



## **RESOLUTION NO. 20230627-01**

### **A RESOLUTION AMENDING A LAND USE AND SITE DESIGN POLICY FOR ALL TEXAMERICAS CENTER CAMPUSES**

**WHEREAS**, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; and

**WHEREAS**, on September 25, 2018 by Resolution #20180925-23 the Board of Directors found that it was in the best interest of TexAmericas Center in fulfilling its role and obligations to redevelop its property for job creation and economic growth to adopt a Land Use and Site Design Policy regulating the uses, standards and requirements for development of property located within the boundaries of its three campuses; and

**WHEREAS**, on September 25, 2018 by Resolution #20180925-23 the Board of Directors found that in order to implement a Land Use and Site Design Policy, it was necessary to adopt a Land Use Map indicating the uses which may be made of property located within the boundaries of the authority; and

**WHEREAS**, it is now necessary to amend the Land Use and Site Design Policy to add criteria originally not included and to update certain criteria standards on the property.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors does hereby adopt and impose upon its property known as the TexAmericas Center-East Campus, the TexAmericas Center-Central Campus, and the TexAmericas Center-West Campus, an amended Land Use and Site Design Policy, including Land Use Map as set forth in said Policy attached hereto as Exhibit "A"; and

**BE IT FURTHER RESOLVED**, that as provided in said Land Use and Site Design Policy, the Board of Directors reserves the right to amend the Policy and the Land Use Map from time to time in accordance with the provisions set forth in said plan.

**PASSED and APPROVED this 27<sup>th</sup> day of June 2023.**



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**Jim Roberts, Chairman of the Board**

**ATTEST:**



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**Justin Powell, Secretary**

Attached: Exhibit "A" – Land Use and Site Design Policy & Land Use Map



**TEXAMERICAS CENTER  
AMENDED  
DECLARATION OF LAND USE AND SITE DESIGN POLICY  
AS RESTRICTIVE COVENANTS  
(JUNE 27, 2023)**

This Declaration is made this 27<sup>th</sup> day of June, 2023, by TexAmericas Center (hereinafter called "TAC"), a political subdivision of the State of Texas, and TAC East Holdings Company No. 1, a Texas nonprofit corporation (hereinafter called "TAC East") with reference to the following facts:

Recitals

**WHEREAS**, TAC was formerly known as the Red River Redevelopment Authority, an entity created in 1997 to receive and redevelop surplus military property in the County of Bowie, Texas;

**WHEREAS**, TAC operates as a Special District pursuant to Chapter 3503 of the Special District Local Laws Code of the State of Texas;

**WHEREAS**, TAC East is a Texas nonprofit corporation organized by TAC as a title holding company;

**WHEREAS**, TAC and TAC East previously executed a Declaration of Land Use and Site Design Policy as Restrictive Covenants which was filed and recorded as Document Number 2021-00006145 in the Official Records of Bowie County, Texas, and applicable to the properties described in Exhibits "A", "B" and "C" attached hereto; and

**WHEREAS**, TAC and TAC East have amended the Declaration of Land Use and Site Design Policy by action of the Boards of Directors of TAC and TAC East on the 27<sup>th</sup> day of June, 2023, to read as set forth in the Land Use and Site Design Policy attached hereto as Exhibit "D" ;

TAC and TAC East do hereby declare the Amended Land Use and Site Design Policy attached hereto as Exhibit "D" to be restrictive covenants enforceable against the properties described in Exhibits "A", "B", and "C" attached hereto.

The Amended Declaration as set forth in this document controls in the event of a conflict with the original Declaration dated May 25, 2021.

TAC and TAC East reserve the right to revise, amend, alter and/or revoke said Land Use and Site Design Policy as long as TAC and/or TAC East own 25% or more of said properties.

Theses restrictive covenants shall be binding upon the properties for a period of 25 years from and after, May 25, 2021, and shall automatically renew for an additional 25 years unless the owners of 75% of the properties elect to terminate these restrictions prior to the end of the original 25 years by executing a written refusal to renew and having the same recorded in the Real Property Records of Bowie County, Texas, prior to the expiration of the original 25-year term.

EXECUTED this 27<sup>th</sup> day of June, 2023.

**TAC EAST HOLDINGS COMPANY NO. 1**

By: *William Scott Norton*  
William Scott Norton, President

**TEXAMERICAS CENTER**

By: *William Scott Norton*  
William Scott Norton,  
Executive Director/CEO

STATE OF TEXAS

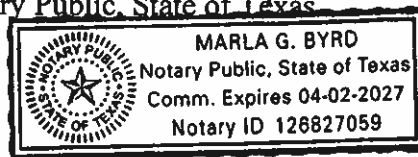
COUNTY OF BOWIE

This instrument was acknowledged before me on this the 13<sup>th</sup> day of July, 2023, by William Scott Norton, President, TAC East Holdings Company No. 1, on behalf of said corporation.

*Marla G. Byrd*  
Notary Public, State of Texas

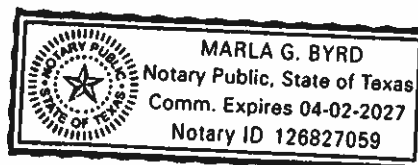
STATE OF TEXAS

COUNTY OF BOWIE



This instrument was acknowledged before me on this the 13<sup>th</sup> day of July, 2023, by William Scott Norton, Executive Director/CEO, TexAmericas Center, on behalf of said corporation.

*Marla G. Byrd*  
Notary Public, State of Texas



**EXHIBIT "A"**  
**(TAC CENTRAL CAMPUS)**

All that certain 765.5 acres more or less conveyed by the United States of America to Red River Redevelopment Authority by that certain Deed Without Warranty dated September 30, 1999, recorded in Volume 3072, Page 161 of the Real Property Records of Bowie County, Texas, save and except the following described tracts:

1. All that certain property conveyed by Red River Redevelopment authority to Oak Grove Land Co. LP by Special Warranty Deed dated August 28, 2008, and recorded in Volume 5454, Page 137 of the Real Property Records of Bowie County, Texas.
2. All that certain property conveyed by Red River Redevelopment Authority to The W.W. Williams Company by Warranty Deed with Vendor's Lien dated March 28, 2008, and recorded in Volume 5359, Page 26 of the Real Property Records of Bowie County, Texas.
3. All that certain property conveyed by Red River Redevelopment Authority to Red River Property, LLC by Warranty Deed with Vendor's Lien dated March 28, 2008, and recorded in Volume 5354, Page 200 of the Real Property Records of Bowie County, Texas.
4. All that certain property conveyed by Red River Redevelopment Authority to Red River Biodiesel, Ltd. by Correction Special Warranty Deed dated June 8, 2007, and recorded in Volume 5174, Page 88 of the Real Property Records of Bowie County, Texas.
5. All that certain property conveyed by Red River Redevelopment Authority to Quail Tools, L.P. by Correction Special Warranty Deed dated May 23, 2006, and recorded in Volume 4923, Page 200 of the Real Property Records of Bowie County, Texas.
6. All that certain Property conveyed by Red River Redevelopment Authority to Oak Grove Golf Club, L.L.C. by Correction Special Warranty Deed dated August 10, 2000, and recorded in Volume 3330, Page 166 of the Real Property Records of Bowie County, Texas.
7. All that certain property conveyed by Red River Redevelopment Authority to Oak Grove Golf Club, LLC by Special Warranty Deed dated May 31, 2000, and recorded in Volume 3275, Page 230 of the Real Property Records of Bowie County, Texas.
8. All that certain property conveyed by TexAmericas Center to Oak Grove Golf Club, LLC by Special Warranty Deed dated June 28, 2011, and recorded in Volume 6064, Page 219 of the Real Property Records of Bowie County, Texas.
9. All that certain property conveyed by TexAmericas Center to Red River Employees Federal Credit Union by Special Warranty Deed dated July 31, 2012, and recorded in Volume 6277, Page 1 of the Real Property Records of Bowie County, Texas.
10. All that certain property conveyed by TexAmericas Center to REG New Boston by Special Warranty Deed dated June 14, 2016, recorded as Document Number 2016-7862 in the office of the County Clerk of Bowie County, Texas.

**EXHIBIT "B"**  
**(TAC EAST CAMPUS)**

**TRACT ONE:**

All that certain 8,867 acres more or less, conveyed by the United States of America to Red River Redevelopment Authority by that certain Deed Without Warranty dated September 1, 2010, and recorded in Volume 5898, Page 1 of the Real Property Records of Bowie County, Texas.

SAVE and EXCEPT that certain 0.229 acres of land, more or less, conveyed by TexAmericas Center to Charles D. Crumpton by Special Warranty Deed dated November 9, 2012, and recorded in Volume 6341, Page 85 of the Real Property Records of Bowie County, Texas.

Further, SAVE and EXCEPT that certain 5.086 acres, more or less, conveyed by TexAmericas Center to Riverbend Water Resources District By Deed Without Warranty dated May 1, 2016, recorded as Document Number 2016-5597 in the office of the County Clerk of Bowie County, Texas.

Further, SAVE and EXCEPT that certain 0.471 acre, more or less, conveyed by TexAmericas Center to Navitas Utility Texas, LLC by Special Warranty Deed dated January 27, 2017, and recorded as Document Number 2017-1157 in the office of the County Clerk of Bowie County, Texas.

Further, SAVE and EXCEPT that certain 10 acres, more or less, conveyed by TexAmericas Center to Hooks Special Industrial Development Corporation by Special Warranty Deed dated July 27, 2016, and recorded as Document Number 2016-9037 in the office of the County Clerk of Bowie County, Texas.

**TRACT TWO:**

All that certain 0.229 acres of land, more or less, conveyed by Charles D. Crumpton to TexAmericas Center by that certain Warranty Deed dated November 9, 2012, and recorded in Volume 6341, Page 24 of the Real Property Records of Bowie County, Texas.

**EXHIBIT "C"**  
**(TAC WEST CAMPUS)**

All that certain 2,850.665 acres, more or less, conveyed by the United States of America to TexAmericas Center by that certain Deed Without Warranty dated September 30, 2011, and recorded in Volume 6114, Page 1 of the Real Property Records of Bowie County, Texas.

**EXHIBIT "D"**  
**Land Use and Site Design Policy**  
**Follows this Page**





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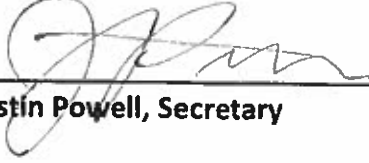
**PASSED and APPROVED this 27<sup>th</sup> day of June 2023.**



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**Jim Roberts, Chairman of the Board**

**ATTEST:**



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**Justin Powell, Secretary**

Attached: Exhibit "A" – Land Use and Site Design Policy & Land Use Map

## **LAND USE & SITE DESIGN POLICY**

### **Sec. 1. - Introduction**

- (a) *Short title.* This chapter shall be known and may be cited as "The TexAmericas Center Land Use & Site Design Policy." This chapter may also be cited as the "TexAmericas Land Use Policy", "TAC Land Use Policy", "Land Use Policy", "TexAmericas Center Site Design Policy", "TAC Site Design Policy", "Site Design Policy" or the 'Site Design Requirements".
- (b) *The TexAmericas Center Land Use Map adopted.* The official land use map is hereby adopted and incorporated herein.
- (c) *Minimum standards.* The requirements of these regulations are minimum permissible standards; and it is expected that developers and the respective decision-making authority will normally strive for quality developments which will exceed these minimum requirements.

### **Sec. 2. - Purpose.**

The land uses and regulations as herein established have been made for the purpose of promoting the health, safety, morals and general welfare of TexAmericas Center (TAC). They have been designed to regulate and restrict the height, number of stories and size of buildings and other structures; the percentage of the lot that may be occupied; the size of the yards and other open spaces; the location and use of buildings, structures and land for business and other purposes; to regulate the construction, alteration, reconstruction or razing of buildings and other structures; to place requirements on the level of noise generated on property and land uses; to secure safety from fire, panic and other dangers; to provide adequate light, air and prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sanitary sewer, stormwater drainage and other public and private infrastructure; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout TAC.

### **Sec. 3. - Definitions**

- (a) Words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number; the term "building" includes the term "structure;" the term "lot" includes the terms "plot" or "tract;" the term "shall" is mandatory and not discretionary.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory use* means a use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

*Alley* means a public space or thoroughfare which affords only secondary means of access to property abutting thereon.

*Apartment* means a room, or suite of rooms, in a multifamily dwelling or apartment house arranged, designed or occupied as a place of residence by a single-family, individual or group of individuals.

*Apartment house* means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

*Architect* means a person holding a certificate of registration to practice architecture in the State of Texas.

*Area of the lot* means the net area of the lot and shall not include portions of streets and alleys.

*Authority Means* TexAmericas Center

*Basement* means a building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

*Block* means an area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

*Board or Board of Directors or BOD* means the appointed governing/decision-making body of TexAmericas Center.

*Brewery, Microbrewery, distillery, microdistillery or winery* means an establishment for the manufacture, blending, fermentation, processing, packaging and sale of alcoholic beverages (such as beer, ale, wine or spirits) that takes place wholly inside a building.

*Building* means any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

*Building ends* means those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for a multiple-family dwelling, the term "building end" shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

*Building line* means a line parallel to the property line at a specified distance therefrom making the minimum distance from the street line that a building may be erected.

*Cell Tower* means a self-supporting, open steel frame structure used to support telecommunications equipment.

*Cellar* means a building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

*Central preparation facility/commissary* means a facility that is an approved and permitted retail food establishment at which food is prepared, stored, and wrapped; and the mobile food unit is supplied with fresh water and ice; and emptied of waste water into a proper waste disposal system; and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink. Use of a private residence as a central preparation facility is prohibited.

*Certificate of Occupancy* means an official certificate issued by TAC through the enforcing official which indicates conformance with or approved conditional waiver from the land use regulations and authorizes legal use of the premises for which it is issued.

*Clinic* means a group of offices for one or more physicians, surgeons or dentists to treat sick or injured out-patients who do not remain overnight.

*Court* means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

*Coverage* means the percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of three feet from the walls of a building shall be excluded from coverage computations.

*District* means a section of TAC for which the regulations governing the area, height or use of the land and buildings are uniform.

*Director or Executive Director* means the Executive Director of TexAmericas Center.

*Dwelling, multiple-family*, means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

*Dwelling, one-family*, means a detached building having accommodations for and occupied by not more than one family, or by one family and not more than three boarders and lodgers.

*Dwelling, two-family*, means a detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than three boarders and lodgers.

*Dwelling unit* means a building, or portion of a building, which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

*Engineer or Professional Engineer* means a person holding a license to practice engineering in the State of Texas.

*Executive Director*. See *Director*

*Family* means any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage or adoption.

*Floor area* means the total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding cellars, carports or garages.

*Floor area ratio (FAR)* means the ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

*Food Operations* means the manufacturing, packaging, producing, processing, transporting, storing, selling, commercially preparing or otherwise handling food, ice or drinks, whether offered for sale, given in exchange or given away for use as food or offered for human consumption.

*Food truck court* means an area designed to accommodate two or more mobile food units and offering food and/or beverages for sale to the public as the primary use of the property; functioning as a single business.

*Height* means the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

- (1) The highest point of the roofs surface if a flat surface;
- (2) To the deck line of mansard roofs; or
- (3) To the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks,

water towers, radio towers, ornamental cupolas, domes or spires and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

*Legal height* means the maximum height of a building.

*Lot* means land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

*Lot coverage* means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross-sectional area of a building.

*Lot depth* means the mean distance between the front and rear lot lines.

*Lot lines* means the lines bounding a lot, as defined herein.

*Lot of record* means a lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of the county or a parcel of land, the deed for which it is recorded in the office of the county clerk of the county prior to the adoption of the ordinance from which this chapter is derived.

*Lot width* means the width of a lot at the front building line.

*Main building* means the building, or buildings, on a lot which are occupied by the primary use.

*Municipal Solid Waste Landfill* is a publicly or privately owned solid waste disposal facility designed to accommodate and dispose of certain types of solid waste, not to include hazardous waste substances. A Municipal Solid Waste Landfill must be certified and licensed by the State Department of Health (THD) and the Texas Commission on Environmental Quality (TCEQ).

*Nonconforming use* means a building, structure or use of land lawfully occupied at the time of the effective date of the ordinance from which this chapter is derived or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

*Occupancy* means the use or intended use of the land or buildings by proprietors or tenants.

*Open space* means the area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky, except for the ordinary projections of cornices, eaves, porches and plant material.

*Parking space* means an enclosed or unenclosed paved surface area of not less than 180 square feet, usually measuring nine feet (9') by twenty feet (20') or ten feet (10') by eighteen feet (18'), connected to a paved private driveway aisle or access apron which, in turn, connects to a publicly maintained street or paved public alley. A paved surface on private property is further defined as being concrete, hot mix asphaltic concrete, cold mix limestone rock asphalt, or one or more courses of asphalt oil and rock aggregate on a flexible base, except any gravel or stone parking space and connecting driveway that was in existence prior to the adoption of the ordinance from which this chapter is derived is exempt. If an alley or a portion of an alley is to be paved, it shall be paved with concrete or hot mix asphaltic concrete in accordance with TAC's minimum paving standards. All required off-street parking spaces shall be clearly marked with paint or some other permanent pavement marking material.

*Private garage* means an accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

*Residence* means the same as a dwelling; also defined as the same when used with district or area of residential regulations.

*Recycling Facility* means a facility for the collection and/or processing of recyclable materials, primarily household and communal waste. Processing recyclable materials for shipment may entail baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding, or other similar means. All storage and recycling activities shall be conducted within a fully enclosed building. A recycling facility does not include "Junk or Salvage" establishments and does not include the washing of equipment.

*Sign* means any structure, device or contrivance, electric or non-electric, upon which any poster, bill, bulletin, printing, lettering, painting, device or other advertising of any kind whatsoever is used, placed, posted, tacked, nailed, pasted or otherwise fastened, affixed or displayed on premises.

*Story* means the height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven feet, six inches (11'-6").

*Street* means any thoroughfare or public driveway, other than an alley, and more than thirty feet (30') in width, which has been dedicated or deeded to the public for public use.

*Street line* means a dividing line between a lot, tract or parcel of land and a contiguous street use; the right-of-way or property line.

*Structural alterations* means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.

*Structure.* See *Building*.

*TAC* means TexAmericas Center

*Thoroughfare.* See *Street*.

*Yard* means an open space other than a court, on the lot in which a building is situated and which is not obstructed from a point forty inches (40") above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

*Yard, front,* means an open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

*Yard, rear,* means an open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

*Yard, side,* means an open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line.

*Variance* means an adjustment in the application of the specific regulations of this chapter to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

*Land Use Map* means the official certified map upon which the boundaries of the various land use districts are drawn and which is an integral part of this chapter.

**Sec. 4 - Land Use Districts established**

TAC is hereby divided into seven (7) land use districts. The use, height and area regulations as set out herein are uniform throughout each district. The districts established herein shall be known as:

Abbreviated Designation	Land Use District Name
T1	Technology District 1
T2	Technology District 2
R	Residential District
NS	Neighborhood Service District
C	Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

**Sec. 5 - Land Use Map.**

- (a) The boundaries of the land use districts set out herein are delineated upon the land use map of TAC, said map being a part of this chapter as fully as if the same were set forth herein in detail.
- (b) A copy of the TexAmericas Land Use Map bearing the signature of the Executive Director of TexAmericas Center shall be available at the TexAmericas Center offices and kept up to date by posting all subsequent changes and amendments for use in issuing building permits, certificates of compliance and occupancy and enforcing this chapter.

**Sec. 6 - Land Use District Boundaries.**

- (a) The district boundary lines shown on the land use maps are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official land use map, the following rules shall apply:
  - (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow the centerlines of such streets.
  - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - (3) Boundaries indicated as approximately following TAC boundary limits shall be construed as following TAC boundary limits.



- (4) Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.
  - (5) Boundaries indicated as following shore lines or centerlines of streams shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainageways or draws shall be construed to follow such centerlines.
  - (6) Boundaries indicated as parallel to or extensions of features indicated in subsection (a)(1) through (5) of this section shall be so construed. Distances not specifically indicated on the original land use maps shall be determined by the scale of the map.
  - (7) Whenever any street, alley, thoroughfare or other public way is vacated by official action of the Board or whenever such area is franchised for building purposes and the land use district line is not simultaneously adjusted, the land use district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
- (b) Where physical features on the ground are at variance with information shown on the official land use district map or when there arises a questions as to how or whether a use is allowed on a parcel of property and such question cannot be resolved by the application of the provisions of subsections (a)(1) through (7) of this section, the property shall be considered as classified LI Light Industrial District temporarily in the same manner as provided for newly acquired territory and the issuance of a building permit and the determination of permanent land use shall be in accordance with the provisions provided in section 7 for temporarily classified areas.

**Sec. 7 - Amendments to this Chapter or to Land Use Map.**

- (a) The Board may, by the adoption of an ordinance or Resolution, amend, supplement or change the regulations or text of this article or the classification or boundary of a land use district. Any property owner may petition the Board for a change or amendment in the classification or boundary of the owner's property or for a change or amendment in the regulations or text of this article.
- (b) The Director, or its designee, shall hold a public hearing on any change or amendment prior to making its report and recommendation to the Board. The Director shall submit its report and recommendation on any changes or amendments to the Board before the Board can take any action on those changes or amendments. When a change or amendment relates to a classification or boundary of a land use district, written notice of such public hearing of the Director shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice shall be given to each owner as shown on the last approved county tax roll by depositing the notice, properly addressed and postage paid, in the post office not less than ten days before the date of the public hearing. When a change or amendment relates to the regulations or text of this article not affecting specific property, notice of the public hearing before the Board shall be given not less than ten days before the hearing by publication in a newspaper of general circulation in the county, without the necessity of notifying property owners by mail. Such notice shall

state the date, time and place of the public hearing and the nature of the subject to be considered.

- (c) The Board shall hold a public hearing on any amendment or change to the regulations or text of this article or any amendment or change to the classification or boundary of a land use district. Notice of such public hearing shall be given by publication of the date, time and place of such hearing and the nature of the subject to be considered in a newspaper of general circulation in the county not less than 15 days before the hearing.
- (d) A majority vote of the Board shall be required to adopt an ordinance approving any amendment or change, except that a three-fourths vote of the Board shall be required when either:
  - (1) The Director has recommended for denial of an amendment or change; or
  - (2) A written protest against an amendment or change has been filed which is signed by the owners of 20 percent or more of the area included in such change or signed by the owners of 20 percent or more of the area within 200 feet of such change. In order to be considered, the petition must be received by the Director before the meeting at which the item is to be heard.
- (e) In the event an amendment or change affecting the classification or boundary of a land use district, for which application has been made, is not approved, no person shall file a subsequent request for an amendment on the same lot or tract for a period of one year from the date of such action, except that a subsequent request can be submitted at any time if such request is to a more restrictive land use classification than was not approved or if the request was denied without prejudice by the Board.
- (f) A person requesting an amendment or change of the regulations or text of this article or the classification or boundary of a land use district shall provide a nonrefundable filing fee in an amount as established by the Board from time to time and on file in TAC's office or website.

## **Sec. 8 - Temporary Classification of Annexed Territory**

- (a) All territory hereafter acquired by TAC shall be temporarily classified as the land use district classification specified in the Resolution authorizing acquisition of said territory, or shall be temporarily classified as being in the Light Industrial District (LI). Permanent classification of the newly acquired property should be accomplished within one year after annexation. The procedure for establishing a permanent land use classification of annexed territory shall conform to the procedure established in Section 9.
- (b) In an area temporarily classified as Light Industrial District (LI):
  - (1) No person shall erect, construct or add to any building or structure or cause the same to be done in any newly acquired territory by TAC without first applying for and obtaining a building permit and a certificate of occupancy therefor from TAC as may be required herein.
  - (2) No permit for the construction of a building or use of land shall be issued by TAC other than to permit the construction of a building or use permitted in the Light Industrial District (LI), unless and until, such territory has been reclassified to some other land use district as provided in Section 9, except that a building permit may be issued in accordance with the provisions of subsection (b)(3) of this section.
  - (3) An application for a permit for any use other than that specifically permitted in the Light Industrial District (LI) may be made to TAC, and to the Executive Director for consideration and recommendation to the Board. The Executive Director shall take into consideration the appropriate land use for the area. The Board, after receiving and reviewing the recommendations of the Executive Director may, by majority vote, authorize the issuance of a building permit or certificate of occupancy or may disapprove the application.

## **Sec. 9 - Classification of New and Unlisted Uses.**

It is recognized that new types of land uses will develop and forms of land use not anticipated may seek to locate in TAC. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made by the Operations Department. Any applicant that is in disagreement with the decision of the Operations Department shall have the right to appeal such decision in writing to the Executive Director. The Executive Director shall, within ten (10) business days of the request, make a ruling on the decision. Any person who is in disagreement with the decision of the Executive Director, shall within ten (10) business days of that decision, file an appeal to the Board of Directors by making a request through the office of the Executive Director. The appeal should state what areas, in the opinion of the person adversely affected, the decision of the Executive Director disagrees with provisions or the intent of this chapter. It shall be the duty of the Board to hear any such appeal within a reasonable amount of time, which shall not exceed 75 days.

## **Sec. 10 - Use Regulation in Districts.**

Land and buildings in each of the classified districts may be used for any of the listed uses, but no land shall hereafter be used and no building or structure shall hereafter be erected, altered, converted, used or occupied which is arranged, designed or used for other than those uses specified for the district in which it is located as set forth by the schedule of uses.

**Sec. 11 - Specific use permits.**

The Board, after public hearing and proper notice to all parties affected and after recommendations by the Executive Director, may authorize the issuance of specific use permits for the uses indicated by "S" in the use schedule in Section 12. The Executive Director, in considering and determining its recommendations to the Board on any request for a specific use permit, may require from the applicant, plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. The Board may, in the interest of public welfare and to ensure compliance with this article, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the Board may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions.

**Sec. 12 - Legend for Interpreting Schedule of Use**

(a) The following legend may be used in interpreting the schedule of use:

	Designates use permitted in district indicated.
	Designates use prohibited in district indicated.
S	Indicates use may be approved as specific use permit. (See Section 11.)

(b) Permitted Use Schedule

Types of Uses	Technology District 1 (T1)	Technology District 2 (T2)	Residential District (R)	Neighborhood Services (NS)	Commercial (C)	Light Industrial (LI)	Heavy Industrial (HI)
<b>Residential Uses</b>							
One-family dwelling detached							
One-family dwelling attached							
Two-family dwelling							
Multiple-family dwelling							

Accessory building (residential)							
Accessory building (non-residential)							
Accessory building (farm)							
Stable (private)							
Caretakers quarters			S				
Swimming pool (private)							
<b>Utility &amp; Service Uses</b>							
Electrical substation			S				
Electrical energy generating plant	S	S					
Electrical transmission line							
Fire station (without housing)							
Gas line and regulating station							
Local utility line							
Municipal Solid Waste Landfill						S	S
Public building, shop or yard of local, state or federal agency	S	S	S	S	S	S	S
Radio, television, microwave or cell towers	S	S	S	S	S	S	S
Radio or television transmitting station	S	S	S	S	S	S	S
Recycling Facility						S	S
Sewage pumping station							
Sewage treatment plant	S	S					
Trash transfer station							
Telephone business office							
Telephone exchange, switching relay or transmitting station							
Utility shops or storage yards or buildings (private)							
Elevated water storage				S	S		
Water pumping station				S	S		
Off-street parking incidental to main use							
Water treatment plant	S	S					

<b>Recreational &amp; Entertainment Uses</b>							
Amusement commercial (outdoor)	S	S		S	S	S	S
Amusement commercial (indoor)	S	S		S	S	S	S
Drag strip or commercial racing		S			S	S	S
Go cart track		S		S	S	S	S
Park or playground (public)	S	S	S	S	S		
Playfield or stadium (public)	S	S	S	S	S	S	S
Pistol and rifle range (indoor)		S				S	S
Riding club		S					
Rodeo grounds		S					
Theater or playhouse in building	S	S		S	S		
Zoo (public)		S					
Zoo (commercial)		S					
<b>Educational, Institutional &amp; Special Uses</b>							
Arboretum		S					
Cemetery or mausoleum	S	S	S	S	S	S	S
College or university							
Institution for alcoholic, narcotic or psychiatric patients				S	S		
Fairgrounds or Exhibition area		S		S	S		
Community center (public)	S	S	S	S	S	S	S
Kindergarten, nursery, private school or day care				S	S		
Neighborhood health center							
School, business	S	S		S	S	S	S
School, commercial trade	S	S		S	S	S	S
Conference or training seminar center	S	S		S	S	S	S
Union hall and related semi-public office	S	S		S	S	S	S
<b>Transportation Related Uses</b>							
Airport or landing field	S	S				S	S
Bus station or terminal				S	S		
Hauling or storage company				S	S	S	S

Heliport	S	S		S	S	S	S
Motor freight terminal		S					
Railroad freight terminal							
Railroad yard or roundhouse							
Parking lot, truck	S				S		
<b>Automobile &amp; Related Uses</b>							
Auto glass or seat cover shop							
Auto laundry/car wash							
Auto parts and accessory sales (indoor)							
Auto parts and accessory sales (outdoor display)							
Auto painting or body rebuilding shop							
Automobile repair garage (including transmissions)							
Minor vehicle and repair shop							
Auto storage						S	
Gasoline or fuel service station							
Self-serve sale of gasoline and/or diesel fuel							
Steam cleaning of vehicles or machinery						S	S
Tire retreading or capping							S
Wrecking or scrap salvage yard							S
<b>Retail and Related Service Uses</b>							
Antique shop							
Bakery shop (retail)							
Bank or savings and loan office							
Barber or beauty shop							
Book store							
Camera shop							
Cleaning plant, commercial							
Cleaning shop or laundry							
Cleaning or laundry self- service shop							
Clinic, medical or dental							
Department store or discount							

store						
Drug store or pharmacy						
Florist shop						
Food and beverage sales store						
Food truck court				S	S	S
Furniture or appliance store						
Garden shop and plant sales						
Handcraft and art objects, sales						
Hardware store or hobby shop						
Laboratory, medical or dental					S	S
Medical appliances, fitting, sales or rental						
Mini-warehouses			S	S	S	
Mortuary						
Offices, general business or professional						
Optical shop or laboratory						
Pawn shop						
Pet shop, small animals, birds and fish						
Real estate model homes						
Repair of appliances, TV, radio and similar equipment						
Restaurant						
Retail store						
Studio, decorator & display of art objects						
Studio, health reducing or similar service						
Studio, photographer, artist, music, drama or dance						
Tool rental (in structure)					S	S
Tool rental (outdoor)					S	S
Travel bureau or consultant						
Variety store or other retail outlet store						
Veterinarian, office only (no animal hospital)						



<b>Sign &amp; Identification Uses</b>						
Real estate sign						
Construction sign						
Promotional sign						
Institutional sign						
Apartment name sign						
Advertising sign (off-premises or billboard)				S	S	
Advertising sign (on-premises)			S	S		
Changeable electronic variable message sign (CEVMS)(Off-Premises or billboard)				S	S	
Changeable electronic variable message sign (CEVMS) (on-premises)			S	S		
<b>Agricultural Uses</b>						
Farm or ranch (non-residential)						
Livestock auction						
Hatchery, poultry						
Animal pound (public or private)	S					
Animal clinic, hospital, or kennel (no outside pens)			S	S		
Animal clinic, hospital, or kennel (outside pens)						
Animal feeding lot	S					
Food Operations	S				S	S
Greenhouse or plant nursery (commercial)						
<b>Commercial Uses</b>						
Bakery wholesale						
Boat sales and repair						
Brewery, distillery or winery						
Building material sales					S	S
Cabinet and upholstery shop					S	S
Central preparation facility/commissary					S	S
Cleaning, dyeing or laundry plant						
Clothing or similar light						S



<b>Special Industrial Processes</b>						
Asphalt or concrete batching plant, permanent						
Asphalt or concrete batching plant, temporary						
Brick kiln or tile plant						
Cement or hydrated lime plant						
Dump or sanitary fill area						
Open salvage yard for vehicles, machinery, etc.					S	S
Meat packing plant		S			S	S
Smelter or refinery						
<b>General Manufacturing &amp; Industrial Uses</b>						
Light manufacturing or industrial use						
Heavy manufacturing or industrial use						

**Sec. 13 - Lot regulations.**

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located, unless it is in conformity with all the minimum regulations herein specified for lot area, lot width, lot depth, lot coverage and front, side and rear yards. In the event that Federal and/or State regulations for the use or operations on the TAC differ from these requirements, the more restrictive shall apply.

**Sec. 14 - Lot area.**

The minimum lot area for the various districts shall be in accordance with the following schedule except that a lot having less area than herein required, which was an official lot prior to the adoption of this Land Use Policy may be used and no existing lot existing at the time of this Land Use Policy shall be reduced in area below the minimum requirements set forth herein.

- (1) In the following land use districts, the minimum lot area for each building or structure shall be in accordance with the following schedule:

Types of Uses	Technology District 1 (T-1)	Technology District 2 (T-2)	Residential District	Neighborhood Service	Commercial	Light Industrial	Heavy Industrial
One-Family Dwelling Detached			half acre				
Two-Family Dwelling			half acre				
Townhouses and Single-Family Dwelling Attached			2500 sf				
Multiple-Family Dwelling one to three stories			2000 sf				
Multiple-Family Dwelling over three stories			2000 sf				

(2) Minimum required lot area in square feet for each primary building or structure. Note: Indicates area in sq. ft.

## **Sec. 15 - Minimum Setbacks.**

All Lots shall comply with the minimum setbacks as outlined which are determined by intended land use and proximity to streets:

### **(a) Neighborhood Services:**

- (1) Front yard - All lots with street frontage shall have a minimum setback of 20' from the right-of-way/property line;
- (2) Side yard - A minimum setback of 20' shall be required from side property lines except that a side setback shall be required such that buildings in adjacent properties shall be no closer than 40' with such area being permanently unobstructed for fire access purposes
- (3) Rear yard - A minimum setback of 10' shall be required from rear property lines except for rail access purposes and except that a rear setback shall be required such that buildings on adjacent properties shall be no closer than 20', with such area being permanently unobstructed for fire access purposes.

### **(b) Commercial:**

- (1) Front yard - All lots with street frontage shall have a minimum setback of 20' from the right-of-way/property line;
- (2) Side yard - A minimum setback of 20' shall be required from side property lines except that a side setback shall be required such that buildings in adjacent properties shall be no closer than 40' with such area being permanently unobstructed for fire access purposes
- (3) Rear yard - A minimum setback of 10' shall be required from rear property lines except for rail access purposes and except that a rear setback shall be required such that buildings on adjacent properties shall be no closer than 20' with such area being permanently unobstructed for fire access purposes.

- (c) Technology & Industrial: All lots with street frontage shall have a minimum setback of 50' from the right-of-way/property line, the first 20' will be used for utility easements and the next 30' will be a vegetative buffer zone. TAC is to retain an easement in this vegetative buffer zone in order to place a pedestrian trail through the setback area. The sides and back shall have a minimum setback of 10' and be left in a natural vegetative state. TAC intends for the Owner to create/maintain a vegetative buffer between the primary road and the improvement. This buffer can be the existing vegetative indigenous growth or a landscaped setback/buffer with shade and ornamental trees.

### **(d) Residential:**

- (1) Front Yard – All lots with street frontage shall have a minimum setback of 25' feet from the right-of-way/property line;
- (2) Side Yard – A minimum setback of 10% of the lot width, not to exceed 10', shall be required from side property lines except that buildings in adjacent properties shall be

no closer than 20' with such area being permanently unobstructed for fire access purposes;

- (3) Rear Yard - The main residential building may not be constructed nearer than ten feet to the rear property line. Any nonresidential uses permitted in residential districts shall not be constructed nearer than ten feet to the rear property line. A detached accessory building shall have a rear yard of not less than three feet from the rear property line. A garage or carport entered from an alley shall have a rear yard of not less than 15'.

(e) Special Setback Regulations:

- (1) No building shall hereinafter be located, erected, or altered to have setbacks less than required by this section. Owner may, at its sole discretion, seek a variance to these requirements.
- (2) The setbacks shall be measured from the property line to the face of the building, covered porch, covered terrace or attached accessory building. Stairs, uncovered porches, eaves and roof extensions may project into the required front yard for a distance not to exceed four feet.
- (3) Where a building line has been established by a subdivision plat or other ordinance which requires a front yard setback greater or lesser than required by this section, the required front yard shall comply with the building line established by such plat or ordinance.
- (4) Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets, unless a building line has been established along only one frontage by a subdivision plat or by another ordinance.
- (5) Where buildings exceed three stories in height, the front and/or rear yard shall be increased one foot for each two feet the building exceeds three stories but no front yard need exceed 75'.
- (6) Every part of a required side yard shall be open and unobstructed by any building except for accessory buildings, as permitted herein, and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed 12" into the required side yard, and a roof eave or canopy projecting not to exceed 24" into the required side yard.
- (7) Multiple-family dwellings shall provide a minimum side yard of 15' between any building wall containing openings for windows, light and air and any side lot line except that any such building face or wall not exceeding 35' in length may provide a minimum side yard of ten feet. Where a building wall contains no openings for windows, light or air, a minimum side yard of ten feet shall be provided between such wall and the side lot line
- (8) On a corner lot, a side yard adjacent to a street for a one-family dwelling, a two family dwelling, a townhouse or multiple-family dwelling not exceeding three stories in height shall not be less than 25' and no balcony or porch or any portion of the building may extend into such required side yard, except that a roof may overhang such side yard not to exceed four feet.

**Sec. 16 - Lot coverage.**

The maximum percentage of any lot area which may hereafter be covered by all buildings shall not exceed the following:

- (1) Forty percent in the T2, R and NS districts.
- (2) Fifty percent in the T1, C, LI and HI districts.

**Sec. 17. - Height regulations.**

- (a) No building or structure shall be located, erected or altered so as to exceed the height limit hereinafter specified for the district in which the building is located.

Land Use Districts:	The Maximum Height of Buildings and Structures Shall be:
Technology District 1 (T1)	Three stories, except as noted in Section 18
Technology District 2 (T2)	Three stories, except as noted in Section 18
Residential District (R)	Two and one-half stories except as noted in Section 18
Neighborhood Service District (NS)	Two stories except as noted in Section 18
Commercial District (C)	To any legal height not prohibited by other laws or ordinances
Light Industrial District (LI)	To any legal height not prohibited by other laws or ordinances
Heavy Industrial District (HI)	To any legal height not prohibited by other laws or ordinances

- (b)

<b>Sign Heights in Business Districts **</b>	
Technology District 1 (T1)	Sign height: Maximum size is six feet height and eight feet length. Type: Monument, planter or low-profile signage
Technology District 2 (T2)	Sign height: Maximum size is six feet height and eight feet length. Type: Monument, planter or low-profile signage
Neighborhood Service District (NS)	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway, Maximum size 48 square feet
Commercial District (C)	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway, Maximum size 48 square feet

Light Industrial District (LI)	Sign height: Maximum size is six feet height and eight feet length. Type: Monument, planter or low-profile signage
Heavy Industrial District (HI)	Sign height: Maximum size is six feet height and eight feet length. Type: Monument, planter or low-profile signage

\*\* For each development of ten acres or less, a maximum of two signs shall be permitted. Developers with frontage on two or more streets may have signs on any two street frontages. Development with frontage on one street may have two signs where street frontage exceeds 500 feet. Development of more than ten acres may have a maximum of three signs. Owner may seek a variance to these height restrictions.

**Sec. 18 - Special height regulations.**

In the districts where the height of the buildings is restricted to two or three stories, cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed 40 feet above the average grade line of the building. Water tanks and institutional buildings may be erected to exceed three stories in height in residential areas restricted to two or three stories in height, provided that one additional foot shall be added to the width and depth of side and rear yards for each foot that such structures exceed three stories in height.

**Sec. 19 - Floor area ratio.**

Except as hereinafter provided, no building or structure shall be erected, added to or altered to exceed the maximum floor area ratio standards in the various districts as set forth herein.

In the following districts, the maximum floor area ratio (FAR) for any building or structure shall be as follows:

Land Use District	Maximum Floor Area Ratio
T1, T2, R, NS, C	4:1
LI & HI	2:1

Note: Structure used for off-street parking of vehicles shall not be computed as area subject to floor area ratio standards.



## **Sec. 20 – Construction of Improvements**

No improvements shall be erected, placed, altered, maintained, or permitted to remain on any lot by an Owner or Occupant until final plans and specifications shall have been submitted to and approved in writing by the Operations Department of TAC.

- (a) Construction Plans - A set of Detailed Development Plans for the improvements should be submitted with the authorization of the Owner, Occupant or both and include the following items:
  - (1) A Site Plan of the lot or tract showing important development features of the property including, but not limited to, the boundary of the property; applicable setbacks, easements or reservations on the property; location of existing and proposed parking and paving improvements meeting the access and parking needs of the site; location of proposed site signage; location of existing and proposed buildings and structures and any other improvements necessary (at the request of TAC or informational purposes provided by the Owner or Occupant) to convey the development plan for the property.
  - (2) A Grading & Drainage Plan for the property identifying existing and proposed grades and contours across the property as required to adequately define existing site topography and finished grades; the size and location of existing and proposed drainage structures on and adjacent to the property; plans for stormwater conveyance systems (channels, box culverts, storm sewer, etc...); A Drainage Area Map that will define stormwater discharges and drainage requirements for the property; location of the 100-year flood plain on the property; other considerations necessary (at the request of TAC or informational items provided by the Owner or Occupant) to ensure proper and adequate conveyance of stormwater associated with the development;
  - (3) A Storm Water Pollution Prevention Plan satisfying the Construction, Industrial or other requirements of the Texas Commission on Environmental Quality (TCEQ). Owner or Occupant will provide copies of all TCEQ submittals to TAC.
  - (4) Water & Wastewater Plans will need to be provided to Riverbend Water Resources District (RWRD) for its review and consideration.
  - (5) A Landscape Plan showing location and type of landscape improvements proposed for the site. If utilized, sprinkler and irrigation plans shall be included.
  - (6) Complete Building Plans for any structure or building proposed for construction including, but not limited to, Floor Plans; Foundation & Structural Plans; Building Elevations; Mechanical, Electrical and Plumbing Plans and other plans necessary (at the request of TAC or informational items provided by the Owner or Occupant) to ensure the improvements meet current building code requirements.
  - (7) TAC may request additional items for review to ensure that the improvements do not present health, safety and welfare concerns to the property
- (b) Plan Review Process – Owner or Occupant shall submit two (2) sets of printed plans and one electronic copy in a PDF format to TAC for review. TAC shall review and either

approve or disapprove all or parts of the Plans submitted. TAC will complete its review and either approve or disapprove all or parts of the plans within thirty (30) calendar days from the day the plans are submitted. If, after receiving the plans for review, TAC determines that the size or complexity of the project will require additional time beyond the normal thirty calendar days, TAC shall advise the Owner or Occupant of the additional time for plan review. TAC may grant approval subject to specific conditions. If revisions to the plans are requested by TAC, the Owner or Occupant will have the opportunity to incorporate changes required by TAC and deliver revised plans for approval. No improvement shall be constructed, erected, placed, altered, maintained or permitted until the plans have been finally approved in writing by TAC.

- (c) Changes to Approved Plans - An Owner or Occupant shall secure the written approval of TAC for any material change or revision in approved plans. Minor changes require a minor amount of time to review. Major changes may require more time to review. TAC reserves the right to recover costs associated with reviewing proposed material changes made by the Owner or their agent.
- (d) Variances - Written requests for variances shall be submitted detailing the particular standard from which a variance is sought and submitted to TAC for consideration.
- (e) Proceeding with Work - Upon receipt of approval from TAC, the Owner, or Occupant, or both, shall, as soon as practicable, satisfy any and all conditions of such approval and shall diligently proceed with the commencement and completion of all approved excavation, construction, refinishing, rehabilitation, and alterations.
- (f) Completion of Work – Construction of improvement shall be completed expediently and without interruption within one (1) year of TAC approval of the plans and specifications, or as outlined and agreed to in the Work Schedule submitted as part of the Design & Development Plans. TAC, at its sole discretion, upon written request made and received prior to the construction project time table being deemed delayed, may extend the time within which work must be completed.
- (g) Liability - TAC shall not be liable for any damage, loss, or prejudice suffered or claimed by any person on account of:
  - (1) The approval or disapproval of any plans, drawings, and specifications, whether or not in any way defective;
  - (2) The construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings, and specifications; or
  - (3) The development of any lot within the TAC.
- (h) Construction without Approval - Any improvement erected, placed, or maintained upon any lot, or any new use commenced upon any lot, other than in accordance with TAC approval, shall be deemed to have been undertaken in violation of this ordinance, and upon written notice from TAC, any such improvement or use shall cease and be removed or altered so as to conform to this ordinance. Should such removal, alteration or use not be accomplished within thirty (30) days after the date of such notice, then the party in violation of this Land Use Policy shall be subject to the enforcement procedures.

- (i) Construction to Begin or Repurchase - Owner or Occupant must begin approved construction within eighteen (18) months of purchase or lease of property. If Owner or Occupant does not begin approved construction within the specified eighteen (18) month period, TAC has the right to repurchase property from Owner or Occupant at the original price paid to the seller for said lot, or TAC may at its sole discretion, renegotiate with Owner or Occupant for an extended construction period. UNDER NO CIRCUMSTANCES, WITHOUT SPECIFIC WRITTEN CONSENT FROM DECLARANT, MAY OWNER OR OCCUPANT SELL SAID UNIMPROVED PROPERTY TO A THIRD PARTY WITHOUT PRIOR APPROVAL OF TAC. This option must be exercised within sixty (60) days after the expiration of the eighteen (18) month period.
- (j) Use of Temporary Structures - No temporary structure, or nonpermanent outbuilding shall ever be placed, erected or allowed to remain on any portion of the property without prior written authorization of TAC (other than during construction), and no edifice shall be occupied in any manner prior to its completion.

#### **Sec. 21 - Variance Process**

TAC may, from time to time, permit an Owner to construct, erect or install improvements which may differ from TAC's Lot or Site Design Requirements. Written requests for variances shall be submitted detailing the particular standard from which a variance is sought and submitted to TAC for consideration. A determination as to the request shall be made by the Operations Department. Any applicant that is in disagreement with the decision of the Operations Department shall have the right to appeal such decision in writing to the Executive Director. The Executive Director shall, within ten (10) business days of the request, make a ruling on the decision. Any person who is in disagreement with the decision of the Executive Director, shall within ten (10) business days of that decision, file an appeal to the Board of Directors by making a request through the office of the Executive Director. The appeal should state what areas, in the opinion of the person adversely affected, the decision of the Executive Director disagrees with provisions or the intent of this chapter. It shall be the duty of the Board to hear any such appeal within a reasonable amount of time.

- (a) TAC shall have the right to require additional information, supporting data and/or plans and specifications in form and substance satisfactory to TAC as a condition of consideration of any request for a variance.
- (b) TAC shall not be liable to any Owner or Occupant for any claims, causes of action or damages arising out of the granting or denial of any requested variance.
- (c) By acceptance of any deed to any Parcel, the Owner expressly waives any such claims, demands, or causes of action arising from the granting or denial of any request variance.
- (d) Each request for a variance shall be reviewed separately and apart from other such requests.
- (e) The granting of a variance to any Owner shall not constitute a waiver of TAC's right to strictly enforce the CCR's and development standards contained herein against any other Owner.

## **Sec. 22 – Fence & wall regulations**

In any residential district or along the common boundary between any residential or nonresidential district where a wall fence or screening separation is erected, the standards for height and design in this article shall be observed.

### **Sec. 23 - Height of fence or wall.**

- (a) Any fence or wall erected on the property line and located to the rear of the minimum required front yard line as determined by the provisions of Section 15 shall not exceed eight feet in height above the adjacent grade.
- (b) No fence, screen, wall or other visual barrier shall be so located or placed so that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. At all street intersections clear vision shall be maintained across the lot for a distance of 15 feet back from the property corner along both streets.

### **Sec. 24 - Screening walls or visual barriers and open storage.**

No open storage of commodities, materials or equipment for sale or display shall be permitted in any T1, T2, R or HI district. All commodities and materials offered for sale and displayed in the open in the NS, C or LI district shall be located behind the minimum required front yard setback line. In the LI district, no open storage operation shall be permitted, except as accessory use and all such open storage operations shall be located behind the building setback line and screened with a fence or visual barrier as herein prescribed.

### **Sec. 25 – Criteria for Cell Towers.**

- (a) All tower and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state and federal agency with regulatory authority over support structures and antennas. If standards change, owners must comply within 6 months or as required by the regulating authority.
- (b) A building permit from TAC is required to erect or install an antenna, cell tower, and related equipment. All installations must comply with applicable state and local building codes and the standards published by the Electronic Industries Association.
- (c) Equipment buildings must comply with the screening requirements specified in Sec. 24, unless the equipment is attached to the support structure itself or enclosed within another structure on the property.
- (d) The property utilized for a Cell Tower shall, at a minimum, include the land that would be impacted by the failure or collapse of the tower based on the design and certification by the structural plans for the tower.

### **Sec. 26 - Creation of building site.**

No permit for the construction of buildings or improvements upon any tract shall be issued until a building site, building tract or building lot has been created by compliance with one of the conditions in Sections 27, 28 or 29.

### **Sec. 27. - Lots or tract part of plat record.**

The lot or tract is part of a plat of record, properly approved by the Bowie County Commissioner's Court and filed in the plat records of the county.

### **Sec. 28 - Site plan.**

The site, plot or tract is identified on a Site Plan, included in the Design and Development Plans and officially approved by the Operations Department, which provides all utility and drainage provisions, alleys, streets and other public improvements necessary to meet the normal requirements for platting, including the designation of building areas and such easements, alleys and streets have been required and properly dedicated and the necessary public improvements provided.

### **Sec. 29 - Existing lot or tract.**

The plot, tract or lot faces a dedicated street and was separately owned prior to the effective date of the ordinance from which this article is derived or prior to annexation by TAC, whichever is applicable, in which event a building permit for only one main building may be issued on each such original separately owned parcel without first complying with Section 27 or Section 28.

### **Sec. 30 - Vehicle parking regulations.**

No building or structure shall be erected in the district in which it is located, unless there shall be provided on the lot or tract of land on which the building or structure is located, on an immediately contiguous lot or tract of land or within 150 feet of the lot or tract of land on which the building or structure is located, vehicle parking for the uses specified in the designated districts. Any established use which was lawfully existing at the effective date of the ordinance from which this article is derived and which in the interim has not been enlarged or converted to any other use need not provide parking as specified in this article. No existing vehicle parking shall be reduced below the minimum number of spaces specified in this article without approval of the Executive Director.

### **Sec. 31 – Off-Street Parking schedule.**

The following parking space schedule for nonresidential uses is applicable to all districts:

- (1) Bank, savings and loan or financial establishment—One space for each 600 similar square feet of floor area.
- (2) Clinics or doctors' offices—One space for each 300 square feet of floor area.
- (3) Manufacturing, processing or repairing—One space for each two employees or one space for each 1,000 square feet of floor area, whichever is greater.
- (4) Offices—One space for each 300 square feet of floor area.
- (5) Recreational, private or commercial area or building—One space for each four persons to be normally accommodated in the establishment.
- (6) Retail or personal service—One space for each 200 square feet of floor area.
- (7) Furniture stores and appliance stores general area—One space for each 400 square feet of floor area.
- (8) Storage or warehousing—One space for each two employees or one space for each 1,000 square feet of floor area, whichever is greater.
- (9) Meeting rooms and public assembly—One space for each three places of seats.
- (10) Residential Dwelling Unit – a minimum of two parking spaces for each residential dwelling unit.

**Sec. 32 - Special off-street parking regulations.**

- (a) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development.
- (b) In the R, C or a NS districts, no parking space, garage or carport or other automobile storage space or structure shall be used for the storage of any truck, truck trailer or van except a panel or pickup truck not exceeding 1½ tons capacity.
- (c) Floor area of structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.

**Sec. 33 - Parking requirements for new or unlisted uses.**

- (a) Where questions arise concerning the minimum off-street parking requirement for any use not specifically listed, the requirements may be interpreted as those of a similar use.
- (b) Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to subsection (a) of this section or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in Section 9 for classifying new and unlisted uses.

**Sec. 34 - Off-street loading regulations.**

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

Square feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 5,000	None
5,001 to 15,000	1
15,001 to 40,000	2
40,001 to 65,000	3
65,001 to 100,000	4
Each additional 50,000	1 additional



- TECHNOLOGY DISTRICT 1 (T1)
- TECHNOLOGY DISTRICT 2 (T2)
- RESIDENTIAL DISTRICT (R)
- LIGHT INDUSTRIAL DISTRICT (LI)
- HEAVY INDUSTRIAL DISTRICT (HI)
- U.S. ARMY PROPERTY

1617 CAMP LANE NEWPORT NEWS, TEXAS 75286 940.223.1647 <a href="http://www.TexAmericaCenter.com">www.TexAmericaCenter.com</a>		ADOPTED 09.23.2018 <b>LAND USE MAP</b>	SHEET 10
		TexAmerica Center	LUM

**THE STATE OF TEXAS**

**COUNTY OF BOWIE**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Bowie County, Texas.

**2023-00006618 REST**  
 07/14/2023 10:10:09 AM Total Fees: \$170.00

Tina Petty, County Clerk  
 Bowie County, Texas

