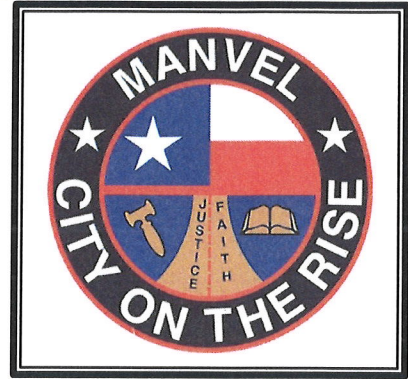


THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A JOINT CITY COUNCIL AND PLANNING DEVELOPMENT
AND ZONING COMMISSION MEETING OF THE CITY OF MANVEL**
April 28, 2025

NOTICE IS HEREBY GIVEN
6:00 P.M. JOINT PUBLIC HEARING

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council and Planning Development and Zoning Commission will convene Joint Public Hearing at the Manvel City Hall, located at **20031 Hwy 6, Manvel Tx 77578** for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 X6 for further information.

CITY OF MANVEL MISSION STATEMENT

The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens.

JOINT MEETING

Call To Order - City Council & PD&Z

Roll Call - City Council

Mayor Dan Davis
Councilmember Keith Bonner
Councilmember David Lands
Councilmember Harry Opliger
Councilmember Ed Perry
Mayor Pro-Tem Crystal Sarmiento
Councilmember Jerome Hudson

Roll Call - Planning Development and Zoning Commission

Ryan Miller
Kyle Marasckin
Mary Ann Atkinson
Kenneth Haynes
Christy Kennard
Delores Martin
William Richardson

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Staff Presentation on Public Hearing Item(s)

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 77 "ZONING", TO AMEND AND INCLUDE SEVERAL REQUIREMENTS AND PROVISIONS PERTAINING TO LANDSCAPING AND TREE PRESERVATION; CONDITIONS OF APPROVAL OF SUP FOR MEDICAL AND OTHER PERSONAL CARE SERVICES RELATED USES; POSSIBLE ADOPTION OF REVISED NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE; THE PROCESS FOR REZONING; AND POSSIBLE CORRECTION OF EXISTING TYPOGRAPHIC ERRORS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Joint Agenda of the Manvel City Council and Planning Development and Zoning Commission is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on 04/25/2025 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS





MANVEL PD&Z

DATA SHEET

MEETING DATE: April 28, 2025

TOPIC: Public Hearing to receive input from the public on possible text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to amend and include several requirements and provisions pertaining to landscaping and tree preservation; conditions of SUP approval for medical and other personal care service uses; North American Industry Classification system (NAICS) code version update; process for rezoning; and possible correction of typographic errors.

This is not an action item. Public Hearing Only.

BACKGROUND: Staff is presenting amendments to several sections of the Zoning Ordinance. The public hearing notice requirement for this proposed zoning amendment was met through the provisions of Section 211.007(d) of the Texas Local Government Code, which allowed a joint public hearing by Planning, Development, and Zoning Commission (PDZ) and the City Council in lieu of sending notices to each property owner within 200 feet, as mandated by the City of Austin V Acuna case. The City Council passed Resolution No. 2025-R-08 on April 7, 2025, calling the aforementioned joint public hearing to be conducted on April 28, 2025. A joint public hearing with City Council is scheduled for April 28, 2025. The proposed amendment includes the following topics:

- **Landscaping and Tree Preservation:** Currently, the zoning ordinance does not include strong requirements for tree preservation. There is great interest amongst citizens and Council members in considering adoption of standards and requirements pertaining to Tree Preservation. Staff is also proposing some changes to the existing landscaping-related standards for new development. The proposed changes are based on research by staff and input from City Council members. The proposed changes include addition of definitions; prohibition on clear-cutting; preservation requirement for certain protected trees; tree removal permit requirement; criteria for tree removal, tree replacement requirements; tree preservation credits; removal of requirement to plant trees in the right-of-way; exemptions to tree preservation requirements; new tree planting requirements, and transitional buffer yard requirement between residential and non-residential uses. Staff will seek input from the Parks Board (scheduled for Thursday, 04-24-25 meeting) prior to final action by the PD&Z Commission and City Council.
- **Conditions of SUP approval for medical and personal care service uses:** Currently, the conditions of SUP approval for medical uses and other personal care uses include limited hours of operation from 8 am to 10 pm, unless approved by an SUP. During consideration of an SUP application for a freestanding Emergency Room (ER), staff was made aware that State legislature requires Emergency Room (ER) to have 24-hour operation. City Attorney has recommended that the ordinance be amended to include provision for 24-hour operation based on State requirement. This recommendation is to allow conformance with Texas Occupations Code which requires that a political subdivision may not adopt certain regulations for massage establishments that are more restrictive than for other health care professionals.

- North American Industry Classification system (NAICS): Currently, the land use allowances of the zoning ordinance is based on 2007 version of the NAICS code. Staff has reviewed changes made on the most recent version of the code (2022 version), so that the most recent version can be adopted and associated amendments to the land use table can be made. The 2022 version of the code is not significantly different but includes few changes to the specific code numbers to certain uses. Additionally, certain landuse codes have been combined and some have been separated. The attached redline version identifies these changes.

- NOTE: The public hearing notice indicated possible changes related to rezoning and correcting typographic errors. However, staff found that satisfactory language pertaining to rezoning was included in an amendment made in 2023. Additionally, staff was not able to identify any typographic error but will continue to review for corrections and clarifications needed.

Also, staff is anticipating the need for amendments to the zoning ordinance resulting from recommendations from the ongoing Comprehensive Plan update process in the near future.

TIMELINE: The proposed amendment will be considered by PDZ at the regular meeting on April 28, 2025 and will be subsequently presented to the City Council for action at the May 5, 2025 regular meeting.

RECOMMENDATION: Public Hearing only



ATTACHMENTS: Redline version of each section proposed to be amended and a Summary of the *City of Austin V Acuna* case.

FUNDING ISSUES

- ☒ **Not applicable**
☐ **Not budgeted**
☐ **Full amount already budgeted**
☐ **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER

Jose Abraham
 Director of Development Services

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

Sec. 77-3. Definitions.

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. The word "building" shall include the meaning of the word "structure"; the word "lot" shall include the meaning of the word "plot"; and the term "used for" shall include the meaning of the terms "designed for" or "intended for."

Accessory use means a use of a building or land which serves an incidental function to the principal use of a building, structure, or land.

Administratively complete application means any application containing all the required documents listed on any application in the appropriate format, the correct number of copies, paid fees, and any required signatures when submitted to the city, in a final form to be deemed complete for processing.

Adult day care means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Adult entertainment business shall have the same meaning as "sexually oriented business" as that term is defined in V.T.C.A., Local Government Code § 243.001 et seq., and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this article. The determination of what constitutes an adult entertainment business shall be made by the police chief or his designee, and such determination shall be appealable to the zoning board of adjustment.

Alley means minor ways that are used primarily for vehicle service access to the back or the side of properties otherwise abutting a street.

Americans with Disabilities Act means a law enacted in 1990, which is intended to make American society more accessible to persons with disabilities.

Apartments means a structure containing three or more dwelling units with common walls, including units that are located one over the other.

Applicant means any developer that submits an administratively complete application.

Automobile/vehicle sales and rentals means a business which provides for the sale or rental of new or used automobiles and other vehicles, including automobiles, trailers, recreational vehicles, travel trailers, water craft and other similar land or water-form vehicles, but shall not include auto or motor vehicle repair work, except minor reconditioning of automobiles or motor vehicles to be displayed, sold or rented on the premises; provided, however, such term shall not include the sale or rental of salvaged parts, nor shall it include the storage of either new or used automobiles or motor vehicles that are not on display or for sale or rent.

Bar/lounge means a place of business whose revenues from mixed drink liquor service are more than 20 percent and whose revenues from food service are less than 80 percent of the total gross revenues of the establishment.

Building, accessory or structure means a structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use.

City means the City of Manvel, Texas.

Community fence means a fence located at the perimeter of a residential neighborhood, visible to the public and maintained by a home owners association or municipal utility district. Residential fences owned and maintained by an individual are not considered community fence.

Council means the city council of the city.

Corner lot side yard setback means the open space extending from the front yard to the rear yard and lying between the side lot line adjacent to the public right of way or easement and the closest point of the building or structure on a lot at the junction of and abutting two or more intersecting streets.

Critical Root Zone means the area around a tree's trunk where the most vital roots are located, generally measured 5 feet beyond the outer base of the branching system, requiring protection from disturbance during construction or development.

Developer means any person or entity that develops land within the city. This term shall be synonymous with the term "subdivider" in cases where the subdivision of land is involved.

Development plat means a plan for a development project that is not part of and does not require the subdivision of property.

Diameter at Breast Height (DBH) means the diameter of the tree trunk at 4.5 feet above ground.

Family means two or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit with a single kitchen facility. The term "single kitchen facility" shall not exclude one outdoor kitchen facility per single housekeeping unit with one kitchen.

Fence means a constructed vertical structure, barrier or partition of any material or combination of materials erected to enclose, screen, or separate outdoor areas, and which has no roof or overhead covering. A masonry wall with a foundation serving the purpose of enclosing, screening, or separating outdoor areas is considered a fence.

Front of building means the part of side which contains the principal entrance of the side adjacent to a public roadway.

Game-room means a business or commercial establishment or building or location wherein machines or apparatus may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

Garage means an accessory building or a part of a main building comprised of a minimum of 200 square feet, enclosed on all sides, with an overhead door, and capable of enclosing one or more vehicles.

Garage sales, also referred to by such names as "back yard sale," "yard sale," or "porch sale," shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes (see section 77-33(c)).

Gross square feet means the entire floor area of a building, including uninhabitable space such as bathrooms, closets, halls, and similar areas.

Guest quarters means an attached or detached building or secondary living area of residential use that provides living quarters for guest of the occupants of the principal residence, and:

- (1) Contains no kitchen or cooking facility;
- (2) Is clearly subordinate and incidental to the principal residence on the same building site; and
- (3) Is not rented or leased, whether compensation be direct or indirect.

Home business means a business operation that takes place in a home.

HUD-Code manufactured home means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Legal nonconforming land use means a land use that lawfully existed immediately prior to the effective date of these regulations and not listed as a permitted use in the zoning district in which it is located.

Legal nonconforming structure means a structure that was lawfully existing prior to the effective date of these regulations, but as of the effective date of these regulations, the site of the use, the structure in which the use is situated, does not comply with these regulations.

Lot means a physically undivided tract or parcel of land having frontage on a public or private street, which is, or in the future may be offered for sale, conveyance, transfer or improvement, and which is designated as a separate and distinct tract and identified by numerical or letter identification on a duly and properly recorded subdivision plat.

Lot, tract, or parcel means a designated area of land established by a properly recorded subdivision plat or otherwise permitted by law to be separately owned, used, developed, or built upon.

Lot line means the boundary of a lot separating it from an abutting lot.

Mobile home or manufactured home means a structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Non-Protected Tree means any tree that is not established as a protected tree or is exempt from the provisions of Section 77-44 (B) of the city of Manvel Zoning Ordinance.

Off-street parking means a concrete parking surface other than a street or alley accessible from an approved driveway approach and upon which vehicles may be parked.

Open-planned unit development plan means a development plan for a project located within the open-planned unit development district.

Parking aisle means the area of a parking lot or off-street parking area which provides vehicular access to parking spaces (stalls). The term "parking aisle" does not include the words "driveway" or "access point".

Parking space means an area designated for the parking of motor vehicles, and connected to an approved driveway approach, street, parking aisle, access easement, or other accessway.

Patio home/zero lot line home means a single-family home built on a separate lot with building setbacks on the front, rear and one side.

Planned unit development plan means a development plan for a project located within the planned unit development district.

Planning commission means a commission appointed by the council that is responsible for certain planning and zoning items, as provided in the zoning ordinance and applicable state law.

Plat means an instrument prepared by a registered professional land surveyor in conformity with the provisions of chapter 62, Subdivisions, used to describe subdivided land, with ties to permanent landmarks or monuments, approved by the city or a governmental entity with jurisdiction of the land in accordance with V.T.C.A., Local Government Code § 212.023, and recorded in the Brazoria County Property Records.

Protected Tree means any tree that is established as a protected tree within Section 77-44 of the City of Manvel Zoning Ordinance.

Principal building or use means the primary use and chief purpose of a premises or building.

Restaurant means a place of business whose revenues from food sales are 80 percent or more and whose revenues for mixed drink liquor service are 20 percent or less.

Rot board means a horizontal board installed along the bottom of the fence panel which runs along the base of the entire fence panel for a finished look and added protection. Rot boards are also commonly known as base-boards and kick-boards.

Setback means a minimum distance that is required from a lot line to a building or structure.

Single-family residence means a residence that is to be occupied by only one family.

Sight distance triangle means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

State means the State of Texas.

Structure means anything constructed or erected with a fixed location upon, under, or above the ground or attached to something having a fixed location on the ground.

Tavern means a place of business, which includes the sale of beer and wine beverages, but does not provide mixed drink liquor sales.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received.

Top cap is a horizontal element of a wood fence included to cover the top end of pickets and posts. A privacy fence with a top cap is commonly referred to as a cap and trim fence.

Tower or tower structure means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are by way of example but not limitation, towers or tower structures: guyed or freestanding monopole structures, lattice or open framed structures, antennae sports, water towers, and other similar self-supporting, trussed, or open framed structures.

Tree means any woody perineal plant with a single stem or trunk, typically supporting branches and leaves.

Tree Survey means an on-the-ground survey drawing containing the location of the trees, their circumference, type (species) and critical root zone limits.

Tree Preservation Plan means a plan that identifies trees being preserved on a site proposed for development and shows details of tree protection and preservation measures being taken during construction activity.

Zoning board of adjustment means a board appointed by the council that is responsible for certain zoning items, as provided in the zoning regulations and applicable state law.

Zoning official means the person appointed by council to administer and enforce the zoning regulations of the city.

(Ord. No. 2020-O-15, § 2, 10-19-2020; Ord. No. 2023-O-40, § 2, 12-4-2023)

Sec. 77-44. Trees **Preservation, landscaping, fencing and screening.**

(A) *Intent and Purpose:* Certain species of mature trees greatly contribute to the image, aesthetics, and identity of the City of Manvel. Development will invariably result in the removal of trees, however, uncontrolled and indiscriminate destruction of trees would detrimentally impact the aesthetic value and enjoyment of the natural environment. Protection and preservation of mature trees along with planting requirements for new development will benefit citizens by maintaining a positive image of the city as a place to live and locate a business. These standards and regulations are intended to:

1. Prohibit the indiscriminate clearing of property and promoting responsible design decisions that will preserve as many protected trees as possible;
2. Protect the natural ecological environmental and aesthetic qualities of the city;
3. Establish permitting process and standards required to preserve protected trees during construction; and
4. Establish planting, screening, and buffering requirements for new development.

(B) *Tree Preservation:* Any tree that qualifies as a protected tree as identified by this ordinance shall be preserved unless the removal is unavoidable based on the Tree removal criteria in Section 77-44 (B) 6.

1. *Applicability:* Tree preservation requirements only apply to City of Manvel city limits.
2. *Exemptions:* The following are exempt from tree preservation requirements:
 - a. Individual lots and lots of record that are less than twenty (20) acres in lot size that are existing as single-family detached or attached dwellings;
 - b. Non-protected trees;
 - c. Any tree damaged or dead by natural disasters or by disease/ rot and deemed to be a hazard by the Zoning Official;
 - d. Any tree that requires removal by Public works, Fire, Police, or other emergency services personnel actively engaged in fighting a fire or other emergency services response;
 - e. Any tree that requires removal or trimming by the Texas Department of Transportation or other state agency with authority, a railroad company, or any public or private utility company with a state or city franchise agreement, where the tree was trimmed or removed according to the entity's adopted tree trimming/removal policy or practices.
 - f. Any tree planted, grown and/or held for sale as part of a licensed nursery / greenhouse, retail or wholesale business;
 - g. Properties for which construction plans, Final plats have been approved prior to the adoption of this ordinance;
 - h. Properties identified on a Master Plan approved by City Council prior to the adoption of this ordinance;
3. *Protected Trees:*

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- a. Any tree with a diameter at breast height (DBH – 4.5 feet) of 19 inches or a circumference of 60 inches, or more, identified in the list of protected tree species in Section 77-44 (B) 4.
 - b. Any tree shown on an approved landscape plan that is necessary to meet the development standards of the zoning ordinance (Chapter 77 of the Manvel, Code of Ordinances) or to meet a condition of approval of the development to which the landscape plan applies.
 - c. Any tree identified in the list of protected tree species located in the public right-of-way or a property owned by the city of Manvel.
 - d. A tree of any size or species that provides screening between commercial and residential uses or zoning districts.
4. *List of Protected Tree Species:*
- a. Oak (all variety);
 - b. Pecan
 - c. Magnolia
 - d. Elm
5. *Clear Cutting Prohibited:* Clear cutting of trees on undeveloped land is prohibited. Parcels proposed for development that include stands of trees shall not be clear cut in preparation for development. Development shall be designed to, completely, or partially preserve existing stands of trees unless:
- a. No reasonable alternative design at the same density and intensity could be approved.
 - b. Relocation of the protected trees to another location on-site or within the City is not practical or economically feasible as certified by an arborist or a landscape professional.
6. *Tree Removal Permit Required:*
- a. No person shall cut down, destroy, remove, move, or effectively destroy through damaging or encroaching into the critical root zone of any protected tree on any public or private property unless a valid tree removal permit has been issued based on the tree removal criteria provided in Section 77-44 (B) 9.
 - b. Before a permit can be issued, a tree survey shall be submitted as set out in Section 77-44 (B) 7.
 - c. The Zoning Official or designee may require an applicant to provide aerial photograph interpretation of the site and/or additional data for preliminary analysis of large-scale development projects involving tree removal.
 - d. For applications that do not meet the Tree Removal Criteria (below), the applicant shall have the right to appeal to the Manvel City Council. An appeal to the Manvel City Council must be filed within sixty (60) days after receiving notice of permit denial. A final decision on the application shall be made by City Council upon receiving a recommendation from City of Manvel Parks Board.
 - e. Where the dangerous condition of a protected tree requires its immediate removal to protect against a serious and immediate risk to health, safety or property, a property owner may remove a protected tree without first obtaining a permit. However, within fourteen (14) calendar days after removing the tree, the property owner must apply for a tree removal permit and file a written statement describing the protected tree by size, species, and location and explaining the emergency conditions that required its immediate removal.
 - f. A tree removal permit is not required for the removal of a non-protected tree.

7. *Tree Survey and Preservation Plan Required:*

- a. Generally, all applications for a tree removal permit must include information pertaining to specifications and location of all protected trees; identification of protected trees to be removed and preserved; reason for tree removal; details and specifications of proposed tree replacement; tree preservation plan showing tree protection measures during construction activities, and any other relevant details.
- b. For removal of one or more protected trees from a property proposed for construction, a property owner must submit a written application accompanied by a current tree survey and a tree preservation plan prepared by an arborist or a landscape professional.
- c. For removal of an individual protected tree from a property not proposed for construction, a property owner must file a written application accompanied by a survey, map, or plat of the property showing the location, species, and size of the protected tree that is to be removed and explaining the reason that removal is desired in lieu of a tree survey and preservation plan.
- d. The City may accept a partial tree survey in lieu of a full tree survey if the Zoning Official finds that protected trees only exist on a portion of the site.

8. *Tree Protection Requirement:* All existing trees intended to be made part of a proposed development shall be protected during construction activities. The following minimum standards apply to tree protection during construction activities:

- a. Barricades made of wood or fencing material, not less than 3 feet in height with horizontal and vertical structural members shall be installed at the critical root zone.
- b. In situations where a tree remains in the immediate area of intended development activity where tree protection fence is not feasible, the tree shall be protected by enclosing the entire circumference of the tree's trunk with fence pickets, at least six feet high, banded by wire or other means that does not damage the tree.
- c. Barricades shall be removed only to prepare the development site for final landscaping.
- d. Parking or storing vehicles, equipment or materials within critical root zone is prohibited.
- e. Protected trees shall be pruned only for clearance, dead, or hazard branches. Corrective pruning should occur after construction is complete.

9. *Tree Removal Criteria:* No individual protected tree shall be removed unless it meets one or more of the following criteria based on which a tree removal permit is issued:

- a. The tree is dead or infected with an epidemic insect or disease where a recommended control is not applicable, and removal is the recommended practice to prevent transmission.
- b. The tree poses an extreme public nuisance because of its species, size, location, or condition.
- c. The tree poses a severe safety hazard that cannot be corrected by pruning, transplanting, or other treatments.
- d. The tree severely interferes with the growth and development of a more protected desirable tree.
- e. The aesthetic value of the tree is so low or negative that the site is visually enhanced by the tree's removal.
- f. The tree is in, and within 10 feet of, an approved building footprint and results in a dangerous condition.

-
- g. The tree is located within six feet of a utility easement, and the tree would interfere with the use of the easement.
 - h. On properties proposed for development, no reasonable alternative site design at the same density and intensity could be approved and relocation of the protected tree to another location on-site or within the City is not practical or feasible for the survival of the tree.
 - i. The tree has a negative impact on the aesthetics or visibility of an existing or proposed development in a manner that the intended purpose of the development cannot be achieved.

10. Tree Replacement Requirement and Standards:

- a. If a protected tree is removed in violation of this ordinance, it shall be replaced in accordance with the requirements of this section.
- b. If a protected tree is removed with a valid tree removal permit, it shall be replaced in accordance with the requirements of this section. Tree replacement requirement for removal of individual protected trees with a valid tree replacement permit may be modified or waived when a replacement tree can potentially result in hazardous and unsafe conditions due to existing development or insufficient area for healthy growth of existing or replacement trees, as determined by the City Council based on recommendation from the City of Manvel Parks Board.
- c. On properties proposed for development, replacement trees shall be counted towards the landscaping requirements of the zoning ordinance based on its location.
- d. Tree replacement shall be based on the following standards:
 - 0-10 inches DBH – One 3-inch or more
 - 10-15 inches DBH – One equivalent caliper or Two 3-inch caliper
 - 15–19 inches DBH - One equivalent caliper or Four 3-inch caliper
 - 19-inch DBH or more - One equivalent caliper or Six 3-inch caliper.
- e. On properties proposed for development, replacement trees shall be installed as part of site development.
- f. On properties not proposed for development, replacement trees shall be installed within 30 days of removal.

- 11. Tree Preservation Credits:** On a site proposed for development, preservation of protected trees specified in Section 77-44 (B) 3 (a) may qualify for tree preservation credits towards development landscaping requirement if the site development plans indicate compliance with tree protection standards of Section 77-44 (B) 8. Tree preservation credit shall not be used to substitute for tree planting requirement of Section 77-44 (C) 6. The tree preservation credit shall be based on the following standards:

Total Number of Trees Preserved	Tree Preservation Credit per tree
3 or less trees	Five (5) 2½ inch caliper per tree
4 or more trees	Eight (8) 2½ inch caliper

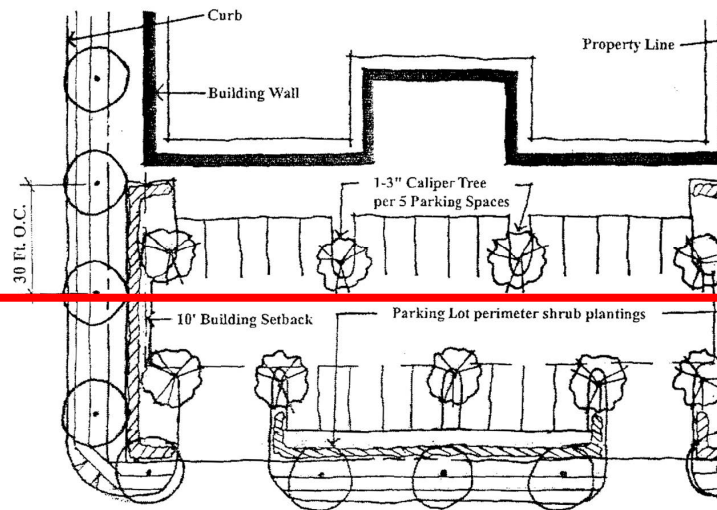
(C) Development Landscaping: The following regulations shall apply to all new land development projects, except new single- family residential:

~~(1) —Trees.~~

-
- ~~a. — *Preservation required of existing street trees.* Trees located in any public street right-of-way must be preserved and may not be removed without prior written approval of the zoning official.~~
 - ~~b. — *Retention of existing trees.* Where appropriate, new development should be located to take advantage of existing mature trees. The protection and retention of existing trees which are at least 1½ inches in caliper shall be credited to the tree planting requirements except for street tree planting requirements.~~
 - ~~c. — *Protection of existing trees.* Trees that are to be protected and retained shall be protected during construction. The tree protection area shall not be used for the parking or storage of any soil, vehicles, equipment, or materials. No waste or surplus products of any nature shall be disposed of within or near the tree preservation area. Grade changes around existing trees are limited to three inches.~~
 - ~~d. — *Planting of new street trees.* Street trees shall be reasonably regularly spaced with at least one tree for each 30 feet of street frontage for each street on which the property fronts.~~
 - ~~1. — *Street trees shall be planted within the right-of-way line with adjustments in spacing allowed for driveways, streetlights, visibility triangles, transit shelters, and utility or traffic control appurtenances. If sufficient street trees to meet the requirement already exist along the frontage of a site, no additional trees are required, provided they are protected and retained in accordance with these regulations.*~~
 - ~~2. — *The minimum planting size for street trees is 1½ inches in caliper measured at the base of the tree.*~~
 - 1. *Planting of new yard trees.*
 - a. New trees shall be planted at the rate of one (1) tree for each thirty (30) feet of street frontage along front and street side yards.
 - b. The minimum planting size for yard trees is 2½ inches in caliper measured at the base of the tree.
 - c. No new trees shall be planted in public rights-of-way, utility easements, or existing access easements.
 - d. For new development, if planting yard trees is not possible due to existing easements along the street frontage, additional parking lot trees at the rate of one (1) tree for each five (5) parking spaces shall be planted. Such trees shall be a minimum of 12½ inches in caliper measured at the base of the tree.
 - e. 2. *Planting of trees and shrubs for new parking lots.* Trees for new parking lots shall total at least one tree for each ~~five~~ ten parking spaces and at the end of each parking row. Trees and landscaping must be located within the parking area in ~~areas~~ 9 feet X 18 feet planting islands protected by a curb or other vehicle obstruction. Such trees shall be a minimum of ~~12~~½ inches in caliper measured at the base of the tree. Shrub plantings shall be placed along the perimeter of a parking lot in an amount to provide a visible screen for the parking lot. The shrubs must be maintained at a ~~maximum~~ height of 30 to 36 inches for safety and visibility purposes.

Example:

~~REQUIRED STREET AND PARKING LOT TREES AND SHRUBS~~



Scale: 1 inch = 30 feet

~~(2)~~ 3. *Maintenance of landscaping.* All landscaping must be perpetually maintained in good health by the property owner on which the landscaping lies or by the adjacent property owner. In the case of street trees planted within the right-of-way, the owner of the adjacent property shall have the responsibility for tree maintenance. Trees lost for any reason, with the exception of street or utility work, shall be replaced by the property owner within six months. Replacement trees must be a minimum of three-inch caliper. The responsibility for replacement of trees removed because of natural disaster, vehicular accident, or other similar circumstance, is that of the adjacent property owner regardless of whether that owner is reimbursed by the responsible party.

~~(3)~~ 4. *Planting areas.*

- Site areas.* All site areas not covered by buildings or paving shall be planted with trees, shrubs, grass, ground covers or other plant materials. Special ground covering materials are permissible in playgrounds or active sports areas or other areas as determined by the city zoning official.
- Landscape plans.* Landscape plans shall be submitted to the city zoning official at the time of submittal of all other construction plans for all new construction. In the open-planned unit development district landscape plans shall be submitted to the city zoning official prior to consideration of the plan by the planning commission.
- Irrigation.* All planting areas shall be irrigated. Irrigation plans must be submitted with the landscaping plans and all irrigation materials shall be installed prior to occupancy of the building.

~~(4)~~ 5. *Land uses requiring Required landscape screening and/or fencing.*

- Air conditioning and other mechanical equipment.* Ground mounted mechanical equipment of all types must be fenced or screened with shrub planting from pedestrian view. This requirement does not apply to traffic control equipment boxes, telecommunication housings (smaller than three feet by six feet) or similar public facilities.
- Utility facilities.* All utility facilities must be screened from pedestrian view subject to a screening and buffering plan approved by the zoning official.
- Parking lots.* All parking lots for nonresidential uses must be landscaped according to these regulations.

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- d. *Drive-through facilities.* Where drive-through lanes or stacking bays and/or service windows are within 50 feet of a side or rear property line that adjoins an existing residential use, a six foot high wooden fence must be constructed and retained adjacent to the property line.

6. Transitional buffer yard between residential and non-residential uses.

- a. Non-residential development shall provide a ten (10) foot-wide landscape buffer yard when abutting an existing residential development or undeveloped residential zoning district. The buffer yard shall include one (1) tree per thirty (30) linear feet. A screening fence in accordance with Section 77-43 is required when a fence is not already present on the abutting residential development or undeveloped residentially zoned land.
- b. New master-planned residential development shall provide a ten (10) foot-wide landscape buffer yard when abutting undeveloped properties zoned for non-residential uses. The buffer yard shall be maintained by the Homeowner's Association and shall include one (1) tree per thirty (30) linear feet. A screening fence in accordance with Section 77-43 is required when a fence is not already present on the abutting property zoned for non-residential uses.

(Ord. No. 2020-O-15, § 3, 10-19-2020; Ord. No. 2023-O-40, § 3, 12-4-2023)

Sec. 77-50. Uses requiring specific use permit (SUP).

- (a) Certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides council and planning commission the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning commission judgment relative to the location and site plan of the proposed use are required.
- (b) The council, after receiving the recommendation of the planning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.
- (c) Where provided for in section 77-26(f), permitted use table, a specific use permit shall be required before that specific use can be permitted within the district specified. A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use, unless a specific use permit has been issued in accordance with the provisions of this section.
- (d) Application procedure. An application for a specific use permit shall be filed with the city. The application shall be accompanied by a conceptual site plan that, complete application, and fees that will become a part of the specific use permit, if approved. Verification of all information contained in the conceptual site plan shall be required to be certified by an engineer and/or surveyor, as applicable, as a condition for the granting of any specific use permit. The accompanying conceptual site plan shall provide the following information:
 - (1) Data describing all processes and activities involved with the proposed use.
 - (2) Boundaries of the area covered by the site plan.
 - (3) The location of existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roofline, gross floor area and the location of building entrances and exits.
 - (4) The location of existing drainage ways, and significant natural features.
 - (5) Proposed landscaping and screening buffers.
 - (6) The location of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities.
 - (7) The location and type of each wall, fence, and other types of screening.
 - (8) The location, height and size of all proposed signs.
 - (9) Show all existing or proposed water, sewer and electrical.
 - (10) Show all dedicated easements.
- (e) Criteria for approval. In considering any application for a specific use permit, the planning commission and the council shall hold public hearings as with any amendment request and consider the following criteria:
 - (1) Conformance of the proposed use with the city's comprehensive plan and land use policies;

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- (2) The character of the neighborhood, the zoning and use of nearby properties, and the extent to which the proposed use would be compatible;
 - (3) The suitability of the property for the uses permitted by right;
 - (4) The extent to which the proposed use would detrimentally affect nearby property, including, but not limited to, sound, light, traffic, aesthetics, odor, dust, vibration, and dangerous or hazardous activity;
 - (5) The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property;
 - (6) The extent to which approval of the use would harm the value of nearby properties;
 - (7) Whether the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
 - (8) The extent that adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
 - (9) Whether the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
 - (10) The extent that directional lighting will be provided so as not to disturb or adversely affecting the general public or adjacent developments;
 - (11) Whether there is sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and
 - (12) Any other any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.
- (f) Use of property permitted by a specific use permit must commence within one year from the date of approval, unless extended by action of the council.
- (g) In addition to other conditions the council may impose, the following conditions shall apply to the land uses specified below:
- (1) *Accommodations.* The conditions for hotel (except casino hotels) and motels and all other traveler accommodation shall include:
 - a. Hotels (except casino hotels) and motels as defined by NAICS No. 721110 in section 77- 26, permitted uses, shall include the following conditions:
 1. All guest rooms are accessed via interior hallway;
 2. All interior hallways accessed from a central lobby;
 3. A minimum 1,000 square feet dedicated to meeting and event space;
 4. The use of a kitchenette is not permitted;
 5. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
 6. Install and maintain security cameras in each interior hallway, lobby, parking lots, and exterior door;
 7. Require all guests to enter through a central lobby after 11:00 p.m.; and

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8. A hotel owner, operator, or manager must be present and accessible in person on a 24-hour basis.
 - b. All other traveler accommodation as defined by NAICS No. 721199 in section 77-26, permitted uses, shall include the following conditions:
 1. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
 2. Install and maintain security cameras in the central lobby, parking lots, and exterior doors;
 3. A facility operator, owner, or manager must be present and accessible in person on a 24-hour basis; and
 4. Require all guests to enter through a central area after 11:00 p.m.
 - (2) *Adult entertainment business.* The conditions for an adult entertainment business shall include:
 - a. A business license; and
 - b. A minimum of 500 feet from any school, day care, place of worship, or residential neighborhood or other district.
 - (3) *All other general merchandise stores.* All other general merchandise store as defined by NAICS No. 452990, Permitted Uses, shall include the following conditions:
 - a. There shall be a minimum separation distance between "dollar/general store" uses of two miles. The distance shall be measured from the nearest dollar/general store property line to the nearest dollar/general store property line; and
 - b. A minimum 10 percent gross floor area shall be dedicated to fresh produce, meat, and dairy products.
 - (4) *Ambulatory health care services.* Ambulatory health care services as defined by NAICS No. 621, Permitted Uses, shall include the following conditions:
 - a. ~~Unless otherwise required by state law or regulation, The the~~ facility is only permitted to operate during the hours of 7:00 a.m. 8:00 a.m. to 10:00 p.m. each day, ~~unless authorized by an approved SUP;~~
 - b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
 - c. All doors shall remained unlocked and accessible during normal business hours.
 - (5) *Convenience stores.* Convenience stores as defined by NAICS No. 445120, Permitted Uses, shall include the following condition:
 - a. A convenience store shall not be located within two miles of an existing convenience store and gasoline station. The distance shall be measured from property line to property line.
 - (6) *Game room.* The conditions for a game room shall include:
 - a. A business license;
 - b. A minimum of 300 feet from any place of worship, daycare, school, or hospital; and
 - c. All doors shall remain unlocked and accessible during normal business hours.
 - (7) *Gasoline stations.* Gasoline stations as defined by NAICS No. 447, Permitted Uses, shall include the following condition:

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- a. A gasoline station shall not be located within two miles of an existing gasoline station and convenience store. The distance shall be measured from property line to property line.
- (8) *Hospitals.* Hospitals as defined by NAICS No. 622 in section 77-26, permitted uses, shall include the following conditions:
- a. Unless otherwise required by state law or regulation, The the facility is only permitted to operate during the hours of 7:00 a.m. 8:00 a.m. to 10:00 p.m. each day, ~~unless authorized by an approved SUP;~~
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
- c. All doors shall remained unlocked and accessible during normal business hours.
- (9) *Nursing and residential care facilities.* Nursing and residential care facilities as defined by NAICS No. 623 in section 77-26, permitted uses, shall include the following conditions:
- a. Unless otherwise required by state law or regulation, The the facility is only permitted to operate during the hours of 7:00 a.m. 8:00 a.m. to 10:00 p.m. each day, ~~unless authorized by an approved SUP;~~
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
- c. All doors shall remained unlocked and accessible during normal business hours.
- (10) *Other personal care services.* Other personal care services as defined by NACIS No. 81219 in section 77-26, permitted uses, shall include the following conditions:
- a. Unless otherwise required by state law or regulation, The the facility is only permitted to operate during the hours of 7:00 a.m. 8:00 a.m. to 10:00 p.m. each day, ~~unless authorized by an approved SUP;~~
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
- c. All doors shall remained unlocked and accessible during normal business hours.
- (11) *Place of worship, private school, or governmental agency with an oversized sign.* The conditions include:
- a. A minimum of 2,000 feet when the main structure is located 200-feet from the State Highway 288 right-of-way;
- b. An approved site plan; and
- c. Approved sign permit application.
- (h) *Time limit.* A specific use permit issued under this section shall expire one year after its date of issuance if construction or use authorized there under is not substantially under way prior to the expiration of said one-year period. If prior to the expiration of such one-year period, the owner of property to which a specific use permit applies in writing, for an extension. The council after recommendation from the planning commission may grant such extension for one additional year.
- (i) *Revocation.* A specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:
- (1) The specific use permit was obtained or extended by misrepresentation, fraud or deception; or
- (2) That one of more of the conditions imposed by the permit has not been met or has been violated.
- (j) *Amendments.* The procedure for amendment of a specific use permit shall be the same as for a new application provided however, that the city manager may approve minor variations from the original permit

which do not increase density, change in traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods.

- (k) *Application fee.* An application fee is required for the processing of each specific use permit request.
- (l) *Religious institutions, private school, or governmental agency signs.* Consistent with section 53- 17, where the main structure of a property of a religious institution, private school or governmental agency lies within 2,000 feet of the S.H. 288 right-of-way, a sign that exceeds the height and/or area requirements of the sign ordinance may be permitted by the council by approval of a specific use permit incorporating an approved site plan and sign drawings. The procedure and criteria for approval of this section shall apply to an application for this type of specific use permit.

(Ord. No. 2020-O-15, § 3, 10-19-2020; Ord. No. 2023-O-40, § 3, 12-4-2023)

Sec. 77-26. Permitted uses.

- (a) *Use of land and building.* Buildings, structures, land, or premises shall be used only in accordance with the uses specifically permitted in the zoning district classification for the site subject to compliance with parking regulations, height, and area requirements, special conditions and other requirements of the zoning ordinance.
- (b) *Permitted use table.* The permitted uses in each specific zoning district are shown by means of symbols in the permitted use tables as follows.

The letter "P" in the zoning district column opposite the listed permitted use means the use is permitted as a use of right in that district. The letter "S" in the zoning district column opposite the listed use means the use is permitted in that zoning district only by obtaining a specific use permit as set forth in section 77-50. No primary use shall be permitted in any district unless the letter "P" or the letter "S" appears opposite the listed permitted use. The letter "O" in the zoning district column means that the permitted use is for office functions only.

Parking requirements are in section 77-45.

- (c) *Uses not listed.* Primary uses not listed in the permitted use table may be permitted by the zoning official in any district where similar uses are permitted. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing circumstance.
- (d) *Accessory use.* A use which is customarily incidental to that of the primary existing use, which is located on the same lot or premises as the primary existing use and which has the same zoning district classification shall be permitted as an accessory use without being separately listed as a permitted use.
- (e) *North American Industry Classification System (NAICS) Codes.* The activity descriptions in the ~~(2007-2022)~~ NAICS Codes prepared by United States Executive Office of the president, office of management and budget, (~~www.census.gov/eos/www/naics/index.html~~ <https://www.census.gov/naics/>) shall be used to determine the primary establishment uses when reference is made to the tables to a designated standard industrial classification. Annually, staff shall determine if the manual has been revised. If the manual has been revised, such revisions and changes will be summarized in a written report and presented to the planning commission. The commission will make recommendations to the council regarding adoption of the revised changes to the zoning ordinance permitted uses.
- (f) *Permitted Use Table.*

Legend:

OSFR	Open-Single-Family Residential
SFR	Single-Family Residential
MF	Multi-family
LC	Light Commercial
HC	Heavy Commercial
HCMH	HUD-Code Manufactured Homes
HMU	Highway Mixed Use
P	Permitted use
S	Specific use permit required
O	Office function only

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
Adult entertainment business ¹				S			
Game room ¹				S			
111 Crop production	P						P
112 Animal production	P						P
115 Support activities for agriculture and forestry			O	P	O		O
21 Mining, quarrying and oil and gas extraction	S	S	S	S	S	S	S
22 Utilities			O	S	O		O
236 Construction of buildings			O	P	O		O
237 Heavy and civil engineering construction			O	P	O		S
237130 Power and communication line and related structures construction	S	S	S	S	S	S	S
238 Specialty trade contractors			O	P	S		O
311 Food manufacturing			O	P	O		O
311811 Retail bakeries			P	P	P		P
3121 Beverage manufacturing			S	P	S		S
313 Textile mills			O	P	O		O
314 Textile product mills			O	P	O		O
315 Apparel manufacturing			S	P	S		S

316 Leather and allied product manufacturing			S	P	S		S
321 Wood products manufacturing			O	P	O		O
321999 All other misc. wood			S	P	S		S
322 Paper manufacturing			O	P	O		O
323 Printing and related support activities			P	P	P		P
324 Petroleum and coal products manufacturing			O	S	O		O
325 Chemical manufacturing			O	S	O		O
326 Plastics and rubber products manufacturing			O	S	O		O
327 Nonmetallic mineral products manufacturing			O	S	O		O
331 Primary metal manufacturing			O	S	O		O
332 Fabricated metal product manufacturing			O	S	O		O
333 Industrial machinery <u>Machinery</u> manufacturing			O	S	O		O
334 Computer and electronic product manufacturing			O	P	O		O
335 Electrical equipment, appliance and component manufacturing			O	P	O		O

336 Transportation equipment manufacturing			O	S	O		O
337 Furniture and related product manufacturing			O	P	O		O
339 Miscellaneous manufacturing			O	P	O		O
42 Wholesale			O	P	O		O
441 Motor vehicle and parts			S	S	S		S
442-4491 Furniture and home furnishing stores			P	P	P		P
443-4492 Electronics and appliance stores			P	P	P		P
444 Building material, garden equipment and supplies dealers			P	P	P		P
445 Food and beverage stores			P	P	P		P
445120-445131 Convenience stores <u>retailers</u> ¹			S	S	S		S
445132 <u>Vending Machine Operators</u>			<u>S</u>	<u>P</u>	<u>S</u>		<u>S</u>
446 Health and personal care stores			P	P	P		P
455219 <u>All other general merchandise retailers</u> ¹			<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>
455 <u>General merchandise retailers</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
456 <u>Health and personal care retailers</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>

447-457 Gasoline stations <u>and fuel dealers</u> ¹			S	S	S		S
448-458 Clothing and clothing accessories, <u>shoe, and jewelry retailers stores</u>			P	P	P		P
451-459 Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers <u>Sporting goods, hobby, book and music stores</u>			P	P	P		P
452 General merchandise stores			P	P	P		P
452990 All other general merchandise stores ¹			S	S	S		S
453 Misc. store retailers			P	P	P		P
45393-459930 Manufactured (mobile) home dealers			S	S	S		S
453991-459991 Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers <u>Tobacco stores</u>			S	S	S		S
454 Non-store retailers			S	P	S		S
48-48 – 49 Transportation and warehousing			O	P	O		O
491 Postal Service			P	P	P		P

492 Couriers and messengers			S	P	S		S
493 Warehouse and Storage			S	P	S		S
51 Information			S	P	S		S
52 Finance and insurance			P	P	P		P
522291 Consumer lending				P			
522298 <u>522299</u> <u>International, Secondary Market, and All Other Nondepository Credit Intermediation</u> All other nondepository credit intermediation				S			
531 Real estate			P	P	P		P
53112 Lessors of nonresidential buildings (except mini warehouses)			P	P	P		P
53113 Lessors of mini warehouses and self-storage units			S	P	S		S
5321 Automotive and equipment rental <u>and leasing</u>			S	P	S		S
5322 Consumer good rental			P	P	P		P
532292 <u>532284</u> Recreational Goods Rental			S	P	S		S
5323 General rental centers			S	P	S		S
5324 Commercial and industrial			O	P	O		O

machinery and equipment rental <u>and Leasing</u>							
54 Professional, scientific, and technical services			P	P	P		P
5412 Accounting, tax preparation, bookkeeping and payroll <u>services</u>			P	P	P		P
54194 Veterinary services			P	P	P		P
55 Management of companies and enterprises			P	P	P		P
561 Administrative and support services			P	P	P		P
562 Waste management and remediation services			O	P	O		O
6111 Elementary and secondary schools	S	S	S	S	S	S	S
6112 Junior colleges	S	S	S	S	S	S	S
6113 Colleges, universities, and professional schools	S	S	S	S	S	S	S
6114 Business schools and computer and management training			S	S			S
6115 Technical and trade schools			S	S			S
6116 Other schools and instruction			S	S	S		S
6117 Educational support services			P	P	P		P

621 Ambulatory health care services ¹			S	S	S		S
622 Hospitals ¹			S	S	S		S
623 Nursing and residential care facilities ¹			S	S	S		S
623990 Other residential care facilities	S	S	S	S	S	S	S
624 Social assistance			P	P	P		S
6244 Child day care services			P	P	S		S
71 Arts, entertainment, and recreation			P	S	P		P
713 Amusement, gambling, recreation industries			S	S	S		S
713940 Fitness and Sports Centers			P	P	P		P
713990 All other amusement and recreational industries	S	S	S	S	S	S	S
721 Accommodations			S	S	S		S
7212 RV parks and recreational camps			S	S	S		S
721191 bed and breakfast	S	S	S	S	S	S	S
722 Food services and drinking places			P	P	P		P
72233 Mobile food services			S	S	S		S
7224 Drinking places (alcoholic beverages)			S	P	S		S

8111 Automotive repairs and maintenance			S	P	S		S
811122 Automotive glass replacement shop			P	P	P		P
8112 Electronic and precision equipment repair and maintenance			P	P	P		P
8113 Commercial and industrial machinery and equipment (except automotive and electronic repair) <u>repair and maintenance</u>				P			
8114 Personal and household goods repair and maintenance			S	P	S		S
812 Personal and laundry services			P	P	P		P
812113 Nail salons			S	S	S		S
81219 Other personal care services			S	S	S		S
812210 Funeral homes and funeral services			S	P	S		S
812220 Cemeteries and crematories	S	S	S	S	S		S
813110 Religious organizations	S	S	S	S	S	S	S
813410 Civil and social organizations	S	S	S	P	S		S
814 Private households	P	P			P* See § 77- 30	P* See § 77- 34	P
92 Public administration	P	P	P	P	P	P	P

¹ See Section 77-50. - Uses Requiring Specific Use Permit (SUP).

For business descriptions visit the NAICS website.

<http://www.census.gov/eos/www/naics/>

[2007 NAICS https://www.census.gov/naics/?yearbck=2022](https://www.census.gov/naics/?yearbck=2022)

(Ord. No. 2020-O-15, § 3, 10-19-2020; Ord. No. 2023-O-40, § 3, 12-4-2023)

***City of Austin v. Acuna*, No. 14-20-00356-CV, 2022 WL 805953 (Tex. App.—Houston [14th Dist.] Mar. 17, 2022).** The City of Austin undertook a comprehensive revision of its zoning ordinances and failed to give individual written notice to landowners as required by state statute. A number of landowners sued the city seeking a declaratory judgment and injunctive relief, which was granted by the trial court, and the city appealed. The city argued that the trial court erred in finding that the city violated Texas Local Government Code §§ 211.006 and 211.007 by failing to provide written notice to all affected property owners of the Planning Commission’s public hearing and by failing to recognize property owners’ protest rights. Because the city was undertaking a comprehensive revision of its zoning ordinances rather a change affecting only a few properties, the city believed that individual notice was not required. The court disagreed, stating that the zoning statute’s notice requirement “must be rigidly performed” and that actions taken without proper notice are invalid. The city further argued that requiring the city to send upwards of 250,000 notices would be an absurd reading of the statutes. The court disagreed with this argument as well and affirmed the trial court’s decision.