



The City Of

# San Angelo, Texas

Planning Division

52 West College Avenue, 76903

## NOTICE OF A PUBLIC MEETING

**AN AGENDA (INCLUDING ADDENDUM) OF A REGULAR MEETING OF  
THE ZONING BOARD OF ADJUSTMENT  
FOR THE CITY OF SAN ANGELO, TEXAS  
1:30 p.m. – Monday, February 2, 2015  
McNease Convention Center, in Council Chambers  
(or South Meeting Room)  
501 Rio Concho Drive**

THE MCNEASE CONVENTION CENTER IS ACCESSIBLE TO PERSONS WITH DISABILITIES. ACCESSIBLE ENTRIES AND SPECIALLY MARKED PARKING SPACES ARE AVAILABLE AT BOTH MAIN ENTRANCES ON SURBER DRIVE AND RIO CONCHO DRIVE. IF ADDITIONAL ASSISTANCE IS NEEDED TO OBSERVE OR COMMENT, PLEASE NOTIFY THE PLANNING DIVISION OFFICE AT (325) 657-4210 OR IN SAN ANGELO'S COMMUNITY DEVELOPMENT BUILDING AT 52 WEST COLLEGE AVENUE, AT LEAST 24 HOURS PRIOR TO THE MEETING.

ALL MATTERS LISTED ON THE AGENDA ARE SUBJECT TO INDIVIDUAL DISCUSSION AND ACTION BY THE ZONING BOARD OF ADJUSTMENT.

- I. **Call to order and establish that a quorum is present.**
  
- II. **Review and take any action related to minute record of the regular meetings held on Monday, January 5, 2015, and on Monday, January 12, 2015.**

**III. Hearing on, and decision of, an appeal that alleges error in a decision or determination made by the Planning & Development Services Director for the City of San Angelo.**

**An appeal by Jesse Martinez, et al (Mark Thieman, Dennis Grafa, Chris Cornell, HR Wardlaw III) dated October 31, 2014, alleging error in the written determination of the Planning & Development Services Director dated October 10, 2014, that a proposed silica frac sand operation is permitted in the Light Manufacturing Zoning District (ML) under the Zoning Ordinance of the City of San Angelo on property described as “5.510 acres tract occupying the J. Ebert Survey 680, Abstract 0172 (#39 Orient Branch – City and SAISD) in San Angelo, Tom Green County, Texas,” owned by Lee Pfluger d/b/a Southwest Orient Properties, LLC.**

**A. Identification of Parties.**

**B. Summary of the Order of the Appeal Proceedings.**

**C. Admission of Record on Appeal and Identification and Admission of Documentary Evidence.**

**D. Presentation by the Planning & Development Services Director.**

**E. Presentation and Argument by Each Party In Interest.**

**F. Public Comment.**

Individual members of the public who have signed up to testify shall be allowed up to three minutes, subject to additional time necessary to respond to questions that any Board member may ask.

**G. Rebuttal by Parties In Interest.**

**H. Questions from Board Members.**

**I. Close of the Presentation and Argument Portion of the Appeal Proceedings.**

**J. Discussion and Deliberation of Board Members in Open Session.**

**K. Call for Motions.**

**IV. Next meeting agenda.**

The next regular public meeting of the Zoning Board of Adjustment is scheduled to begin at 1:30 p.m. on Monday, March 2, 2015, in the McNease Convention Center.

**IV. Adjournment.**

This notice of meeting (*including addendum*) was posted on the bulletin board at the City of San Angelo's City Hall before 1:30 p.m. on the 30<sup>th</sup> day of January 2015, in accordance with Chapter 551 in the Government Code of the State of Texas.

  
Patrick Howard, AICP, Secretary to the  
Zoning Board of Adjustment

The Zoning Board of Adjustment reserves the right to consider business out of the posted order, and reserves the right to make such other modification or addition to the order and governance of the proceedings as in the determination of the Board are necessary or desirable.



# MEMO



**Meeting:** February 2, 2015

**To:** Zoning Board of Adjustment

**From:** Patrick B. Howard, AICP  
Director

**Through:** Rebeca A. Guerra, AICP, LEED-AP, CPD  
Planning Manager

**Case:** ZBA 14-41

**RE:** Appeal alleging error in a decision or determination made by the Planning & Development Services Director

## **Background:**

A Zoning Verification Letter for the subject site was written by the Planning Division on August 11, 2014. The letter identified the Zoning designation of the site and reviewed the proposed use against the requirements set forth in the Zoning Ordinance. The letter reflected Staff's determination that the proposed use of *transloading and storing of products used in the oil and gas industry, including frac sand* is consistent with the "Warehouse and Freight Movement" use category which is allowed by right in the Light Manufacturing Zoning District, and is therefore allowed by right on the subject property.

On October 9, 2014, Mr. Martinez submitted a letter to the Planning Director asking for a review of the Zoning Verification Letter whereby the Director would provide an interpretation of the Zoning Ordinance consistent with Section 215(A)(3). On October 10, 2014, the Planning Director issued a response to Mr. Martinez where the contents and findings of the Zoning Verification Letter were upheld.



On October 21, 2014, Staff provided a briefing to City Council regarding the site and proposed use. It was established at the City Council meeting that no action could be taken by Council on the matter. Per Section 2.07.062(a)(1) of the Code of Ordinances, only the Zoning Board of Adjustment may “hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this division or the Zoning Ordinance.” Section 214(B)(3) and of the Zoning Ordinance states that “an appeal that alleges error in a decision or determination made by any administrative official in the routine enforcement of this Zoning Ordinance shall be reviewed by the Zoning Board of Adjustment.” Section 215(D)(1) of the Zoning Ordinance mandates that the Zoning Board of Adjustment is required to exercise its powers to “hear and decide appeals that allege error in a decision or determination made by any administrative official in the routine enforcement of this Zoning Ordinance.”

On October 31, 2014, Jesse Martinez, Mark Thieman, Dennis Grafa, Chris Cornell, and HR Wardlaw III requested that an Appeal of the Planning Director’s determination be heard by the Zoning Board of Adjustment consistent with Section 2.07.062(a)(1) of the Code of Ordinances and Section 214(B)(3) and Section 215(D)(1) of the Zoning Ordinance.

### **Analysis:**

A Zoning Verification Letter is a request by an applicant to the Planning Division for verification of the property’s zoning and whether a use, or list of uses, is permitted. An applicant may also request additional information regarding the property if desired. A Zoning Verification Letter in and by itself does not confer any new right that is running with the land. The City of San Angelo offers this service to the public free of charge. In order to begin the process of drafting a Zoning Verification Letter, the applicant is directed to fill out the Zoning Verification Form found on the Planning Division’s website. Along with the applicant’s name and contact information, the form asks for such data as the property address, legal description, building(s) on the site, current use, proposed use, and the purpose of the request.

When drafting Zoning Verification Letters for inquiries regarding proposed uses on a vacant site, Staff employ the following Standard Operating Procedures (SOP’s):

1. Determine if the property or properties is/are located within the City’s boundaries or in the Extra Territorial Jurisdiction (ETJ)
2. Determine the Future Land Use designation of the property or properties
3. Determine the Zoning designation of the property or properties

4. Determine if the property or properties is/are located within the River Corridor or a historical overlay
5. Determine if the property or properties has/have any associated Special Use, Conditional Use, or Variance approval(s)
6. Compare the proposed use identified on the Zoning Verification Form to the list of Use Categories found in the Use Table of Section 310 of the Zoning Ordinance
7. Determine which Use Category in Section 310 most closely represents the proposed use identified on the Zoning Verification Form
8. Compare the Use Regulations for the Use Category (i.e. Characteristics, Accessory Uses, Examples, and Exceptions) found in Article 3 of the Zoning Ordinance to the proposed use identified on the Zoning Verification Form
9. Determine if the Use Category has Specific Use Standards outlined in Article 4 of the Zoning Ordinance
10. Identify if the proposed use is allowed by right, or by Conditional Use or Special Use approval on the property or properties

In regards to the 5.510 acre tract occupying the J. Ebert Survey 680, Abstract 0172 (#39 Orient Branch – City and SAISD) in San Angelo, Tom Green County, Texas, Staff received a request for a Zoning Verification Letter in August of 2011. In researching the Zoning Verification Letter, Staff utilized the City's Online Map to verify that the subject site was located within the City's boundaries, as well as to identify its Future Land Use designation, per the Comprehensive Plan, and its Zoning classification.

Using the Online Map, the Future Land Use designation of the site was determined to be "Commercial" and the Zoning was categorized as Light Manufacturing District. It was determined that site was not located within the River Corridor or historical overlay district, nor were there any associated Special Use, Conditional Use, or Variance approvals given.

When identifying what uses may be permitted per the Zoning Ordinance on a site, Staff looks to the Zoning classification given to that property, not the Future Land Use per the Comprehensive Plan. The Comprehensive Plan "does not prescribe certain uses for individual parcels within the City." Rather, its Future Land Use designations seek to establish a series of "strategies and initiatives deemed most important for the City." As a result, a property's Zoning classification is not required to be consistent with its Future Land Use designation established by the Comprehensive Plan. Specifically in this case, even though the subject site has a Future Land Use designation of Commercial, its zoning of Light Manufacturing District prescribes the nature of uses which may be permitted consistent with the Zoning Ordinance. Moreover, the permitted uses and use regulations for the site must be



consistent with those standards already established at the time of the Zoning Verification Letter's issuance.

Section 310 of the Zoning Ordinance lists all of the use categories identified per the City's use regulations. The use categories provide a systematic basis for assigning uses into appropriate Zoning districts. Before determining if the proposed use is consistent with a site's underlying Zoning district, Staff must compare the proposed use shown on the Zoning Verification Form to those use categories found in Section 310 of the Zoning Ordinance. On the Zoning Verification Form submitted for the subject property, the applicant indicated that the proposed use was the *transloading and storing of products used in the oil and gas industry, including frac sand*. When examining Section 310, Staff identified a use category named "Warehouse and Freight Movement" listed among seven overall Industrial Use Categories.

Section 316 of the Zoning Ordinance sets forth Use Regulations for all seven use categories listed under Industrial Use Categories. Use Regulations provide more detailed explanations of each use category by delineating Characteristics, Accessory Uses, Examples, and Exceptions for each use.

Section 316(D)(1) of the Use Regulations states that "Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer...." The following are just some examples of firms identified in Section 316(D)(3) that engage in Warehouse and Freight Movement: "wholesale distribution centers, truck or air freight terminals, freight forwarding services, and gasoline and petroleum product terminals and the stockpiling of sand, gravel, or other aggregate materials."

Based on the characteristics provided in Section 316(D)(1) for Warehouse and Freight Movement firms, and the example of "gasoline and petroleum product terminals" and "truck or air freight terminals," as well as "the stockpiling of sand, gravel, or other aggregate materials," Staff determined that the proposed use of *transloading and storing of products used in the oil and gas industry, including frac sand* was most consistent with the use category of "Warehouse and Freight Movement."

In reviewing the Zoning Verification Form, it became apparent that the nature of the frac sand was not specified by the applicant. Section 316(D)(4)(a) provides for an Exception where if a use involves the transfer of storage or liquid waste, it must be classified as a "Waste-Related" use. Because the Zoning Verification Form did not indicate if the frac sand being transloaded or stored was a by-product of a process



which produced solid and/or liquid waste, Staff asked the applicant to provide further clarification on the nature and composition of the frac sand itself. On August 8, 2014, the applicant sent an email to Staff which described the frac sand as “pure, devoid of impurities and dry....” Based on this description, it was determined that the frac sand being proposed for transloading or storage on the subject site could not be classified as a “Waste-Related” use.

Staff then reviewed Article 4 of the Zoning Ordinance to ascertain if the “Warehouse and Freight Movement” use category had any Specific Use Standards which would limit or restrict development. After examining Article 4, it was determined that the “Warehouse and Freight Movement” use category was not listed, and therefore, the Zoning Ordinance did not identify any additional limitations or restrictions on the development and operation of “Warehouse and Freight Movement” activity.

In summary, once Staff had identified the most appropriate use category (i.e. “Warehouse and Freight Movement”) in the Zoning Ordinance which represented and described the proposed use shown on the Zoning Verification Form (i.e. *transloading and storing of products used in the oil and gas industry, including frac sand*), Staff searched through the Use Chart found in Section 310 to determine what Zoning districts allowed that use category either by right, or by Conditional Use or Special Use. Section 310 states that “Warehouse and Freight Movement” uses are allowed in the Heavy Commercial, Central Business District, Warehouse & Office, Light Manufacturing, and Heavy Manufacturing Zoning districts by right, and in the General Commercial Zoning district with a Conditional Use. Because the Zoning Ordinance allows the use of “Warehouse and Freight Movement” by right in the Light Manufacturing District, and the subject site is zoned “Light Manufacturing District,” the proposed use of *transloading and storing of products used in the oil and gas industry, including frac sand* was determined to be allowed by right on the subject property.

- Attachments:**
- A:** August 11, 2014, Zoning Verification Letter -AND- October 10, 2014, Determination by the Planning & Development Services Director
  - B.** Section 310 Use Chart highlighting the Warehouse and Freight Movement use category
  - C.** Section 316 Industrial Use Categories highlighting the Warehouse and Freight Movement use category
  - D.** Section 415 Manufacturing & Production Specific Use Regulations



The City Of

# San Angelo, Texas

52 W. College Avenue - Zip 76903  
Planning Division

August 11, 2014 (REVISED)

Email to: [lee.pfluger@cactushotel.net](mailto:lee.pfluger@cactushotel.net)

SUBJECT: Zoning Verification Letter for the following property:

PROPERTY: A 5.510 acre tract occupying the J. Ebert Survey 680, Abstract 0172 (#39 Orient Branch – City and SAISD), in San Angelo, Texas.

Dear Mr. Pfluger:

The Planning Division is the authority responsible for the enforcement of Zoning matters in the geographic area in which the subject property is situated. The information below is in response to your inquiry questions for the property listed above.

1. The subject property is zoned "Light Manufacturing Zone District (ML)" and GIS records show the property as currently vacant (See Attached Map and Handout of Permitted Uses and Outside Storage regulations in the ML Zone).
2. Transloading and storing of products used in the oil and gas industry is a permitted use in the ML Zone as "*Warehouse and Freight Movement*", provided that the uses do not involve the transfer of storage of solid, liquid or hazardous waste or the disposal thereof on the property.
3. As per your e-mail correspondence dated August 8, 2014 (see attached), which describes the quality and purity of the frac sand to be transloaded on the property, it would appear that the sand would not be considered solid, liquid, or hazardous waste, and thus permitted as *Warehouse and Freight Movement* in the ML Zone. Any changes to the proposed uses may require approval(s) from the City of San Angelo.

If you have any questions concerning this information, you may contact Jeff Fisher, Planner at (325) 657-4210.

Sincerely,

Jeff Fisher, Planner



Zoning Map of the identified area





## Fisher, Jeff

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**From:** Lee Pfluger [lee.pfluger@cactushotel.net]  
**Sent:** Friday, August 08, 2014 2:58 PM  
**To:** Fisher, Jeff  
**Subject:** RE: Letter from Lee Pfluger

Jeff – Per your request for additional information about the quality and purity of the frac sand that will be trans-loaded on the subject property, please know that this is a very hard, round sand that is mostly mined in the northern part of the USA. At the mine, the raw sand is washed to remove dirt and fine impurities, then sized to a consistent size through a series of screens, then dried and loaded into enclosed railroad cars.

The product (sand) is pure, devoid of impurities and dry when it will arrive at the subject property to be trans-loaded into enclosed 18 wheelers.

Please let me know if you need additional information about the sand, e.g. size, hardness (burnell factor), mine locations, etc.

Thank you again for assisting with this project.

Lee Pfluger

Offices of Lee Pfluger  
36 E. Twohig Ave., Suite 880 (76903)  
P. O. Box 1991 (76902)  
San Angelo, Texas  
325-944-4444  
FAX 325-658-1330





October 10, 2014

Jesse H. Martinez  
Tom Green County

Re: Appeal of Zoning Verification Letter dated "August 11, 2014"

Dear Mr. Martinez:

I have received your request, dated October 9, 2014, for an appeal of a Zoning Verification Letter signed by the Planning Manager for a 5.510-acre tract occupying the J. Ebert Survey 680, Abstract 0172 (#39 Orient Branch – City and SAISD), in San Angelo, Texas.

The proposed use for the subject property is the transloading and storing of products used in the gas industry. After reviewing Chapter 12, Exhibit A: Zoning Ordinance, Section 316 Industrial Use Categories, it appears that Subsection C, Warehouse and Freight Movement, is the most applicable category for the proposed use. Per Section 316(C)(1), Warehouse and Freight Movement firms "are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some occasional will-call pickups. There is little on-site sales activity with the customer present." Per Section 316(C)(2), an example of a Warehouse and Freight Movement firm includes "freight forwarding services" as well as "gasoline and petroleum product terminals and the stockpiling of sand, gravel, or other aggregate materials." This appears, therefore, to be in line with the proposed use of the property in regards to the transloading and storing of products used in the gas industry.

Section 316(C)(4)(a) lists that "Waste-Related" uses are to be treated as an exception when considering a use's applicability as "Warehouse and Freight Movement." In these instances, a determination must be made as to whether the proposed use involves the transfer or storage of solid or liquid wastes. If the proposed use involves the above-mentioned actions, then it must be classified as a "Waste-Related" use and not "Warehouse and Freight Movement." In an email dated August 8, 2014, the property owner clarified that the product to be transloaded and stored is a "pure" sand which would be "devoid of impurities and dry when it will arrive at the subject property." Therefore, based on this information, the proposed use appears to be most consistent with the "Warehouse and Freight Movement" land use category.

The subject property has a Zoning designation of Light Manufacturing. After reviewing Section 310(E) of the Zoning Ordinance, which lays out the Use Table for all Zoning Districts in the City of San Angelo, it appears that "Warehouse and Freight Movement" is an Allowed Use in the Light Manufacturing Zoning District.

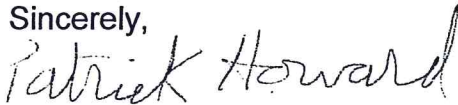
After thoroughly examining all pertinent sections of the Zoning Ordinance and reviewing the proposed use for the subject property, I hereby affirm the determinations made as part of the Zoning Verification letter signed by the Planning Manager on August 11, 2014.

Per Section 214(B)(3) of the Zoning Ordinance, you have the right to file an appeal before the Zoning Board of Adjustment if you believe there is an error in a decision or determination made by any administrative official in the routine enforcement of the Zoning Ordinance. I am enclosing an application for such an appeal with this letter for your convenience. The applicable fee for this request is \$150.00 payable by cash, money order, or check to the City of San Angelo.

Should you have any questions regarding this matter, or need further clarification, please do not hesitate to contact me by phone at (325) 657-4210 or by email at [Patrick.Howard@cosatx.us](mailto:Patrick.Howard@cosatx.us).

Thank you.

Sincerely,



Patrick Howard, AICP  
Planning & Development Services Director



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## **Section 316. Industrial Use Categories**

### **A. Industrial Service**

#### **1. Characteristics**

Industrial Service firms are engaged in the repair or servicing of industrial, business or household consumer machinery, equipment, products or by-products. Firms that service household consumer goods do so by mainly providing centralized services for separate retail outlets. Construction contractors and building maintenance services and similar uses typically perform services off-site. Relatively few customers, especially the general public, come to the site.

#### **2. Accessory Uses**

Accessory activities may include offices, parking and storage.

#### **3. Examples**

Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair and/or storage of heavy machinery, metal and building materials; towing and vehicle storage; heavy truck servicing (including wash) and repair; lawn mower service and repair; building, heating, plumbing or electrical contractors; utility, paving and road building contractors; mortuary and crematory services, not on same site as funeral home; large appliance repair; printing, publishing and lithography; exterminating, fumigating and pest control services; lawn and landscaping care and maintenance; janitorial and building maintenance services; sign making; research and development laboratories; industrial laundry, dry cleaning and carpet cleaning plants that primarily accept work from separate retail outlets; and veterinary clinics for large hoofed animals.

#### **4. Exceptions**

- a. Construction-related contractors and others who perform services off-site are included in the Office category, if major equipment and materials are not stored at the site and fabrication or similar work is not carried on at the site.
- b. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.
- c. Printing, publishing and lithography in which finished goods are sold primarily on site and to the general public are included in the Retail Sales and Service category.

- d. Sign making operations in which finished goods are limited to those no larger than what can be directly affixed or mounted onto a vehicle, window or wall (without the aid of an overhead crane) may be categorized as Retail Sales and Service.

## **B. Manufacturing and Production**

### **1. Characteristics**

Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of overall sales. Relatively few customers come to the manufacturing site.

In general, the difference between light and heavy uses is their effect on the surrounding area. If the uses routinely subject the surrounding area to noxious or malodorous impacts, they are considered heavy manufacturing and production. Light manufacturing in general is considered to have fewer noxious effects produced by noise, smoke, odor, dust, vibration or glare, in comparison with heavy manufacturing and production. See Section 414 (Manufacturing and Production).

### **2. Accessory Uses**

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

### **3. Examples**

Examples include processing of food and related products; weaving or production of textiles or apparel; wood products manufacturing; woodworking, including cabinet makers; movie production facilities; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys for mass distribution and marketing; and production of prefabricated structures, including manufactured homes.

Examples that are expressly included in the heavy manufacturing and production category include, but are not limited to each of the following:

- a. slaughterhouses and meatpacking;
- b. tanning or curing of furs, skins, leather or hides;

- c. wool pulling and scouring;
- d. cottonseed oil mills;
- e. refining of petroleum and coal products;
- f. manufacture and processing of stone, clay and concrete products;
- g. mixing and batching of concrete and asphalt;
- h. fabrication of boilers and tanks;
- i. manufacture and processing of chemicals, including gaseous products and fertilizer.

**4. Exceptions**

- a. Manufacturing of goods (including printed material) to be sold primarily on-site and to the general public are classified as Retail Sales and Service.
- b. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
- c. Rendering of meat and poultry by-products shall be prohibited from all zoning districts.

**C. Manufacturing, Craft Work by Artisans**

**1. Characteristics**

Craft work and manufacturing, by artisans, shall be limited to processing and/or fabrication of finished or nearly finished goods made ready for sale to the general public, where said fabrication or processing is of substantially low intensity with an emphasis on handiwork. Processing or fabrication by machinery shall be minimized, to the extent that any related noise, vibration, smoke, electrical interference, dust, odors or heat shall not be discernible beyond the boundaries of the lot where such craft manufacturing is located. The sale of such craft manufactured goods, to the general public, may or may not occur on the same premises where craft manufacturing occurs. Except where located in CBD or CG Districts, any retail trade occurring on the premises of such craft manufacturing shall be limited to items manufactured on-site

**2. Accessory Uses**



Accessory activities may include retail sales of items manufactured on-site, offices, vehicle parking, and warehousing.

### 3. Examples

Examples include fabrication of apparel items, hats, shoes, and boots, fashion accessories including jewelry, musical instruments, toys, home furnishings and decorative items, as well as processing of food and beverages.

### 4. Exceptions

- a. Goods manufacturing which intensively involves continuous use of machinery shall not be considered craft work by artisans and shall not be considered a component of this use category.
- b. Space devoted to any manufacturing enterprise and exceeding 15,000 square feet of floor area, no matter how low-intensity in character or how much handiwork is involved, shall not be considered craft manufacturing as defined by this use category.

## D. Warehouse and Freight Movement

### 1. Characteristics

Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some occasional will-call pickups. There is little on-site sales activity with the customer present.

### 2. Accessory Uses

Accessory uses may include office, truck fleet parking and maintenance areas.

### 3. Examples

Examples include separate warehouse used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; wholesale distribution centers; truck or air freight terminals; freight forwarding services; bus barns; parcels services; major post offices; grain terminals; gasoline and petroleum product terminals and the stockpiling of sand, gravel, or other aggregate materials.

### 4. Exceptions

- a. Uses that involve the transfer of storage of solid or liquid waste are classified as Waste-Related uses.
- b. Mini-warehouses are classified as Self-Service Storage uses.
- c. Warehousing or freight facilities characterized by stabling or storage of livestock shall be classified as Heavy Manufacturing and Production.

**E. Waste-Related Use**

**1. Characteristics**

Waste-Related uses are characterized by uses that receive solid or liquid wastes from others, for disposal on the site or for transfer to another location, as well as uses that collect sanitary wastes, and uses that manufacture or produce goods or energy from the composting of organic material. Waste-related uses also include uses that receive hazardous waste from others.

Only certain types of waste-related uses are allowed with the Planning Commission's approval of a Conditional Use, in certain zoning districts. See Section 425 in Article 4 on Specific Use Standards.

**2. Accessory Uses**

Accessory uses may include offices as well as repackaging and transshipment of by-products.

**3. Examples**

Examples include auto salvage yards, metal scrap yards, sanitary landfills, recyclable materials collection centers, waste composting, energy recovery plants, wastewater reclamation plants and hazardous waste collection sites.

**4. Exceptions**

Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill. Chemical and nuclear waste storage dumps are prohibited from all zoning districts. Rendering of meat and poultry by-products is prohibited from all zoning districts.

**F. Wholesale Trade**

**1. Characteristics**

Wholesale Trade firms are involved in the sale, lease, or rent of products primarily intended for distribution to other merchants or firms who will, in turn, distribute them to the ultimate consumer. The uses emphasize on-site sales or order taking and often include

display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

## **2. Accessory Uses**

Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

## **3. Examples**

Examples include sale or rental of machinery, heavy equipment, heavy trucks, farm and ranch supplies, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; fuel oil distributors and/or solid fuel yards; wholesalers of food, clothing, auto parts, building hardware.

## **4. Exceptions**

- a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
- b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.
- c. Livestock auctions, or any wholesale trade facilities characterized by stabling or storage of livestock, shall be classified as Heavy Manufacturing and Production.



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**Section 402. Accessory Uses and Structures**

Principal uses classified as allowed uses by the district regulations of this Zoning Ordinance shall be deemed to include accessory uses and activities that are customarily associated with, as well as appropriate, incidental and subordinate to allowed principal uses. Accessory uses and activities shall be subject to the same regulations as principal uses unless otherwise expressly stated.

**A. Accessory Buildings or Structures**

1. **Setbacks.** An accessory building may be detached from the principal building, or constructed such that it is physically attached to the principal building.
  - a. An accessory building attached to a principal building, or located within 10 feet of a principal building, shall be considered integral to the principal building, and shall meet the same minimum side and rear setback requirements as the principal building.
  - b. For all accessory structures (attached or detached) in RS-1 or RS-2 Districts and which are substantially open, the minimum required rear setback shall be measured from the centerline of any alley adjoining the rear lot line, rather than from the rear lot line itself. To be considered substantially open and eligible for this reduced rear setback requirement, an accessory structure shall have a minimum of 7 1/2 feet above its finished floor level which is open and unencumbered by any walls, screening or glazing except as may be necessary for vertical structural supports which shall be no greater than 12 inches in width or diameter. No additional story (or half story) shall be allowed above any such substantially open accessory structure eligible for the reduced rear setback allowed by this paragraph.
  - c. Except for those carports allowed in Section 513 (Carports in Required Yards), no accessory building, either attached or detached, shall be allowed within the minimum front yard required on the lot.
  - d. An accessory building that is detached from the principal building, or attached with only a breezeway, shall be allowed to extend into the required side or rear yard as follows:
    - i. Where the wall or edge of the roof will adjoin a street or alley right-of-way, no setback shall be required; and
    - ii. Where the wall or edge of the roof will adjoin any other side or rear lot line, a minimum setback of two feet from that side or rear lot line shall be maintained.

2. **Size.** A maximum accessory building floor area of 600 square feet or 50 percent of the floor area of the principal building, whichever is greater, shall be permitted on any residential lot. A maximum accessory building floor area of 100 percent of the floor area of the principal building shall be permitted on any residential lot within a Ranch & Estate (R&E) zoning district. Bona fide farm and agricultural buildings shall be exempt from this requirement.

(Section 402.A.2 was amended by Section 1 of Ordinance adopted 8/2/11)

3. **Prohibited Structures.** Shipping crates, railroad cars, truck or bus bodies and other similar containers shall not be used as accessory buildings in any residential district.

**B. Satellite Dish Antennas in Nonresidential Districts**

Satellite dish antennas in nonresidential districts shall meet the following conditions for installation.

1. All permanent installations shall require a building permit, shall be installed according to the manufacturer's requirements and shall meet appropriate building setbacks.
2. All antennas, whether for sales and service or for permanent installation, shall be located in a manner that will not interfere with pedestrian or vehicular movement, shall not be a visual obstruction to traffic, and will not eliminate off-street parking spaces required by this Zoning Ordinance.

**C. Satellite Dish Antennas in Residential Districts**

Satellite dish antennas in residential districts shall meet the following conditions for installation.

1. Antennas shall not be located in required front or side yards.
2. The minimum distance between any point of the antenna and any property line shall be two feet.
3. Installation on a roof is allowed, provided the total height of the structure and the antenna does not exceed the district standard set forth in Article 5.

**D. Wind Energy Conversion Systems, Noncommercial, in All Districts**

Wind energy conversions systems are allowed as accessory structures in all zoning districts, provided the following standards are met.



1. Wind energy conversion systems shall not exceed a maximum height of one hundred feet (100') measured from average natural ground level, to the highest point of the arc of the wind blades' evaluation above such ground level.
2. Wind energy conversion systems shall be prohibited from the entire front yard of all lots, that is, from all that space between each lot's front boundary and the closest wall of the principal building on that lot.
3. Wind energy conversion system shall be set back from all boundaries of any lot, by a distance equal to at least one hundred percent (100%) of the tower's height, as measured from average natural ground level, to the highest point of the arc of the wind blades' elevation above such ground level.
  - a. Setback distance shall be measured from the base of each tower, at natural ground level, to the closest boundary of the lot.
4. Wind energy conversion systems shall be separated from all unguarded (uninsulated) energized overhead electric power lines, by a distance equal to at least ten feet (10') as measured between such power lines and the furthest lateral extent of the arc of the wind blades.
5. Multiple wind energy conversion systems are allowed on any lot, provided they are separated by a distance equal to at least the height of the tallest such tower, as measured from average natural ground level to the highest point of the wind blades' elevation above such ground level.
6. The tower for any wind energy conversion system shall be either of monopole-type construction (with no guy wires for stabilizing support) or of lattice-type construction having either a triangular or rectangular shaped cross-section.
7. The color of all wind energy conversion systems shall be of neutral tones or of earth tones such as subdued green or brown. Grey, including naturally darkening galvanized grey, is also an acceptable neutral tone. Wind energy conversions shall not be finished in bright or vivid colors intended to draw attention to the structure.
8. It is an offense to install or operate any wind energy conversion system without first having obtained a building permit from the City of San Angelo. An application for building permit to install a wind energy conversion system shall be accompanied by the following illustrations drawn in sufficient detail to clearly describe the features indicated.
  - a. A site plan showing boundaries and physical dimensions of the lot, as well as the exact planned location of (that is, setback from lot boundaries and separation between) each existing and proposed wind energy conversion system on the lot, at the base of each respective system's tower.



- b. An elevation view of the proposed wind energy conversion system, indicating its height, the type of construction (monopole or latticework), the width of its base at ground level, and the extent of the wind blades' arc.
  - c. Standard drawings of structural components of each proposed wind energy conversion system including support structures, tower, base and footings in sufficient detail to allow for a determination that the structure conforms to the applicable building code adopted by the City of San Angelo. Drawings and any necessary calculations shall be certified in writing by a registered professional engineer and shall be affirmatively state the proposed system will comply with such building code.
9. Abatement. If a wind energy conversion system is not maintained in operation condition or in any way poses a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. If the City of San Angelo determines that a wind energy conversion system shall be removed within forty-five (45) days of written notice to the owner or operator of the system.
- a. The City of San Angelo reserves the authority to abate any hazardous situation involving a wind energy conversion system, and to pass the cost of such abatement on to the owner or operator of the system.

(Section 402, Subsection D was added by Sec. 2, Ordinance adopted 6/3/08)

### **Section 310. Use Table**

All of the use categories listed in the table below are explained in Sections 311 through 317. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated definition and the full explanation in Sections 311 through 317, the provisions of Sections 311 through 317 shall control.

#### **A. Allowed Uses**

Uses identified with an "A" are allowed by right as set forth in Section 213 (Development Allowed By Right). A "\*" identifies uses that may be subject to additional specific use regulations set forth later in Article 4.

#### **B. Conditional Uses**

Uses identified with a "C" are allowed subject to approval by the Planning Commission as set forth in Section 208 (Conditional Use Review). A "\*" identifies uses that may be subject to additional specific use regulations set forth later in Article 4.

#### **C. Special Uses**

Uses identified with an "S" are allowed subject to approval by the City Council as set forth in Section 209 (Special Use Review). A "\*" identifies uses that may be subject to additional specific use regulations set forth later in Article 4.

#### **D. Excluded Uses**

The following uses shall be excluded from any and all zoning districts within the City limits of San Angelo:

1. Meat and poultry rendering of by-products; and
2. Chemical and nuclear waste storage dumps.

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#### **E. Use Table**

Allowed, conditional and mandatory planned development uses are set forth in the following Table. Uses that may be subject to additional specific use standards set forth in Article 4 are designated with a "\*".



Use Category	Short Definition (see also Sections 311 thru 316)	Residential Districts								Nonresidential Districts									
		R & E	R 1	R 2	R 3	R 1	R 2	M P	M S	C N	C O	C G	C H	C B	C W	C L	C M	CG / CH	
A = Allowed C= Conditional Use S= Special Use * = Specific Use Regulations May Apply. See Article 4																			
<b>Residential Use Categories</b>																			
Group Living	residential occupancy that does not meet the definition of "household living"	*	-	-	-	-	A	A	-	-	A	A	A	A	A	A	-	-	A
Household Living	residential occupancy of a dwelling by a "household"	*	A	A	A	A	A	A	A	A	C	C	C	C	A	C	C	C	C
Recovery Facility, Alcohol and Drug	residential programs that provide care and training or treatment for psychiatric, alcohol or drug problems	*	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	A
<b>Institutional and Civic Use Categories</b>																			
College	institutions of higher learning	*	-	-	-	-	-	-	-	-	-	A	A	-	A	A	-	-	A
Community Services	public, nonprofit, or charitable uses providing service to the community		C	-	-	-	C	C	C	C	A	A	A	-	A	A	C	C	A
Day Care	care, protection and supervision for children or adults on a regular basis	*	-	-	-	-	A	A	-	-	A	A	A	-	A	A	C	C	A
Detention Facilities	facilities for detention of incarcerated people		-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S

Use Category	Short Definition (see also Sections 311 thru 316)	Residential Districts								Nonresidential Districts									
		R & E	R 1	R 2	R 3	R 1	R 2	M P	M S	C N	C O	C G	C H	C B	O D	M W	M L	M H	CG /CH
A = Allowed C = Conditional Use S = Special Use * = Specific Use Regulations May Apply. See Article 4																			
<b>Golf Course, Golf Driving Facilities</b>	facilities for golf, including practice areas	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
<b>Hospital</b>	medical or surgical care, with overnight care	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C
<b>Religious Institutions</b>	meeting areas for religious activities	C	C	C	C	C	C	-	C	A	A	A	A	A	A	A	A	A	A
<b>Safety Services</b>	public safety and emergency services	C	C	C	C	C	C	-	C	A	A	A	A	A	A	A	A	A	A
<b>Schools</b>	elementary, middle, or high School level schools	C	C	C	C	C	C	-	C	C	A	A	-	A	-	-	-	-	A
<b>Special Event, Type 1</b>	fund-raising, business promotion, special and seasonal events	*	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<b>Special Event, Type 2</b>	carnival, concert, circus, fair or festival	*	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A
<b>Utilities, Basic</b>	infrastructure that needs to be located in or near the area where the service is provided	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A



Use Category	Short Definition (see also Sections 311 thru 316)	Residential Districts								Nonresidential Districts										
		R & E	R 1	R 2	R 3	R 1	R 2	M P	M S	C N	C O	C G	C H	C B	C D	O W	M L	M H	CG / CH	
A = Allowed C = Conditional Use S = Special Use * = Specific Use Regulations May Apply. See Article 4																				
<b>Commercial Use Categories</b>																				
<b>Alcoholic Beverage Sales for On-Premises Consumption</b> (added to Use Table in 2003)	establishment where alcoholic beverages are sold for consumption on the premises, except for certain restaurants where such beverages are provided as a supplemental service	*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C C A C C C
<b>Auto and Boat Dealer</b>	sales of cars, light trucks and boats	*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A A A A A A
<b>Bed &amp; Breakfast</b>	a single-family dwelling offering overnight accommodations	*	S	S	S	S	S	S	-	-	C	C	A	-	A	C	C	C	A	A
<b>Campground/Recreational Vehicle Park</b>	temporary, often overnight accommodations for camping units and recreational vehicles		S	-	-	-	-	-	S	-	-	-	-	S	S	-	S	S	S	S
<b>Game Hall</b>	a game arcade, bingo, billiard or pool hall	*	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	C	C	A
<b>Office</b>	activities in an office setting focusing on business, government, professional, medical or financial services		-	-	-	-	-	-	-	-	A	A	A	-	A	A	A	A	A	A

Use Category	Short Definition (see also Sections 311 thru 316)	Residential Districts								Nonresidential Districts								
		R & E	R 1	R 2	R 3	R M 1	R M 2	M H P	M H S	C N	C O	C G	C H	C B	O W	M L	M H	CG / CH
A = Allowed C = Conditional Use S = Special Use * = Specific Use Regulations May Apply. See Article 4																		
<b>Parking, Commercial</b>	parking not accessory to an allowed use, fees may be charged	-	-	-	-	-	-	-	-	C	A	A	A	A	A	A	A	A
<b>Recreation and Entertainment Outdoor</b>	large commercial uses that provide continuous recreation or entertainment	-	-	-	-	-	-	-	-	-	-	S	-	S	-	S	S	S
<b>Rental, Equipment</b>	firms leasing or renting heavy vehicles, equipment and machinery under 3.5 tons to the public, may also provide product repair	*	-	-	-	-	-	-	-	-	-	C	A	C	C	A	A	A
<b>Retail Sales and Service</b>	firms involved in the sale or new or used products to the public may provide personal services, entertainment or product repair	*	-	-	-	-	-	-	-	A	C	A	C	A	-	C	C	A
<b>Self-Service Storage</b>	uses providing separate storage areas for individuals or businesses	*	-	-	-	-	C	C	-	-	C	C	A	A	A	A	A	A



Use Category	Short Definition (see also Sections 311 thru 316)	Residential Districts								Nonresidential Districts										
		R	R	R	R	R	R	M	M	C	C	C	C	C	O	M	M	CG		
		E	1	2	3	1	2	P	S	N	O	G	H	B	W	L	H	/		
														D				CH		
A = Allowed C= Conditional Use S=Special Use * = Specific Use Regulations May Apply. See Article 4																				
Vehicle Repair	service to passenger vehicles, light or medium trucks, other consumer motor vehicles where, generally, the customer does not wait at site while service is being performed	*	-	-	-	-	-	-	-	-	-	-	C	A	C	C	A	A	A	
Vehicle Service, Limited	direct services to vehicles, where the customer generally waits nearby while the service is performed	*	-	-	-	-	-	-	-	-	-	-	A	C	A	A	A	A	A	A
Vehicle Wash	automatic or nonautomatic facilities for washing vehicles		-	-	-	-	-	-	-	-	-	C	-	A	A	A	A	A	A	A
Veterinary Clinics, Small Animals	offices and clinics for small, non-hoofed animals		-	-	-	-	-	-	-	-	-	-	A	C	A	A	A	A	A	A
<b>Industrial Use Categories</b>																				
Industrial Service	firms servicing industrial, business or consumer machinery, equipment, products or by-products		-	-	-	-	-	-	-	-	-	-	-	C	A	C	A	A	A	A

Use Category	Short Definition (see also Sections 311 thru 316)	Residential Districts								Nonresidential Districts								
		R	R	R	R	R	R	M	M	C	C	C	C	C	O	M	M	CG
		&E	S1	S2	S3	M1	M2	H	P	N	O	G	H	B	W	L	H	/
A = Allowed C=Conditional Use S=Special Use *=Specific Use Regulations May Apply. See Article 4																		
<b>Manufacturing and Production, Light</b>	firms involved in assembly, light manufacturing, processing, fabrication, or packaging of goods	*	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	#
<b>Manufacturing and Production, Heavy</b>	firms involved in heavy manufacturing, production or fabrication of goods		-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-
<b>Manufacturing Craft Work by Artisan</b>	processing and/or fabricating goods made ready for sale to consumers, on -site or elsewhere, where processing or fabrication is substantially low intensity with an emphasis on handiwork	*											A	A	A	A	A	A
<b>Warehouse and Freight Movement</b>	firms involved in storage or movement of goods		-	-	-	-	-	-	-	-	-	C	A	A	A	A	A	A
<b>Waste-Related Use</b>	uses that receive recycled materials or wastes for disposal on-site or transfer to another location, uses that collect sanitary wastes, or that produce goods or energy from composting	*	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C
# = See "Other Use Categories" for certain light manufacturing uses allowed in CG/CH Districts.																		



Use Category	Short Definition (see also Sections 311 thru 316)	Residential Districts								Nonresidential Districts								
		R & E	R 1	R 2	R 3	R M 1	R M 2	M H P	M H S	C N	C O	C G	C H	C B	O W	M L	M H	CG / CH
A = Allowed C = Conditional Use S = Special Use * = Specific Use Regulations May Apply. See Article 4																		
<b>Wholesale Trade</b>	firms involved in sale, lease, or rental of products for industrial, institutional, or commercial business	*	-	-	-	-	-	-	-	-	-	-	-	C	A	A	A	A
<b>Other Use Categories</b>																		
<b>Agriculture</b>	raising or producing plants	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
<b>Animal Kennel</b>	facilities for overnight care of animals, except horses	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C
<b>Entertainment Event, Major</b>	activity or structure that draws large numbers of people to specific events	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S
<b>Firearms Range</b>	indoor or outdoor facilities for discharging firearms	*	S	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S
<b>Horse Boarding and Riding Academy</b>	overnight care of horses, with or without related equestrian facilities	S	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C
<b>Mining</b>	extraction of mineral or aggregate resources for off-site use	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C

Use Category	Short Definition (see also Chapter 8)	Residential Districts								Nonresidential Districts												
		R & E	R 1	R 2	R 3	R 1	R 2	M P	M S	C N	C O	C G	C H	C D	O W	M L	M H	CG / CH				
A = Allowed C = Conditional Use S = Special Use * = Specific Use Regulations May Apply. See Article 4																						
Passenger Terminals	facilities for the arrival or departure of airplanes, trains or buses				-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C
Plant Nursery	facilities producing flowers, shrubs, horticultural or household plants for retail or wholesale trade	A	-	-	-	-	-	-	-	-	-	-	-	-	A	-	A	A	A	A	A	A
Telecommunications Facilities	devices and supporting elements necessary to produce electromagnetic radiation operating to produce a signal	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	C	C
Any Use(s) Deemed Appropriate	only where such uses(s) can provide effective transition between less restrictive and more restrictive zoning districts	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

Use Category	Short Definition (see also Sections 311 thru 316)	Residential Districts								Nonresidential Districts								
		R	R	R	R	R	R	M	M	C	C	C	C	O	M	M	CG	
		E	1	2	3	1	2	P	S	N	O	G	H	B	W	L	H	/
A = Allowed C = Conditional Use S = Special Use * = Specific Use Regulations May Apply. See Article 4																		
<b>Food and beverage processing; drug processing; tobacco manufacture; building material processing; light metal fabrication; fabrication of optical and scientific instruments; artificial limb fabrications; broom fabrication; fabrication of wearing apparel including boots and shoes; bag and mattress manufacture</b>	certain light manufacturing uses not allowed in either CG or CH Districts, but which are allowed in CG/CH Districts and also where light manufacturing is generally allowed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A