemeal basis.
- Commercial uses in live-work dwellings are limited to offices, studios, personal service establishments and home occupations.
- Commercial uses in a live-work dwelling may occupy no more than 50% of the ground floor area for an individual dwelling unit.
- Live-work designation when adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:

- Minimum of 25 feet of landscape buffer from adjacent residential; or
- Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
- Building Signage
  - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
- Height
  - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
- Outdoor Lighting
  - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

### 10.306.7 Dwelling, manufactured

#### 10.306.7.1 Definition

*Dwelling, manufactured:* transportable, single household dwelling unit built on a permanent chassis with attached undercarriage with springs, axles, wheels and hubs, suitable for year-round occupancy and incorporating the same water supply, waste disposal and electrical conveniences as a site built dwelling unit, and may or may not be attached to a permanent foundation.

#### 10.306.7.2 Permitted locations

- Manufactured dwellings are permitted in the MH district, subject to design standards applicable to the MH zone in Chapter 4 (Site design standards).
- Manufactured dwellings are permitted in the SF-R, SF-1, SF-2, subject to design standards applicable to these districts in Chapter 4 (Site design standards).

### 10.306.8 Dwelling, multiple household

#### 10.306.8.1 Definition

*Dwelling, multiple household:* building with five or more separate dwelling units, sharing common walls and/or with units above and/or below others. Multiple household dwellings include townhouses and rowhouses (with five or more units), structures commonly known as apartment buildings or condominium buildings, garden apartment and condominium buildings, lofts, and adaptive reuse of larger structures such as former places of worship.

#### 10.306.8.2 Permitted locations

- Multiple household dwellings are permitted by right in the MF district, subject to design standards in Chapter 4 (Site design standards).
- Multiple household dwellings are permitted by right in the T-4, T-5, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones, subject to design standards in Chapter 5 (Site Design Standards – Special Purpose Districts).

#### 10.306.8.3 Conditions

Developing a mix of housing types creates more housing choices for residents, and opportunities for more diversity in the community. Multiple household developments are encouraged to provide a range of housing types to promote a diverse community of mixed ages, family-types, and incomes.

### 10.306.9 Dwelling, single household attached

#### 10.306.9.1 Definition

*Dwelling, single household attached:* dwelling unit with no units above, below or behind; but with one or two shared walls with other single household attached dwellings. Access is from a private entrance, and not a hall, stairway or balcony shared with other units. Single household attached dwellings include

townhouses, row houses, and terraced houses.

#### 10.306.9.2 Permitted locations

- Single household attached dwellings are permitted by right in the SF-2 and MF districts in developments approved for the dwelling type, subject to standards in Chapter 4 (Site design standards).
- Single household attached dwellings are permitted by right in the T-4, T-5, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones in developments approved for the dwelling type, subject to standards in Chapter 5 (Site Design Standards – Special Purpose Districts)..

### 10.306.10 Dwelling, single household detached

#### 10.306.10.1 Definition

*Dwelling, single household detached:* building with a single dwelling unit not attached to another dwelling (except an approved accessory dwelling unit per Section 10.306.5) or building. Also called a single family house.

#### 10.306.10.2 Permitted locations

- Single household detached dwellings are permitted by right in the SF-R, SF-1 and SF-2 districts in developments approved for the dwelling type, subject to standards in Chapter 4 (Site design standards).
- Single household detached dwellings are permitted by right in the T-1, T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones in developments approved for the dwelling type, subject to standards in Chapter 5 (Site Design Standards – Special Purpose Districts).

### 10.306.11 Dwelling, single household village

#### 10.306.11.1 Definition

*Dwelling, single household village:* single household detached dwelling sited where the house is on a lot in a traditional village setting, in a development modeled on New Urbanism, traditional village or traditional neighborhood development principles.

#### 10.306.11.2 Permitted locations

- Single household village detached dwellings are permitted by right in the SF-1 district in developments approved for the dwelling type, subject to standards in Chapter 4 (Site design standards).
- Single household village detached dwellings are permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones in developments approved for the dwelling type, subject to standards in chapter 5 (Site Design Standards – Special Purpose Districts).

### 10.306.12 Dwelling, single household zero lot line

#### 10.306.12.1 Definition

*Dwelling, single household zero lot line:* single household detached dwelling sited where one wall is on the property boundary, usually a side wall.

#### 10.306.12.2 Permitted locations

- Single household zero lot line dwellings are permitted by right in the SF-1 district in developments approved for the dwelling type, subject to standards in Chapter 4 (Site design standards).
- Single household zero lot line dwellings are permitted by right in the T-3, T-4, OT-3, OT-4R, and OT-4T transect zones in districts approved for the dwelling type, subject to standards in chapter 5 (Site Design Standards – Special Purpose Districts).

### 10.306.13 Dwelling; two to four household

## 10.306.13.1 Definition

*Dwelling, two to four household:* building with two to four separate dwelling units, sharing common walls and/or with one or two household above one or two others. Two to four household dwellings include duplexes; triplexes or “threeplexes”, quadplexes or “fourplexes”, two-flats, semi-detached houses, and attached patio or “pinwheel” houses.

## 10.306.13.2 Permitted locations

- Two to four household dwellings are permitted by right in the SF-2 district in developments approved for the dwelling type.
- Two to four household dwellings are permitted by right in the T-4, T-5, OT-3, OT-4, and OT-5H transect zones in developments approved for the dwelling type.

**10.306.14 Group home**

## 10.306.14.1 Intent

Group homes are a necessary use serving a vital function in the community, but their concentration in certain areas can have a perceived adverse affect on an area. Careful review of proposed group homes is necessary to ensure they are compatible with the residential character of the surrounding area, and a welcome addition to the city.

## 10.306.14.2 Definition

*Group home:* residence operated as a single dwelling, licensed or operated by a governmental or non-profit agency, providing special care or rehabilitation due to homelessness, physical condition or illness, nonviolent mental condition or illness, elderly age, or social, behavioral or disciplinary problems, where authorized supervisory personnel are on the premises. Group homes do not include halfway houses, where drug users, sex offenders, the dangerous mentally ill, or convicted felons are placed immediately after their release from a primary institution such as a prison, hospital or rehabilitation facility.

## 10.306.14.3 Permitted locations

- Group homes of up to six residents are permitted by right in the SF-R, SF-1, SF-2 and MH districts, subject to review and confirmation of spacing by Development Services staff.
- Group homes of up to six residents are permitted by right in the T-1, T-2, T-3, T-4 transect zones.
- Group homes of up to six residents may be permitted by minor modification in the OT-3, OT-4, and OT-4T transect zones.
- Group homes of no more than 15 residents are permitted by right in the MF district, subject to review and confirmation of spacing by Development Services staff.
- New group homes must be placed at least 750 ft. from other established group homes.

## 10.306.14.4 Conditions

- Appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (except provisions for the physically handicapped) and lighting; emission of sound, noise, vibration and electromagnetic interference; or outdoor storage.
- Signs identifying the property as a group home are prohibited.
- Safehouses and shelters for victims of domestic violence are exempt from review and spacing standards for group homes.

**10.306.15 Halfway house**

## 10.306.15.1 Intent

Halfway houses are a necessary use serving a vital function in the community, but their concentration in certain areas can have a perceived adverse affect on an area. Careful review of proposed halfway houses is necessary to ensure they are compatible with the residential character of the surrounding area, and the safety of nearby residents remains secure.

**10.306.15.2 Definition**

*Halfway house*: residence operated as a single dwelling, licensed or operated by a governmental or non-profit agency, where drug users, moderate and high risk (level 2 and 3) and civil commitment sex offenders, the dangerous mentally ill, or convicted felons are placed immediately after their release from a primary institution such as a prison, hospital or rehabilitation facility. Authorized supervisory personnel are on the premises. A halfway house allows the persons to begin reintegration with society, while still providing monitoring and support.

**10.306.15.3 Permitted locations**

- Halfway houses are considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF and MH districts.
- Halfway houses are considered subject to specific use permit review in the OT-3, OT-4R, and OT-4T transect zones.
- New halfway houses must be placed at least 2,000 ft. from other established halfway houses, and at least 750 ft. from other established group homes.
- Halfway houses housing moderate and high risk (level 2 and 3) and civil commitment sex offenders are subject to the same spacing standards from schools, places of worship, and other landmarks as required for individual offenders under city, county and state law.

**10.306.15.4 Conditions**

- Appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (except provisions for the physically handicapped) and lighting; emission of sound, noise, vibration and electromagnetic interference; or outdoor storage.
- Signs identifying the property as a halfway house are prohibited.

**10.306.16 Independent living facility****10.306.16.1 Definition**

*Independent living facility*: residential facility comprising of apartments set up to encourage independent living, while certain services, such as meals, transportation, or limited assistance with daily living tasks are offered to residents. Assisted living facility residents are usually ambulatory and can feed themselves but they may need help with some activities of daily living.

**10.306.16.2 Permitted locations**

- Independent living facilities are permitted by right in the MF district.
- Independent living facilities are considered subject to specific use permit review in the T-5, OT-5C, and SD-A transect zones.

**10.306.16.3 Conditions**

Independent living facilities must have direct access from a collector or higher street.

**10.306.17 Manufactured home park**

Design standards for manufactured home parks are in Section 10.404.3.

**10.306.17.1 Definition**

*Manufactured home park*: improved parcels, under common management and usually under common ownership, having multiple manufactured home structures in the nature of a community or “manufactured home park”, and all streets, service drives, and community areas such as yards and amenity centers.

**10.306.17.2 Permitted locations**

Manufactured home parks are considered subject to specific use permit review in the M-H district.

**10.306.17.3 Conditions**

- Permitted uses include one manufactured home on each approved space or lot, accessory buildings for use by the occupant of the structure on that lot, amenity centers, accessory buildings for use by the owner or manager of the manufactured home park, and one single household dwelling on a at least 6,000 sq. ft. lot for the owner's or manager's residence.
- Manufactured home parks must meet open space standards in Chapters 4 (site design standards) and 6 (subdivision standards). The development must include amenities and be designed only for the renting or leasing of manufactured home sites.
- Manufactured home parks cannot be converted to manufactured home subdivisions without first conforming to all subdivision standards, and rezoning from MH.
- A 6 ft. tall perimeter fence is required, conforming to fencing and screening standards in Section 10.408.

**10.306.18 Nursing home****10.306.18.1 Definition**

*Nursing home*: institution that operates or maintains facilities providing convalescent or chronic care, or both, for more than 24 consecutive hours for three or more patients not related by blood or marriage to the operator. Nursing homes do not include hospitals or other places that provide care and treatment for the acutely sick and maintain and operate facilities for major surgery.

**10.306.18.2 Permitted locations**

- Nursing homes are permitted by right in the B-2 district.
- Nursing homes are considered subject to specific use permit review in the MF and B-1 districts.
- Nursing homes are considered subject to specific use permit review in the T-5, OT-5C, and SD-A transect zones.

**10.306.18.2 Conditions**

- Nursing homes must have direct access from a collector or higher street.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

## 10.307 Commercial and retail uses

### 10.307.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town Zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

### 10.307.2 Adult oriented use

#### 10.307.2.1 Intent

The right to possess and distribute sexually oriented materials such as pornography and sex toys; and the right to present and see sexually oriented entertainment such as erotic or nude dancing, is protected by the First Amendment of the United States Constitution. However, the clustering, inappropriate placement or inadequate regulation of adult uses can affect the mix of people and businesses attracted to an area, create a de facto “red light district” and an area where criminals can find easy prey, and harm the public health, safety and welfare.

Considering Hutto’s geographical constraints, an adult oriented business would have a disproportionately large impact on the city, compared to a larger community with few geographical constraints for expansion, and a large supply of land ideal for commercial development.

These standards intend to:

- Regulate adult oriented uses to promote the health, safety, morals, and general welfare of the city.
- Protect the small city character of Hutto, and the potential to attract high quality commercial development that is not sexually oriented.
- Prevent the creation of an environment that would potentially affect the reputation and small city character of Hutto, and thus discourage residents and non-adult oriented businesses from locating in the city.
- Apply fair, uniform standards that allow sexually oriented businesses in locations where their presence will cause no detrimental secondary effects.

These standards are not intended to:

- Impose limitations or restrictions on the content of communicative materials, including sexually oriented materials.
- Restrict or deny access by adults to sexually oriented materials protected by the First Amendment.
- Deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- Condone or legitimize the presentation and distribution of sexually oriented entertainment and material.

#### 10.307.2.2 Definitions

- *Adult oriented use*: business where the principal use, or a significant adjunct to another use of the property, is the offering or display of live entertainment, dancing or material distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to “specified sexual activities” or “specified anatomical areas” as the primary attraction to the premises. This includes, but is not limited to: adult book stores, adult novelty and gift shops, adult video rental, adult video

and movie arcades, adult photo studios, adult cabaret (gentlemen's club, topless bar, strip joint, go-go club), nude modeling studios, adult hotels and motels (no-tell motels), and adult motion picture theaters.

This excludes uses that are technically illegal under local and state law, including but not limited to body rub salons and massage parlors and therapists offering massages of "specified anatomical areas" or "hand release," brothels and sexual encounter establishments, and escort agencies. Those uses have no constitutional protection, and are prohibited in the city.

- Specified anatomical areas includes:
  - Human genitals, pubic region, buttocks, anus, area between genitals and anus, or female breast below a point immediately above the top of the areola; or
  - Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- Specified sexual activities includes:
  - Fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - Masturbation, actual or simulated;
  - Human genitals in a state of sexual stimulation, arousal or tumescence;
  - Excretory functions as part of or with activities in this subsection.

#### 10.307.2.3 Permitted locations

- Adult oriented uses are considered in the LI district subject to specific use permit review.
- Adult oriented uses must be at least 250 ft. from the boundary of any residential zone district (inside and outside the city), structure occupied as a residence, public park or playground, child day care center, place of worship or assembly, or school; and at least 2000 ft. from another adult oriented use.

#### 10.307.2.4 Conditions

- Adult oriented uses must conform to site planning, architectural design, landscaping and signage rules that are applicable to other businesses in the underlying zoning and overlay district, regardless of tradition or the proprietor's preferences.
- Adult oriented uses may display only one sign, attached on the building exterior, with the establishment name only. Signs or displays depicting specified anatomical areas or specific sexual activities cannot be displayed on the building, or inside the building where they would be visible outside.
- Entries and windows must be placed or screened to prevent the interior from being viewed from outside the establishment.
- Improvements on the site, and any parts of the building, including signage, awnings, and other exterior embellishments, cannot be in fluorescent or high intensity colors.
- Adult oriented uses including viewing rooms of at least 150 sq. ft. of floor space for film or video display of specified sexual activities or specified anatomical areas must conform to the following standards:
  - A manager's station must have at least 32 sq. ft. of floor area.
  - Alteration in the configuration or location of a manager's station may be made only with an amendment to the specific use permit approval.
  - More than one employee is on duty and situated in each manager's station at times a patron is present inside the premise.
  - The interior of the premises must be configured so there is an unobstructed view from a manager's station of every area of the premises where any patron is permitted access for any purpose excluding restrooms. Restrooms cannot have video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises must be configured so there is an unobstructed view of each area of the premises where any patron is

- permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- The view area specified in the above subsection must be unobstructed by doors, walls, merchandise, display racks or other materials.
  - Only one person may occupy a viewing room at a time.
  - The premise must be equipped with overhead lighting fixtures that provide illumination of at least 10 lux as measured at the floor level to areas where patrons have permitted access. The illumination must be maintained during business hours.
- Exemption: a person appearing in a state of nudity in a modeling class operated by a proprietary school, licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation; by a private college or university that maintains and operates educational programs where credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure with no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude model is on the premises at any time.

### 10.307.3 Bakery, retail

#### 10.307.3.1 Definition

*Retail bakery*: retail business where bread, pastries, cake, pies and similar baked goods are sold for consumption by the final customer at home, whether or not final baking occurs on-site. This term excludes a commercial bakery, where at least 50% of the goods produced on-site are sold off-site.

#### 10.307.3.2 Permitted locations

- Retail bakeries are permitted by right in the B-2 districts.
- Retail bakeries are permitted by right in the T-4, T-5, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Retail bakeries are permitted with conditions in the B-1 district.

#### 10.307.3.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

Industrial or commercial bakeries are permitted in the LI and I districts.

**10.307.4 Bank**

## 10.307.4.1 Definition

*Bank*: headquarters or branch of a financial institution granted a charter under the Texas Department of Banking as a state-chartered bank, savings and loan, or credit union. This term excludes a check cashing or payday loan establishment, loan or mortgage broker, stockbroker or other financial institution without a state bank charter. An automatic teller machine is not considered a bank.

## 10.307.4.2 Permitted locations

- Banks are permitted by right in the B-2 district.
- Banks are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, SD-A.
- Banks are permitted with conditions in the B-1 district.

## 10.307.4.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

**10.307.5 Campground, recreational vehicle park**

## 10.307.5.1 Definition

*Campground or recreational vehicle park*: site intended for temporary living accommodation for recreational, camping and travel use including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

## 10.307.5.2 Permitted locations

- Campgrounds and recreational vehicle parks are permitted only by specific use permit in the REC district and should be limited to designated camping areas at public parks. Dry camping or using a parking lot for overnight camping or parking of commercial vehicles not related to a use or business on the site is prohibited.
- Campgrounds and recreational vehicle parks are permitted by right in the T-1 and T-2 transect zones.

**10.307.6 Car wash**

## 10.307.6.1 Definition

Car wash: facility where mechanical equipment is used for washing passenger vehicles.

## 10.307.6.2 Permitted locations

- Car washes are permitted by right in the LI and I districts.
- Car washes, either as the primary use of a site or as an accessory use to a gas station, are considered subject to specific use permit review in the B-2 district.

#### 10.307.6.3 Conditions

- Structures or equipment related to cleaning vehicles (car wash bays, vacuums, vending machines) must be located at least 50 ft. from the boundary of any residential zoning district, places of residence such as nursing homes and extended care facilities, or lodging establishment. Vacuums cannot be located in the street yard.
- Washing facilities must occur under a roofed area with at least two walls.
- Car wash facilities next to residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments:
  - Must be screened and buffered with masonry (stone, brick, decorative CMU, similar materials) walls to minimize impact on residential properties.
  - May operate only between 7:00 AM and 9:00 PM.
  - Cannot have loudspeakers or equipment that emits audible signals such as beeps, buzzers and bells that would be audible off the site.

### 10.307.7 Club/lodge facility

#### 10.307.7.1 Definition

*Club/lodge facility:* site or structure with, as its primary use, an organization of persons for special purposes or for promulgation of sports, arts, literature, politics, civic service or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings. Clubs and lodges do not include clubs operated for profit and/or places of worship or assembly.

#### 10.307.7.2 Permitted locations

- Club/lodge facilities are permitted by right in the B-2 district.
- Club/lodge facilities are permitted by right in the T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Club/lodge facilities are permitted with conditions in the B-1 district.

#### 10.307.7.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

### 10.307.8 Convenience store

#### 10.307.8.1 Definition

*Convenience store:* retail store with no more than 5,000<sup>2</sup> GFA selling everyday goods and services that

may include food products, groceries, over-the-counter drugs and sundries.

#### 10.307.8.2 Permitted locations

- Convenience stores without gasoline sales are permitted by right in the B-2 district.
- Convenience stores without gasoline sales are permitted by right in the T-4, T-5, OT-5H, OT-5C, and SD-A transect zones..
- Convenience store without gasoline sales are considered subject to specific use permit review in the OT-4T transect zone
- Convenience stores with gasoline sales are permitted by right in the B-2 district.
- Convenience stores with gasoline sales are considered subject to specific use permit review and conditions in the B- 1 district.
- Convenience stores with gasoline sales are considered subject to specific use permit review in the T-5, and SD-A transect zones.

#### 10.307.8.3 Conditions

- Improvements related to gasoline sales must conform to applicable design standards applicable to gas stations.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

### 10.307.9 Day care: child

#### 10.307.9.1 Definition

*Day care: child:* facility maintained for all or part of a day for care of children younger than 16 years old that are not related to the owner, operator or manager, whether the facility is operated with or without compensation and with or without stated educational purposes. A child day care center includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, and summer camps.

#### 10.307.9.2 Permitted locations

- Day care hosting up to six children less than 16 years old, including the proprietor's children, is permitted by right in the SF-R, SF-1, SF-2, MF, MH, B-1 and B-2 districts.

- Day care hosting up to six children less than 16 years old, including the proprietor's children, is permitted by right in the T-2, T-3, T-4, T-5, OT-3, OT-4R, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Day care with more than six children may be appropriate in some residential areas, but the use requires special attention to find if it will adversely affect the surrounding area. Day care with more than six children at a residence is permitted by right within the B-1, B-2 districts as well as the SD-A transect zone (with appropriate state licensure), and shall be considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF, and MH districts as well as the T-3 transect zone.

#### 10.307.9.3 Conditions

- Day care facilities in the B-1 district must be no more than 2,500 sq. ft.
- Outdoor play areas must be enclosed by a fence 4 ft. – 6 ft. high.
- Day care facilities in the MF district may be located in a building separate from a dwelling unit, for residents of the development only.

### 10.307.10 Day care: adult

#### 10.307.10.1 Definition

*Day care: adult:* facility maintained for part of a day for care of adults unrelated to the owner, operator or manager.

#### 10.307.10.2 Permitted locations

- Elderly day care centers are permitted by right in the B-1 and B-2 district.
- Elderly day care centers hosting up to four people are considered subject to specific use permit review in the SF-R, SF-1, and SF-2 districts.
- Elderly day care centers hosting up to four people are considered subject to specific use permit review in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.
- Elderly day care centers hosting greater than four people are considered subject to specific use in the T-5, OT-5C, and SD-A transect zones.

### 10.307.11 Day care: pet

#### 10.307.11.1 Definition

*Day care: pet:* facility where supervised groups of pets can socialize and play for all or part of a day. Secondary services at pet day care facilities may include obedience classes, training, grooming, behavioral training and/or overnight boarding.

#### 10.307.11.2 Permitted locations

- Pet day care facilities are permitted by right in the B-2 and LI districts.
- Pet day care facilities are considered subject to specific use permit review in the B-1 and REC districts, and in B-2 and LI districts when adjacent to a residential district or area, lodging establishment, nursing home or assisted living facility.
- Pet day care facilities are considered subject to specific use permit review in the T-5 and SD-A transect zones.

#### 10.307.11.3 Conditions

- Buildings used for pet day care and boarding services must be completely enclosed and soundproof.
- Outdoor play yards must be at least 100 ft. from a residential zone district, and must be completely screened by a solid screening material 6 ft. – 8 ft. high.
- Potentially offensive odors cannot be detectable off the site.

**10.307.12 Day labor agency**

## 10.307.12.1 Intent

Day labor agencies provide an essential service to unskilled or economically disadvantaged people seeking employment, and to businesses that need labor at a short notice for limited assignments. However, the presence of a day labor agency can affect the mix of people and businesses attracted to an area, warding off medium to high-end businesses that are essential to create and maintain a vibrant commercial area.

Considering Hutto's geographical constraints, a day labor center would have a disproportionately large impact on the city, compared to a larger community with few geographical constraints for expansion, and a large supply of land ideal for commercial development.

## 10.307.12.2 Definition

*Day labor agency*: agency providing short-term temporary labor services (work done where the worker is hired and paid one day at a time, with no promise that more work will be available in the future) for agricultural, construction, maintenance, landscaping, food service or industrial trades; or other physically intensive work.

## 10.307.12.3 Permitted locations

Day labor agencies are prohibited in all zoning districts.

**10.307.13 Entertainment facility, theater**

## 10.307.13.1 Definition

*Entertainment facility* or *theater*: building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

## 10.307.13.2 Permitted locations

- Entertainment facilities and theaters are permitted by right in the B-2 district.
- Entertainment facilities and theaters are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zones.

**10.307.14 Farm product sales**

## 10.307.14.1 Definition

*Farm product sales*: outdoor activity involving sale of food or plant products grown on the premises, if the activity is in an agricultural zoning district; or customarily involving growers from throughout a region selling food or plant products they have grown, if the activity is in another zoning district where the use is permitted.

## 10.307.14.2 Permitted locations and duration

- Farm product sales of food or plant products grown on the premises are permitted by right in a "roadside stand" environment at legitimate farms in the SF-R district.
- Farm product sales in a "farmer's market" environment is permitted by right at places of worship, schools and community facilities in the SF-R, SF-1, SF-2, MF, MH, B-1 and B-2 districts and all transect zones for no more than 14 days a year.
- Farm product sales at a farmer's market is permitted by right in the B-1 and B-2 districts.
- Farm product sales at a farmer's market is permitted as an accessory use only in OT-5C.

**10.307.15 Food catering**

## 10.307.15.1 Definition

*Food catering*: business where the principal use is the preparation of food and meals on the premises

that are delivered to another location for consumption.

#### 10.307.15.2 Permitted locations

- Food catering is permitted by right in the B-2 and LI districts.
- Food catering is permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Food catering is permitted with conditions in the B-1 district.

#### 10.307.15.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

### 10.307.16 Funeral home

#### 10.307.16.1 Definition

*Funeral home:* building used for preparing the deceased for burial or cremation, displaying the deceased and/or related ceremonies or services related, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

#### 10.307.16.2 Permitted locations

- Funeral homes are permitted by right in the B-2 district.
- Funeral homes are considered subject to specific use permit review in the SD-A transect zone.

### 10.307.17 Gas station

#### 10.307.17.1 Definitions

*Gas station:* facility where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. A gas station may include co-branded uses such as a convenience store, fast food restaurant, and/or where permitted, a car wash. The term excludes truck stops and travel plazas; or facilities where heavy maintenance activities such as engine overhaul, painting and collision work are conducted.

#### 10.307.17.2 Permitted locations

- Gas stations are permitted by right in the B-2 district.
- Gas stations are considered subject to specific use permit review and conditions in the B-1 district.
- Gas stations are considered subject to specific use permit review in the SD-A transect zone.

## 10.307.17.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

**10.307.18 Grocery store**

## 10.307.18.1 Definition

*Grocery store*: retail business with greater than 5,000 sq. ft. GFA primarily selling food and other convenience and household goods.

## 10.307.18.2 Permitted locations

- Grocery stores are permitted by right in the B-2 district.
- Grocery stores are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zones.
- Grocery stores are considered subject to specific use permit review and conditions in the B-1 district.
- Grocery stores are considered subject to specific use permit review in the OT-4T transect zone.

## 10.307.18.3 Conditions

- Improvements related to gasoline sales must conform to applicable design standards applicable to gas stations.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

**10.307.19 Indoor recreation facility**

## 10.307.19.1 Definition

*Indoor recreation facility:* establishment providing facilities for guests for exercise, relaxation, amusement or sport, and amenities that are secondary to the recreational use, housed inside a structure. The term includes gymnasiums, health clubs, bowling alleys, pool halls, video arcades, shooting ranges, and related recreational uses. This term excludes facilities used by or under direct supervision and control of licensed medical personnel placed in a medical facility, facilities in athletic departments of schools, facilities of professional sports teams, and amenity and community centers.

## 10.307.19.2 Permitted locations

- Indoor recreation facilities are permitted by right in the B-2 district.
- Indoor recreation facilities are permitted by right in the SD-A transect zones.
- Indoor recreation facilities are considered subject to specific use permit review in the B-1 and LI districts.
- Indoor recreation facilities are considered subject to specific use permit review in the T-5 and OT-5C transect zones.
- Indoor recreation facilities are subject to conditions in the B-1 district.

## 10.307.19.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

**10.307.20 Instructional facility**

## 10.307.20.1 Definition

*Instructional facility:* establishment offering specialized instruction in subjects such as a trade, martial arts, visual and performing arts, sports, athletics, or business.

## 10.307.20.2 Permitted locations

- Instructional facilities are permitted by right in the B-2 district.
- Instructional facilities are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zone.
- Instructional facilities are considered subject to special use permit review in the LI district.
- Instructional facilities are subject to conditions in the B-1 district.

## 10.307.20.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:

- Landscape Buffer:
  - Minimum of 25 feet of landscape buffer from adjacent residential; or
  - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
- Building Signage
  - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
- Height
  - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
- Operating Hours
  - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
- Outdoor Lighting
  - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

### 10.307.21 Kennel

#### 10.307.21.1 Definition

*Kennel:* facility where the overnight boarding of dogs, cats or other household pets is conducted as a business or legitimate animal rescue operation. Kennels may also incorporate pet day care uses, facilities for dog training, and facilities for events such as conformation shows and agility competition.

#### 10.307.21.2 Permitted locations

Kennels are considered subject to specific use permit review in the SF-R, REC, and LI districts as well as the SD-A transect zone. Keeping a large number of pets will require special attention to find if they will have an adverse affect on the surrounding area, and the pets are kept in a humane environment.

#### 10.307.21.3 Conditions

- Animals must be kept in a clean, safe and humane environment.
- Boarding and activity areas must be located where they will have minimal impact on nearby residential areas.
- Noise and odor cannot be more significant than what would be expected for a normal resident with a companion animal.
- Puppy mills and cat mills, where pets are bred in large numbers solely for profit, are prohibited.

The following rules for “Large item sales and rental” (Class 1, 2 and 3) apply to retail businesses that tend to store most of their inventory outdoors.

### 10.307.22 Large item sales and rental: class 1

#### 10.307.22.1 Definition

*Class 1 large item sales and rental:* use of a building, land area or other premises for display and sale, lease or rental of any of the following:

- Vehicles with a gross vehicle weight of <7,500 pounds that are intended for sale to the general consumer market. This includes automobiles, vans, light trucks, and sport utility vehicles.
- Golf carts, neighborhood electric vehicles (NEVs), and similar vehicles.
- Motorcycles and dirt bikes.
- Personal watercraft, kayaks, canoes and rowboats.
- Small off-road vehicles, including all terrain vehicles, dune buggies, and four-wheelers.
- Automobile, truck and motorcycle parts, accessories and aftermarket items (stores specializing in the sales of those items).

## 10.307.22.2 Permitted locations

- Class 1 large item sales and rental uses are permitted by right in the LI district.
- Class 1 large item sales and rental uses are considered subject to specific use permit review in the B-2 district.
- Class 1 large item sales and rental uses are considered subject to specific use permit review in the SD-A transect zones.
- Outdoor storage of inventory, and repair work or other repair service conducted as an accessory use is considered subject to the site plan review process.
- The unattended display of large items for sale in the public right-of-way, undeveloped parcels, or other private property not approved for large item sales and rental, is prohibited in any district.

## 10.307.22.3 Conditions

Outdoor storage of class 1 large items is subject to general performance standards for outdoor storage and display.

Unified Development Code design standards and special design standards apply to large item sales establishments. See Chapter 4 (Site design standards).

**10.307.23 Large item sales and rental: class 2**

## 10.307.23.1 Definition

*Class 2 large item sales and rental:* use of a building, land area or other premises for display and sale, lease or rental of any of the following:

- Boats.
- Home spas and hot tubs (except indoor sales/display).
- Bulk lumber and bricks, in a screened storage area.
- Landscaping materials, in a screened storage area.
- Small portable buildings, sheds, garages, gazebos, decks, and other pre-fabricated structures (not manufactured homes and pre-fabricated metal buildings), as an incidental accessory use.
- Pottery, statues, fountains and similar items, displayed or stored outdoors.
- Accessories related to the above items.

## 10.307.23.2 Permitted locations

- Class 2 large item sales and rental uses are permitted by right in the LI and I districts.
- Class 2 large item sales and rental uses are considered subject to specific use permit review in the B-2 district.
- Outdoor storage of inventory, and repair work or other repair service conducted as an accessory use is considered subject to the site plan review process.
- The unattended display of large items for sale in the public right-of-way, undeveloped parcels, or other private property not approved for large item sales and rental, is prohibited in all zoning districts.

## 10.307.23.3 Conditions

Outdoor storage of class 2 large items is subject to general performance standards for outdoor storage and display.

Special design standards apply to large item sales establishments. See Chapter 4 (Site design standards).

### 10.307.24 Large item sales and rental: class 3

#### 10.307.24.1 Definition

*Class 3 large item sales and rental:* use of a building, land area or other premises for display and sale, lease or rental of any of the following:

- Large vehicles with a gross vehicle weight of at least 7,500 pounds, that require a commercial driver license (CDL) to operate, or are generally not intended for sale to the general consumer market. This includes flatbed and workbed trucks, buses, tractor trailers, dump trucks, yard trucks, and similar vehicles.
- Trailers, tow dollies, and all equipment or machinery designed to be towed by a vehicle.
- Moving vans, trucks and trailers.
- Construction, land clearing, hauling, earth moving, drilling, aerial lift, and similar heavy equipment.
- Forklifts, bobcats, trenchers, and similar items.
- Air compressors, generators, mobile pumps, and similar items.
- Farming, agricultural and arborist equipment.
- Recreational vehicles, including motor homes, motor coaches, converted buses, travel trailers, fifth wheels, fold down trailers, camper trailers, and similar items.
- Truck caps, lids, campers, camper shells, cargo extensions, cargo covers, tonneau covers, plows, racks, bed liners, and similar items.
- Small portable buildings, sheds, garages, gazebos, decks, and other pre-fabricated structures (not manufactured homes).
- Prefabricated and above-ground swimming pools.
- Bulk mulch, wood chips, soil, fill dirt, peat, gravel, rocks, sand and similar items.
- Bulk construction materials.
- Scaffolding.
- Pallets.
- Accessories related to the above items.

#### 10.307.24.2 Permitted locations

- Class 3 large item sales and rental uses are permitted by right in the I district, and considered subject to specific use permit review in the LI district.
- Outdoor storage of inventory, and repair work or other repair service conducted as an accessory use, is considered subject to the site plan review process.
- Unattended display of large items for sale in the public right-of-way, undeveloped parcels, or other private property not approved for large item sales and rental, is prohibited in all zoning districts.

#### 10.307.24.3 Conditions

- Outdoor storage of class 3 large items is subject to general performance standards for outdoor storage and display.
- Class 3 items must be presented and stored in a way that minimizes their visual impact. Extending vertical elements on lifts, cranes, telehandlers, truck mounted cement pumps and other equipment must be kept lowered.

Special design standards apply to large item sales establishments. See Chapter 4 (Site design standards).

### 10.307.25 Lodging establishment

#### 10.307.25.1 Definition

*Lodging establishment:* hotel, motel, extended stay hotel, guest house or other facility providing transient

accommodations to the public. Accessory uses may include meeting and banquet rooms, restaurants, bars, swimming pools, workout rooms, and other amenities typically found at hotels and motels.

#### 10.307.25.2 Permitted locations

- Lodging establishments are permitted by right in the B-2 district.
- Lodging establishments are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zones.
- Lodging establishments are considered subject to specific use permit review in the REC district.
- Lodging establishments are subject to specific use permit review and conditions in the B-1 zoning district.

#### 10.307.25.3 Conditions

- Lodging establishments are not intended for hourly or long term residence. Guests may stay no more than 60 consecutive days, and cannot stay on the premises for at least 50% of a one year period.
- A room cannot be rented out more than once in a 24 hour period.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

Although bed and breakfast inns provide lodging, they are regulated differently than other lodging establishments because of their residential character.

### 10.307.26 Lodging establishment: bed and breakfast inn

#### 10.307.26.1 Definition

*Bed and breakfast inn*: owner occupied single household residence used as a lodging establishment.

#### 10.307.26.2 Permitted locations

- Bed and breakfast inns are permitted by right in the B-2 district.
- Bed and breakfast inns are permitted by right in the OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Bed and breakfast inns are considered subject to specific use permit review in the SF-R, SF-1, SF2, REC and MF districts.
- Bed and breakfast inns are considered subject to specific use permit review in the T-2, T-3, T-4, T-5, OT-3, and OT-4R transect zones.
- Bed and breakfast inns are subject to conditions in the B-1 district.

#### 10.307.26.3 Conditions

- Bed and breakfast inns are not intended for long term residence. Guests may stay no more than thirty consecutive days, and cannot stay on the premises at least 20% of a one year period.
- Six or fewer rooms at bed and breakfast inns may be rented out for overnight accommodation.
- One or two people that do not live at the home may be employed at the bed and breakfast inn.
- Food service at bed and breakfast inns is limited to breakfast, brunch and lunch for paying guests

only. Provisions for food preparation such as cooktops are prohibited in guest rooms.

- The time and frequency of receptions, private parties and similar events at bed and breakfast inns are considered in the specific use permit review process, based on the inn's location and size.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

### 10.307.27 Manufactured home sales

#### 10.307.27.1 Definition

*Manufactured home sales establishment:* commercial use where manufactured housing is bought, sold or traded, and assembled or disassembled manufactured homes are kept on the site for sale or display.

#### 10.307.27.2 Permitted locations

Manufactured home sales establishments are prohibited in all zoning districts.

### 10.307.28 Nightclub

#### 10.307.28.1 Definition

*Nightclub:* bar or tavern where a stage or live performance area at least 100 sq. ft., and/or a dance floor is a prominent feature.

#### 10.307.28.2 Permitted locations

- Nightclubs are considered subject to specific use permit review in the B-2 district.
- Nightclubs are considered subject to specific use permit review in the T-5, OT-5H, OT-5C, and SD-A transect zones.

### 10.307.29 Office: medical

#### 10.307.29.1 Definition

*Office, medical:* clinic or office whose primary occupant is one or more licensed practitioners offering medical, dental, optical, chiropractic, naturopathic, psychological, psychiatric or physical rehabilitation services to patients on the premises. Medical office uses include urgent care clinics, but not emergency medical services.

#### 10.307.29.2 Permitted locations

- Medical offices are permitted by right in the B-2 district.
- Medical offices are permitted by right in the T-4, T-5, OT-5H, OT-5C, and SD-A transect zones.
- Medical offices are considered subject to specific use permit review in the OT-4T transect zones.
- Medical offices are subject to conditions in the B-1 district.

## 10.307.29.3 Conditions

- Medical offices are not hospitals, and are not intended for emergency medical services, inpatient treatment and overnight stay.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

**10.307.30 Office: professional**

## 10.307.30.1 Definition

*Office, professional:* office for professionals such as lawyers, architects, engineers, designers, real estate brokers, insurance salespeople, accountants, or others qualified to provide professional services. This term excludes storage or sale of merchandise or medical offices.

## 10.307.30.2 Permitted locations

- Professional offices are permitted by right in the B-2 district.
- Professional offices are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Professional offices as a primary use are considered subject to specific use permit review in the LI district.
- Professional offices are permitted by right only as an accessory use to a permitted industrial use in the LI district. Offices may comprise no more than 20% of the gross floor area occupied by the host use. Professional offices are considered subject to conditions in the B-1 district.

## 10.307.30.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any

adjacent property.

### 10.307.31 Office: special medical

#### 10.307.31.1 Definition

*Office, special medical:* clinic or office specializing in any of the following services:

- Substance abuse and dependency treatment and rehabilitation.
- Maintenance treatment using methadone or similar drugs.
- Opiate detoxification.
- Commercial blood or plasma collection.

#### 10.307.31.2 Permitted locations

Special medical offices are considered subject to specific use permit review in the B-2 district only. They must be placed at least 500 ft. from residential zoning districts, and at least 1000 ft. from other special medical offices.

#### 10.307.31.3 Conditions

Medical offices are not hospitals, and are not intended for emergency medical services, inpatient treatment and overnight stay.

### 10.307.32 Outdoor recreation facility

#### 10.307.32.1 Definition

*Outdoor recreation facility:* establishment providing facilities for guests for exercise, relaxation, amusement or sport, and amenities that are secondary to the recreational use, housed mostly outside of a structure. The term includes miniature golf courses, go-cart tracks, batting cages, bumper boats, and related recreational uses. Outdoor recreation facilities are not amusement parks. This term excludes facilities in athletic departments of schools, facilities of professional sports teams, public parks and playgrounds, and amenity and community centers.

#### 10.307.32.2 Permitted locations

- Outdoor recreation facilities are permitted by right in the REC district.
- Outdoor recreation facilities are considered subject to specific use permit review in the B-2 district.
- Outdoor recreation facilities are considered subject to specific use permit review in the T-3 and T-4 transect zones.

#### 10.307.32.3 Conditions

- Improvements or activity areas must be located at least 100 ft. from the boundary of any residential zoning district or lodging establishment.
- Outdoor recreation facilities next to residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments:
  - Must be screened and buffered with masonry (stone, brick, decorative CMU, similar materials) walls to minimize their impact.
  - May operate only between 9:00 AM and 9:00 PM.
  - Cannot have loudspeakers or equipment that emits audible signals such as beeps, buzzers and bells that would be audible off the site.

### 10.307.33 Personal or business service shop

#### 10.307.33.1 Definition

*Personal or business service shop:* shop primarily engaged in providing services generally involving care of a person's apparel or appearance, or rendering services to business establishments. Businesses

typical of personal and business service uses include dry cleaning retail outlets, photographic studios, beauty or barber shops, employment services (excluding day labor), dog grooming shops, and copy shops.

#### 10.307.33.2 Permitted locations

- Personal or business service shops are permitted by right in the B-2 district.
- Personal or business service shops are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Personal or business service shops are considered subject to conditions in the B-1 district.

#### 10.307.33.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

### 10.307.34 Print shop

#### 10.307.34.1 Definition

*Print shop*: use where the principal business is duplicating and printing services using photocopy, blueprint or offset printing equipment, and may include the collating of booklets and reports.

#### 10.307.34.2 Permitted locations

- Print shops are permitted by right in the B-1, B-2, LI, and I districts.
- Print shops are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.

### 10.307.35 Restaurant, bar

#### 10.307.35.1 Definitions

- *Restaurant*: establishment selling food and beverages to customers in a ready-to-consume state.
- *Bar*: establishment dispensing alcoholic beverages for on site consumption, where food service is secondary.

#### 10.307.35.2 Permitted locations

- Restaurants and bars are permitted by right in the B-2 district and by specific use permit in the REC district.
- Restaurants and bars are permitted by right in the T-5 and OT-5C transect zones.
- Restaurants and bars are considered subject to specific use permit review in the T-4, OT-4T, and SD-A transect zones.

- If property in OT-5H fronts two arterial roadways, restaurants with drive-through are considered subject to minor modification.
- Restaurants and bars are permitted with conditions in the B-1 district.

#### 10.307.35.3 Conditions

- Fermented malt beverages may be produced for consumption on the premises, and limited distribution off the premises, as an accessory use (brewpubs, picobreweries). Brewing capacity may be no more than 1500 gallons per week.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

#### 10.307.36 Retail store

##### 10.307.36.1 Definition

*Retail store*: establishment where at least 60% of the gross floor area is devoted to the sale or rental of goods or merchandise to the public for personal or household consumption or to services incidental to their sale or rental.

##### 10.307.36.2 Permitted locations

- Retail stores no more than 5,000 sq. ft. are permitted by right in the B-2 district.
- Retail stores no more than 5,000 sq. ft. are permitted by right in the T-3, T-4, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Retail stores greater than 5,000 sq. ft. are permitted by right in the B-2 district.
- Retail stores greater than 5,000 sq. ft. are permitted by right in the T-5, OT-5H, OT-5C, and SD-A transect zones.
- Retail stores greater than 5,000 sq. ft. are considered subject to specific use permit review in the B-1 district.
- Retail stores are permitted with conditions in the B-1 district.

##### 10.307.36.3 Conditions

- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage

- All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
- Height
  - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
- Operating Hours
  - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
- Outdoor Lighting
  - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

### 10.307.37 Special services

#### 10.307.37.1 Definition

- *Special services*: check-cashing and personal loan services, pawn shops, rent-to-own establishments as defined in Section 371.003 of the Texas Financial Code, as amended.

#### 10.307.37.2 Permitted locations

Special service establishments are permitted by right in the LI and I districts.

### 10.307.38 Travel plaza, truck stop

#### 10.307.38.1 Intent

Travel plazas serve an essential role in America's well developed transportation network. However, modern travel plazas are designed and operated in a way that is incompatible with Hutto's design regulations, desired character and long-term planning goals. Externalities generated by travel plazas cause major disruption to the area around them, even when carefully regulated and buffered. Towering high-rise pylon signs, an undesirable blight and an unwanted intrusion into a shared visual landscape, are trademarks of travel plazas. Bright lights mounted on tall poles illuminate acres of paved parking, with little or no landscaping, for idling "big rigs." The daily traffic and noise from hundreds of large trucks will be added to the already intense traffic on US 79 and other major arterials. Travel plazas also tend to attract mechanical commercial development that, when grouped together, can prevent the creation of a vibrant commercial district with a wide variety of uses.

With Hutto's geographical constraints, a truck stop would have a disproportionately large impact on the city, and therefore must still meet all required design standards as outlined in this Code.

#### 10.307.38.2 Definition

*Travel plaza or truck stop*: use primarily engaged in the maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of fuels or other petroleum products, and the sale of accessories or equipment for trucks and similar commercial vehicles. A travel plaza or truck stop may also include overnight accommodations, showers, restaurant facilities, game rooms, vehicle scales, and/or other diversions intended primarily for use of truck crews and interregional travelers.

#### 10.307.38.3 Permitted locations

Travel plazas and truck stops are permitted by specific use permit in the I district.

### 10.307.39 Vehicle auction facility

#### 10.307.39.1 Intent

Vehicle auction facilities are typically designed and operated in a way that is incompatible with the city's desired character and design goals. Devoting a large part of the city's commercial land to a business that does not cater to the public, with a site with a broad expanse of impervious parking with little or no landscaping or other amenities, creates a dynamic that can potentially ward off quality retail businesses,

and deter from the creation of vibrant commercial districts. Vehicle auctions would have a disproportionately large impact on the city, compared to a larger community with fewer geographical constraints for expansion, and a larger supply of land ideal for commercial development.

#### 10.307.39.2 Definition

*Vehicle auction facility*: use that auctions and/or sells motor vehicles primarily to vehicle dealers and brokers, and generally not to the public.

#### 10.307.39.3 Permitted locations

Vehicle auction facilities are prohibited in all zoning districts.

### 10.307.40 Veterinary clinic

#### 10.307.40.1 Definition

*Veterinary clinic*: facility maintained by or for use of a licensed veterinarian in the diagnosis, treatment or prevention of diseases in dogs, cats or comparable companion animals, and associated functions such as physical therapy and rehabilitation for animals.

#### 10.307.40.2 Permitted locations

- Veterinary clinics are permitted by right in the B-2 and LI districts.
- Veterinary clinics are permitted by right in the SD-A transect zone.
- Veterinary clinics are permitted with conditions in the B-1 district.

#### 10.307.40.3 Conditions

- Facilities of a veterinary clinic, including treatment rooms, cages, pens, kennels and exercise runs, must be maintained in a completely enclosed, soundproof building.
- Potentially offensive odors cannot be detectable off the site.
- Crematoria are prohibited accessory uses to veterinary clinics.
- When adjacent to Single-Family Residential (SF-1), the following conditions must be met:
  - Landscape Buffer:
    - Minimum of 25 feet of landscape buffer from adjacent residential; or
    - Minimum of 15 feet of landscape buffer with a 6-foot-tall masonry wall
  - Building Signage
    - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
  - Height
    - All buildings must be setback a minimum of 1 foot for each foot of height from adjacent SF-1 properties.
  - Operating Hours
    - Hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by specific use permit.
  - Outdoor Lighting
    - All outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

## 10.308 Industrial uses

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### 10.308.1 Applicability

This section applies in the following areas.

Chapter 3 Land use standards			§10.308 Industrial uses
City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

**10.308.2 General industrial use**

10.308.2.1 Definition

*General industrial use:* manufacturing activity that uses partially processed materials to produce finished items or parts with a moderate to relatively high value per unit weight. Examples of general industrial uses include the manufacture of motor and transit vehicles, manufacture of recreational vehicles and watercraft, manufacture of vehicle parts (excluding tires), manufacture of trailers, manufacture of modular and manufactured buildings, bottling plants, and breweries. General industrial uses do not include uses such as mining and extraction, petrochemical industries, rubber refining, primary metal or related industries. General industrial uses do not include light industrial or heavy industrial uses.

10.308.2.2 Permitted locations

General industrial uses are considered subject to specific use permit review in the I zoning district.

**10.308.3 Heavy industrial use**

10.308.3.1 Intent

Heavy industrial uses can create major disruption to the area around them, even when carefully regulated and buffered. Noise, odor, heavy vehicle traffic and/or unsightly conditions can be anticipated. Because of Hutto’s geographical constraints, heavy industrial uses would have a disproportionately large impact on the city.

10.308.3.2 Definition

*Heavy industrial use:* use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that may involve hazardous conditions. Heavy industry also includes work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, junkyards, and transport terminals (truck and rail terminals, container storage).

10.308.3.3 Permitted locations

Heavy industrial uses are prohibited in all zoning districts.

**10.308.4 Junkyard**

10.308.4.1 Intent

Junkyards, automobile recycling facilities, scrap yards, and similar uses can create major disruption to the area around them, even when carefully regulated and buffered. Dust, dirt, noise and unsightly conditions can be anticipated. Because of Hutto’s geographical constraints, junkyards would have a disproportionately large impact on the city.

10.308.4.2 Definition

*Junkyard:* facility for display, storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, appliances, junk vehicles or other personal property whether of value or valueless.

10.308.4.3 Permitted locations

Junkyards are prohibited in all zoning districts.

**10.308.5 Light industrial use**

#### 10.308.5.1 Definition

*Light industrial use:* manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution. Examples of light industrial uses include the manufacture of electronic instruments, preparation of food products, microbrewing, musical instruments, and pharmaceutical manufacturing. Light industrial uses do not include uses such as mining and extraction, petrochemical industries, rubber refining, motor vehicle and heavy equipment manufacturing, primary metal or related industries.

#### 10.308.5.2 Permitted locations

- Light industrial uses are permitted by right in the LI and I districts.
- Light industrial uses are considered subject to specific use permit review in the SD-A transect zone.

### 10.308.6 Research laboratory

#### 10.308.6.1 Definition

*Research laboratory:* building or group of buildings where facilities for scientific research, investigation, testing or experimentation are placed, but not facilities for manufacture or sale of products except as incidental to the main purpose of the laboratory.

#### 10.308.6.2 Permitted locations

- Research laboratories are permitted by right in the LI and I districts.
- Research laboratories are considered subject to specific use permit review in the T-5, OT-5C, and SD-A transect zones.

### 10.308.7 Self-storage facility

#### 10.308.7.1 Definition

*Self-storage facility:* facility where secured areas in a structure are rented to individuals for short-term storage of items (excluding vehicles) and other non-hazardous, non-perishable durable goods.

#### 10.308.7.2 Permitted locations

- Self-storage facilities are permitted by right in the LI district.
- Self-storage facilities are considered subject to specific use permit review in the SD-A transect zone.

#### 10.308.7.3 Conditions

- Uses not related to the short-term storage of household items and non-hazardous, non-perishable durable goods are prohibited at self-storage facilities. This includes automobile, boat, vehicle and heavy equipment storage; storage of hazardous items, perishable goods or animals; and use as a residence, office, workshop, studio, band rehearsal area or place of business.
- Electrical service to individual units must be for lighting and climate control only. Electrical outlets cannot be provided in individual units.
- One dwelling occupied by the owner or on-site manager and their household is permitted as an accessory use to a self-storage facility.
- Must not be used as a general warehouse facility.

### 10.308.8 Trade use

#### 10.308.8.1 Definition

*Trade use:* business or occupation requiring specialized training in a manual or mechanical skill including, but not limited to, carpentry, plumbing, sheet metal, electrical, heating, ventilation and air conditioning, furniture upholstery and precision machinery. A trade use also includes small custom industry, where goods are produced or repaired by hand, using hand tools or small-scale equipment.

**10.308.8.2 Permitted locations**

- Trade uses are permitted by right in the LI and I districts.
- Trade uses are considered subject to specific use permit review in the SD-A transect zone.
- Certain trade uses may be considered subject to Development Services staff review in the B-1 and B-2 district. The incidental trade may occupy no more than 50% of the gross floor area of a retail use, and the objects produced must be sold in the same retail area. Permitted incidental trade uses include:
  - Furniture crafting and upholstery.
  - Production of wood items intended for household use.
  - Art studios using equipment normally associated with mechanical trades such as plastic molding, sheet metal work and welding.
  - Creation of arts and crafts.

**10.308.9 Vehicle minor repair facility****10.308.9.1 Definition**

*Vehicle minor repair facility:* facility where light vehicle maintenance activities such as engine tune-ups, lubrication, brake repair, air conditioning service, tire sales and installation, car washing, detailing, and polishing are conducted.

**10.308.9.2 Permitted locations**

- Vehicle minor repair is permitted by right in the B-2, LI and I districts, on parcels that are not next to residential zoning districts.
- Vehicle minor repair is considered subject to specific use permit review in the B-1 district, on parcels that are not next to residential zoning districts.
- Vehicle minor repair is considered subject to specific use permit review in the SD-A transect zone, on parcels that are not next to residential zoning districts.

**10.308.9.3 Conditions**

- Inoperable vehicles must be enclosed behind a six foot tall masonry (stone, brick, decorative CMU, similar materials) screening wall or kept in an enclosed building.
- Vehicle repair must be conducted indoors or inside the screening wall.

**10.308.10 Vehicle major repair facility****10.308.10.1 Definition**

*Vehicle major repair establishment:* facility where heavy maintenance activities such as engine overhauls, vehicle painting, body or fender work, and welding are conducted, without the sales of fuel.

**10.308.10.2 Permitted locations**

Vehicle major repair establishments are permitted by right in the LI and I districts.

**10.308.10.3 Conditions**

- Inoperable vehicles must be enclosed behind a six foot tall masonry (stone, brick, decorative CMU, similar materials) screening wall.
- Vehicle repair must be conducted indoors or inside the screening wall.

**10.308.11 Vehicle storage facility****10.308.11.1 Definition**

*Vehicle storage facility:* facility that may include secured indoor or outdoor areas, intended for short or long term storage of automobiles, light trucks, motorcycles, recreational vehicles, boats, camper trailers, commercial vehicles and commercial trailers; either in conjunction with a business not located on the site, or for compensation.

**10.308.11.2 Permitted locations**

Vehicle storage facilities are permitted by right in the LI and I districts.

#### 10.308.11.3 Conditions

- Vehicle storage facilities cannot be used to store trucks and/or trailers weighing over 17,000 lbs., construction and heavy equipment, junk, vehicles the Code of Ordinances considers junked or abandoned, or parts.
- Vehicle storage facilities cannot be used for general auto sales or auto auctions, although the occasional sale of unclaimed vehicles is permitted.
- Outdoor storage areas at vehicle storage facilities must be screened in conformance to outdoor storage area fencing standards in Section 10.408.

### 10.308.12 Warehouse and distribution facility

#### 10.308.12.1 Definition

*Warehouse and distribution facility:* use for storage, wholesale and distribution of manufactured products; including accessory offices or showrooms, and including incidental retail sales (no more than 10% of the building gross floor area) but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions; and where the products, supplies or equipment that are distributed from the facility are not used or consumed on the premises.

#### 10.308.12.2 Permitted locations

- Warehouse and distribution facilities are permitted by right in the LI and I districts.
- Warehouse and distribution facilities are considered subject to specific use permit review in the SD-A transect zone.

## 10.309 Institutional and civic uses

### 10.309.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

### 10.309.2 Amenity center

#### 10.309.2.1 Definition

*Amenity center:* facility providing recreational and meeting facilities for exclusive use of the residents of the residential development or employees of the business or office complex where it is located. Amenity centers typically include swimming pools, hot tubs, saunas, workout rooms, meeting rooms, clothes washers and dryers, shared computers and fax machines, leasing and sales offices for the development where it is located, and similar amenities.

#### 10.309.2.2 Permitted locations

- Amenity centers are permitted by right in all residential and commercial conventional zoning districts.
- Amenity centers are permitted by right in T-1, T-2, T-3, T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A.

#### 10.309.2.3 Conditions

- Principal vehicular access in residential districts should be from a collector street.
- Principal vehicular access in business parks must be from an internal street.

### 10.309.3 Aquatic Facility

#### 10.309.3.1 Permitted locations

- Aquatic facilities are permitted by right in SF-R, SF-1, SF-2, MF, MH, B-1, B-2, LI, I, REC.
- Aquatic facilities are permitted by right in the T-1, T-2, T-3, T-4, and SD-A transect zones.
- Aquatic facilities are considered subject to specific use permit review in the T-5, and OT-5C transect zones.

### 10.309.4 Athletic Facility

#### 10.309.4.1 Permitted locations

- Athletic facilities are permitted by right in the B-1, B-2, LI, I, and REC district.
- Athletic facilities are permitted by right in the SD-A transect zone.
- Athletic facilities are considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF, and MH districts.
- Athletic facilities are considered subject to specific use permit review in the T-1, T-2, T-3, T-4, and T-5 transect zones.

**10.309.5 Cemetery**

## 10.309.3.1 Definition

*Cemetery*: parcel used for interring of dead humans or pets. A cemetery includes mausoleums, but not crematories or mortuaries.

## 10.309.3.2 Permitted locations

- Cemeteries may be considered subject to specific use permit review in the REC, SF-R and SF-1 districts.
- Cemeteries are prohibited on parcels occupied by residences.

**10.309.6 Community facility**

## 10.309.4.1 Definition

*Community facility*: publicly owned facility or building primarily intended to serve the community's recreational, educational, cultural, administrative, and/or entertainment needs. Community facility uses include police and fire stations, government administration buildings, community centers, pools, maintenance facilities, and related accessory uses.

## 10.309.4.2 Permitted locations

- Community facilities are permitted by right in the T-4, T-5, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Community facilities are considered subject to specific use permit review in all conventional zoning districts.
- Community facilities are considered subject to specific use permit review in the T-1, T-2, and T-3 transect zones.

**10.309.7 Golf course**

## 10.309.5.1 Definition

*Golf course*: parcel configured for playing the game of golf, improved with tees, greens, fairways and hazards. It may also include a clubhouse with a restaurant and/or bar, practice area, driving range and other related accessory structures. A miniature golf course, intended for play only with putters, is not considered a golf course.

## 10.309.5.2 Permitted locations

- Golf courses are considered subject to specific use permit review in the REC, SF-R, SF-1, SF-2, MF, and MH districts.
- Golf courses are considered subject to specific use permit review in the T-2 transect zone.

**10.309.8 Hospital**

## 10.309.6.1 Definition

*Hospital*: building whose primary use is the inpatient diagnosis, treatment and/or care of human ailments or diseases.

## 10.309.6.2 Permitted locations

- Hospitals are permitted by right in the B-2 district.
- Hospitals are considered subject to specific use permit review in the SD-A transect zone.

**10.309.9 Park**

## 10.309.7.1 Definition

*Park*: parcel owned or operated by the city, county, state, homeowners association or not-for-profit organization, offering open space, athletic fields, gardens, playgrounds, trails and paths, and environmental interpretation facilities; for recreation, education and rest.

#### 10.309.7.2 Permitted locations

Parks are permitted by right in all zoning districts and transect zones.

### 10.309.10 Park and ride lot (as principal use)

#### 10.309.8.1 Definition

*Park and ride lot*: parking facility provided for users of a public transit facility located on the site.

#### 10.309.8.2 Permitted locations

- Park and ride lots as the principal use of a parcel are considered subject to specific use permit review in the B-1, B-2 and LI districts.
- Park and ride lots as the principal use of a parcel are considered subject to specific use permit review in the SD-A transect zone.

### 10.309.11 Place of worship or assembly

#### 10.309.9.1 Intent

Places of worship play a positive role in their host communities and must be planned carefully, to ensure they have the same positive impact on the city's built environment as they do on the spiritual development and quality of life of its citizens.

#### 10.309.9.2 Definition

*Place of worship or assembly*: building with a hall, auditorium or other suitable rooms used for conducting religious or other services and related supporting activities such as religious classes and institutional administration. Places of worship or assembly include churches, synagogues, mosques, temples, mandirs, gurdwaras, meeting houses, and similar institutions, but not commercial endeavors or outreach operations such as coffee houses, movie theaters, rescue missions, homeless shelters, broadcast studios, and social service agencies.

Parochial schools are permitted per Section 10.309.13.

#### 10.309.9.3 Permitted locations

- Places of worship or assembly are permitted by right in the B-1 and B-2 districts.
- Places of worship or assembly are permitted by right in all transect zones.
- Places of worship or assembly are considered subject to Development Services staff review in the SF-R, SF-1, SF-2, MF, MH, REC, I and LI districts.

#### 10.309.9.4 Conditions

- Conditional review criteria for places of worship or assembly include the standard review criteria in Chapter 2 (Administration), and the following:
  - Traffic generation, parking and circulation, and the potential impact on surrounding areas.
  - Site design, landscaping, lighting, signage and other features.
  - Building size and scale, and compatibility with surrounding existing and future land uses.
  - Potential noise detectable at the property line.
  - Accessory uses, including parsonages, schools, day care, and offices for organizations directly related to the institution.
- Places of worship or assembly should have direct access from a collector or higher street.
- Social groups, activity groups, spiritual development groups and organizational committees related to a congregation may meet in a congregant's home without conditional approval. Likewise, small gatherings of people for ceremonies that could be described as the equivalent of a religious service do

not require conditional approval.

### 10.309.12 Public utility substation

#### 10.309.10.1 Definition

*Public utility substation:* facility used for collecting, processing or distributing a public utility commodity. This use includes electrical substations not in residential districts and high-tension power distribution lines, water tanks and pumps, telephone switching offices and exchanges, and similar uses; but not wireless service facilities, storage and equipment yards, and business offices.

#### 10.309.10.2 Permitted locations

Public utility substations are considered subject to specific use permit review in all zoning districts and transect zones except electrical substations and high-tension power lines.

### 10.309.13 School

#### 10.309.11.1 Definition

*School:* public, private, or parochial facility, certified by a state agency, that provides a curriculum of elementary, secondary and higher academic instruction, including kindergartens, elementary schools, junior high schools, middle schools, high schools, colleges and universities. The term excludes home schooling of children by parents or tutors at their residence.

#### 10.309.11.2 Permitted locations

- Schools with five students or less are permitted by right in the SF-1, SF-2, MF, MH, B1 and B-2 districts.
- Schools with five students or less are permitted by right in the T-3, T-4, OT-4T, OT-5H, OT-5C, and SD-A transect zones.
- Schools with six students or more are permitted by right in the OT-5C and SD-A transect zones.
- Schools with six students or more are considered subject to special review in the SF-1, SF-2, MF, MH, B1 and B-2 districts.
- Schools with six students or more are considered subject to special review in the T-3, T-4, OT-4T, and OT-5H transect zones.
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#### 10.309.11.3 Conditions

Specific use permit review criteria for schools include the standard review criteria in Chapter 2 (Administration), and the following:

- Traffic generation, parking and circulation, and the potential impact on surrounding areas.
- Building and site design, including architecture, landscaping, lighting, signage and other features.
- Building size and scale, and compatibility with surrounding existing and future land uses.
- Potential noise detectable at the property line.
- Accessory uses, including stadiums and athletic fields.
- Schools should have direct access from a collector or higher street.

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## 10.310 Temporary uses

**10.310.1 Applicability**

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

**10.310.2 Construction equipment storage lot**

## 10.310.2.1 Definition

*Construction equipment storage lot:* temporary use where vehicles, materials, equipment, sorted debris intended for recycling, and fill material accessory to a construction project is kept.

## 10.310.2.2 Permitted locations and duration

- Construction equipment storage lots are considered subject to specific use permit review in all zoning districts and transect zones.
- Construction equipment storage lots may be used for up to one year. The Development Services director may approve an extension of six months on a written request that details reasons for the requested extension.

## 10.310.2.3 Conditions

- Sites are used only for construction equipment used for a project on that parcel, an adjacent parcel, or other parcels in the same subdivision. For street construction projects, a construction equipment storage lot must be placed on a B-1, B-2 or LI zoned parcel next to the street.
- Sites cannot be used as a staging area for off-site construction activity.
- Equipment is removed when construction is complete.
- On-site disposal of waste or scrap materials is prohibited.
- Sites must be watered down as needed to prevent fugitive dust.
- Manufacturing activity, such as an asphalt hot-mix plant, concrete batch plant or rock crushing, are prohibited.
- Sites must be maintained in a neat, orderly fashion. Sorted debris to be recycled and fill must be covered to prevent fugitive dust and trash.
- Sites must be reclaimed as close to their original condition as possible in 30 days after construction is complete.

**10.310.3 Construction field office**

## 10.310.3.1 Definition

*Construction field office:* site and structure, usually a portable building, used for temporary offices related to construction activity.

## 10.310.3.2 Permitted locations and duration

- Construction field offices are permitted by right in all zoning districts, subject to site plan approval by Development Services staff. Construction field offices may be used during the associated construction project.
- Construction field offices are permitted by right in all transect zones.

## 10.310.3.3 Performance Standards

- Field offices may only be used for a project on that parcel, an adjacent parcel, or other parcels in the same subdivision. For street construction projects, a construction field office may be placed on B-1, B-2 and LI zoned parcels no more than 1000 ft. from the street.
- Field offices cannot have sleeping and/or cooking facilities.

- Field office sites must be maintained in a neat, orderly fashion.
- Field office structures must meet setback standards in the underlying zoning district.
- Field office sites must be reclaimed as close to their original condition as possible in 30 days after construction is complete, or a certificate of occupancy for the associated project is complete.

#### 10.310.4 Garage sale

##### 10.310.4.1 Definition

*Garage sale:* casual sale of used or secondhand items of personal property at a dwelling unit. The term also includes “yard sales,” “tag sales,” “porch sales,” “lawn sales,” “rummage sales,” “estate sales” or similar sales of tangible personal property at a dwelling unit.

##### 10.310.4.2 Permitted locations and duration

- Garage sales are permitted by right on the site of occupied dwelling units in conventional zoning districts.
- Garage sales are permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.
- Garage sales may be up to three days long. A garage sale at an individual dwelling unit may only be held two times per year at the dwelling unit.
- Garage sales held by a block club, neighborhood organization, homeowners association or similar group may be held twice in a calendar year.

##### 10.310.4.3 Conditions

Garage sales cannot create a disturbance or become a nuisance in the surrounding area.

#### 10.310.5 Mobile Food Vendors

##### 10.310.5.1 Definitions

*Mobile Food Vendors:* a vendor who operates or sells food for human consumption from a cart, trailer or kitchen mounted on a chassis, with an engine for propulsion, or that remains connected to a vehicle with an engine for propulsion or disconnected from an engine for propulsion.

##### 10.310.5.2 Permitted Locations

- Mobile food vendors are permitted by right in the B-1, B-2, LI, I, REC districts.
- Mobile food vendors are permitted by right in the T-1, T-2, T-3, T-4, T-5 and SD-A transect zones.
- Mobile food vendors are permitted by right with conditions in the OT-3, OT-4R, OT-5H and OT-5C transect zones.

##### 10.310.5.3 Conditions

- A person shall only vend when the vehicle is lawfully stopped.
- A person shall only vend from the side of the vehicle away from moving traffic.
- A person shall not vend to a person standing in the roadway.
- A person shall not stop on the left side of a one-way street.
- A person shall not stop in a congested area where vending might impede or inconvenience the public.
- A person shall not vend in a street adjacent to a public school.
- A person shall not stop the vehicle for purposes of vending within one hundred (100) feet of a street intersection.
- No mobile street vendor shall be in operation, doing business, or going from place to place before 7:00 a.m., or after 8:00 p.m., unless authorized during a special event.
- It shall be unlawful for a mobile food vendor to sell or attempt to sell food:
  - By means of an outcry, sound, speaker, or amplifier, or any instrument or device which

- can be heard from a distance greater than 300 feet;
  - In any manner that distracts drivers, such as displaying fluttering, undulating, rotating, spinning or waving devices, whether or not such devices are for sale;
  - Within 1,000 feet of a hospital, college, elementary school, middle school or high school;
  - Inside the boundaries of the historic overlay district without minor modification approval by the Planning and Zoning Commission;
  - In such a way that pedestrian or motor vehicle traffic is obstructed;
  - In such a way that obstructs traffic signals or regulatory signs;
  - Having signage that is not in compliance with section 10.410 of the UDC;
  - In such a place or in a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to city vehicles, including emergency and sanitation vehicles.
- Any mobile food vendor that wishes to locate within the historic overlay district shall require a minor modification approval by the Planning and Zoning Commission. This section does not apply to special events and small market events. Motor vehicles in the designated vendor zone that sell food items shall be designed and intended for vending. Ordinary vehicles, vans, and pick-up trucks shall not be permitted for food vending operations. The International Property Maintenance Code, federal, state and county codes, and all other applicable codes and ordinances adopted by the city shall apply to the designated vendor zone regarding structures and properties.

### 10.310.6 Model home

#### 10.310.6.1 Definition

*Model home:* dwelling built and used by a builder to show construction quality, floor plans, styles, and amenities that are available in other new homes or lots in the development they are located. A model home may have areas furnished with a desk, development plan, promotional materials, elevation renderings, material and color samples, and other items for sales purposes.

#### 10.310.6.2 Permitted locations

- Model homes are permitted by right in the SF-R, SF-1, SF-2, MF and MH districts.
- Model homes are permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.

#### 10.310.6.3 Conditions

- Model homes must be issued a temporary certificate of occupancy. The temporary certificate of occupancy will expire in one year, unless the approval condition still exists.
- If garage space was used as office space, it must be converted back into a garage for vehicle parking before a permanent certificate of occupancy is issued.
- Once all other homes the builder plans to build in a development are sold, the model home must be placed on the market and sold as a residence.
- Model homes may be used to market homes only in the development where they are placed.

### 10.310.7 Portable storage container

#### 10.310.7.1 Definition

*Portable storage container:* container designed for temporary storage of personal property, usually delivered and/or removed by truck or trailer.

#### 10.310.7.2 Permitted locations and duration

Portable storage containers are permitted by right in all districts and transect zones.

#### 10.310.7.3 Conditions

- Portable storage container size must be no more than 16 ft. long, no more than 8 ft. high and no more than 8 ft. wide.
- Only one portable storage container may be on a property.
- Portable storage containers must be placed on a hard surfaced area, such as a driveway.
- Portable storage containers may be placed on a property for no more than 30 consecutive days and no more than 60 days in a calendar year, and only in conjunction with moving and relocation activity.
- Portable storage containers require a permit from the Development Services Department. A placard will be issued that prominently shows the date of placement and removal.

### 10.310.8 Temporary building

#### 10.310.8.1 Definition

*Temporary building*: building or structure intended to provide basic shelter from the elements, usually fabricated away from the site where it is located, designed for placement where there is no permanent foundation, and intended for removal after a short time.

#### 10.310.8.2 Permitted locations and duration

- Temporary buildings are considered subject to specific use permit review in all districts and transect zones.
- Temporary buildings may be used for one year. After one year, the building must be removed or replaced with a permanent structure, or the specific use permit approval must be renewed for another year. Maximum duration of a temporary building is five years. A temporary building cannot be replaced with another temporary building.

#### 10.310.8.3 Conditions

- Temporary buildings are subject to setback, site planning, landscaping and parking standards in the underlying zoning district or applicable to the use, and must meet all fire code requirements.
- Temporary buildings cannot be placed in front of a principal building.
- Temporary buildings providing classrooms for schools, places of worship and assembly, and similar institutions may be permitted only where those buildings are part of an approved site plan for future development of the site.
- Temporary building sites must be reclaimed as close to its original condition as possible in 30 days after temporary buildings are removed, if they are not replaced with a permanent structure.

## 10.311 Accessory uses

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Sign standards are described in Chapter 4 (Site design standards).  
Accessory building standards are described in Chapter 4 (Site design standards) for conventional zoning districts and Chapter 5 (Site design standards – FBC and OT districts).

### 10.311.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

### 10.311.2 Antenna: radio hobbyist

#### 10.311.2.1 Definition

*Antenna, radio hobbyist:* exterior transmitting or receiving device, and its supporting structure, used in telecommunications that radiates and captures radio signals on frequencies allotted by the Federal Communications Commission for amateur (ham) radio, Citizens Band (CB) and General Mobile Radio Service (GMRS) use; or captures radio signals as part of a hobby. The term does not apply to roof mounted whip antennas or simple wire antennas not supported by a dedicated antenna tower.

#### 10.311.2.2 Permitted locations

- Radio hobbyist antenna towers below the maximum permitted height for a freestanding structure are permitted by right in all zoning districts and transect zones.
- Radio hobbyist antenna towers above the maximum permitted height for a freestanding structure are considered subject to specific use permit review in all zoning districts and transect zones.

#### 10.311.2.3 Conditions

- Towers must be placed outside the front yard, outside of required setback areas.
- Towers must be set back a distance of at least 50% of its height from all property lines, and set back from other on- and off-site towers and supporting structures far enough so one tower does not strike another tower, support structure or overhead utilities if a tower or support structure fails.
- Antenna elements cannot overhang into required setbacks.
- Only one amateur radio antenna tower is permitted on a property. Where the main use is an amateur radio club, more than one tower is permitted if space and setbacks permit.
- Builders of radio hobbyist antennas must sign a hold harmless agreement, acknowledging the city is not responsible for enforcing covenants that restrict or prohibit amateur radio towers, and is not responsible for conflicts with covenants or property owner associations.
- Hobby radio operations must conform to FCC rules. Externalities resulting from illegal radio operation that affect neighboring properties are considered a zoning violation, and will also be reported to appropriate law enforcement and federal government agencies.

### 10.311.3 Antenna: non-residential use

#### 10.311.3.1 Definition

*Antenna, non-residential use:* exterior transmitting or receiving device, and its supporting structure, used in telecommunications that radiates and captures radio signals used in the day-to-day operation of a non-residential use such as a business, government agency, or other organization. Non-residential antennas do not include wireless facilities, speculative towers leased to businesses and services located off-site, and broadcasting.

#### 10.311.3.2 Permitted locations

- Non-residential antennas, no more than 15 ft. above the roofline of the dominant structure on a site, are permitted by right in the REC, B-1, B-2, LI, and I districts, subject to Development Services staff review and approval.
- Non-residential antennas, no more than 15 ft. above the roofline of the dominant structure on a site, are permitted by right in the SD-A transect zone, subject to Development Services staff review and approval.
- Non-residential antennas from 15 ft. above the roofline of the dominant structure to 100 ft. tall, or 15 ft. above the surrounding tree canopy, are considered subject to specific use permit review in the REC, B-1, B-2 and LI districts.

- Non-residential antennas from 15 ft. above the roofline of the dominant structure to 100 ft. tall, or 15 ft. above the surrounding tree canopy, are considered subject to specific use permit review in the SD-A transect zone.

#### 10.311.3.3 Conditions

- Towers must be placed outside the front yard, and outside of required setback areas.
- Towers must be set back a distance of at least 50% of its height from all property lines, and set back from other on- and off-site towers and supporting structures far enough so one tower does not strike another tower, support structure or overhead utilities if a tower or support structure fails.
- Towers must be self-supporting. Towers cannot be supported with guy wires.
- Antenna elements cannot overhang into required setbacks.

### 10.311.4 Donation box

#### 10.311.4.1 Definition

*Donation box:* container or structure located outside of an enclosed building, used for collection of charitable or for-profit donated items.

#### 10.311.4.2 Permitted locations

- Donation boxes are considered subject to specific use permit review in the B-1, B-2 and LI districts. Specific use permit approval applies for two years.
- Donation boxes are considered subject to specific use permit review in the SD-A transect zone. Specific use permit approval applies for two years.
- After two years, the donation drop-off box must be removed, or the specific use permit approval renewed.

#### 10.311.4.3 Conditions

- One donation box may be placed on a property.
- Donation boxes cannot obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, areas in front of the primary building on the site, drive aisles, required parking spaces, fire lanes, loading zones, or other unsafe location.
- Donation boxes may have a capacity of no more than 6 cubic yards (162 cu. ft.), and a height of no more than 6.5 ft.
- Donation boxes must be painted or coated in a color that is compatible with the context of its setting. Bright primary, fluorescent or contrasting colors are prohibited.
- Donation boxes must be clearly marked with:
  - The specific items and materials requested for donation;
  - The name of the operator or owners of the donation container;
  - A local telephone number where the owner, operator or agent of the owner or operator may be reached at any time, and;
  - A notice stating that no items or materials may be left outside of the box.
- Donated items must be collected and stored in the box. Donated items cannot be left outside of boxes. Donations not fully enclosed in a donation box are considered a zoning violation and public nuisance, with the donations and box subject to removal by the city at the owner's expense.

### 10.311.5 Drive-through facility

#### 10.311.5.1 Definition

*Drive-through facility:* element of a business where goods or services are passed through exterior windows or mechanical devices to patrons in queued motor vehicles.

#### 10.311.5.2 Permitted locations

- Drive-through facilities are permitted by right as an accessory use for commercial uses in the B-2 district.
- Drive-through facilities are considered subject to specific use permit review as an accessory use for

commercial uses in the B-1 district.

- Drive-through facilities are considered subject to specific use permit review as an accessory use for commercial uses in the SD-A transect zone.

#### 10.311.5.3 Conditions

Drive-through facilities must be greater than 100 ft. from a residential zoning district.

Design standards for drive-through facilities in B-1 and B-2 zoning districts are addressed throughout Chapter 4 (Site design standards).

- Screening and residential adjacency: Section 10.403.7.2.
- Building perimeter wall spacing from driveway surfaces: Section 10.404.4.7.
- Curb cut and ramp location: Section 10.405.4.2.
- Stacking/queuing lanes – drive-through aisles (length, width, location): Section 10.405.7.
- Architectural integration into main structure: Section 10.406.6.5.4.

Design standards for drive-through in SD-A can be found in Section 10.503.

### 10.311.6 Home occupation

#### 10.311.6.1 Definition

*Home occupation:* business activity conducted in a dwelling unit, subordinate to the residential use of the dwelling unit. Home occupations do not necessarily include businesses conducted in designated live-work residences.

#### 10.311.6.2 Permitted locations

*10.311.6.2.1 Permitted by right in all residential districts. Permitted by right in the T-2, T-3, T-4, OT-3, OT-4R, and OT-4T transect zones.*

Home occupations permitted by right are limited to uses that are primarily office oriented, where the residential character of the home is unchanged. Types of businesses and professions typical of home occupations include, but are not limited to: art studio; home office for telecommuting; food catering; professional office; office for insurance or real estate sales; computer consulting and desktop publishing; tutoring; music instruction; limited mail order and Internet sales; counseling, and no more than one sales party per month.

#### *10.311.6.2.2 Prohibited uses*

Uses that could potentially alter the residential character of the surrounding neighborhood, and uses with a pronounced tendency to grow to where the residential character of a dwelling is compromised, are prohibited as home occupations. Types of businesses and professions typical of those prohibited for home occupations include, but are not limited to: barber and beauty services, machine shop;

medical, dental or veterinary office; massage therapy (on-site); vehicle repair or body work; vehicle sales, vehicle storage; vehicle restoration; private schools with scheduled or organized classes; retail sales; restaurant; welding; undertaking; and boarding houses.

#### 10.311.6.3 Conditions

##### 10.311.6.3.1 Area and location

- Home occupations can occupy no more than 200 sq. ft. or no more than 10% of a dwelling floor area. Occasional meetings can exceed the floor area standards.
- Home occupations are prohibited in accessory buildings. Occupied accessory dwelling units are exempted.

##### 10.311.6.3.2 Employees

Employees of home occupations are limited to people living in the dwelling.

**10.311.6.3.3 External effects**

- Noise, vibration, odor, glare, smoke, and other external effects cannot be detectable off-site.
- Changes to the residence exterior that detract from the residential character of the neighborhood are prohibited.
- Outdoor storage of goods and materials are prohibited.

**10.311.6.3.4 Parking and traffic**

- Parking must be off-street, except for occasional meetings.
- Traffic cannot exceed that typical of a residential neighborhood.
- Truck pick-up and delivery is prohibited, except occasional service by parcel carriers serving residential customers in the area.

**10.311.6.3.5 Sales**

Only incidental sales of services and products are permitted. Sales between the proprietor and the public at the residence are prohibited, excluding occasional sales parties (one per month maximum).

**10.311.6.3.6 Signage and advertising**

Signage identifying the home occupation is prohibited.

**10.311.6.3.7 Vehicles**

- Heavy equipment and commercial vehicles cannot be stored on residential properties.

**10.311.6.3.8 Visitation**

- Home occupations can have no more than 4 business-related visitations a day. Monthly sales parties are exempted.
- Visitations are restricted to the hours between 6:00 AM and 9:00 PM only.
- Small items for repair cannot be dropped off or picked up.
- Advertising must not publicize the address, which could attract people to the home and harm the residential character of the surrounding area.

**10.311.7 Residential accessory structure****10.311.7.1 Definition**

*Residential accessory structure*: structure such as a shed, carport or garage that is detached from and incidental to a residential host structure. This term excludes accessory dwelling units.

**10.311.7.2 Permitted locations**

Residential accessory structures are permitted as an accessory use to a residential use in all districts and transect zones.

**10.311.7.3 Conditions**

- Residential accessory structures cannot be the primary structure on a lot.
- Accessory structures cannot have separate electrical meters or kitchen facilities.
- Accessory structures at least 200 sq. ft. must be designed so they are architecturally integrated with the host structure through building materials, architectural elements, color, roof pitch and roofing materials.
- Pre-engineered metal buildings, metal carports, shipping containers and structures based on containers cannot be used as accessory structures.

Placement and bulk standards for accessory structures are in Chapter 4 (Site design standards).

**10.311.8 Satellite dish****10.311.8.1 Definition**

*Satellite dish*: earth station antenna at least 2 ft. in diameter, used for satellite communication services.

## 10.311.8.2 Permitted locations

- Satellite dishes no more than 6 ft. tall, and no more than 10 ft. in diameter, used for audio and video reception and high-speed Internet access at residences, or day-to-day operation of a business or service on the property, are permitted by right in all districts and transect zones.
- Satellite dishes at least 6 ft. tall or at least 10 ft. in diameter, used in day-to-day operation of a business or service on the property, are permitted by right in the B-2 and LI districts.

## 10.311.8.3 Conditions

- Satellite dishes must be placed outside of the front yard, and behind the front of the house or main building, at least 10 ft. from interior and rear property lines.
- Structural bases of satellite dishes must be screened from public view and from adjoining properties by walls, fences, buildings, and/or landscape at least 6 ft. high.
- Wires and cables connected to the dish or supporting structures must be placed underground, except fires and cables flush with the surface of a building or the dish structure.
- Satellite dishes cannot have advertising or highly reflective surfaces that are visible from adjacent properties or the public right-of-way.

These standards do not apply to small (no more than 2 ft. in diameter) DBS (Dish Network, DirecTV), satellite internet, and similar dishes.

**10.311.9 Swimming pool**

## 10.311.9.1 Definition

*Swimming pool*: manmade water body designed for swimming and bathing. The term excludes wading pools (no more than 30 in. deep), spas and hot tubs, or pool sales.

## 10.311.9.2 Permitted locations

- Swimming pools shall not encroach into any easements.
- Swimming pools are permitted as an accessory use in the REC, SF-R, SF-1, SF-2, MF, MH, B-1, and B-2 districts, and are permitted by special use permit in the LI district.
- Swimming pools are permitted by right as an accessory use in all transect zones.

## 10.311.9.3 Conditions

Swimming pool areas must be enclosed by a screen or a fence 4 ft. - 6 ft. tall. Gates leading to the pool area from the street or adjacent properties must be self-latching to prevent uncontrolled access.

Pool placement and fence design standards are in Chapter 4 (Site design standards).

**10.311.10 Vending machine**

## 10.311.10.1 Definition

*Vending machine*: machine with a footprint of at least 4 sq. ft. located outside of an enclosed building, which dispenses products stored in the machine by insertion of cash, credit or debit card, tokens or similar objects. Newspaper boxes are not considered vending machines.

## 10.311.10.2 Permitted locations

- Vending machines are permitted by right in the B-1, B-2, LI, I, and REC districts.
- Vending machines are permitted by right in the T-5, OT-5C, and SD-A transect zones.
- Vending machines located inside an enclosed building are not regulated by this section.

## 10.311.10.3 Conditions

- One vending machine per 5,000 sq. ft. of host structure GFA is permitted on a site, with a maximum of ten vending machines for a property.
- Vending machines cannot obstruct pedestrian or vehicular circulation, or be located in public rights-

of-way, required building setbacks, landscape areas, areas in front of the primary building on the site, drive aisles, required parking spaces, fire lanes, loading zones, or other locations that may be unsafe or create a condition detrimental to surrounding land uses and developments.

- Vending machines must be at least 100 ft. from residential zoning districts. Vending machines on sites next to residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments cannot have audible alerts or messages, and must be positioned so illuminated parts face away from residential and lodging uses.
- Illumination and electronic displays for a vending machine must be static, with no animation or intermittent lighting, intentional or not.

#### 10.311.11 Wireless facility

Those most likely to refer to wireless facility are zoning and leasing consultants and RF engineers representing wireless service providers. Most other land use standards are not germane to their site selection process. For ease of reference and reproduction, the design criteria for wireless facilities are included here instead of the use specific design rules in Section 10.411.

##### 10.311.11.1 Intent

To accommodate wireless communication needs of Hutto residents, businesses and visitors, while protecting the city's public health, safety, general welfare and visual environment, these standards for wireless facilities are established to:

- Enhance the ability to provide wireless services to city residents, businesses and visitors.
- Protect the city's environmental resources and visual environment from the potential adverse visual effects of wireless facility development, through careful design and siting standards.
- Reduce the number of towers needed to provide communications services, by requiring placement of new facilities on existing structures wherever possible, and requiring co-location of wireless providers on existing and new towers.
- Use performance standards and incentives to promote the location of wireless facilities on concealed structures and existing buildings and towers.

##### 10.311.11.2 Definitions

- *Wireless facility*: equipment, physical plant and area of the property and/or building used to provide wireless services, including cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening, and parking areas. Also known as a cellular tower, cell site, or CMRS facility.
- *Wireless facility, attached*: wireless facility incorporating an antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole, or support structure other than an antenna tower.
- *Wireless facility, concealed*: wireless facility incorporating an antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a way appropriate to the site's context and surrounding environment. Examples of concealed antennas include manmade trees, clock towers, flagpoles, light structures, steeples, and similar objects.

##### 10.311.11.3 Permitted locations

###### 10.311.11.3.1 Attached facilities

Attached wireless facilities are permitted or considered as follows:

- Wireless equipment attached to or mounted on an existing building or structure (or later similar replacement structure) is permitted by right in the REC, B-1, B-2, LI, and I districts, subject to design review and approval by Development Services staff.
- Wireless equipment attached to or mounted on an existing building or structure (or later similar replacement structure) is permitted by right in the OT-5C and SD-A transect zones, subject to design review and approval by Development Services staff.
- Wireless equipment attached to or mounted on an existing building or structure (or substantially similar replacement structure) is considered subject to specific use permit review in the SF-R, SF-

1, SF-2, MF and MH districts.

- Wireless equipment attached to or mounted on an existing building or structure (or substantially similar replacement structure) is considered subject to specific use permit review in the T-1, T-2, T-3, T-4, T-5, OT-3, OT-4R, OT-4T, and OT-5H transect zones.
- Wireless equipment on residential buildings with less than four dwelling units is prohibited.

#### *10.311.11.3.2 Concealed freestanding facilities*

Concealed facilities are permitted or considered as follows:

- Concealed facilities no more than 40 ft. high are permitted by right, subject to design review and approval by Development Services staff, in the B-1, B-2, LI, I and REC districts.
- Concealed facilities no more than 40 ft. high are permitted by right, subject to design review and approval by Development Services staff, in the T-5, OT-5C, and SD-A transect zones.
- Concealed facilities no more than 40 ft. high at schools, places of worship, amenity centers, community facilities and other sites not primarily occupied by residential uses are considered subject to specific use permit review in the SF-R, SF-1, SF-2, MF and MH districts.
- Concealed facilities no more than 40 ft. high at schools, places of worship, amenity centers, community facilities and other sites not primarily occupied by residential uses are considered subject to specific use permit review in the T-1, T-2, T-3, T-4, OT-3, OT-4R, OT-4T, and OT-5H transect zones.

#### *10.311.11.3.3 Freestanding facilities*

Freestanding wireless facilities are permitted as follows:

- Freestanding wireless facilities are considered subject to specific use permit review in the B-2, LI, I and REC districts.
- Freestanding wireless facilities are considered subject to specific use permit review in the SD-A transect zone.
- Towers 35 ft. - 100 ft. tall must be separated from existing towers by at least 2,500 ft. Towers greater than 100 ft. tall must be separated from existing towers by at least 3,500 ft.

#### 10.311.11.4 Conditions: preferred facility types

Order of preference for new permanent wireless facilities, from most preferred to least preferred, is:

- Co-location on existing tower or broadcast antenna towers (if not technically possible, then);
- Attached antennas (if not technically possible, then);
- Concealed/stealth antennas

Freestanding antenna structures that are not concealed or “stealthed” are permitted only when no other viable options are available for the free standing facility.

#### 10.311.11.5 Conditions: co-location

##### *10.311.11.5.1 Cooperation*

- Wireless providers must cooperate in good faith to achieve collocation of wireless facilities and equipment with other wireless providers.
- Wireless providers cannot act to exclude other providers from co-locating on the same building, structure or location when co-location is structurally, technically and otherwise possible.

##### *10.311.11.5.2 Provisions for co-location at new facilities*

Freestanding wireless antenna support structures and facilities at least 35 ft. tall must be designed to accommodate two or more carriers.

#### 10.311.11.6 Conditions: design

##### *10.311.11.6.1 Setbacks*

- Freestanding wireless antenna towers must be set back a minimum distance of three times the tower height from limited access highways and major and minor arterials. Otherwise,

freestanding wireless antenna towers must be set back a distance equal to or more than the structure height from property lines.

- Ground mounted equipment setback standards are the same as for buildings in the underlying zoning district.

#### *10.311.11.6.2 Facility design*

- Wireless facilities must be consistent with the surrounding built environment (planned or existing) considering exterior materials, roof form, scale, mass, color, texture and character. Facilities must also be compatible with the surrounding natural environment considering landforms, topography, and other natural features.
- If a facility is an accessory use to an existing use, the facility must be constructed from materials equal to or better than the materials of the principal use.

#### *10.311.11.6.3 Attached antenna design*

- Building mounted antennae must be mounted flush as possible to the host structure, without projecting above the parapet.
- Roof mounted antennae may be no more than 10 ft. over the building height, and may exceed the maximum building height requirement in the underlying zoning district. Roof mounted antennae must be placed as close to the center of the roof as possible.
- Building and roof mounted antennae and supporting structures must be placed, painted and/or screened to be architecturally and visually compatible with the host structure, and integrated into the architectural details of the building as much as possible.

#### *10.311.11.6.4 Freestanding antenna design*

- Wireless towers, structures and equipment must be painted or coated with muted earth colors that provide camouflage and blend with the surrounding built and natural environment.
- Guyed towers are prohibited.

#### *10.311.11.6.5 Equipment building and cabinet design*

- Equipment buildings and screening walls must be compatible with the surrounding built environment, considering exterior materials, roof form, scale, mass, color, texture and character.
- Equipment buildings and screening walls must be constructed with materials that are equal to or better than the materials of the principal use.
- Equipment cabinets must be placed, painted and/or screened to be architecturally and visually compatible with the surrounding built and natural environment.

#### *10.311.11.6.6 Screening and landscaping*

- Screening and landscaping appropriate to the context of the site and in harmony with the character of the surrounding environment is required when part of a facility is visible from a public right-of-way or adjacent properties.
- Acceptable fencing materials include stone, brick, and decorative CMU. Chain link, wooden and precast fencing is prohibited. Berms may be used for screening.
- Landscaping must form a dense cluster at the base of the facility or screening wall. Trees spaced 30 ft. apart must be planted along the street of facilities that front on a public street.

#### *10.311.11.6.7 Lighting*

- Antenna structures cannot be artificially lighted unless required by the FAA or other state or federal agency.
- Beacons must be used instead of strobe lights if aviation-related safety lighting is required.
- Security lighting may be mounted no more than 20 ft. high, and must be directed towards the ground to reduce light pollution, prevent offsite light spillage, and avoid illuminating the tower.

#### *10.311.11.6.8 Noise*

Equipment cannot generate noise that may be heard beyond the site. Exceptions are generators used in emergencies where the regular power supply for a facility is temporarily interrupted, air

conditioners, and noise made during regular maintenance.

#### 10.311.11.7 Conditions: abandonment

- Wireless facilities are considered abandoned if they are unused by all providers at the facility for 180 consecutive days.
- Development Services staff may request documentation about tower or antenna usage from the facility owner.
- When abandoned, the facility owner must reuse the facility in 90 days, transfer the facility to another owner who will reuse it, or dismantle and remove the facility.

If the facility remains 90 days after abandonment, the city may remove it at the facility and/or property owner's expense. If the facility is removed, city approval of the facility will expire.

#### 10.311.11.8 Conditions: information disclosure

- Wireless providers must meet with Development Services staff at their request to give information about the proposed system design. Information will not be recorded and is treated as a confidential trade secret.
- Development Services staff may share non-confidential information with other interested parties seeking to place wireless facilities in the city, to promote co-location and co-development of facilities.

## 10.312 General performance standards

### 10.312.1 General

Permitted uses must conform in operation, location, and construction to general performance standards and use-specific performance standards. Standards in this section supplement related local (Code of Ordinances), state and federal standards.

### 10.312.2 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	No

### 10.312.3 Electrical and radio frequency disturbance

Uses cannot create electrical or radio frequency disturbance that adversely affects the operation of electrical and electronic equipment in the vicinity.

**10.312.4 Flammable and explosive materials**

## 10.312.4.1 Manufacture and storage of explosive materials

- Uses involving manufacture or storage of compounds or products that decompose by detonation are prohibited.
- Chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, pharmacists or wholesalers may be permitted when approved by the Williamson County Emergency Services District #3 / Hutto Fire Rescue.

## 10.312.4.2 Storage of flammable materials

Storage and use of flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products are permitted only when the storage or use conforms to Williamson County Emergency Services District #3 / Hutto Fire Rescue standards.

**10.312.5 Hazardous and waste materials**

Storage, use and handling of hazardous substances (as defined by the National Fire Protection Association Guide or successor publication) and/or waste, or the storage and disposal of solid, liquid, gaseous and/or sanitary waste, is prohibited.

**10.312.6 Lighting and glare**

## 10.312.6.1 Outdoor lighting

Outdoor lighting must conform to lighting design standards in Section 10.409.

## 10.312.6.2 Glare

Uses cannot produce intense glare or direct illumination across the bounding property line. Glare or light cannot be so intense that it creates a nuisance or detracts from the use and enjoyment of nearby properties.

**10.312.7 Noise**

Noise nuisances shall be governed per the City of Hutto Code of Ordinances Chapter 14, Division 2, Article 14.03 Noise.

**10.312.8 Odor**

## 10.312.8.1 Offensive and unhealthy odors

Uses generating odors of an intensity and character detrimental to the health, safety, welfare or comfort of the public must be removed, stopped, or modified to remove the odor. The odors must be reasonably prevented when perceptible at the property line.

## 10.312.8.2 Restaurants and food service

Cooking odor must be removed to the maximum extent possible using best available ventilation technology.

**10.312.9 Outdoor storage and display**

## 10.312.9.1 General items and equipment

General outdoor storage of equipment, machinery, building materials, shipping containers, pallets and similar materials is permitted only in the LI district, and must be screened in conformance to fence design standards in Section 10.408.5

## 10.312.9.2 General outdoor storage areas

Areas used for general outdoor storage as an accessory use to a commercial or industrial use must be

screened in conformance to fence design standards in Section 10.408.5.

#### 10.312.9.3 Junk

Outdoor storage of junk is prohibited.

#### 10.312.9.4 Off-site storage

Outdoor storage and display of items not related to a business on the property is permitted only in the LI district, screened in conformance to fence design standards in Section 10.408.5.

#### 10.312.9.5 Recreational vehicles and boat storage

- Storage areas for resident-owned recreational vehicles and boats may be designated in residential developments either during the initial review of the development, or later considered subject to specific use permit review. Storage areas must be owned and maintained by a homeowners association.
- Otherwise, off-site storage of recreational vehicles and boats is permitted only in the LI district on a parcel approved for vehicle storage use in Section 10.308.11.

#### 10.312.9.6 Trash enclosures

Storage areas, solid waste dumpsters, trash compactors and large items for solid waste pick-up must be screened in conformance to architecture and fence design standards in Chapter 4 (Site design standards).

Trash enclosure design standards are detailed in Chapter 4 (Site design standards).

#### 10.312.9.7 Vehicles for sale

- Outdoor display of vehicles for sale or rent, at sites approved for that use, must conform to the following standards.
- Vehicles cannot be displayed or stored in the public right-of-way, private access roads or drive aisles.
- Vehicles cannot be displayed or stored in landscape areas or buffers.
- Vehicles cannot be displayed or stored on elevated pads, ramps, or similar structures.
- Only automobiles, vans, light trucks, and sport utility vehicles with a gross vehicle weight of <7,500 pounds intended for sale or rental to the general consumer market may be parked in the row closest to the public right-of-way. Vehicles in the parking row closest to the public right-of-way cannot display attention-getting displays and devices normally not found on vehicles owned by the general public.
- Inventory parking cannot cause the amount of parking available for customers, employees and general loading to decrease below the minimum amount required by Section 10.405.9.
- Inventory must be screened from adjacent residential properties in conformance to fence design standards in Section 10.408. Inventory cannot be visible above the peak of the wall when viewed by a person of normal height standing on the ground of adjacent properties.

#### 10.312.9.8 Vehicles to be repaired

- Vehicles storage for repair is permitted only on parcels approved for minor and major vehicle repair businesses.
- Vehicles stored for repair, and related parts, must be placed in an area inside the building envelope, screened in conformance to fence design standards in Section 10.408.
- Vehicles and parts cannot be visible above the peak of the wall when viewed by a person of normal height standing on the ground of adjacent properties or the closest rights-of-way.
- Vehicles and parts must be set back at least 20 ft. from adjacent residential properties.
- Ten or less wrecked or inoperable vehicles may be stored outdoors at a major vehicle repair businesses, for active restoration projects or customer repair work. Wrecked or inoperable vehicles must be stored inside screened areas per Section 10.408.

#### 10.312.9.9 Other products for sale

- Outdoor sales of items not described above must conform to the following standards.
- Outdoor display of items normally produced or sold in the principal structure on the property is permitted during business hours only.
- Inventory cannot be displayed between the principal structure and the public right-of-way, except an area 10 ft. of the front of the building and 20 ft. on both sides of the entrance. Exceptions are landscaping materials, nursery stock, sidewalk sales and street fairs, farmer's markets, Christmas tree sales, and garage sales.
- Inventory cannot be displayed or stored in landscape areas or buffers; in the public right-of-way or on private access roads; or on elevated pads, ramps and similar structures.
- Inventory must be screened from adjacent residential properties in conformance to fence design standards in Section 10.408. Inventory cannot be visible above the peak of the wall when viewed by a person of normal height standing on the ground of adjacent properties.
- Inventory must be set back at least 20 ft. from adjacent residential properties.

#### 10.312.9.10 Large items

Large items must be presented and stored in a way that minimizes their visual impact. Extending vertical elements of man lifts, cranes, truck mounted cement pumps and similar equipment must be kept lower. Large items may be subject to specific use permit review.

#### 10.312.9.11 Excepted uses

Screening standards do not apply to working farm equipment used on an operating farm, or construction equipment, vehicles, building materials and field offices for use on the property while a building permit is in effect for construction.

Fences and wall design standards are detailed in Section 10.408.

### 10.312.10 Smoke and particulate matter

#### 10.312.10.1 Air pollution

Uses cannot discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in a concentration that is detrimental to health, animals, vegetation or property, or conflicts with public air quality standards as set by the Texas Commission on Environmental Quality and Texas Open Burning Act.

#### 10.312.10.2 Fugitive dust

Uses generating fugitive dust and particulate matter must be conducted so dust and particulates are not transported across the bounding property line in concentrations of four grains per 1000 cu. ft. of air or more.

#### 10.312.10.3 Gases

Uses cannot emit gas that is injurious or destructive, harmful to person or property, or explosive.

### 10.312.11 Traffic impact

Development Services or Public Works staff may require a traffic study for proposals for development projected to generate at least 100 peak hour vehicle trips. When a traffic impact study is required, the type and scope of the study will be decided during a pre-application meeting with Development Services and Public Works staff. Representatives from other agencies and departments may also be involved.

### 10.312.12 Toxic and noxious matter

Maximum concentration of toxic or noxious matter across a bounding property line is 10% of the threshold limit for an industrial worker as determined by state or federal standards, whichever is stricter.

### 10.312.13 Vibration

Uses cannot generate earth borne vibration limits at the bounding property line that would be detectable without the aid of instruments.