

Notice of Zoning and Planning Commission Meeting

Notice is hereby given of a **Regular Meeting of the Zoning and Planning Commission** on **Thursday, January 8, 2026**, beginning at **6:15 P.M.**, in the **Municipal Building** located at 3800 University Blvd., West University Place, Texas, for the purpose of considering and taking action on the following agenda items:

Note: The Commission reserves the right to convene in a closed meeting for any agenda item if the need arises pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code

CALL TO ORDER

1. **Notices, Rules, Etc.** Matters relating to notices, rules and meeting procedures, identifying parties, swearing of witnesses, etc.
2. **Public Comments.** This is an opportunity for citizens to speak relating to agenda items. The speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing. Public comments must be kept relevant to the subject before the Board. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Board during the meeting. Speakers must limit their presentations to three minutes each.
3. **Discussion Items from city Council.** Discuss, review, and consider action on amending the City's Zoning ordinance with regards to the following matters:
 - Sexually oriented businesses: Discuss, review, and consider action on potential land use-based regulatory tools that may be appropriate for further consideration.
 - Various enterprises: Discuss, review, and consider action on potential land use-based regulatory tools that may be appropriate for further consideration.
4. **Adjourn**

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact the person that signs this below at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Municipal Building is wheelchair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area.

I CERTIFY THAT THIS NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE WEST UNIVERSITY PLACE ZONING AND PLANNING COMMISSION WAS POSTED ON THE MUNICIPAL BUILDING BULLETIN BOARD ON OR BEFORE THE 2ND DAY OF JANUARY 2026, AT OR BEFORE 6:15 P.M.

Chris Guess

Planning and Zoning Administrator

cguess@westutx.gov

713-662-5830

AGENDA

ITEM

#3

To: **The Zoning and Planning Commission**
From: **Chris Guess, Planning and Zoning Administrator**
Date: **January 08, 2026**
Re: **Council Action Items (Planning and Zoning Commission) – Sexually oriented business**

Background Information:

At its meeting on December 8, 2025, the City Council of the City of West University Place directed the Zoning and Planning Commission (ZPC) to review the City’s existing ordinances regulating Sexually Oriented Businesses (SOBs) and to prepare a report evaluating potential amendments or additional regulatory measures. This review is undertaken pursuant to the City’s land use and police powers and in recognition of legislative findings, as reflected in the Texas Local Government Code, that the unrestricted operation of certain sexually oriented businesses may be detrimental to the public health, safety, and general welfare by contributing to neighborhood decline, land use incompatibilities, and increased criminal activity.

The purpose of this report is to assist the ZPC in its consideration of whether existing regulations adequately address these concerns and to identify potential land use–based regulatory tools—such as locational restrictions, separation distances, and permitting requirements—that may be appropriate for further consideration. Following its review and deliberation, the ZPC will forward its findings and recommendations to City Council for consideration and possible legislative action.

Applicable Regulations:

- (1) Texas Local Government Code Chapter 243 authorizes municipalities and counties to regulate sexually oriented businesses to protect public health, safety, and welfare, based on legislative findings that unrestricted operation can contribute to neighborhood decline and criminal activity.

The chapter grants local governments wide discretion over where and how sexually oriented businesses may operate. This includes restricting locations to specific areas, imposing separation distances from schools, religious institutions, residential neighborhoods, and other incompatible land uses, and limiting the density of such businesses.

Chapter 243 also authorizes licensing and enforcement mechanisms. Cities and counties may require licenses or permits, charge cost-based fees, inspect businesses for compliance, and deny, suspend, or revoke licenses subject to judicial review.

- (2) **West University Place’s Code of Ordinance:**

- Chapter 54 – Offenses and Miscellaneous Provisions; Article III – Sexually Oriented Businesses, which regulates such uses outside of the zoning ordinance; and
- Appendix A – Zoning Ordinance; Article 8 – Additional Regulations, which includes limited land use controls applicable to sexually oriented businesses.

Methodology:

The ZPC’s review will include the following:

- Review of the City’s current ordinances regulating sexually oriented businesses;
- Review of comparable ordinances adopted by benchmark cities;
- Evaluation and clarification of defined terms to improve clarity and enforceability within the existing regulatory framework;
- Consideration of appropriate zoning districts for sexually oriented businesses; and
- Evaluation of separation or spacing requirements intended to prevent undue concentration.

Proposal:

- Evaluation of a new or modified commercial zoning classification (e.g., “Commercial, Restricted”) that could encompass sexually oriented businesses and other similarly regulated uses;
- Development of clearer and more precise definitions to strengthen enforceability; and
- Consideration of increased separation distances or other buffering mechanisms to prevent clustering and mitigate potential secondary impacts.

Recommendations

Definitions: (Appendix A – Zoning Ordinance; Article 8. – Additional regulations; Sec. 8-108. Sexually oriented businesses)

Adult bookstore means an establishment whose primary business is the offering to customers of books, magazines, films or videotapes (whether for viewing off-premises or on-premises by use of motion picture machines or other image-producing devices), periodicals or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult cabaret means an establishment whose primary business is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and

which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult encounter parlor means an establishment whose primary business is the provision of premises where customers either congregate, associate or consort with employees who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.

Adult lounge means an adult cabaret, as defined in this section, which is a permitted or licensed premises pursuant to the V.T.C.A. Alcoholic Beverage Code, where alcoholic beverages may be served or sold.

Adult modeling studio means an establishment whose primary business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted or otherwise artistically depicted, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

Adult motel means a hotel, motel or similar commercial establishment that:

- (1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas as defined in this section; and
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours or allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Church means a place of worship or an establishment primarily engaged in operating religious organizations, administering an organized religion, or promoting religious activities.

Conduct any business in an enterprise means the doing of any one or more of the following by any person, who shall be deemed to be conducting business in an enterprise:

- (1) Operates a cash register, cash drawer or other depository on the enterprise premises where cash funds or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept.
- (2) Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the enterprise premises.
- (3) Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the enterprise premises.
- (4) Acts as a door attendant to regulate entry of customers or other persons into the enterprise premises.

- (5) Supervises or manages other persons in the performance of any of such activities on the enterprise premises.

Customer means any person, other than the employees or performers at an enterprise, who:

- (1) Is allowed to enter an enterprise in return for the payment of an admission fee or any other form of consideration or gratuity;
- (2) Enters an enterprise and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
- (3) Is a member of and on the premises of an enterprise operating as a private club.

Day care, family means the keeping for part-time care and/or instruction, whether or not for compensation of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

Day care, group means an establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are intended in this definition.

Director means the city manager or such employees, officers or agents of the city as the city manager may designate to perform the duties of the director under this article.

Employee means any person who renders any service whatsoever to the customers of an enterprise or who works in or about an enterprise and who receives compensation for such service or work from the operator or owner of the enterprise or from the customers therein, except for individuals who have a valid SOB Permit.

Enterprise means an adult cabaret, adult encounter parlor, adult lounge, adult modeling studio, adult bookstore, adult movie theater or any establishment whose primary business is the offering to customers of a product or service which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Entertainment means any act or performance, such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors or customers. The term "entertainment" shall also mean bartenders, waiters, waitresses or other employees exposing specified anatomical areas or engaging in specified sexual activities in the presence of customers.

Nude, nudity or state of nudity means any state of dress which fails to opaquely cover a human buttock, anus, male genitalia, female genitalia or areola of a female breast.

Operator means the manager or other natural person principally in charge of an enterprise.

Owner means the proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors and persons holding ten percent or more of the outstanding shares if a corporation. The term "owner" shall not include any such person who has given to the operator a statement under oath that he does not desire to be listed on the permit application and that he waives any right to any notice that is required or permitted to be given under this article.

Permit means a current, valid sexually oriented business permit issued by the director pursuant to the terms of this article to an operator for an enterprise, and is sometimes referred to as a SOB Permit.

School means a building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:

- (1) Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one through 12 classes are taught; and
- (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through 12.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region or pubic hair;
 - b. Buttocks;
 - c. Female breast or breasts below a point immediately above the top of the areola;
 - d. Any combination of the foregoing; or
- (2) Human male genitals in a discernibly erect state, even if completely and opaquely covered.

Youth athletic facility means a facility that provides athletic training or athletic facilities for more than 12 children under 16 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, on a typical operating day, regardless of whether the facility is operated for a profit or charges for the services it offers.

Spacing: (Appendix A – Zoning Ordinance; Article 8. – Additional regulations; Sec. 8-108. Sexually oriented businesses)

- (b) *Spacing*. Notwithstanding any other provision of this ordinance to the contrary, a "regulated establishment" (as defined in the sections of the Code of Ordinances relating to sexually oriented businesses) may not be located:
- (1) within ~~750~~ **1500** feet of any school, church, youth athletic facility, public park or licensed day care center, within the City, which facilities are hereby found and determined to be inconsistent with the operation of a regulated establishment; or
 - (2) within ~~250~~ **1500** feet of any other such regulated establishment for which there is a permit.

Attachments

- Texas Local Government Code 243. Municipal and County Authority to Regulate Sexually Oriented Business
- City of Bellaire – Article XI. Sexually Oriented Businesses
- Hedwig Village - Article VII. Regulation of Sexually Oriented Businesses
- Hunters Creek Village - Chapter 6 Article II. Sexually Oriented Businesses

ATTACHMENT

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND
RELATED ACTIVITIES

SUBTITLE C. REGULATORY AUTHORITY APPLYING TO MORE THAN ONE TYPE OF
LOCAL GOVERNMENT

CHAPTER 243. MUNICIPAL AND COUNTY AUTHORITY TO REGULATE SEXUALLY
ORIENTED BUSINESS

Sec. 243.001. PURPOSE; EFFECT ON OTHER REGULATORY AUTHORITY. (a) The legislature finds that the unrestricted operation of certain sexually oriented businesses may be detrimental to the public health, safety, and welfare by contributing to the decline of residential and business neighborhoods and the growth of criminal activity. The purpose of this chapter is to provide local governments a means of remedying this problem.

(b) This chapter does not diminish the authority of a local government to regulate sexually oriented businesses with regard to any matters.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

Sec. 243.002. DEFINITION. In this chapter, "sexually oriented business" means a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 507, Sec. 4, eff. June 13, 1991.

Sec. 243.003. AUTHORITY TO REGULATE. (a) A municipality by ordinance or a county by order of the commissioners court may adopt regulations regarding sexually oriented businesses as the

municipality or county considers necessary to promote the public health, safety, or welfare.

(b) A regulation adopted by a municipality applies only inside the municipality's corporate limits.

(c) A regulation adopted by a county applies only to the parts of the county outside the corporate limits of a municipality.

(d) In adopting a regulation, a municipality that has in effect a comprehensive zoning ordinance adopted under Chapter 211 must comply with all applicable procedural requirements of that chapter if the regulation is within the scope of that chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

Sec. 243.0031. AUTHORITY TO REGULATE CERTAIN SEXUALLY ORIENTED PERFORMANCES. (a) In this section, "sexually oriented performance" has the meaning assigned by Section 43.28, Penal Code.

(b) Subject to Subsection (c), a municipality or county may regulate sexually oriented performances as the municipality or county considers necessary to promote the public health, safety, or welfare.

(c) A municipality or county may not authorize a sexually oriented performance:

(1) on public property; or

(2) in the presence of an individual younger than 18 years of age.

(d) Except as provided by Subsection (c), this section does not limit the authority of a municipality to license, tax, suppress, prevent, or otherwise regulate theatrical or other exhibitions, shows, or amusements under Section 215.032.

Added by Acts 2023, 88th Leg., R.S., Ch. 931 (S.B. 12), Sec. 2, eff. September 1, 2023.

Sec. 243.004. EXEMPT BUSINESS. The following are exempt from regulation under this chapter:

(1) a bookstore, movie theater, or video store, unless that business is an adult bookstore, adult movie theater, or adult video store under Section 243.002;

(2) a business operated by or employing a licensed psychologist, licensed physical therapist, licensed athletic trainer, licensed cosmetologist, or licensed barber engaged in performing functions authorized under the license held; or

(3) a business operated by or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

Sec. 243.005. BUSINESS LICENSED UNDER ALCOHOLIC BEVERAGE CODE: BUSINESS HAVING COIN-OPERATED MACHINES. (a) A business is not exempt from regulation under this chapter because it holds a license or permit under the Alcoholic Beverage Code authorizing the sale or service of alcoholic beverages or because it contains one or more coin-operated machines that are subject to regulation or taxation, or both, under Chapter 8, Title 132, Revised Statutes.

(b) A regulation adopted under this chapter may not discriminate against a business on the basis of whether the business holds a license or permit under the Alcoholic Beverage Code or on the basis of whether it contains one or more coin-operated machines that are subject to regulation or taxation, or both, under Chapter 8, Title 132, Revised Statutes.

(c) This chapter does not affect the existing preemption by the state of the regulation of alcoholic beverages and the alcoholic beverage industry as provided by Section 1.06, Alcoholic Beverage Code.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

Sec. 243.006. SCOPE OF REGULATION. (a) The location of sexually oriented businesses may be:

(1) restricted to particular areas; or

(2) prohibited within a certain distance of a school, regular place of religious worship, residential neighborhood, or other specified land use the governing body of the municipality or county finds to be inconsistent with the operation of a sexually

oriented business.

(b) A municipality or county may restrict the density of sexually oriented businesses.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

Sec. 243.007. LICENSES OR PERMITS. (a) A municipality or county may require that an owner or operator of a sexually oriented business obtain a license or other permit or renew a license or other permit on a periodic basis for the operation of a sexually oriented business. An application for a license or other permit must be made in accordance with the regulations adopted by the municipality or county.

(b) The municipal or county regulations adopted under this chapter may provide for the denial, suspension, or revocation of a license or other permit by the municipality or county.

(c) A district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or other permit by a municipality or county.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 417, Sec. 1, eff. June 7, 1991.

Sec. 243.0075. NOTICE BY SIGN. (a) An applicant for a license or permit issued under Section [243.007](#) for a location not currently licensed or permitted shall, not later than the 60th day before the date the application is filed, prominently post an outdoor sign at the location stating that a sexually oriented business is intended to be located on the premises and providing the name and business address of the applicant.

(b) A person who intends to operate a sexually oriented business in the jurisdiction of a municipality or county that does not require the owner or operator of a sexually oriented business to obtain a license or permit shall, not later than the 60th day before the date the person intends to begin operation of the business, prominently post an outdoor sign at the location stating that a sexually oriented business is intended to be located on the

premises and providing the name and business address of the owner and operator.

(c) The sign must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size. The municipality or county in which the sexually oriented business is to be located may require the sign to be both in English and a language other than English if it is likely that a substantial number of the residents in the area speak a language other than English as their familiar language.

Added by Acts 1999, 76th Leg., ch. 1109, Sec. 3, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 648 (S.B. 1030), Sec. 1, eff. June 17, 2011.

Sec. 243.008. INSPECTION. A municipality or county may inspect a sexually oriented business to determine compliance with this chapter and regulations adopted under this chapter by the municipality or county.

Added by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

Sec. 243.009. FEES. A municipality or county may impose fees on applicants for a license or other permit issued under this chapter or for the renewal of the license or other permit. The fees must be based on the cost of processing the applications and investigating the applicants.

Added by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

Sec. 243.010. ENFORCEMENT. (a) A municipality or county may sue in the district court for an injunction to prohibit the violation of a regulation adopted under this chapter.

(b) A person commits an offense if the person violates a municipal or county regulation adopted under this chapter. An offense under this subsection is a Class A misdemeanor.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 87(p), eff. Aug. 28, 1989.

Renumbered from Sec. 243.008 and amended by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

Sec. 243.011. EFFECT ON OTHER LAWS. This chapter does not legalize anything prohibited under the Penal Code or other state law.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.
Renumbered from Sec. 243.009 by Acts 1989, 71st Leg., ch. 837, Sec. 1, eff. Aug. 28, 1989.

ATTACHMENT

ARTICLE XI. SEXUALLY ORIENTED BUSINESSES¹

Sec. 24-1100. Applicable in Certain Districts.

The provisions of this article shall be applicable in zoned districts UV-D and CMU of the city. The uses as herein provided shall remain prohibited in all other zoned districts.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1101. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

- A. *Achromatic*. Colorless, lacking in saturation or hue. Without limitation, gray shall be included, but white and black shall be excluded from the definition of achromatic.
- B. *Adult bookstore*. An establishment whose primary business is the offering to customers of books, magazines, films or videotapes CDs, DVDs (whether for viewing off-premises or on-premises by use of electronic media image-producing devices), periodicals, or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.
- C. *Adult cabaret*. An establishment whose primary business is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.
- D. *Adult encounter parlor*. An establishment whose primary business is the provision of premises where customers either congregate, associate, or consort with employees who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.
- E. *Adult lounge*. An adult cabaret, as defined above, which is a permitted or licensed premises, pursuant to the Texas Alcoholic Beverage Code, where alcoholic beverages may be served or sold.
- F. *Adult modeling studio*. An establishment whose primary business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual

¹Ord. No. 25-036, § 2(Exh. A), adopted May 19, 2025, amended Art. XI in its entirety to read as herein set out. Former Art. XI, §§ 24-1100-24-1103, pertained to similar subject matter, and derived from Ord. No. 90-045, § 1, adopted July 12, 1990; Ord. No. 14-041, § 1, adopted Aug. 18, 2014; and Ord. No. 17-028, § 1, adopted May 15, 2017.

State law reference(s)—Municipal authority to regulate sexually oriented businesses, V.T.C.A., Local Government Code § 243.001 et seq.

gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

- G. *Adult movie theater.* An establishment, containing a room with tiers or rows of seats facing a screen, or projection area, whose primary business is the exhibition to customers of electronic media which are intended to provide sexual stimulation or sexual gratification to such customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- H. *Applicant.* The applicant for a permit shall be the intended operator of the enterprise.
- I. *Chief of Police.* The Chief of Police and such employee(s) of the police department as he may designate to perform the duties of the Chief of Police under this article.
- J. *Commercial multi-unit center.* A building or structure (including a shopping mall or strip shopping center) containing three (3) or more separate premises, each of which is offered by lease or otherwise for separate occupancy or control and each of which occupies an enclosed area having its own door or entrance way opening onto public property, a public way, or a common area.
- K. *Conduct any business in an enterprise.* Any person who does any one (1) or more of the following shall be deemed to be conducting business in an enterprise:
 - (1) Operates a cash register, cash drawer or other depository on the enterprise premises where cash funds or records of credit card or other credit transactions generated in any manner by the operation of the establishment or the activities conducted therein are kept;
 - (2) Displays or takes orders from any customer for any merchandise, goods, entertainment or other services offered on the enterprise premises;
 - (3) Delivers or provides to any customer any merchandise, goods, entertainment or other services offered on the enterprise premises;
 - (4) Acts as a door attendant to regulate entry of customers or other persons into the enterprise premises; or
 - (5) Supervises or manages other persons in the performance of any of the foregoing activities on the enterprise premises.
- L. *Customer.* Any person who:
 - (1) Is allowed to enter a regulated establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
 - (2) Enters a regulated establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
 - (3) Is a member of and on the premises of a regulated establishment operating as a private club.
- M. *Employee.* Any person who renders any service whatsoever to the customers of a regulated establishment or who works in or about a regulated establishment and who receives compensation for such service or work from the operator or owner of the regulated establishment or from the customers therein.
- N. *Enterprise.* An adult cabaret, adult encounter parlor, adult lounge, adult modeling studio, or any establishment whose primary business 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 its customers, and which is distinguished by or characterized by an emphasis on matter depicting,

describing or relating to specified sexual activities or specified anatomical areas. The term "enterprise" shall not be construed to include:

- (1) Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held;
 - (2) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts; or
 - (3) Reserved.
- O. *Entertainment.* Any act or performance, such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees, agents, contractors, or customers. The term "entertainment" shall also mean bartenders, waiters, waitresses, or other employees exposing specified anatomical areas or engaging in specified sexual activities in the presence of customers.
- P. *Exterior portion.* Any part of the physical structure of a regulated establishment, including a wall, veneer, door, fence, roof, roof covering, or window, which is visible from any public way or public property.
- Q. *Licensed day-care center.* A facility licensed by the State of Texas, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.
- R. *Operator.* The manager or other natural person principally in charge of a regulated establishment.
- S. *Owner or owners.* Owner or owners shall mean the proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors, and persons holding ten (10) percent or more of the outstanding shares of a corporation. The term "owner" shall not include any such person who has given to the operator a statement under oath that he does not desire to be listed on the permit application and that he waives any right to any notice that is required or permitted to be given under this article.
- T. *Permit.* A current, valid permit issued by the Chief of Police pursuant to the terms of this article to an operator for an enterprise.
- U. *Place of worship.* A building, whether situated within the City or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.
- V. *Regulated establishment.* Any enterprise, adult bookstore, or adult movie theater, as defined herein.
- W. *Residential.* Pertaining to the use of land, whether situated within the City or not, for premises such as homes, town homes, patio homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein. A premises which is designed primarily for living, sleeping, cooking and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boardinghouses, nursing homes, hospitals, and nursery schools shall not be considered to be residential.
- X. *School.* A building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadium and other structures or grounds used in conjunction therewith. The term is limited to:

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- (1) Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and
 - (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1102. Permit—Required.

- A. It shall be unlawful for any person to own, operate or conduct any business in an enterprise located within the City unless there is a permit for the enterprise.
- B. It shall be unlawful for any person to own, operate, or conduct any business in an enterprise located within the City unless the permit is posted at or near the principal public entrance to the enterprise in such a manner that it will be conspicuous to patrons who enter the premises.
- C. In any prosecution under subsection (a) above, it shall be presumed that there was no permit at the time of the alleged offense, unless a permit was then posted as provided in subsection (b).

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1103. Permit—Applications.

- A. Applications for a permit, whether original or renewal, must be made to the Chief of Police by the intended operator of the enterprise. Applications must be submitted by hand delivery to the Chief of Police during regular working hours (8:00 a.m. to 4:00 p.m., Monday through Friday, city holidays excepted). Application forms shall be supplied by the Chief of Police. The intended operator shall be required to give the following information on the application form:
 - (1) a) The name, street address (and mailing address if different) and Texas driver's license number of the intended operator, and any and all aliases;
 - b) The name and street address (and mailing address if different) of the owner(s);
 - (2) The name under which the enterprise is to be operated and a general description of the services to be provided;
 - (3) The telephone number of the enterprise;
 - (4) The address and legal description of the parcel of land on which the enterprise is to be located;
 - (5) The date on which the owner(s) acquired the enterprise for which the permit is sought, and the date on which the enterprise began operations as an enterprise at the location for which the permit is sought; and
 - (6) A list of all employees or contractors involved in providing the services to be provided by the enterprise.
- B. The application shall be accompanied by the following:
 - (1) Payment in full of a fee of:
 - a) Three hundred fifty dollars (\$350.00) for an original application; or

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- b) One hundred dollars (\$100.00) for a renewal application, as applicable, by certified check, cashier's check or money order, which fee shall not be refundable under any circumstances;
 - (2) A certified copy of the assumed name certificate filed in compliance with the Assumed Business or Professional Name Act (Texas Revised Civil Statutes Annotated, Business and Commerce Code, Chapter 36) if the enterprise is to be operated under an assumed name;
 - (3) If the enterprise is a Texas corporation, a certified copy of the articles of incorporation, together with all amendments thereto;
 - (4) If the enterprise is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;
 - (5) If the enterprise is a limited partnership formed under the laws of Texas, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the Secretary of State under the Texas Revised Limited Partnership Act (Article 6132a Vernon's Texas Civil Statutes);
 - (6) If the enterprise is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto, filed in the office of the Secretary of State under the Texas Revised Limited Partnership Act (Article 6132a Vernon's Texas Civil Statutes);
 - (7) Any of items (2) through (6) above shall not be required for a renewal application if the applicant states that the documents previously furnished the Chief of Police with the original application or previous renewals thereof remain correct and current.
- C. The application shall contain a statement under oath that:
- (1) The applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct; and
 - (2) The applicant has read the provisions of this article.
- D. A separate application and permit shall be required for each enterprise.
- (Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1104. Permit—Term; Renewal.

Each permit shall be valid for a period of one (1) year and shall expire on the anniversary of its date of issuance, unless sooner revoked, or surrendered. Each permit shall be subject to renewal as of its expiration date by the filing of a renewal application with the Chief of Police. Renewal applications must be filed at least thirty (30) days prior to the expiration date of the permit that is to be renewed.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1105. Permit—Issuance or Denial.

- A. Within thirty (30) days of receipt of any application, either original or renewal, the Chief of Police shall grant or deny the requested permit and give written notice to the applicant as to the decision.
- B. The Chief of Police shall issue a permit to the applicant unless one (1) or more of the following conditions exist:

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- (1) The applicant's enterprise is located within five hundred (500) feet of any school, place of worship, or licensed day care center. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of such school, place of worship, or licensed day care center;
 - (2) The applicant's enterprise is located within one thousand (1,000) feet of any other enterprise for which there is a permit. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's enterprise to the nearest point on the property line of any other enterprise;
 - (3) Five hundred (500) feet from any residential property, measured from the closest point on the property line of the residential property to the closest point of any property in a use regulated under the provisions of this article;
 - (4) The applicant failed to supply all of the information requested on the application;
 - (5) The applicant gave materially false, fraudulent or untruthful information on the application;
 - (6) The applicant's enterprise is not in compliance with Section 24-1109 and Section 24-1110 of this article;
 - (7) The applicant or the enterprise does not meet any other requirement of this article;
 - (8) The applicant has not fully complied with all state, federal and local laws or regulations affecting the conduct of its business, including the laws of any other City located in Harris County;
 - (9) The operator has had a permit revoked for the same enterprise within the one hundred eighty (180) day period next preceding the date that the application was filed.
- C. Property uses and distances for original applications shall be determined as of the time that the application is filed. If a renewal application is timely filed as provided in Section 24-1104, the property uses and measurements for the renewal application shall be determined as of the time that the original application for the enterprise was filed. If not timely filed, renewal applications shall be subject to the same fees and shall be treated in the same manner in all respects as original applications.
- D. In the event that the Chief of Police determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within thirty (30) days of the receipt of its application by the Chief of Police. An applicant may appeal the decision of the Chief of Police regarding such denial by filing a written request for a hearing with the Chief of Police within fifteen (15) days after he is given notice of such denial. The Chief of Police's decision on the application shall be final unless an appeal is timely filed. An appeal shall not stay the Chief of Police's decision on the issuance of a permit. The applicant's written request for a hearing shall set out the grounds on which the denial is challenged. The hearing shall be conducted by a hearing official to be designated by the Chief of Police. The hearing official shall not have participated in any investigation or decision relating to the denial of the permit. At the hearing, the hearing official shall receive oral and written testimony regarding the application. Hearings shall be conducted under rules issued by the Chief of Police which shall be consistent with the nature of the proceeding and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel.
- E. The hearing official shall conduct the hearing within fifteen (15) days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The hearing official shall render a written decision and issue notice thereof to the applicant within five (5) days after the conclusion of the hearing. The written decision of the hearing official shall be final unless an appeal is filed to the City Council pursuant to Section 24-1105 F.
- F. The applicant may appeal the decision of the hearing official to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) days after the applicant is given notice of the hearing official's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Chief of Police may submit a

memorandum in response to the memorandum filed by the applicant on appeal to the City Council. After reviewing such memoranda, as well as the hearing official's written decision, and the exhibits introduced at the hearing before the hearing official, the City Council shall vote to either uphold or overrule the hearing official's decision. Such vote shall be taken within fourteen (14) calendar days after the date on which the City Clerk receives the notice of appeal. However, all parties shall be required to comply with the hearing official's decision during the pendency of the appeal. The decision of the City Council shall be final.

- G. Failure of the Chief of Police to give timely notice of his action on an application, or failure of the hearing official to timely conduct or give notice of his decision on an appeal from the City Manager's decision, or failure of the City Council to vote on an appeal from the decision of the hearing official within the limitations of time specified above, shall entitle the applicant to the issuance of a temporary permit upon written demand therefor filed by the applicant with the City Manager. Such a temporary permit shall only be valid until the third (3rd) day after the City Manager gives notice of his action on the application or the hearing official gives notice of this decision on the appeal, or the City Council votes on the appeal, as applicable.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1106. Permit—Transfer Upon Change.

- A. A permit is personal to the owner(s) and operator designated in the application, provided it may be transferred pursuant to this section. A transfer application must be filed by the tenth (10th) day next following any change of the owner(s) or operator designated on the application. In the event that a transfer application is not timely filed, then the permit shall be invalid for any purpose relating to the operation of the enterprise, and any transfer shall require and be treated in all respects as an original permit application. For purposes of measurements between enterprises under Section 24-1105 of this Code, an establishment for which the permit has become invalid by operation of this section shall be treated as though it had a permit until the permit is revoked pursuant to Section 24-1107 of the Code and any appeal therefrom to the City Council has been concluded.
- B. The Chief of Police shall prescribe a form on which permit transfer applications shall be made. The form shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended hereby. The transfer application shall contain a statement under oath that the individual signing the transfer application has personal knowledge of the information contained therein and that the information is true and correct and shall not be complete unless accompanied by a non-refundable transfer fee of one hundred dollars (\$100.00). Transfer applications shall be filed in the same place and at the same time as original applications and the fee shall be payable in the same manner as for original applications, as provided in Section 24-1103 of this Code.
- C. Transfers shall be reviewed, issued and subject to appeal in the same manner as original applications, pursuant to Section 24-1105; except that items (1), (2), and (3) of subsection (b) shall not apply, and they shall be issued for the remaining term of the permit to be transferred.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1107. Permit—Revocation or Suspension.

- A. The Chief of Police shall have the authority to revoke a permit for any one (1) or more of the following reasons:
 - (1) The owner or operator of the permitted enterprise knowingly allowed a person under seventeen (17) years of age to enter an enterprise;

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- (2) The permitted enterprise does not conform to the provisions of Section 24-1109 and Section 24-1110 of this article;
 - (3) Three (3) or more cumulative violations of any of the offenses contained in chapter 21, chapter 43, Section 22.011, or Section 22.021 of the Texas Penal Code or of the offenses contained in this Code have occurred on the premises of the permitted enterprise. These violations must have occurred in a consecutive period of twelve (12) months, and the owner or operator must have knowingly allowed such violations to occur or did not make a reasonable effort to prevent the occurrence of such violations;
 - (4) The operator of the permitted enterprise gave materially false, fraudulent or untruthful information on the original, renewal or transfer application form;
 - (5) The enterprise has been closed for business for a period of thirty (30) consecutive days, unless such closure is due to circumstances beyond the control of the owner, and the owner is proceeding with due diligence, given all attendant circumstances, to reopen the establishment;
 - (6) That there was a change of owner or operator for which a transfer application was not timely filed pursuant to Section 24-1106 of this article; or
 - (7) That the permit should not have been issued pursuant to the criteria of Section 24-1105 of this article.
- B. Prior to revocation of a permit, the Chief of Police shall investigate the grounds alleged to determine whether probable cause for revocation may exist and, if so, shall notify the owner(s) and operator in writing of reasons for the proposed revocation and grant such owner(s) and operator the opportunity to appear before a hearing official to be designated by the Chief of Police at a time and place specified within such notice. The hearing official designated shall not have participated in any investigation of the alleged grounds for the revocation. Such hearing shall be held not less than fifteen (15) days after notice is given. Hearings shall be conducted under rules issued by the Chief of Police. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel. If, after the hearing, the hearing official finds that the permit should be revoked, he shall issue a written order revoking such permit which shall be effective on the third (3rd) day after notice thereof is given to the operator. If the hearing official determines, based upon the nature of the violation, that the ends of justice would be served by a suspension in lieu of a revocation, he may suspend the operation of the permit for a period of time to be stated in the order of suspension, not to exceed two (2) months; however, a suspension may not be ordered if the grounds are based upon item (6) or (7) of subsection (a) above.
- C. The owner(s) or operator shall have the right to appeal an order of the hearing official revoking a permit to the City Council in accordance with the procedure set forth in Section 24-1105 by delivering notice of appeal to the City Clerk within fifteen (15) days after notice is given to the owner(s) and operator of the order. The filing of an appeal of a revocation to the City Council shall not have the effect of superseding or suspending the order of the Chief of Police. Orders suspending permits shall not be subject to any appeal.
- D. An enterprise shall be treated as having a permit for purposes of measurements under Section 24-1105 of this Code, pending the date for filing an appeal of a permit revocation, and if an appeal is filed, pending the disposition of the appeal by the City Council. An establishment holding a suspended permit shall be treated as having a permit for the purpose of measurements made under Section 24-1105.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1108. Other Permit Provisions.

- A. A permit is valid only at the location for which it is issued.

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- B. It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a permit.
 - C. A permit may be cancelled upon written request of the owner(s) or operator and surrender of the permit itself to the Chief of Police. Permits shall be surrendered at the same place and at the same time as permit applications as provided in Section 24-1103 of this Code. The surrender of a permit shall be effective upon its filing with the Chief of Police.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1109. Exterior Portions of Regulated Establishments.

- A. It shall be unlawful for an owner or operator of a regulated establishment to allow the merchandise or activities of the regulated establishment to be visible from any point outside such regulated establishment.
- B. It shall be unlawful for the owner or operator of a regulated establishment to allow the exterior portions of the regulated establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this article or other provisions of this Code.
- C. It shall be unlawful for the owner or operator of a regulated establishment to allow exterior portions of the regulated establishment to be painted any color other than a single achromatic color. This provision shall not apply to any regulated establishment if the following conditions are met:
 - (1) The regulated establishment is a part of a commercial multi-unit center; and
 - (2) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the regulated establishment, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
- (d) Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a regulated establishment.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1110. Persons Younger than Twenty-One (21) Prohibited from Entry; Attendant Required.

- A. It shall be unlawful to allow a person who is younger than twenty-one (21) years of age to enter or be on the premises of a regulated establishment at any time that the regulated establishment is open for business.
- B. It shall be the duty of the operator of each regulated establishment to ensure that an attendant is stationed at each public entrance to the regulated establishment at all times during such regulated establishment's regular business hours. It shall be the duty of the attendant to not allow any person under the age of twenty-one (21) years to enter the regulated establishment. It shall be presumed that an attendant knew a person was under the age of twenty-one (21) unless such attendant asked for and was furnished:
 - (1) A valid operator's, commercial operator's, or chauffeur's driver's license; or
 - (2) A valid personal identification certificate issued by the Texas Department of Public Safety reflecting that such person is twenty-one (21) years or older.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1111. Notices.

- A. Any notice required or permitted to be given by the Chief of Police or any other City office, division, department or other agency under this article to any applicant, operator or owner of an enterprise may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application which has been received by the Chief of Police, or any notice of address change which has been received by the Chief of Police.

Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Chief of Police shall cause it to be posted at the principal entrance to the establishment.

- B. Any notice required or permitted to be given to the Chief of Police by any person under this article shall not be deemed given until and unless it is received in the office of the Captain of the Vice Division at the time(s) and in the manner provided for filing of applications in Section 24-1103 of this Code.
- C. It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Chief of Police in writing of any change of residence or mailing address.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1112. Penalty.

- A. The violation of any provision of this article, including the doing of anything which is herein prohibited or declared to be unlawful or the failure to do anything or perform any duty which is required herein, shall be punishable as provided by Section 243.010(b) of the Local Government Code, as amended. Each day any violation shall continue shall constitute and be punishable as a separate offense.
- B. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty and the imposition of a criminal penalty shall not prevent the revocation or suspension of a permit.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

Sec. 24-1113. Occupancy Permit.

An occupancy permit shall be issued by the Building Official for the lawful occupancy of the building or premises upon issuance of the permit as herein provided. The Building Official shall immediately upon the request of the applicant identify in writing any legally sufficient reason why the occupancy permit cannot be issued.

(Ord. No. 25-036, § 2(Exh. A), 5-19-2025)

ATTACHMENT

ARTICLE VII. REGULATION OF SEXUALLY ORIENTED BUSINESSES

Sec. 18-220. Definitions.

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore or adult video store means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear either semi-nude or in a state of nudity; or
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult motel means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Chief of police means the Chief of Police of the City of Hedwig Village, Texas, or his designated agent.

Church means a building in which persons regularly assemble to worship, intended primarily for purposes connected with faith or for propagating a particular form of religion.

City means the City of Hedwig Village, Texas.

City administrator means the City Administrator of Hedwig Village, Texas, as appointed by the City Council of the City of Hedwig Village, Texas.

City council means the City Council of the City of Hedwig Village, Texas.

City secretary means the City Secretary of the City of Hedwig Village, Texas, as appointed by the City Council of the City of Hedwig Village, Texas.

Escort means a person who for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

Establishment means and includes any of the following:

- (1) The opening or commencement of an sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

Nude model studio means any place where a person who appears semi-nude or in a state of nudity or displays "specified anatomical areas" is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted for prurient purposes by other persons who pay money or any form of consideration.

Nudity or a state of nudity means:

- (1) The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or
- (2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Person means an individual, partnership, or corporation or other entity.

Regulations means the provisions of this ordinance, as it may be amended from time to time.

School means a building where persons regularly assemble for the purpose of instruction or education, together with playgrounds, dormitories, stadia and other structures or grounds used in conjunction therewith and is limited to public and private schools used for preschool, primary, secondary or college education, and child care facilities.

Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center means a business or commercial enterprise that as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

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- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually oriented business means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

Specified anatomical areas means human genitals in a state of sexual arousal.

Specified sexual activities means anyone of the following: human genitals in a discernible state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast or breasts; or any combination of the foregoing.

State means the State of Texas.

Substantial enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than 25 percent, as the floor area exists on the effective date of this section.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. No. 528, § 2, 1-9-2003)

Sec. 18-221. Specific regulations of sexually oriented businesses.

(a) *Intent and purpose.*

- (1) It is the purpose of this article to regulate sexually oriented businesses to promote the health, safety and general welfare of the residents of the city, to protect and preserve the quality, property values, and character of the city; to prevent the concentration of sexually oriented businesses within the city; and to minimize the potential negative impacts of sexually oriented businesses on residential areas, churches, schools, and public areas.
- (2) It is expressly not the intent or effect of this article to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Nor is it the intent or effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the Constitution of the United States, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- (3) It is the intent of the city that the location regulations of this article related to massage parlors, nude studios, modeling studios, love parlors, and other similar commercial enterprises whose major business is the offering of a service that is intended to provide sexual stimulation or sexual gratification to the customer, are promulgated pursuant to sections 243.001, et seq., of the Texas Local Government Code. It is the intent of the city that all other regulations of this article are promulgated pursuant to sections 54.001 and 215.024 of the Texas Local Government Code.

(b) *Location of sexually oriented businesses and signage.*

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- (1) The location of sexually oriented businesses is hereby allowed, subject to the distance and licensing requirements of this subsection after application and granting of a license as set forth more fully herein.
 - (2) Each structure housing a sexually oriented business shall be located at least 1,000 feet from the property line of any lot used for a residence, church, school, cemetery, or park purposes, and shall be located 1,000 feet from any other structure housing a sexually oriented business. For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, school, cemetery, park, or residential district.
 - (3) Each sexually oriented business shall comply with all of the city's sign requirements, as they may be amended from time to time. Additionally, such signs as are used shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference, any specified sexual activities, or specified anatomical areas.
- (c) *Regulations pertaining to exhibition of sexually explicit films or videos.*
- (1) A person who operates or causes to be operated a sexually oriented business, which exhibits on the premises in a viewing room less than 400 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - a. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The city secretary may waive the foregoing diagram for renewal applications if the application adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - b. The application shall be sworn to be true and correct by the applicant.
 - c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the city secretary.
 - d. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

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- f. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises to ensure that the view area specified in subsection e. above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection a. above.
 - g. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measures at the floor level.
 - h. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above, is maintained at all times that any patron is present on the premises.
- (2) A person having a duty under subsection (d) of this article commits an offense if he knowingly fails to fulfill that duty.
- (d) *Additional regulations for adult motel.*
- (1) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this subsection.
 - (2) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, he/she rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he/she rents or subrents the same sleeping room again.
 - (3) For purposes of subsection (2) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of considerations.
- (e) *Exception to regulations.* The regulations contained in this subsection do not apply to the following:
- (1) Any business operated by or employing psychologists, physical therapists, athletic trainers, masseuses, cosmetologists, or barbers, licensed by the state, and performing functions authorized under the licenses held;
 - (2) Any business operated by or employing physicians, osteopaths, nurses, or chiropractors, licensed by the state, engaged in practicing the healing arts; and
 - (3) Any retail business whose major business is the offering of wearing apparel for sale to customers.
- (f) *License required.*
- (1) All sexually oriented businesses to be operated within the city shall first obtain a valid license under the provisions of this article.
 - (2) A license shall only be issued for sexually oriented businesses that fulfill the locational requirements of subsection (b) of this article.
 - (3) A business is not exempt from regulation under this article because it holds a license or permit under the Texas Alcoholic Beverage Code authorizing the sale or service of alcoholic beverages.
- (g) *Display of license.* A license issued under these regulations shall be displayed at all times in an open and conspicuous place on the premises of the sexually oriented business for which it was issued.
- (h) *Application for a license.*

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- (1) Any person desiring a license shall file a sworn written application with the city secretary, on a form provided by the city secretary. The application shall set forth the following:
 - a. The name of the applicant and whether the applicant is an individual, general partnership, limited partnership, corporation, or other entity.
 - b. The name under which the sexually oriented business is to be operated and a general description of the services or products to be provided.
 - c. The address and legal description of the parcel of land on which the sexually oriented business is to be located.
 - d. The name, resident address and telephone number or the manager or other individual to be principally in charge of the operation of the sexually oriented business.
 - e. If the property where the sexually oriented business is to be located is not owned by the applicant, then the name, address and phone number of such property owner.
 - f. A written declaration that the information contained in the application is true and correct.
 - g. If the applicant is an individual, the application shall be signed and verified by the applicant. If the applicant is a partnership, the application shall be signed and verified by all of the partners thereof. If the applicant is a corporation or other entity, the application shall be signed and verified by the president and the treasurer of such corporation or entity.

- (2) In addition, the application shall be accompanied by the following:
 - a. Payment of the license fee, as provided in this article.
 - b. A certified copy of the assumed name certificate filed in compliance with the Assumed Business or Professional Name Act (Texas Revised Civil Statutes, Business and Commerce Code, Chapter 36,) if the applicant is to operate the sexually oriented business under the assumed name.
 - c. If the applicant is a Texas corporation, a certified copy of the articles of incorporation together with all amendments thereto, shall be filed.
 - d. If the applicant is a foreign corporation, a certified copy of the certificate of authority to transact business in the state, together with all amendments thereto, shall be filed.
 - e. If the applicant is a foreign or limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the secretary of state under the Texas Limited Partnership Act.
 - f. A complete list of persons employed by the sexually oriented business, including their age, date and place of birth, Social Security number, driver's license number and salary or wage rate. This list shall be updated monthly by a verified report to the city secretary, listing all of the above information for any employees hired during the previous month.
 - g. A detailed development plan which describes the dimensions and location of the sexually oriented business and clearly shows it to be in compliance with the locational requirements of subsection (b) of this section.

(i) *Investigation, issuance or denial of license.*

- (1) Upon receiving an application for a license, the city secretary, or their designee, shall conduct an investigation for the purpose of determining whether the requirements of this subsection have been satisfied or not. The city secretary shall coordinate this investigation in order to determine if the application complies with the locational and sign requirements as set forth in this Code. The city secretary shall deny the application for a license if any requirement of this subsection is not satisfied.

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- (2) The city secretary shall deny the application for a license if one or more of the following is determined to be true:
- a. An applicant is under 18 years of age;
 - b. An applicant or an applicant's spouse is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business;
 - c. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - d. An applicant or an applicant's spouse has been convicted of a violation of a provision of this article, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application; the fact that a conviction is being appealed shall have no effect;
 - e. The license fee required by this subsection has not been paid;
 - f. An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers;
 - g. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances;
 - h. An applicant or an applicant's spouse has been convicted of a crime:
 1. Involving:
 - i. Any of the following offenses as described in chapter 43 of the Texas Penal Code: prostitution, promotion of prostitution; aggravated promotion of prostitution; obscenity; sale, distribution, or display of harmful material to minors; sexual performance by a child; possession of child pornography; employment harmful to minors;
 - ii. Any of the following offenses as described in chapter 21 of the Texas Penal Code: public lewdness; indecent exposure; indecency with a child;
 - iii. Sexual assault or aggravated sexual assault as described in chapter 22 of the Texas Penal Code;
 - iv. Incest, solicitation of a child, or harboring a runaway child as described in chapter 25 of the Texas Penal Code; or
 - v. Criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses;
 2. For which:
 - i. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - ii. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

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- iii. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period;
3. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.
 4. An applicant who has been convicted or whose spouse has been convicted of an offense listed in subsection (i)(2)h. may qualify for a sexually oriented business license only when the time period required by that subsection has elapsed.
 5. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
 6. The city secretary shall notify each applicant of their eligibility for a license within 20 days of receipt of the completed application. If the applicant complies with the provisions of these regulations, then the city secretary shall issue a license. In the event that an applicant fails to comply with these regulations, then the applicant shall be so notified and be entitled to a hearing held pursuant to the provisions of this subsection.
- (j) *License fee.* The applicant shall pay an annual fee for a sexually oriented business license in the amount of \$500.00. No portion of any fee collected under this section shall be returned after a license has been issued or denied.
- (k) *Transfer of license.* A license shall not be transferred to another, nor shall a license holder operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.
- (l) *Expiration and renewal of license.* Each license shall be effective when issued and shall be renewable annually upon filing an application as provided for herein. All licenses are renewable on the anniversary date of each year succeeding the year in which they are first issued.
- (m) *Enforcement and inspection.*
- (1) The chief of police, or his designee, shall have the power to administer and enforce the provisions of these regulations upon presentation of proper identification to the owner, agent, or tenant in charge of any premises where a sexually oriented business is located. The chief of police, or his designee, may enter for the purposes of inspection or investigation to insure compliance with the terms of these regulations, any building, structure or other premises where the sexually oriented business is located, at any time it is occupied and open for business.
 - (2) A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the chief of police at any time it is occupied or open for business.
 - (3) However, when the chief of police, or his designee, is denied permission to inspect any premises, inspection shall be made only under the authority of a warrant issued by a magistrate authorizing the inspection for violations of these regulations. In applying for such a warrant, the chief of police, or his designee, shall submit an affidavit to a magistrate setting forth his belief that a violation of these regulations exists with respect to the premises sought to be inspected and the reasons for such belief. The affidavit shall designate the location of such operator, or occupant thereof. If the magistrate finds that a probable cause exists for a search of the premises, such warrant describing the premises with

sufficient certainty to identify the same shall be issued. A warrant so issued shall constitute authority for the chief of police, or his designee, to enter upon or inspect the premises described therein.

(n) *Suspension and revocation of licenses.*

- (1) The city administrator, or his designee, is hereby granted, and shall have the power to suspend any and all licenses authorized by these regulations, if he determines that a licensee or employee of a licensee has:
 - a. Violated or is not in compliance with any provision of this article;
 - b. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
 - c. Refused to allow an inspection of the sexually oriented business premises as authorized by this subsection;
 - d. Knowingly permitted gambling by any person on the sexually oriented business premises; or
 - e. Demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.
- (2) The city administrator, or his designee, is hereby granted, and shall have the power to revoke any and all licenses authorized by these regulations, if he determines that:
 - a. A licensee gave false or misleading information in the material submitted to the city secretary during the application process;
 - b. A licensee or any employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - c. A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - d. A licensee has been convicted of an offense listed in subsection (j)(2)h. of this subsection for which the time period required in that subsection has elapsed;
 - e. On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime in subsection (j)(2)h., for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed;
 - f. Licensee or an employee has knowingly allowed any specified sexual activities to occur in or on the sexually oriented business premises; or
 - g. A licensee is delinquent in payment to the city for taxes, fees, fines, or penalties.

Additionally, the city administrator, or his designee, shall revoke a license if a cause of suspension as listed in subsection (n)(1) of this section occurs and the license has been suspended within the preceding 12 months.

- (o) *Notice, hearing, and appeal.* The city administrator, or his designee, shall conduct a hearing prior to the suspension, revocation or denial of any license authorized under these regulations. The person whose license is under consideration shall be given at least ten calendar days' written notice prior to the date of the hearing, unless such notice is waived by the applicant, and shall be permitted to present relevant facts and legal argument regarding the pending revocation or denial. Following such hearing, the city administrator, or his designee, shall consider the merits of the case, and shall present a written opinion prior to any action. Any person wishing to appeal the decision of the city administrator, or his designee, regarding the suspension, revocation or denial of a license may, within ten days after the date of the written opinion filed

by the city administrator, or his designee, appeal such decision to the city council, by written notice to the city administrator, setting out the basis of such appeal. The city council shall hold a hearing on the license suspension, revocation or denial within ten days of the receipt of written notice of appeal, provided, however, that the appearing party shall be required to comply with the decision of the city secretary, or his designee, during the pendency of the appeal.

(p) *Unlawful acts.*

- (1) False or fraudulent statement. It shall be unlawful for any person to knowingly make any false, fraudulent or untruthful statement, either written or oral, or in any way knowingly to conceal any material act or to give or use any assumed name or fictitious name other than the one duly filed for record in compliance with the assumed business or professional name act.
- (2) Use of another's license unlawful. It shall be unlawful for any individual, partnership, corporation or other entity to use a license which has been issued to another individual, partnership, corporation, or other entity.
- (3) Unlawful to deface, alter, etc. a license. It shall be unlawful for any person to counterfeit, forge, change, deface or alter a license.
- (4) Violation deemed a misdemeanor. Where authorized by law, the violation of any provision of these regulations will be considered a misdemeanor.

(q) *Injunction.* A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of this article is subject to a suit for injunction as well as prosecution for criminal violations.

(r) *Not to legalize anything prohibited by state law or city ordinance.* These regulations do not legalize anything prohibited under the penal code or any other state law or city ordinance. Further, any violation of the penal code or other state law or city ordinance shall be deemed grounds for revocation of the license issued.

(Ord. No. 528, § 2, 1-9-2003)

Secs. 18-222—18-224. Reserved.

Chapter 6 AMUSEMENTS AND ENTERTAINMENTS¹

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. SEXUALLY ORIENTED BUSINESSES²

DIVISION 1. GENERALLY

Sec. 6-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Achromatic means colorless. The color gray shall be considered achromatic, but the colors white and black shall be excluded from the definition of the term "achromatic."

Adult bookstore means an establishment whose major business is the offering to customers of books, magazines, films or videotapes (whether for viewing off the premises or on the premises by use of motion picture machines or other image-producing devices), periodicals or other printed or pictorial materials which are intended to provide sexual stimulation or sexual gratification to such customers, and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult cabaret means an establishment whose major business is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult encounter parlor means an establishment whose major business is the provision of premises where customers either congregate, associate or consort with employees who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers with the intent of providing sexual stimulation or sexual gratification to such customers.

Adult modeling studio means an establishment whose business is to provide to customers, figure models whose intent is providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

¹State law reference(s)—Sports, amusements and entertainment, V.T.C.A., Occupations Code ch. 2001 et seq.

²State law reference(s)—Authority of municipality to regulate sexually oriented businesses, V.T.C.A., Local Government Code ch. 243.

Adult movie theater means an establishment containing a room with tiers or rows of seats facing a screen or projection area, whose business is the exhibition, for customers, of motion pictures which are intended to provide sexual stimulation or sexual gratification to such customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Advertise means to seek the attraction of or to direct the attention of the public to any goods, services or merchandise whatsoever.

Church or place of worship means a building located within or without the city in which persons regularly assemble for religious worship, intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Commercial business means an establishment owned or operated by any entity which invites customers onto its premises and which is operated for profit.

Commercial multiunit center means a building or structure, including a shopping mall or strip shopping center, containing three or more commercial businesses, each of which occupies an enclosed area having its own door or entranceway opening onto public property, a public way or a common area.

Customer means any person who:

- (1) Is allowed to enter an establishment in return for the payment of an admission fee or any form of consideration or gratuity; or
- (2) Enters any establishment for the purpose of purchasing or renting a commodity or service therein.

Display surface means the entire surface of a sign on one side, devoted to exhibiting advertising. The display surface shall not include the sign frame and incidental supports thereto.

Employee means any person who renders any service whatsoever to the customers of an establishment regulated by this article or who works in or about such an establishment and who receives compensation for such service or work from the operator or owner of such establishment or from the customers therein.

Entertainment means any act or performance such as a play, skit, reading, revue, pantomime, scene, song, dance, musical rendition or striptease, whether performed by employees or customers. The term "entertainment" shall also mean bartenders, waiters, waitresses or other employees exposing specified anatomical areas or engaging in specified sexual activities in the presence of customers.

Existing means in operation on the effective date of the ordinance from which this article is derived.

Exterior portion means any part of the physical structure of an establishment regulated by this article including a wall, veneer, door, fence, roof, roof covering or window which is visible from any public way or public property.

Operator means the manager or other person principally in charge of an establishment regulated by this article.

Residential means pertaining to the use of land for premises such as homes, townhouses, patio homes, mobile homes, duplexes, condominiums and apartment complexes which contain habitable rooms for nontransient occupancy, and which are designated primarily for living, sleeping, cooking and eating therein. Hotels, motels, boardinghouses, nursing homes, hospitals, nursery schools and child daycare facilities shall not be considered to be residential.

School means a building where persons regularly assemble for the purpose of instruction or education, together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term "school" is limited to public and private schools used for primary and secondary education.

Sexually oriented business or business includes the definition of the term "sexually oriented business" contained in V.T.C.A., Local Government Code § 243.002, and shall include but not be limited to the following: an adult

bookstore, adult cabaret, adult encounter parlor, adult modeling studio, adult movie theater or any establishment whose business may include the offering to customers of a product or service which is intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. The city secretary or his successor shall make the final determination of whether a proposed use constitutes a sexually oriented business in accordance with the terms and intent of this article. The term "sexually oriented business" or "business" shall not be construed to include:

- (1) Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists or licensed barbers performing functions authorized under the licenses held;
- (2) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts; or
- (3) Any retail establishment whose major business is the offering of wearing apparel for sale to customers.

Sign means any display, design, pictorial or other representation, which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same is visible from the outside of an establishment regulated by this article and is used for advertising such establishment. The term "sign" shall also include such representations painted on or otherwise affixed to any exterior portion of an establishment regulated by this article, as well as, such representations painted on or otherwise affixed to any part of the tract upon which such an establishment is situated.

Specified anatomical areas means the following:

- (1) Less than completely and opaquely covered:
 - a. Human genitals, pubic region or pubic hair;
 - b. Buttock;
 - c. Human breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly erect state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a discernible state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or human breast.

Tract means a parcel of land under common ownership located within or without the city.

(Code 2002, § 4.1001; Ord. No. 551, 3-9-1999; Ord. No. 744, § 6, 7-28-2009)

Sec. 6-20. Applicability of provisions to existing businesses.

- (a) The provisions of this article shall be applicable to existing businesses.
- (b) If a business is ineligible to receive a permit under this article, then such business shall terminate operations within 30 days after the date on which the applicant for such business receives notification of such ineligibility from the mayor.

(Code 2002, § 4.1003; Ord. No. 551, 3-9-1999)

Sec. 6-21. Exterior portions of establishment.

- (a) *Visible merchandise, activities.* It shall be unlawful for the merchandise or activities of a sexually oriented business, adult bookstore or adult movie theater to be visible from any point outside such establishment.
- (b) *Flashing lights, lettering, pictures.* It shall be unlawful for the exterior portions of a business, adult bookstore or adult movie theater to have flashing lights, or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent permitted by the provisions of this article.
- (c) *Prohibited coloring.* It shall be unlawful for the exterior portions of a business, adult bookstore or adult movie theater to be painted any color other than a single achromatic color. This section shall not apply to any business, adult bookstore or adult movie theater if the following conditions are met:
 - (1) The business, adult bookstore or adult movie theater is a part of a commercial multiunit center; and
 - (2) The exterior portions of each individual unit in the commercial multiunit center, including the exterior portions of such business, adult bookstore or adult movie theater, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multiunit center.
- (d) *Unpainted exteriors.* Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a business, adult bookstore or adult movie theater.
- (e) *Nonconforming existing businesses.* All nonconforming exterior portions of an existing business, adult bookstore or adult movie theater shall be made to comply with the provisions of this article within six months after the effective date of the ordinance from which this article is derived.

(Code 2002, § 4.1004; Ord. No. 551, 3-9-1999)

Sec. 6-22. Signs.

- (a) Notwithstanding any city ordinance, code or regulation to the contrary, it shall be unlawful for the permittee of a business, the owner of an adult bookstore or the owner of an adult movie theater to erect, construct or maintain more than one sign for such establishment.
- (b) Signs shall have not more than two display surfaces and each display surface shall:
 - (1) Not contain flashing lights;
 - (2) Be a flat plane, rectangular in shape;
 - (3) Not exceed 64 square feet in area; and
 - (4) Not exceed ten feet in height and ten feet in length.
- (c) A sign shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:
 - (1) The name of the establishment; and/or
 - (2) One or more of the following phrases:
 - a. Adult bookstore;
 - b. Adult movie theater;
 - c. Adult encounter parlor;
 - d. Adult cabaret;

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- e. Adult novelties; or
 - f. Adult entertainment.

Signs for adult movie theaters may contain the additional phrase, "Movie Titles Posted on Premises."

- (d) Each letter forming a word on a sign shall be of a solid color, and each such letter shall be the same print type, size and color. The background behind such lettering on the display surface of a sign shall be of uniform and solid color.
- (e) In case of a conflict between the provisions of this article and the provisions of any ordinance provision pertaining to zoning, the provisions of this article shall govern.
- (f) Nothing in this section shall be construed to prohibit the display of the following types of signs:
 - (1) Legal notices and street numbers;
 - (2) Signs required by federal, state or local laws; or
 - (3) Signs setting forth the location of or directions to parking facilities or buildings or regulating the flow of traffic.

(Code 2002, § 4.1005; Ord. No. 551, 3-9-1999)

Sec. 6-23. Persons younger than 17 years of age—Prohibited from entry.

- (a) *As customers.* It shall be unlawful to allow a person who is younger than 17 years of age to enter a sexually oriented business, an adult bookstore or an adult movie theater for the purpose of being a customer therein.
- (b) *Attendant required at entrance.* An attendant shall be stationed at each public entrance to an establishment described in subsection (a) of this section, during such establishment's regular business hours. The attendant shall not allow a person to enter for the purpose of being a customer until such person presents to the attendant:
 - (1) A valid operator's, commercial operator's or chauffeur's driver's license; or
 - (2) A valid personal identification certificate issued by the state department of public safety reflecting that such person is 17 years of age or older; provided that no such driver's license or identification certificate shall be required if it is apparent beyond a reasonable doubt that such person is 17 years of age or older.

(Code 2002, § 4.1006; Ord. No. 551, 3-9-1999)

Sec. 6-24. Same—Prohibited from employment.

It shall be unlawful to allow a person who is younger than 17 years of age to be an employee of a sexually oriented business, an adult bookstore, or an adult movie theater.

(Code 2002, § 4.1007; Ord. No. 551, 3-9-1999)

Sec. 6-25. Notices.

All notices required or permitted under this article shall be in writing and shall be deemed delivered three days after depositing in a United States Postal Service receptacle.

(Code 2002, § 4.1008; Ord. No. 551, 3-9-1999)

Sec. 6-26. Enforcement of article; authority to enter premises.

The chief of police shall have the power to administer and enforce the provisions of this article. Upon presentation of proper identification to the owner, operator, agent or tenant in charge of any premises where a sexually oriented business is located, the chief of police or his representative may at reasonable times enter, for the purposes of inspecting and investigating to ensure compliance with the terms of this article, any building, structure or other premises where a business is located. Whenever the chief of police or his representative is denied permission to inspect any premises, inspection shall be made only under the authority of a warrant to be issued by a magistrate authorizing the inspection for violations of this article.

(Code 2002, § 4.1009; Ord. No. 551, 3-9-1999)

Sec. 6-27. Authority to file suit.

The city attorney is hereby authorized to file suit to enjoin the violation of any regulations of this article.

(Code 2002, § 4.1010; Ord. No. 551, 3-9-1999)

Secs. 6-28—6-57. Reserved.

DIVISION 2. PERMITS

Sec. 6-58. Required.

It shall be unlawful for any person or entity to own or operate a sexually oriented business located within the corporate limits of the city without a permit issued pursuant to the provisions of this division.

(Code 2002, § 4.1011; Ord. No. 551, 3-9-1999)

Sec. 6-59. Application.

- (a) Applications for a permit for a sexually oriented business must be submitted to the city secretary by the owner of the business to be covered by such permit. The application forms shall be supplied by the city secretary. The applicant shall be required to give the following information on the application form:
 - (1) The applicant's name, as follows:
 - a. If the applicant is an individual, his legal name as well as any aliases;
 - b. If the applicant is a partnership, the full name of the partnership and the names of all the partners, whether general or limited; or
 - c. If the applicant is a corporation, the exact corporate name and state of incorporation and the names of all the officers, directors and stockholders holding ten percent or more of the capital stock of the applicant;
 - (2) The name under which the business is to be operated and a general description of the service to be provided;
 - (3) The telephone number of the business;
 - (4) The address and legal description of the parcel of land on which the business is to be located; and

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- (5) The date on which the applicant became owner of the business for which a permit is sought, and the date on which the business began operations at the location for which a permit is sought.
- (b) The application shall be accompanied by the following:
- (1) Payment in full for the permit fee;
 - (2) A certified copy of the assumed name certificate filed in compliance with the Assumed Business or Professional Name Act, V.T.C.A., Business and Commerce Code ch. 36, if the applicant is to operate the business under an assumed name;
 - (3) If the applicant is a state corporation, a certified copy of the articles of incorporation, together with all amendments thereto;
 - (4) If the applicant is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;
 - (5) If the applicant is a limited partnership formed under the laws of the state, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the secretary of state under the Texas Revised Limited Partnership Act (V.T.C.S. art. 6132a-1); or
 - (6) If applicant is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, filed in the office of the secretary of state under the Texas Revised Limited Partnership Act, V.T.C.S. art. 6132a-1.
- (c) The application shall contain a written declaration that:
- (1) The information contained therein is true and correct; and
 - (2) The applicant has read the provisions of this article and is in compliance therewith.
- (d) If the applicant is an individual, the application shall be signed and verified by the applicant. If the applicant is a partnership, the application shall be signed and verified by all partners thereof. If the application is a corporation or other entity, the application shall be signed and verified by the president of such corporation or entity.

(Code 2002, § 4.1012; Ord. No. 551, 3-9-1999; Ord. No. 744, § 3, 7-28-2009)

Sec. 6-60. Fee.

To defray the actual cost of processing the permit application, the permit fee shall be as set by resolution or ordinance of the city council from time to time and kept on file in the office of the city secretary. No portion of any fee collected under this division shall be returned after a permit has been issued or refused. Each permit shall be effective when issued and shall be renewed annually on the date of such issuance by filing an application as provided in section 6-59 hereof.

(Code 2002, § 4.1013; Ord. No. 551, 3-9-1999)

Sec. 6-61. Issuance or denial.

- (a) Within 30 days of receipt of the application, the city secretary shall grant or deny the permit and give written notice of such action to the applicant.
- (b) The city secretary shall issue a permit to the applicant unless one or more of the following conditions exist:
 - (1) The applicant's business is located within 1,000 feet of any residence, public park, public or private school, church or place of worship or licensed daycare center. For purposes of this subsection,

measurement shall be made in a straight line without regard to intervening structures or objects, from the property line of the applicant's sexually oriented business to the nearest property line of such residence, public park, public or private school, church or place of worship or licensed daycare facility.

- (2) The applicant's business is located within 1,000 feet of any other sexually oriented business. For purposes of this subsection, measurements shall be made in a straight line without regard to intervening structures or objects, from the property line of the applicant's sexually oriented business to the nearest property line of another sexually oriented business.
 - (3) The applicant failed to supply all of the information requested on the application.
 - (4) The applicant gave false, fraudulent or untruthful material information on the application.
 - (5) The applicant's business is not in compliance with sections 6-21 and 6-22 hereof.
 - (6) The applicant or business does not meet any other requirements of this article or other city ordinances regulating sexually oriented businesses.
 - (7) The applicant or any owner has been adjudged guilty in a trial court of committing, on the premises of the permitted business, any of the offenses contained in V.T.C.A., Penal Code chs. 21, 25, 43, and §§ 22.011 or 22.021, for which less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or for which less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense.
 - (8) The applicant is in violation of any health and safety statutes of the state or health and safety ordinances of the city.
- (c) If the city secretary determines that an applicant is not eligible for a permit, the applicant shall be notified in writing of the reasons for the denial. An applicant may appeal the denial of the application by filing a written request for a hearing with the mayor within 15 days after receipt of the notification of such denial. The applicant's written request for a hearing shall set out the grounds on which the denial is challenged.
- (d) The city council shall hold a hearing and render a written decision within 30 days after receipt of the applicant's written request for a hearing. Each party shall have the right of representation by a licensed attorney, although an attorney is not required. Each party may present witnesses on his own behalf and may cross examine all witnesses. The city council's decision shall be final.

(Code 2002, § 4.1014; Ord. No. 551, 3-9-1999; Ord. No. 744, §§ 2, 4, 7-28-2009)

Sec. 6-62. Revocation.

- (a) The city secretary shall have the authority to revoke a permit for one or more of the following reasons:
- (1) The owner or operator of the permitted business knowingly allowed a person under 17 years of age to be an employee therein or did not make a reasonable effort to determine the true age of such employee;
 - (2) The permitted business does not conform to the provisions of this article;
 - (3) The applicant, owner or three or more persons have been adjudged guilty in a trial court of committing on the premises of the permitted business any of the offenses contained in V.T.C.A., Penal Code chs. 21, 25, 43, and §§ 22.011 or 22.021. Such offenses must have occurred subsequent to the date of the issuance of the permit or subsequent to the most recent date of renewal thereof, whichever is later, and the owner or operator knowingly allowed such offenses to occur or did not make a reasonable effort to prevent the occurrence of such offenses;

-
- (4) The owner of the permitted business knowingly gave false, fraudulent or untruthful information on the application form for such permit.
 - (b) The owner whose permit is to be revoked shall be given at least ten calendar days written notice of such proposed revocation. If such owner desires to challenge such revocation, he shall be entitled to a hearing and subsequent appeal as provided in subsections (c) and (d) of section 6-61. The written request for a hearing shall be filed with the mayor within ten days after receipt of the notification of such proposed revocation.

(Code 2002, § 4.1015; Ord. No. 551, 3-9-1999; Ord. No. 744, § 5, 7-28-2009)

Sec. 6-63. Other provisions.

- (a) A permit issued under this division shall be displayed at all times in an open and conspicuous place on the premises of the business for which it was issued.
- (b) A permit issued pursuant to this division is valid only at the location for which it is issued and such permit is neither assignable nor transferable.
- (c) It shall be unlawful for any person to counterfeit, forge, change, deface or alter a permit.

(Code 2002, § 4.1016; Ord. No. 551, 3-9-1999)

Sec. 6-64. Lawfully permitted business not rendered unlawful.

Any lawfully permitted business shall not become unlawful or ineligible for a renewal of its permit on the grounds that subsequent to the grant or renewal of such permit, a public park, a public or private school, a church or place of worship or licensed daycare center has located within 1,000 feet of such lawfully permitted business.

(Code 2002, § 4.1017; Ord. No. 551, 3-9-1999)

To: **The Zoning and Planning Commission**
From: **Chris Guess, Planning and Zoning Administrator**
Date: **January 08, 2026**
Re: **Council Action Items (Planning and Zoning Commission) – Various Enterprises**

Background Information:

At its meeting on December 8, 2025, the City Council of the City of West University Place directed the Zoning and Planning Commission (ZPC) to review the City’s existing ordinances regulating *various enterprises* and to prepare a report evaluating potential amendments or additional regulatory measures.

The purpose of this report is to assist the ZPC in its consideration of whether existing regulations adequately address these concerns and to identify potential land use–based regulatory tools—such as locational restrictions, separation distances, and permitting requirements—that may be appropriate for further consideration. Following its review and deliberation, the ZPC will forward its findings and recommendations to City Council for consideration and possible legislative action.

Staff Editorial:

Some commercial uses are generally considered less desirable due to their potential secondary impacts on surrounding areas. Examples include pawn shops, automotive title lenders, and head shops. Many jurisdictions have identified these types of uses and adopted regulations intended to prevent overconcentration, as well as requiring a public hearing or discretionary review to evaluate operational characteristics prior to establishment.

Staff submits this review of commercial uses that may be considered less desirable—referred to herein as “restricted” uses—for the consideration of the ZPC and, ultimately, City Council.

Commercial Uses Identified by City Council

During its December 8, 2025, meeting, City Council identified the following categories of commercial businesses for review:

- Pawn Shops
- Predatory Lenders (Payday Loan and Auto Title Loan Businesses)
- Head Shops (Retail Stores Selling Paraphernalia)

- Washaterias (Self-Service Laundromats)
- Tattoo and Body Art Studios

Methodology:

The ZPC's review will include the following:

- Review of the City's current ordinances regulating commercial businesses;
- Review of comparable ordinances adopted by selected cities;
- Evaluation and clarification of defined terms to improve clarity and enforceability within the existing regulatory framework;
- Consideration of appropriate zoning districts for commercial businesses; and
- Evaluation of separation or spacing requirements intended to prevent undue concentration.

Proposal:

- Evaluation of a new or modified commercial zoning classification (e.g., "Commercial, Restricted") that could encompass less desirable commercial uses.
- Development of clearer and more precise definitions to strengthen enforceability; and
- Consideration of increased separation distances or other buffering mechanisms to prevent clustering and mitigate potential secondary impacts.

Staff Recommendation:

Staff recommends reviewing the ordinances from the selected city and determine that appropriateness of a similar regulatory approaches within the City's jurisdiction.

Attachments:

- 2026 Board Commission Staff items (12-09-2025) Final
- City of Webster – Sec. 98-72. – Specific use requirements.
- City of Webster – Sec. 98-4. – Definitions.

ATTACHMENT

City of West University Place, Texas
WORK ITEMS FOR 2026 - 2027
BOARD, COMMISSION AND STAFF WORK ITEMS
December 9, 2025

ZONING AND PLANNING COMMISSION (ZPC):

- 1) Sexually Oriented Businesses (SOB)
 - a) The fee schedule portion will be discussed at the Jan. 26 Council meeting.
 - b) Review existing regulations for possible updates on regulating this type of business.
- 2) Various Enterprises
 - a) Review existing regulations for possible update on regulating these types of businesses.
 - i) Pawn Shops
 - ii) Predatory Lenders (Payday and Auto Title Loan)
 - iii) Head Shops (Retail Stores Selling Paraphernalia)
 - iv) Washaterias (Self-Service Laundromats)
 - v) Tattoo and Body Art Studios"
- 3) Yard Art and Sculptures
 - Current ordinances do not mention "sculpture". Review and make recommendations on the regulation of yard art and sculptures.
- 4) Accessory Dwelling Units (ADUs)
 - a) Review and recommend updates to the code regarding ADU's and their placement on the property.
- 5) Lighting Ordinance
 - a) Review existing lighting ordinance to simplify regulations for light trespass and the use of seasonal lighting displays.
- 6) Kirby Dr. Zoning and Land Use Review
 - a) Review planned development for the newly established Rice Village Management District and Rice Gateway Project from Times St. to University Blvd. and potential impact on West U's eastern City limits and residents.

BUILDING & STANDARDS COMMISSION (BSC):

- 1) Repeat Offenders of the Code
 - Review and recommend improvements for dealing with the building trades who are repeat offenders of the municipal code.
 - Impacts/punishments for contractors with repeat infractions.
- 2) More than Three Submittals
 - Evaluate and make recommendations on improvements to the permitting process and the issue with receiving multiple submittals with incorrect or missing information.
- 3) Responsibility for Work Performed on a Work Site or Residential Property
 - Review options to hold builders, general contractors and property owners accountable for work and/or subsequent violations of code by subcontractors or service providers.
- 4) Days that Construction is Allowed
 - Review allowed days for construction related activity.
- 5) Modular Homes
 - Review options to regulate and manage modular home construction.
- 6) Registration Process Review (also a staff item)
 - Review current registration process for possible updates to our process.

City of West University Place, Texas
WORK ITEMS FOR 2026 - 2027
BOARD, COMMISSION AND STAFF WORK ITEMS
December 9, 2025

RECYCLING AND SOLID WASTE REDUCTION BOARD (RSWRD):

In addition to their normal duties of education on recycling, reduction, reuse and water conservation, below are additional items for consideration:

- 1) **Household Hazardous Waste (HHW) Collection**
 - Evaluate additional options for HHW disposal than what is currently provided to customers (County HHW facility or City of Houston Voucher System).
- 2) **Options for Eliminating Paper Waste**
 - Evaluate options to reduce paper waste associated with junk mail and other paper products.
- 3) **Review options for a recycling drop off facility**
 - Review options for a sorted recycling materials drop off facility.
- 4) **Options to improve yard waste participation**
 - Evaluate options to increase yard waste participation.

City of West University Place, Texas
WORK ITEMS FOR 2026 - 2027
BOARD, COMMISSION AND STAFF WORK ITEMS
December 9, 2025

PARKS AND RECREATION BOARD (PRB):

In addition to their normal duties, below are additional items for consideration:

- 1) **Rec Center Improvements**
 - Review cardio and weight room improvements at the Recreation Center.
- 2) **Shade and Lighting Assessment Review**
 - Review staff's recommendation on Shade and Lighting Assessment. (identified project in 2027 CIP)
- 3) **Rec. Center Playground Improvements**
 - Review staff's recommendations for improvements to the Rec. Center playground.
- 4) **Rec. Center Utilization Review**
 - Evaluate potential uses for underutilized areas in the Rec. Center (i.e. racquetball court and classrooms in off-peak times and make recommendations.
- 5) **Colonial Park Pool Water Playscape**
 - Review planned updates for the water playscape at Colonial Park Pool for consideration during the annual budget process.
- 6) **Play West U Ambassadors**
 - Board participation in promoting the new App.
- 7) **Continued Committee Support**
 - Continued support of the Committees on programming, fees and tennis / pickleball.
- 8) **2027 Budget Fee Schedule Feedback**
 - Review and update fee schedule for consideration during the budget.
- 9) **West U Recreation Center Parking Improvement**
 - Review options for increasing parking at the Recreation Center.

SENIOR SERVICES BOARD (SSB):

In addition to their normal duties, below are additional items for consideration:

- 1) **Programming Goalsetting and Effective Space Utilization**
 - Review and coordinate with staff on programming goals and space utilization.
- 2) **Play West U Ambassadors**
 - Board participation to promote the new App.
- 3) **Senior Living and Churches**
 - Review opportunities to collaborate with neighboring senior facilities and organizations, like senior living spaces and religious institutions
- 4) **Connecting with Harris County Ride Sharing Services for seniors**
 - HC is currently subsidizing ride share with Uber for seniors.

City of West University Place, Texas
WORK ITEMS FOR 2026 - 2027
BOARD, COMMISSION AND STAFF WORK ITEMS
December 9, 2025

STAFF ITEMS:

1) **Tree Ordinance (PW)**

- Updates to the tree ordinance for enforcement related activities, the removal of dangerous trees and ensure compliance with state law.
- **Run the tree ordinance by the ZPC, get their feedback and then bring back to council**

2) **Article II, Noise: Sec. 54-42. - Affirmative defenses. (PD & PW)**

- Complete a review of the Noise Ordinance (Article II) and review Quiet Hours, that would include business related activity, residential related activity, private events, parades and city related events.

3) **E-Bikes and E-Scooter Enforcement (PD)**

- Review and updates to enforcement regarding the use, ban or partially ban of E-bikes and E-scooters on public property.

4) **Article IV, Street Events, Etc. and Block Party Permits Updates (PD & PW)**

- Review and update process for obtaining a permit for street closures, registration of events, special events held by residents, as well as community partners (HISD, youth sports, etc.) who typically have a need for a longer event.

5) **Seasonal Decorations and Lighting (PW)**

- Review of current regulations related to seasonal decorations and lighting displays.

6) **Review of the Appeals Process in the Code (Legal / PW / PD)**

- Review and update the appeals process throughout the Code to ensure consistency in the process and timeframe of appeals.
- **Ensuring consistency of the appeals process and understanding by for the general public (such as, an Appeals Flow-Chart that outlines this process)**

7) **Section 38-29 (b) Garbage, trash, and recycling fees on Delinquent Accounts (FIN)**

- Updates regarding how delinquent accounts are handled.

8) **Appendix E: Fees and Charges Schedule (FIN)**

- Housekeeping item to update code to reflect the current process of approving fees using a Resolution.

9) **Section 30-85(b) Ambulance Services (FIN)**

- Housekeeping item to update wording to reflect current and best practices.

10) **Chapter 86 Utilities Sections (FIN)**

- Planned update to our code to reflect changes needed as we implement the new utility billing software in mid-2026. Sections recommended, but not limited to:
 - i) 82-26 Connections; application, fees required.
 - ii) 86-31 Appointment of agents for collection.
 - iii) 86-34 Billing, payment, nonpayment.
 - iv) 86-35 Resumption of Service.
 - v) 86-37 Adjustment for defects in user's system or unusually larger bills, and
 - vi) 86-38 Adjustments for swimming pools

11) **Community Rating system (CRS) (PW)**

- **Continue staff work on the CRS and FEMA Flood Plain Plan**

12) **Neighborhood Beautification (January Discussion Item) (PW)**

- **Appearance of the City's Borders**
 - i) **Review of the security, upkeep, and overall appearance of property along the city's borders**

13) **Review of Contractor Registration Status (PW)**

- **Staff to confirm state-level registration of subs/ensure they are in good standing**

ATTACHMENT

Sec. 98-72. Specific use requirements.

Location restrictions: The following distance separation requirements shall be measured in a straight line in all directions from the building; unless the existing use is located in a multi-tenant building, then a straight line measurement in all directions shall be measured from the tenant space or in the case of a public school this measurement shall be from the parcel(s) of the school (including play areas).

- (1) *Bail bonds:* A new bail bonds service shall not be located within 2,000 feet from a public school or an established bail bonds service.
- (2) *Credit access business:* A new credit access business shall not be located within 2,000 feet of a public school or an established credit access business.
- (3) *Headshop:* A new headshop shall not be located within 2,000 feet from a public school or an established headshop business.
- (4) *Precious metal dealer (gold exchange):* A new precious metal dealer (gold exchange) shall not be located within 2,000 feet of a public school or an established precious metal dealer.
- (5) *Tattoo shop:* A new tattoo shop business shall not be located within 2,000 feet of a public school or an established tattoo shop.
- (6) *Smoke shop:* A new smoke shop shall not be located within 2,000 feet of a public school or an established smoke shop.
- (7) *Mini-storage lots, enclosed:* Any new mini-storage lots, enclosed, shall not be located within 2,000 feet of an established mini-storage lot, enclosed, establishment. The distance separation shall be calculated from nearest property line of each business measured in a direct line.
- (8) *Massage establishment:* A new massage establishment described by definition contained in section 98-4, shall not be located within 2,000 feet from a public school or an established massage business:
 - a. *Additional services.* Any existing business or establishment pursuing the addition of services to perform massages shall comply with the 2,000-foot distance separation requirement from a public school or an established massage business.
 - b. *Licensee.* The person to whom a license has been issued to own or operate a massage establishment as defined herein.
 1. *Massage therapist.* An individual who holds a valid license issued by the State of Texas to practice or perform massage therapy. All massage therapists must have a valid license issued by the State of Texas.
 - c. *Inspection.* City law enforcement personnel, fire marshal and chief building official during business hours and at other reasonable times to ensure compliance with this ordinance, may inspect the premises of each massage establishment. The refusal to permit such an inspection shall be sufficient reason for revocation of a massage establishment license by the aforementioned city representatives.
 - d. *Revocation.* Any massage establishment which has been issued a special use permit under this article may be revoked by the city manager or his/her designee for a violation of this chapter, any ordinance of the city, or any law of the state.
 - e. *Nontransferable permits.* No person shall operate a massage establishment under the authority of an approved special use permit by the mayor and city council at any place other than the address of the massage establishment stated in the application for the special use permit.

(9) *Poker club*: A new poker club described by definition contained in section 98-4, shall not be located within 2,000 feet from a public school or an established poker club:

- a. *Additional restrictions*. In the event an existing Poker Club ceases to operate, changes the name, or changes ownership, a special use permit will be required to re-establish the operations under this article.

(Ord. No. 14-03, § 1, 4-1-14; Ord. No. 17-03, § 1, 4-4-17; Ord. No. 19-10, § III, 8-20-19; Ord. No. 22-04, § 1, 6-21-22)

ATTACHMENT

Sec. 98-4. Definitions.

Definitions not expressly prescribed herein shall have the meanings customarily attributed to common English language usage and definitions contained in the specific regulations of other adopted ordinances of the City of Webster.

Accessory living quarters means an accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Accessory building or use means a subordinate use or building incidental to and located on the lot occupied by the main use or building. A building or use which contributes to the comfort, convenience, and necessity of the occupants of the principal building or principal use. "Accessory," when used in this text, shall have the same meaning as accessory use.

Adult amusement establishment means an establishment which provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas:

An establishment which feature topless dancers, exotic dancers, strippers, male or female impersonators, comedy club, or similar entertainment; or

An establishment, which, upon payment of a fee provides an escort or a dance partner to its patrons.

Adult book store means an establishment having a substantial or significant portion of its stock in trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

Adult photo studio means an establishment, which, upon payment of a fee, provides photographic equipment or models for the purpose of photographing, specified anatomical areas.

Adult theater means a theater, including a drive-in theater, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Agriculture means the tilling of the soil, raising of crops, animals, horticulture, gardening, beekeeping and agriculture.

Alley means a minor public right-of-way which provides a secondary means of vehicular access to property at the rear or side of the property which has primary access on a public street.

Alteration means any change, addition or modification in construction, occupancy or use.

Amusement center means an establishment offering amusement devices as its primary business, including, but not limited to, coin-operated electronic games, shooting gallery, and similar recreational diversions within an enclosed building.

Apartment means a dwelling unit in any building, or portion thereof, which is designed, built, rented, leased, or hired out to be occupied as three or more dwelling units not for transient use.

Apartment house means any building, or portion thereof, designed, built, or occupied as three or more dwelling units not for transient use. For purposes of this chapter condominium is considered an apartment house.

Assisted living center means any facility required to be licensed by the Texas Department of Human Services as a personal care facility.

Automobile/car wash means a building or portion thereof containing facilities for washing automobiles, using production-line methods such as a conveyor, blower, steam-cleaning device or other mechanical device.

Automobile and trailer sales area means an area other than a street, used for the display, sale or rental of new or used automobiles, trucks, or trailers, where no repair work is done, except minor reconditioning of motor vehicles or trailers to be displayed, sold or rented on the premises. Such area shall not include automobile wrecking or dismantling or the sale of salvaged parts, nor shall it include the storage of either new or used motor vehicles or trailers.

Automotive full-service station means that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service and food sales.

Automotive repair, major means an establishment primarily engaged in the repair or maintenance of motor vehicles and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, which is conducted within a completely enclosed building. Outdoor storage would be permitted.

Automotive repair, minor means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, which is conducted within a completely enclosed building. Outdoor storage would not be permitted.

Automotive self-service station means that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include, car wash service and food sales.

Automobile storage means a surface of asphalt, concrete or approved stabilized material built in accordance with city parking lot standards, and used for vehicular storage and not as a street.

Automobile wrecking means the collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles, trailers, or their parts.

Awning means a roof-like cover of temporary nature which projects from the wall of a building.

Bail bond service means an establishment that makes available to the public undertakings of bail in connection with judicial proceedings.

Bed and breakfast establishment means a house with a permanent resident and a subordinate use of up to eight guest rooms which may be rented for short-term overnight lodging with breakfast served to overnight guests only; some or all guest rooms may be in accessory living quarters.

Beer parlor means a place where beer and/or light wines are sold for consumption on the premises and the majority of the gross receipts is from the sale of beer and/or light wines.

Block means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-ways, airport boundaries, bulkhead lines (or shore lines where no bulkhead lines have been established), or corporate boundary lines of the City of Webster.

Block face means a side of a block in which lots face an abutting street.

Board means the zoning board of adjustments of the adopting jurisdiction.

Boarding or lodging house means a dwelling unit containing at least one but not more than five guestrooms where lodging is provided, with or without meals, for compensation; it does not include community residential program or emergency shelter. (See Bed and Breakfast)

Boat means a vehicle for traveling in or on water, not exceeding 30 feet in body length, eight feet in width, or 11 feet in overall height. Height includes the trailer, if the boat is mounted on a trailer.

Boat dock means a structure designed and constructed to provide a secure storage and loading or unloading facility for a boat and/or recreational watercraft used for private enjoyment only and limited to an overall length of 50 feet. When classified as an accessory use in a residential zoning district such facility may be either fixed to a shore or walkway or floating and may include an enclosed building or unenclosed lift or hoist that provides storage space for one boat not exceeding 50 feet in length. Such storage building may contain hoist and lifts for one boat and up to three personal watercraft not exceeding seven feet in length, and may have electrical and other utility services. No boat dock or boat house may contain living, sleeping, kitchen or sanitary facilities when used as an accessory use in a residential zoning district. Boat docks, buildings and storage facilities that are used in any commercial nature, including charter or for hire shall never be permitted to be an accessory use in a residential zoning district.

Build means to erect, convert, enlarge, reconstruct, restore or alter a building or structure.

Buildable width means when applied to a building site, the width of the site exclusive of required yards.

Building means any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, completely enclosed means a building which is separated on all sides from the adjacent open space, or other buildings and structures by a permanent roof and exterior walls pierced only by windows and normal entrance and exit doors.

Building, detached means a building surrounded by yards or open space on its own building lot, or buildings in a building group which are physically separated from each other.

Building face means that portion of a building completely enclosed.

Building height means the vertical distance from curb level opposite the center of the front of the building to the elevation of the highest point of the roof. For the purpose of this section, the measurement of a building height shall not include chimneys, roof gables, vents, steeples, spires, ornamental towers, antennae, monuments, cooling towers, tanks, water towers, fire towers, necessary mechanical appurtenances, stage towers or scenery lofts, or similar appurtenances.

Building line means a line which is the rear line of a required front yard. This line is generally parallel to the adjacent street right-of-way line and no building shall project beyond this line toward the street.

Building, principal means a building in which a principal use of the lot on which it is located is conducted. All residential uses, except bona fide servants' quarters, are principal uses.

Building, residential means a building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families.

Building, temporary construction means a building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

Business means legal entities operating an enterprise in a space separate from any other enterprise.

Canopy means a roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Carport means a roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

Carnival means a traveling enterprise offering a variety of amusements, which are predominantly comprised of three mechanical rides, side shows, or games of chance.

Church means a place of worship or an establishment primarily engaged in operating religious organizations, administering an organized religion, or promoting religious activities.

Circus means a traveling enterprise that features feats of physical skill and daring, wild animal acts and performances by clowns.

City means the City of Webster, Texas.

Clinical massage/therapy office means a place of business where people holding professional licenses issued by the State of Texas to individuals trained in the art of massage for medical and therapeutic purposes provide such services. Excludes any and all massage services provided for sexual gratification, erotic activity or any other activity customarily considered related to, or part of, a sexually oriented businesses.

Club, private means quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only.

Club or lodge means an association of persons for the promotion of a nonprofit common objective, such as literature, science, politics, good fellowship and similar objectives, which meets periodically and which is limited to members.

Community residential corrections program means a community residential program for persons currently in the custody of, or recently released by, correctional authorities which is designed to offer an alternate to imprisonment and/or to facilitate ex-offender reintegration into community life.

Commercial, heavy means an established business, which generally uses open sales yards, outside equipment storage, or outside activities that generate noise or other impacts, considered incompatible with less-intense uses. Typical businesses in this definition are lumberyards, construction specialty services, heavy equipment suppliers or building contractors.

Commercial, light means an establishment or business, which generally has retail or wholesale sales, office uses or services that do not generate noise, or other impacts considered incompatible with less-intense uses. Typical businesses in these definitions are retail stores, offices, catering services or restaurants.

Commercial center, community means a completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

Commercial center, convenience means a completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.

Commercial center, neighborhood means a completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sales of convenience goods and services with a supermarket as the principal tenant.

Commercial center, regional means a completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

Commercial retail sales and services means establishments, which engage in the sale of general retail goods and accessory services. Businesses within this definition include those, which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor sidewalk promotions); businesses specializing in sale of either general merchandise or convenience goods.

Commercial vehicle as used in this chapter, a commercial vehicle shall be construed to be any truck, trailer, tractor, tractor trailer, goose-neck trailer, trailer of more than two axles, dump truck, or machinery which is

customarily transported or driven on or across public roadways that exceeds the size of a standard pickup truck and whose carrying capacity exceeds one ton. Vehicles licensed by the Federal Interstate Commerce Commission or Texas Railroad Commission are commercial vehicles at all times and for all purposes.

Commission means the city planning and zoning commission in the City of Webster, Texas.

Community residential program means a dwelling unit(s) providing to its residents a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy, and assistance in the development of daily living skills; such residence and program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are person who have disabilities associated with aging. A community residential program does not include skilled nursing care.

Comprehensive master plan means the officially adopted plan for the general improvement, development, expansion, delivery of services, scheduling of improvements, and management of the city, including any unit or part of such plan separately adopted, and any amendment to such plans or parts thereof, which is also referred to as the "master plan" of the City of Webster, Texas.

Conditional use means one of those uses enumerated as conditional uses in a given zone. Such uses require individual approval on a given lot.

Condominium means a form of real property ownership that combines separate ownership of apartments or units with common ownership of other elements. Condominiums shall be specifically defined in accordance with the Texas Condominium Act. They shall be considered as a multiple-family use for the purpose of this chapter.

Contiguous means abutting or separated by nothing more than an alley.

Convalescent center means a facility which is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals.

Convent means an establishment, related to a church or school, for the housing of religious groups.

Corner lot means a lot situated at the junction of two or more streets, or of two segments of a curved street, forming an angle of not more than 135 degrees.

Council means the city council of the City of Webster, Texas.

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 wall of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent open space.

Credit access business means a business that lends money through the use of cashing checks or other negotiable instruments for a fee, service charge or other consideration such as a car title or provides funds in exchange for acceptance of a check on a post-dated or deferred-deposit basis. This definition refers to any business licensed as a "credit service organization" under Section 393.001 of the Texas Finance Code. This business may lend money; cash checks or other negotiable instruments for a fee; service charge or other consideration.

Curb level means the elevation of the top of the established curb in front of a building. Where no curb exists, the mean elevation of the finished lot immediately adjacent to the front of the building shall be considered the curb level.

Customarily incidental use means a use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is indispensable to the enjoyment of the premises for and of the principal uses permitted within a zoning district. A customarily incidental use may include a customary home occupation.

Dance hall, discotheque means an establishment intended primarily for dancing and entertainment within an enclosed building, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

Day care, family means the keeping for part-time care and/or instruction, whether or not for compensation of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

Day care, group means an establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are intended in this definition.

Day nursery means any type of group child day care program, including nurseries for children of working mothers, nursery schools, privately conducted kindergartens, when not a part of a public or parochial school, and programs covering after school care for school children.

Density means the number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

Department store means a retail store offering a wide variety of items for sale to the general public characterized by clothing, hardware, housewares, appliances, and similar needs for everyday living.

Development or to develop: "Development" shall mean the construction of one or more new buildings or structures on one or more building lots, the location of an existing building on another building lot, or the use of open land for a new use. "To develop" shall mean to create a development.

District, zoning means a zoning district is a part of the city as delineated on the official zoning district map wherein the regulations of this chapter are uniform.

Drive-in restaurant means a restaurant or refreshment stand, which has one or more of the following:

No inside tables or counters for customer eating, and food is served with any dishes and utensils which are customary for eating food; or

Carhop service to parked vehicles; or

Outside tables which are not completely surrounded by building or fence at least six feet high and suitable to stop blowing of papers.

Drive-up service window means a building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

Duplex means an attached residential building consisting of two single-family dwelling units which constitute an architectural whole.

Dwelling means a building or a portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two family dwellings, and multiple-family dwellings, but not including hotels and motels.

Dwelling, attached means a dwelling which is joined to another dwelling at one or more sides by a partial wall or walls.

Dwelling, detached means a dwelling which is entirely surrounded by open space on its building lot.

Dwelling, multiple means a building used or designed as a residence for three or more families or households living independently of each other.

Dwelling, single-family means a detached dwelling having accommodations for and occupied by only one family.

Dwelling, two family means a detached building having separate accommodations for and occupied as, or to be occupied as a dwelling for only two families.

Dwelling unit means one or more rooms arranged, designed, or used as separate living quarters for an individual family. Kitchen facilities, including at least a stove or cooking device, and a permanently installed sink, plus bath facilities, shall always be included for each dwelling unit.

Easement means a right granted for the purpose of limited public or semi-public use across, over, or under private property for a specified purpose or purposes.

Educational institution means elementary, junior high, high schools, junior colleges, colleges, or universities or other schools giving general academic instruction in the several branches of learning and study required by the State of Texas.

Emergency shelter means a facility which provides sleeping accommodations to six or more persons for a period not normally exceeding 30 consecutive days, with no charge or a charge substantially less than market value; it may provide meals and social services.

Facade means any separate external face of a building, including parapet walls and omitted wall lines where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

Family means a single person, or two or more persons related by blood, marriage, or adoption living in a dwelling unit. Provided however, "family" shall also mean a group or community home of not more than six persons with disabilities, and two supervisors, residing in a community home at the same time as a community home for persons with disabilities, as defined by and in accordance with Chapter 123, Texas Human Resources Code.

Family care facility means an occupied dwelling used for care for one or two residents, not a relative of the resident family and not under court ordered guardianship of a member of the resident family; it is licensed as a family care home by the State of Texas and provides 24 hour care and services.

Family day care home means an occupied dwelling in which a person provides, for remuneration, care for at least four but not more than 12 children on a regular basis for less than 24 hours per day. The resident provider's children who are age six or more shall not be counted for this definition.

Farm animals means animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories; large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

Floor area, gross means the sum of the horizontal areas of floors of a building measured from the exterior walls or, if appropriate, from the centerline of dividing walls; this includes courts and decks or porches when covered by a roof.

Floor area, net means the gross floor area exclusive of restrooms, vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

Floor area, ration means the numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

Frontage means the width of a lot or parcel abutting a public right-of-way measured at the front property.

Gallery means a commercial establishment operated for the display of works of art, including the regular sale or distribution.

Garage, private means a building or a portion of a building, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

Garage, public means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

Garage, storage means any premises, except those defined as a private or public garage, used exclusively for the storage of motor vehicles.

Graffiti means unauthorized painting, writing, or inscription.

Gross floor area means when applied to a building, the area in square feet determined by measuring the outside dimensions of the building at each floor excluding the floor area of the basements or attics when not occupied or used.

Greenhouse or plant nursery means an establishment offering plants grown on premises and off premises and associated products for sale.

Greenhouse or nursery, commercial means a facility for the storage, growing and care of plants and materials to be sold at an off-site location.

Group training home means a residence providing full-time supervision and training in daily living activities and homemaking skills to a small number of residents other than a family; no infant care is provided.

Gross leasable area (GLA) means the total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the centerline of joint partitions and from outside wall faces.

Group care facility means a facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering the effects of drugs or alcohol; this does not include day-care centers, family day-care homes, foster homes, schools, hospitals, jails or prisons.

Guest room means any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered a guestroom.

Headshop means any retail establishment open to the public that presents, displays, or offers for sale paraphernalia, items, equipment, or products commonly used, intended to be used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of illegal substances, to include any device which has been fabricated, constructed, altered, adjusted, or marked especially for the use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "synthetic controlled substance," or substance or chemical that mimics the effect of THC such as synthetic cannabis or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose.

Health service means a charitable or governmental operated facility offering to the public medical examination, diagnosis, and limited treatment not for profit.

Hobby means the engagement of a person in a branch of the fine arts or sciences for pleasure, conducted as spare time activity. Such activity shall not be engaged in for business profit, and any remuneration shall be secondary and incidental to the pursuit. Such activity shall be carried on within an enclosed or screened area and shall not involve any activity that requires open storage of automobiles, building materials, glassware or antiques, used furniture or other materials or goods.

Home occupations means any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on in the main dwelling unit or in a garage not exceeding two normal car bays and is not detrimental or injurious to the economic or aesthetic value of adjoining property. Customary home occupations shall not include barber shops, beauty shops, carpenter shops, electrician shops, plumber shops, radio shops, tinner shops, transfer or moving van offices, auto repairing, auto painting, furniture

repairing, sign painting, food service of any kind, or any form of merchandising activity that brings customers to the home for the purpose of transacting any business.

Hospital means a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing, and the prolonged care of bed patients.

Hotel means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied for hire, in which provisions are not made for cooking in any individual room, and in which there is a general kitchen.

Incidental use means a building, structure, container or use of property that is directly related to the operation and function of the main or principal use. See accessory use.

Industrial or research park means a tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

Institution means a building occupied by a nonprofit corporation; a nonprofit establishment for public use.

Junk or salvage yard means a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard includes an automobile wrecking yard and an automobile parts yard. A junk or salvage yard does not include such uses conducted entirely within a completely enclosed building.

Kennel means an establishment for the boarding of four or more over four months old dogs, cats or other domestic household animals, at which establishment provisions are made for the enclosures of such animals in runs, cages, yards, or pens and are kept for compensation or not.

Landscaping means the planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climatic conditions of the Webster area. In addition, the landscape design may include some natural and manufactured materials including but not limited to rocks, fountains, reflecting pools, works of art, screens, walls, fences, benches and other types of street furniture.

Light industrial use means the use of property for the conduct of manufacturing, assembly, testing, fabrication, servicing, maintaining, packaging, or storing of products and raw or semi-finished materials in which all activities are confined to the inside of a structure with no outside operations or storage of any kind at any time of the day or night, except that vehicles associated with the operations may be parked on the property overnight as needed.

Lot means a physically undivided tract of land or parcel of land having frontage on a public street or other approved facilities and which is, or in the future may be offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract which has been properly recorded.

Lot area means that area of a horizontal plane bounded by the front, side, and rear lot lines of a building lot, including any portion of an easement which exists within such property lines and exclusive of street rights-of-way.

Lot corner means a lot situated at the intersection of two streets.

Lot, coverage means the amount of lot area covered by structures measured by the footprint of the foundation or slab.

Lot depth means the length of a line connecting midpoints of the front and rear lot lines.

Lot double frontage means a lot which is not a corner lot, which adjoins the right-of-way lines of two streets. Both right-of-way lines shall be deemed front lot lines.

Lot, interior means a lot other than a corner lot.

Lot line means a boundary of a lot.

Lot line, front means that boundary of a lot which is the right-of-way line of an existing or dedicated street.

Lot line, side means any boundary of a lot which is not a front lot line or a rear lot line.

Lot line, rear means any boundary of a lot which is most distant from the front lot line and which is most nearly parallel to the front lot line.

Lot of record means an area of land designated as a lot or a plat of a subdivision recorded pursuant to statute with the county clerk of Harris County, Texas, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk of Harris County, Texas.

Lot, reverse corner means a corner lot, the rear lot line of which abuts the side lot line of the lot to its rear.

Lot width means the length of a line, drawn perpendicular to the lot depth line at its point of intersection with the building line, connecting the side lot lines.

Luminance means the brightest of an object, expressed in terms of foot-candles, determined from a point five feet above grade on an other premises or the public right-of-way, but no closer than 20 horizontal feet from the object measured.

Manufactured home (mobile home) means a structure, transportable in one or more sections, which in the traveling mode is eight feet or more in body width or 40 feet or more in body length, or when erected on site is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Manufacturing, heavy means all other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

Manufacturing, light means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

Manufacturing, medium means the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screening from neighboring properties, serviced by a modest volume of trucks or other vehicles.

Major arterial streets means a street connecting a major collector street to a freeway or state highway, having two, three, or four 12-foot wide lanes in each direction as described in the thoroughfare plan.

Major collector street means a street connecting residential areas to major arterials having two 12-foot lanes in each direction as described in the thoroughfare plan.

Marquee or canopy means a roof-like structure of a permanent nature which projects from the wall of a building.

Massage establishment means a place of business in which massage therapy is practiced by a massage therapist, as defined by Texas law. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term, includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub shower, or cabinet baths. Equivalent terms for massage therapy are "massage," "therapeutic massage," "massage technology," "myotherapy," or any derivation of those terms. The terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness

or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Medical office facility means a building in which a physician, dentist and/or allied medical professional or group of physicians, dentists and/or allied medical professionals are associated for the purposes of treating and diagnosing ill or injured out-patients. The medical office facility may include a medical or dental laboratory and excludes animal clinics.

Minor collector street means a street serving multiple-family residential areas usually with one 17-foot wide lane in each direction as described in the thoroughfare plan.

Minor residential street means a street serving single-family residential areas as described in the thoroughfare plan.

Mobile food truck means a food service establishment that operates as a restaurant from a catering truck or a vehicle with attached trailer that is readily mobile at all times. This type of establishment primarily prepares and sells food for patrons.

Mobile home park. See Mobile Home Ordinance.

Model home means a dwelling temporarily uses as a sales office for residential development under construction, said home being used for on-site sales and not for general real estate business.

Modular home means a factory-built home, other than a manufactured home, which meets all of the following requirements:

Is designed only for erection or installation on a site-built permanent foundation;

Is not designed to be moved once so erected or installed;

Is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a state or local modular building code recognized as generally equivalent to a building codes for site-built housing; or

To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

Mortuary, funeral home means an establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conducting of funeral services and spaces for a funeral service and informal gatherings, and/or display of funeral equipment.

Motel means a building or group of buildings designed, arranged or used for transient occupancy having living or sleeping accommodations with bathroom and closet space and parking of automobiles in close proximity to the quarters occupied by the owner of such automobile. The term "motel" shall include all establishments coming under the general classification of "drive-in-hotel," "inn," "tourist court," and any other such establishment that houses visiting transient clientele. A motel furnishes customary hotel service, such as maid service, laundry, linens, telephone or desk service, and the use and upkeep of furniture. For the purposes of this chapter, a motel is a nonresidential use.

Motor freight terminal means a building or area in which freight brought by motor truck is assembled and is stored for riding in interstate and intrastate shipment by motor truck. A motor freight terminal is a truck terminal.

Museum means an establishment operated as a nonprofit, noncommercial repository for a collection of scientific, natural, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

Natural waterways means those areas, varying in width along streams, creeks, springs, gullies or washes, which are natural drainage channels as determined and identified by the jurisdiction.

Nonconforming use means a building or premises occupied by a use that does not conform to the regulations of use in the zoning district in which it is located.

Northern boundary means the lot line lying generally to the north side of a lot which is the most nearly perpendicular to cardinal north.

Office means a place where consulting, record keeping, the work of a professional person, such as a lawyer, is done, or a headquarters of an enterprise or organization; the sale of on-premises goods is not included.

Off-street parking, temporary for special events means an area used for required parking of automobiles and pickup size trucks, providing four or more parking spaces, not within the public right-of-way, none of which are required off-street parking.

Open space means that part of a building lot, including courts or yards, which is open and unobstructed from its lowest level to the sky, which is accessible to all residents upon a building lot, which is not part of a roof, and which does not include court recesses.

Open storage means the storage of any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials, the storage of which is not accessory to a residential use, and which is visible from any point on the building lot when viewed from ground level. Vehicular parking is not open storage.

Outside storage means the storage of any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials, the storage of which is not accessory to a residential use, and which is visible from any point on the building lot when viewed from ground level. Vehicular parking is not open storage.

Park and ride joint use facilities means provision of parking lot for transit customers in an area which is required off-street parking, which dual use is agreed to be the transit operator and the person in control of the property; the joint use is utilized for more than 30 consecutive days.

Park and ride temporary facilities means the temporary provisions of parking for transit customers using service provided by the municipalities in conjunction with temporary civic activities.

Parking space means a surfaced area of concrete or asphalt that is fully weatherproof, enclosed or unenclosed, at least nine feet wide and 18 feet long and sufficient in size to store one automobile, with an all-weather surfaced driveway connecting the parking space with the street or alley, and permitting ingress and egress at all times of an automobile without moving any other vehicle adjacent to the parking space.

Patio home means a detached, single-family dwelling located on an individual lot with the slab coincident with a side lot line. The lot includes a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, lot line wall of the neighboring dwelling, or other fences and walls.

Pawnshop means a business meeting the definition of a pawnshop, as that term is defined by Section 371.003 of the Texas Finance Code, and has been licensed to transact business by the Consumer Credit Commissioner.

Person(s) means every person, firm, co-partnership, association, partnership, corporation or society, and shall include both singular and plural, and masculine shall include the feminine gender.

Pharmaceutical and medical manufacturing means the use of property for the conduct of research and development, testing, manufacturing, assembling, packaging, storing, or shipping pharmaceutical or medical products or devices as classified as a Biosafety Level 2 facility as regulated by the Center for Disease Control (CDC) and/or classified as a General License Title 25 Texas Administrative Code (TAC) Sec. 289.251(k)(2) category facility by the Texas Department of Health. Activities must be confined to the inside of a structure with no outside operations or storage of any kind, except that vehicles associated with the operations may be parked on the property overnight as needed.

Place means an open, unoccupied area, other than a street, including a court, arcade, mall, or parking area that is permanently reserved as the principal means of access to abutting properties, which area shall not be within any required yard area or building, and which shall have been first approved by the commission as to size, surface, improvements, drainage, form and location, and shall not be subject to public maintenance.

Planned development plan means a development intended by developers on one contiguous piece of property and in a planned development (PD) district.

Poker club means a private for-profit business located in a building or place that contains one or more gaming tables.

Poker club, operator means an individual who operates a cash register, cash drawer, or other depository on the premises of a poker club or of a business at which is kept the money earned, or any credit card or other transaction records generated, from the operation of and activities conducted in a poker club.

Poker club, owner means a person who:

- (1) Has ownership interest in, or receives the profits from, a poker club;
- (2) Is a partner, director, or officer of a business, including a company or corporation, that has an interest in a poker club;
- (3) Is a shareholder who holds more than ten percent of the outstanding shares of a business, including a company or corporation, that has an ownership interest in a poker club.

Poker game means a card game in which:

- (1) A member of a poker club physically present at the poker club places a bet based on the highest or lowest ranking hand of cards held by the member or on a combination of highest and lowest cards held by the member;
- (2) Each member participating in the game has an opportunity to benefit from personal winnings;
- (3) Except for the advantage of skill or luck, the risks of losing and the chances of winning are the same for all members participating in the game.

Poker gaming table means a recreational table at which members of a poker club participate in a live poker game. The term does not include a table that offers any video, mechanical, electronic, or online version of a poker game.

Pools, swimming, hot tubs and spas.

Above-ground/on-ground pool. See "Private swimming pool."

Barrier means a fence, a wall, a building wall, the wall of an aboveground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub. See "Private swimming pool."

In-ground pool. See "Private swimming pool."

Power safety cover means a pool cover, which is placed over the water area, and is opened and closed with a motorized mechanism, activated by a control switch.

Precious metal dealer means a retail establishment that primarily buys coins or secondhand items containing precious metal, including but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects. This use is typically referred to as a "gold exchange" business.

Private swimming pool means any structure that contains water over 18 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in residential use

zones and which is available only to the family and guests of the householder. This includes inground, aboveground and on-ground swimming pools, hot tubs and spas.

Private swimming pool, indoor means any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

Private swimming pool, outdoor means any private swimming pool that is not an indoor pool.

Public swimming pool means any swimming pool other than a private swimming pool.

Spa. See "Private swimming pool."

Professional building means any structure used solely for the housing of professional offices of recognized professions and incidental uses as provided in the district regulations.

Professions, recognized means members of a recognized profession including those persons and customary staff normally considered as professional, and shall be deemed to include lawyers, architects, certified public accountants, registered engineers, and related professions registered under the laws of the State of Texas.

Public improvement means any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or for which the local government responsibility is established.

Public right-of-way means the total area of land deeded, reserved by plat, or otherwise acquired by the city, the county, or the state, primarily for the use of the public for the movement of people, goods, and vehicles.

Public school means a school that is maintained at public expense for education of children of a community or district and constitutes a part of a system of free public education commonly including primary and secondary schools. Examples include Margaret S. McWhirter Elementary School and the Clear View High School.

Public utility structure means a structure, owned by a unit of government or by a public utility company, which is an electric switching station; electric substation operating at voltages greater than 50 kilovolts; gas transfer station or border station; city-owned lift station, odor control station, water well or pump station, or water reservoir; or any public utility structure.

Recreation, indoor means an establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or sale of equipment related to the enclosed uses. Included but not limited to this definition shall be bowling, roller-skating or ice-skating, billiards, pool, motion picture theaters, and related amusements.

Recreation, outdoor means an area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures used primarily for recreational activities.

Recreational area means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

Recycling bin means a container located outside and used for storing and sorting metal, glass, and paper products, the materials of which will be recycled for further economic uses.

Recycling facility means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

Research and development means an investigation or experimentation aimed at discovery of new products and/or practical application of new products.

Residential use means single-family residential uses, two-family residential uses, and multiple-family residential apartment or townhouse uses.

Rest home or nursing home means a facility for the care of children or the aged or infirm, or a place of rest and care for those with bodily disorders, not containing equipment for surgical care or the treatment of disease or injury.

Restaurant, full service means a dining establishment at which food services are provided to patrons who order and are served while seated (e.g. waiter/waitress service) and pay after eating. These establishments may provide this type of food services to patrons in combination with selling alcoholic beverages, providing takeout services, or presenting live non-theatrical entertainment.

Restaurant, limited service or fast food means a dining establishment that provides food services where patrons generally order to select items and pay before eating. Most establishments do not have waiter/waitress service, but may provide limited service, or off-site delivery.

Restaurant, quick serve means a dining establishment with no added services and less than 1,000 square feet of gross floor area. Quick Serve establishments offer limited seating with a focus on "take away" or delivery.

School, trade or vocational means a secondary school that offers instruction in skilled trades or technologies or an educational institution offering a two-year course that is generally the equivalent of the first two years of a four-year undergraduate course.

Screening device unless stated otherwise shall consist of a barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design, at least six feet in height, where the structure is solid in preventing a view. Such screening device shall be continuously maintained.

Sexually oriented business or enterprise means businesses as regulated in chapter 12, miscellaneous business regulations, article VII, sections 12-201 through 12-232 and any amendments thereafter.

Shopping or mixed use center means a project built and intended to be used for two or more independent retail shops, department stores, offices, restaurants, cinemas and other allied businesses. The term "shopping center" also includes shopping malls and strip centers.

Sign. See appendix B, Code of Ordinances of the City of Webster for the definition of "sign."

Site development plan means an accurate plan at a scale of at least one inch to 100 feet which covers at least one lot and specifies:

For a subdivision—The site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor ratio.

For building permits—In addition to information required for a subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservation building construction), and proposed schedule for development.

Small animal clinic means an establishment for the care and medical veterinary practice on or for domestic household animals, conducted completely within an enclosed, soundproofed and air conditioned structure and not using any yard or open space for the activities defined.

Smoke shop means any retail establishment that sells primarily tobacco related products, but does not fall under the definition of a headshop. Examples of a smoke shop include a cigar shop or a retail tobacco store.

Solid wall or fence means a continuous non-transparent vertical surface kept in good repair. Where a public right-of-way abuts up to a 28-foot opening for ingress and egress and is permitted for each 100 feet or fraction thereof, of abutting public right-of-way; provided there is at least 50 feet between openings. A chain link fence

with a single layer of inserts is not a solid wall or fence unless present and expected development outside the fenced premises will not bring the public close to the fence and the development will not be residential.

Story means that part of a building between the surface of a floor and the ceiling immediately above. A basement is considered a story when more than one-half of such basement height is above the curb level.

Story, half means a space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate. Such space shall be counted as a half-story when not more than 60 percent of the floor area is used for rooms, bath, or toilets. A half-story containing an independent dwelling unit shall be counted as a full story.

Street means that portion of a public right-of-way or thoroughfare, which is primarily devoted to vehicular use. Such right-of-way or thoroughfare normally shall provide access to abutting property.

Street frontage means the boundary between a premises and a public right-of-way, whether or not direct access is allowed from the public right-of-way segment to the premises.

Structure means anything constructed, the use of which requires permanent location of the ground or attachment to something having a permanent location on the ground. See building.

Stucco means a finish coating of plaster and/or reinforcing fabric and synthetic plaster for the exterior of buildings. See the definition and standards for stucco contained in the building code of the city.

Subdivision means the division of a tract, lot or parcel of land into two or more lots, plats, sites or other division of land.

Substantial construction site means a site or location under construction project in a project of ten or more single-family residential homes or a commercial or multi-family project with a valuation of at least \$200,000.00.

Tattoo shop means a business that places designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Theater means a building used primarily for the presentation of live stage productions, performances or motion pictures.

Townhouse means a row of single-family attached units which constitute an architectural whole, and in aggregate, shall be considered a multiple-family use for the purpose of this chapter.

Transit facilities means the following uses, if conducted off the public right-of-way; bus passenger terminal, bus maintenance facility, transit transfer center, and park-and-ride joint-use facilities.

Truck plaza means a site in excess of two acres providing specialized facilities for retail fueling services for large trucks; the site may include related facilities including but not limited to restaurants and overnight parking.

Use means the activity occurring on a lot or parcel, for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Use, change of means the change within the classified use of a structure or premise.

Use, non-conforming means a use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

Use, principal means a use, which fulfills a primary function of a household, establishment, institution or other entity.

Use, temporary means a use that is authorized by this Code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractor offices and equipment sheds, carnivals, flea markets, and garage sales.

Variance means a deviation from the height, bulk, setback, parking or other dimensional requirements established by this Code.

Warehouse, wholesale or storage means a building or premises in which goods, merchandise or equipment are stored for eventual distribution.

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward unless specifically otherwise permitted in this chapter.

Yard, front means a yard extending along the whole length of the front lot line between the side lot lines and being a maximum horizontal distance between the front lot line and the main building or any projections thereof other than steps and unenclosed porches.

Yard, rear means a yard extending across the rear of a lot between the side lot lines and being the minimal distance between the rear lot line and the rear of the principal building and projections thereof other than steps, unenclosed balconies, or enclosed porches.

Yard, side means a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between any building or projections except steps and the side lot line.

Zero lot line dwelling: See patio home.

Zoning board of adjustment means the zoning board of adjustment shall mean that board authorized to hear appeals and render decisions as provided for in V.T.C.A., Local Government Code § 211.008.

Zoning official means the person otherwise duly designated to administer the provisions of this chapter.

Zoning district map means the official map upon which the boundaries of the zoning districts are drawn and which is an integral part of this chapter.

(Ord. No. 98-03, § 1(Exh. A, § 11), 3-17-98; Ord. No. 03-04, § 2, 2-18-03; Ord. No. 99-59, § 1, 12-7-99; Ord. No. 07-10, § 2, 8-21-07; Ord. No. 12-06, § 1, 6-19-12; Ord. No. 13-06, § 1, 4-2-13; Ord. No. 13-10, § 1, 8-6-13; Ord. No. 14-03, § 1, 4-1-14; Ord. No. 19-10, § 1, 8-20-19; Ord. No. 22-04, § 1, 6-21-22; Ord. No. 25-01, § 1, 1-23-25)