



Farmersville
DISCOVER A TEXAS TREASURE

**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
March 19, 2018, 6:30 P.M.
COUNCIL CHAMBERS, CITY HALL
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

II. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to the City Council regarding an application requesting a change in zoning on approximately 0.3444 acres of land, more or less, from Single-Family 1 (SF-1) District Uses to C-Commercial District uses. The property is generally situated at 311 Sycamore Street and is known as Lot OL 1 of the Gaddy Addition, and located in the W.B. Williams Survey, Abstract A952, of Farmersville, Collin County, Texas. (Continued from the February 26, 2018 meeting.)
- B. Public hearing to consider, discuss and act upon a recommendation to the City Council regarding the proposed complete rewrite and revision of the City of Farmersville's Zoning Ordinance; receive input from citizens regarding the proposed Ordinances; and, discuss the proposed Ordinances and the changes, formatting, and modifications to the Ordinances.
- C. Public hearing to consider, discuss and act upon a recommendation to the City Council regarding the proposed complete rewrite and revision of the City of Farmersville's Subdivision Ordinance; receive input from citizens regarding the proposed Ordinances; and, discuss the proposed Ordinances and the changes, formatting, and modifications to the Ordinances.
- D. Public hearing to consider, discuss and act upon a recommendation to the City Council regarding a request for certain variances and waivers from some of the requirements of the City of Farmersville's Subdivision Regulations, Chapter 65 of the Farmersville Code, for Lots 1 through 10, Block 1, of the Deer Crossing

Subdivision to be developed on approximately 11.80 acres of land in E.B. Reed Survey, Abstract No. 739 in the City of Farmersville's ETJ along the north side of County Road 553 in an area west of State Highway 78.

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from February 26, 2018.
- B. Consider, discuss and act upon a recommendation to City Council for the Preliminary Plat for Lots 1 through 10, Block 1, of the Deer Crossing Subdivision to be developed on approximately 11.80 acres of land in E.B. Reed Survey, Abstract No. 739 in the City of Farmersville's ETJ along the north side of County Road 553 in an area west of State Highway 78.

IV. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on March 14, 2018, by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 14th day of March, 2018.



Sandra Green, City Secretary



I. Preliminary Matters

II. Public Hearing

Farmersville Planning & Zoning
Commission 1/12-2018
members

I have no objection to the change
in zoning for property located at 311 Sycamore
Street from single-family 3 District uses
to C-commercial District uses. This
property is within a 200 feet of my
property at 615 Windem St, Farmersville,
Texas 75442.

Sincerely,

Nona Rae Gooch

~~Nona Rae Gooch~~

615 Windem St,

Farmersville, Texas 75442

Mary Jo Stroup



City of Farmersville, Collin County, Texas

Original Grantee Gaddy Addition
Pat. No. Farmersville 2nd
School District Farmersville

Assignee
Certificate
Road District Farmersville
Feet 1 Inch

Block No. Gaddy Addition
Scale 100

No. F

Gaddy Addition

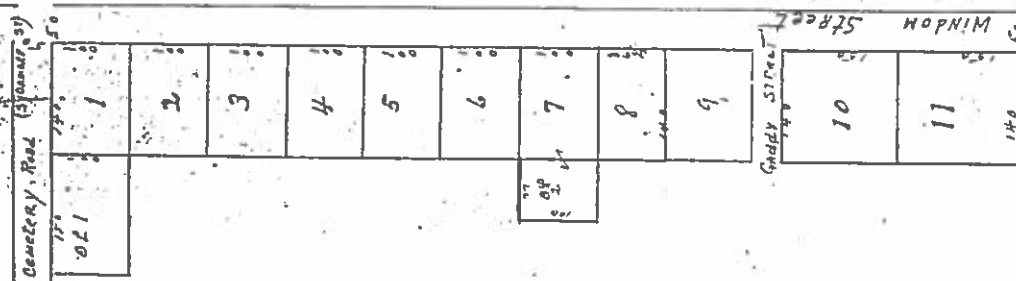
201 1998
201 413-413

A. F. Gaddy Addition To Farmersville Texas. Road. 413-413

PART OF A 32.83 AC TRACT IN M.B. WILLIAMS SURVEY

SURVEYED BY TON B. NILSON LICENSED ENGINEER

APRIL 22-1950.



Cemetery Road (Banner St)

175

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Gaddy Street

Windon Street

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1471



Application for Zoning Change

Applicant: <i>George Crump</i>		
Mailing Address: <i>401 N. MAIN</i>	City/State/Zip: <i>FARMERSVILLE, TX 75442</i>	Daytime Telephone: <i>214-308-7487</i>
Property Address: <i>311 SYCAMORE</i>	City/State/Zip: <i>FARMERSVILLE, TX 75442</i>	
Legal Description: <i>GADDY ADDITION (LFC), LOT 011</i>		
Lot(s): <i>011</i>	Block(s):	Subdivision: <i>Gaddy Addition</i>
Acreage: ((If acreage, provide separate metes and bounds description))		
Existing Use and Current Zoning of Property: <i>SINGLE FAMILY</i>		
Give explanation of proposed rezone and use of property. Attach maps, drawings and other supporting information. <i>BUILDING ORIGINALLY BUILT FOR DAY CARE CENTER AND REMAINS SO TODAY.</i> <i>Purpose: Convert to office building</i>		


Property Owner Signature

11/27/17
Date



Collin Central Appraisal District
 PROPERTY 1232936 R
 Legal Description
 GADY ADDITION (CFC), LOT 01.1

OWNER ID 1046396
 CRUMP GEORGE
 401 N MAIN ST
 FARMERSVILLE, TX 75442-1607 US

OWNERSHIP 100.00%

Values
 IMPROVEMENTS 0
 LAND MARKET + 0
 MARKET VALUE = 0
 PRODUCTIVITY LOSS - 0
 APPRAISED VALUE = 0
 HS CAP LOSS - 0
 ASSESSED VALUE = 0
 EXEMPTIONS

Ref ID1: 1476
 R-1054-000-0001-1

Ref ID2: R1232936

SITUS 311 SYCAMORE ST FARMERSVILLE, TX 75442

APPR VAL METHOD: Cost

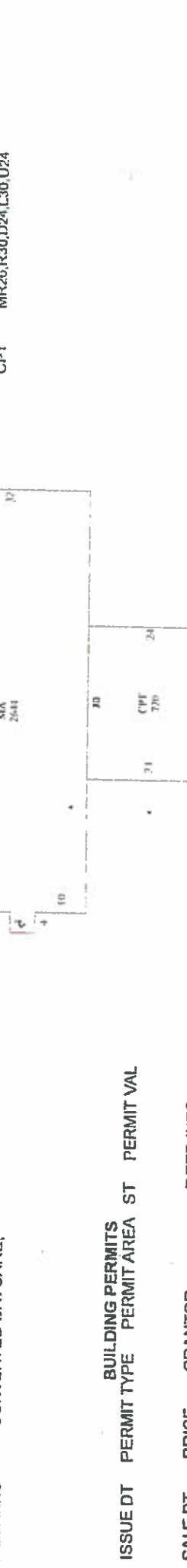
ACRES:
 EFF. ACRES:

SKETCH for Improvement #1 (Residential)

UTILITIES
 TOPOGRAPHY
 ROAD ACCESS PD
 ZONING PD
 NEXT REASON

GENERAL
 LAST APPR NEK
 LAST APPR. YR 2017
 LAST INSP. DATE 01/18/2016
 NEXT INSP. DATE

REMARKS CONVERTED DAYCARE;



ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO
 05/09/2017 ***** GOOCH NONA RAE WD 20170510000598860
 OT / /

SUBD: S1054 100.00% NBHD:CFCRV3-5 139.00%

#	TYPE	DESCRIPTION	MTHD	CLASS/SUBCL	AREA	UNIT PRICE	UNITS	BUILT	EFF YR	COND. VALUE	DEPR	PHYS	ECON	FLUNC	COMP	ADJ	ADJ VALUE
1.	RESIDENTIAL	FORMERLY A DAY NURSERY	R	RV5/	2,644.0	1975	1	1975	1985	60%	100%	100%	100%	80%	100%	0.48	
					3,364.0	1975	1	1975	1985	60%	100%	100%	100%	80%	100%	0.48	
2.	BARN	BARN 10X12	R	BN14/	120.0	1975	1	1975	1975	20%	100%	100%	100%	100%	100%	0.20	
					120.0	1975	1	1975	1975	20%	100%	100%	100%	100%	100%	0.20	

IMPROVEMENT INFORMATION

MA 20x41
 CPT 77x
 MA 20x41
 CPT 77x

MA CPT

SKETCH COMMANDS
 R02,U32,L82,D17,L4,D5,R4,D10
 MR20,R30,D24,L30,U24

IMPROVEMENT FEATURES
 1 0 0

REC-2017
 NOV 2017
 BY: [Signature]

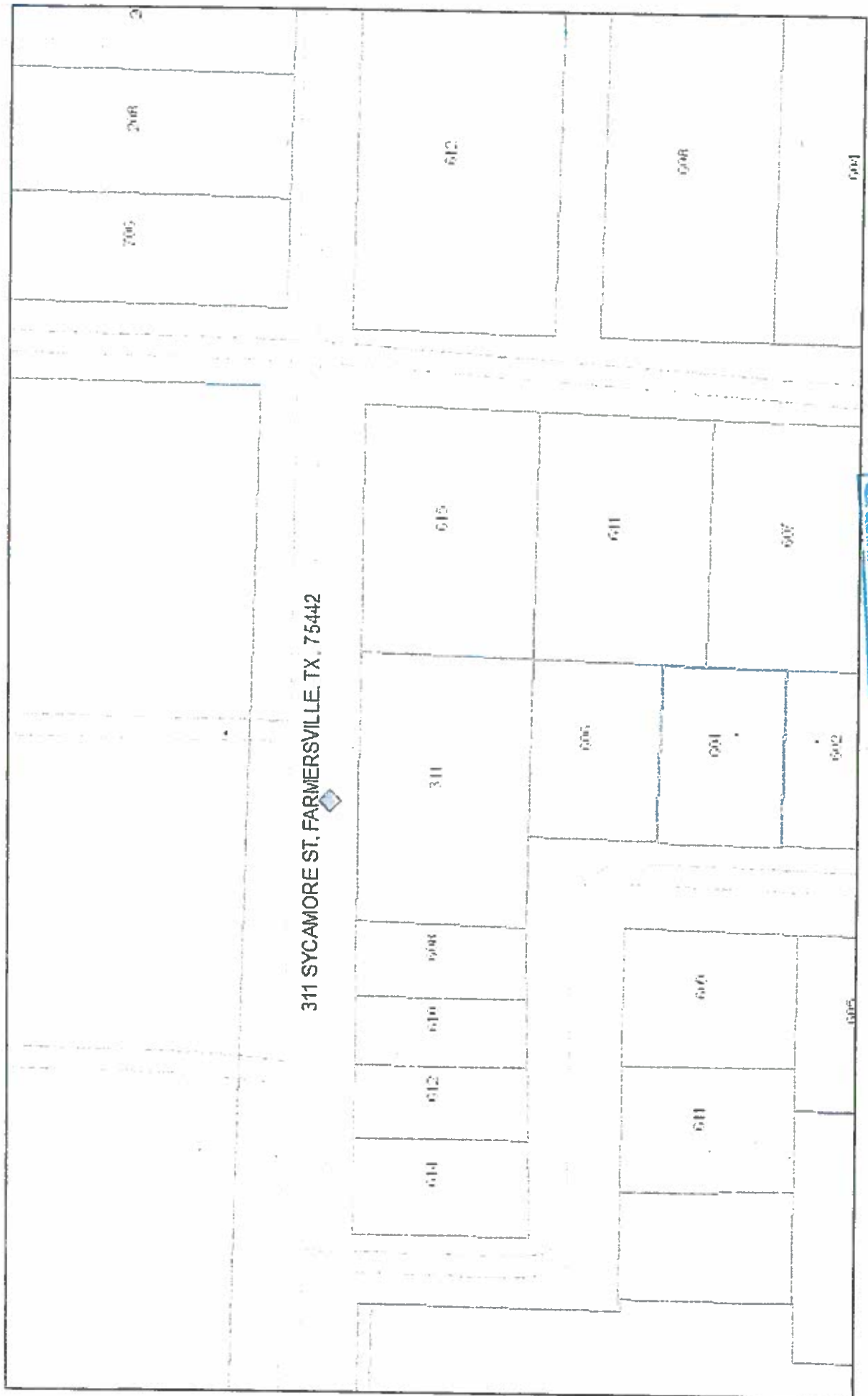
SUBD: S1054 100.00% NBHD:CFCRV3-5 100.00%

CLS	TABLE	CFCL	SC	HS	METH	DIMENSIONS	UNIT PRICE	GROSS VALUE	IRR Wells: 0	Capacity: 0	IRR Acres: 0
1.	Residential Single F	A1	Y (100%)	LOT	0.3444 AC	1.25	1.00 A	1.00 A	NO	NO	0

LAND INFORMATION
 UNIT PRICE GROSS VALUE ADJ MASS ADJ VAL SRC
 1.25 1.00 A

AG CLASS AG TABLE AG UNIT PRC AG VALUE
 0

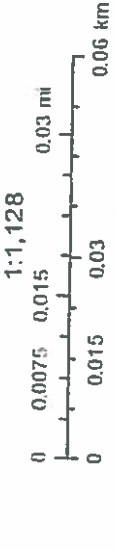
Title



311 SYCAMORE ST, FARMERSVILLE, TX, 75442



July 13, 2017



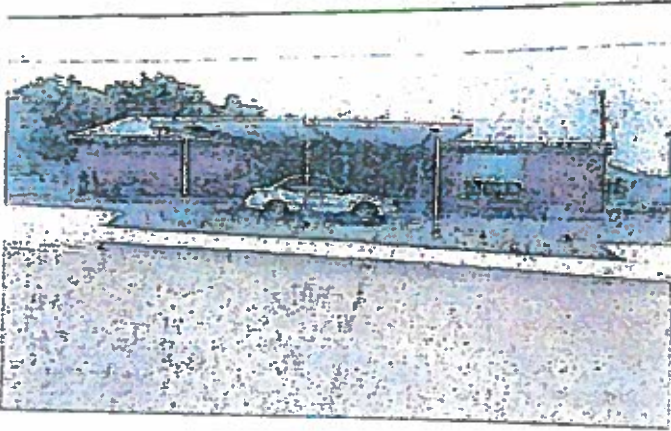
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kartester NL, Orbance Survey

Subject Photo Page

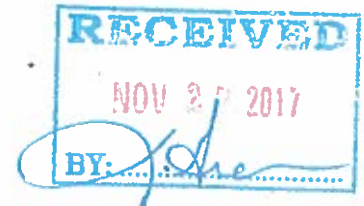
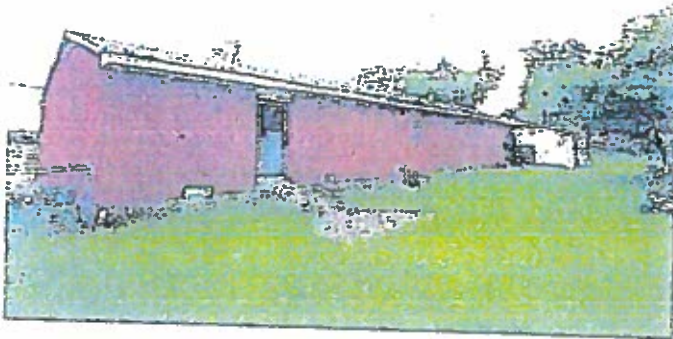
Borrower	George Crump				
Property Address	311 Sycamore St				
City	Farmersville	County	Collin	State	TX
				Zip Code	75442

Subject Front

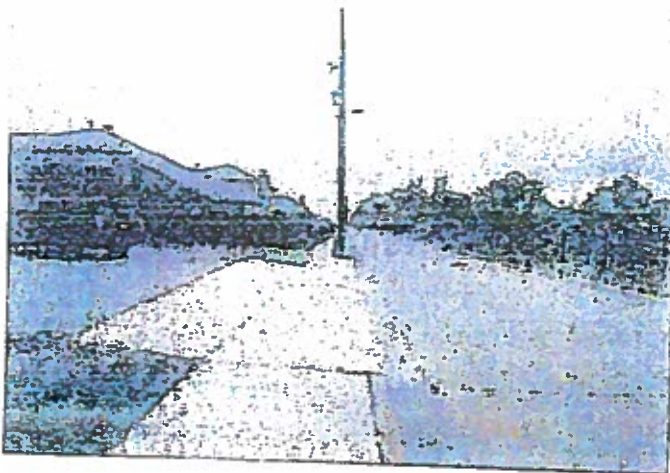
311 Sycamore St
Sales Price 26.50/sf
Gross Living Area
Total Rooms
Total Bedrooms
Total Bathrooms
Location Farmersville
View
Site 2,640 SF
Quality
Age 42 years



Subject Rear

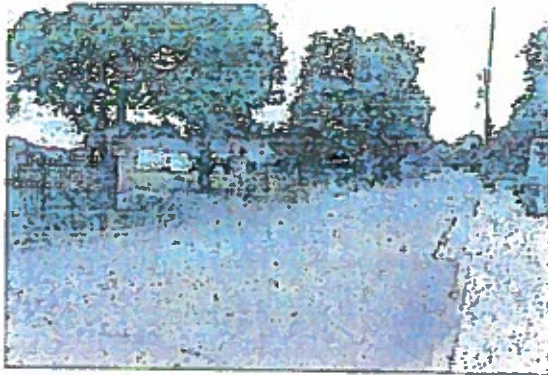


Subject Street Looking West

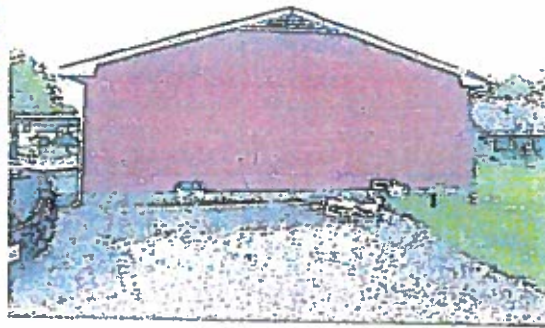


Photograph Addendum

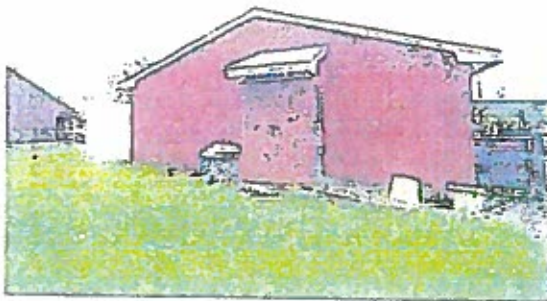
Borrower	George Crump						
Property Address	311 Sycamore St						
City	Farmersville	County	Collin	State	TX	Zip Code	75442



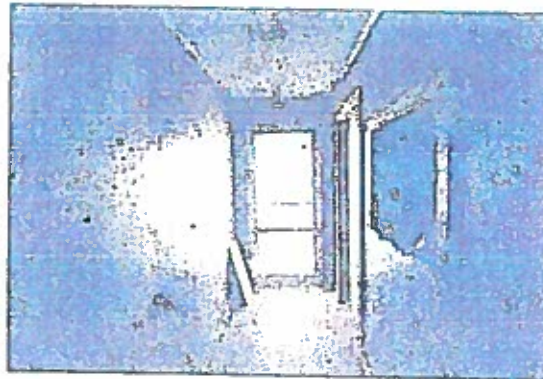
Street Scene Looking East



Right Side



Left Side



Entry

RECEIVED
NOV 21 2017
BY: *[Signature]*



Office



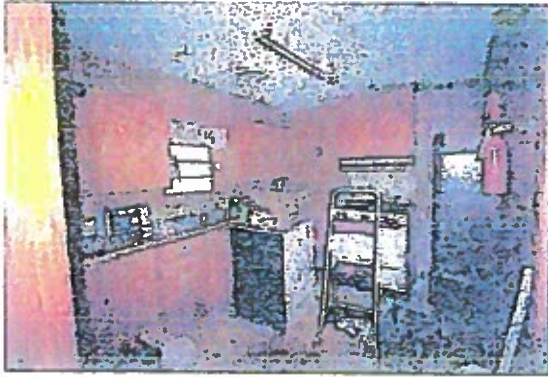
Open Area

Photograph Addendum

Borrower	George Crump						
Property Address	311 Sycamore St						
City	Farmersville	County	Collin	State	TX	Zip Code	75442
1							



Storage Closet



Kitchen



Hallway



Laundry Room

RECEIVED
NOV 2 2017
BY: *J. Shen*



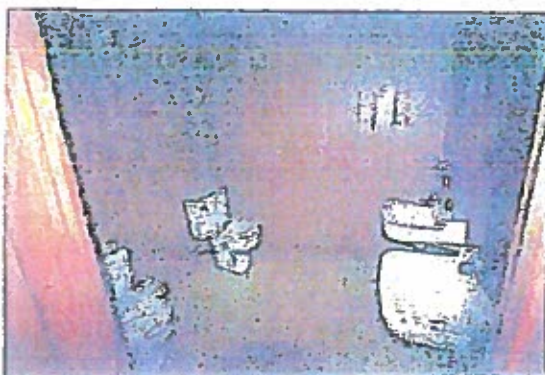
Storage Area



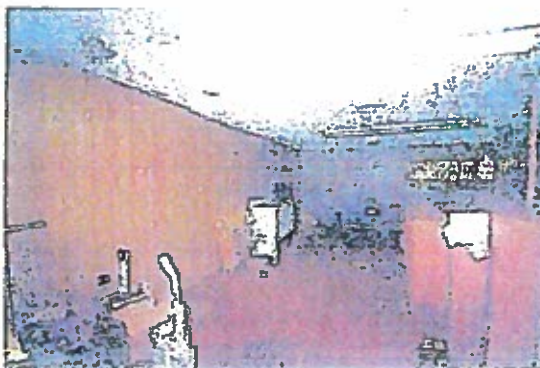
Full Bath

Photograph Addendum

Sent by	George Crump				
Property Address	311 Sycamore St				
City	Farmersville	County	Collin	State	TX
				Zip Code	75442
Lot:					



Restroom:



Additional Open Area



Additional View



Section Updates

New

Updated

P&Z Recommendations

ORDINANCE # _____



Farmersville
DISCOVER A TEXAS TREASURE

COMPREHENSIVE ZONING ORDINANCE
CITY OF FARMERSVILLE

DRAFT MARCH 2018

CITY OF FARMERSVILLE COMPREHENSIVE ZONING ORDINANCE

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Section 1 PURPOSE AND ENACTMENT

1.1 TITLE

That this ordinance of the City of Farmersville, Texas, shall be known as the Comprehensive Zoning Ordinance, and that it supersedes all previous zoning ordinances of the City of Farmersville.

1.2 PURPOSE

The zoning districts and regulations established in this chapter have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the city. They have been designed to regulate and restrict the height, number of stories and size of buildings and other structures; the percentage of the lot that may be occupied; the size of the yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for business, residence and other purposes, and to lessen congestion in streets; to secure safety from fire, panic and other dangers; to provide adequate light and air, and prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; and with a view of conserving the value of building and encouraging the most appropriate use of land through the city.

1.3 EMPOWERMENT TO ZONE

The Farmersville Zoning Ordinance is enacted pursuant to the powers granted and limitations imposed by laws of the State of Texas, including the statutory authority granted in Local Government Code (LGC) Chapters 211 and 212, and all other relevant laws of the State of Texas. Whenever any provision of this Code refers to or cites a section of the Texas Revised Statutes and that section is later amended or superseded, this Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.4 COMPLIANCE REQUIRED

All land, buildings, structures or appurtenances thereon located within the city which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted shall be used, erected, altered, removed, or placed and demolished in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

1.5 CREATION OF BUILDING SITE

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

- 1) The lot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and/or City Council and filed in the county plat records;

- 2) The site plot or tract is all or part of a site plan officially approved by the City Council in a planned development district following recommendation by the Planning and Zoning Commission, which site plan shall provide all utility and drainage easements, alleys, streets, and other public improvements necessary to meet the normal requirements for platting, including the designation of building areas and such easements, alleys, and streets required and properly dedicated and necessary public improvements provided;
- 3) The plot, tract or lot faced upon a dedicated street and was separately owned prior to January 23, 1998, or prior to the annexation of the property to the city, whichever is applicable, in which event a building permit for only one main building or accessory building may be issued on each such original, separately owned parcel without first complying with subsection 1.5.1 of this section.

1.6 CERTIFICATE OF OCCUPANCY

- 1) No building or land shall be used or occupied for any use or purpose for which a specific use permit or planned development has been granted nor shall a nonconforming use be changed to another nonconforming use without first obtaining a certificate of occupancy and compliance from the City Manager.
- 2) A record issued shall be maintained by the City Manager of all certificates of occupancy issued by the City and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building covered by a specific use permit, planned development or nonconforming use.

1.7 COMPLETION OF BUILDING APPROVED OR UNDER CONSTRUCTION

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of the ordinance from which this article is derived, which entire building shall be completed within one year from the date of the passage of the ordinance from which this article is derived.

1.8 LOCATION OF DWELLING AND BUILDINGS

1.8.1 NUMBER OF BUILDINGS PER LOT

- 1) **Single-family and Two-family Uses**
Only one main building for single-family or two-family use with permitted accessory buildings may be located upon a lot or platted tract.
- 2) **Multifamily and Nonresidential Uses**
Where a lot is used for multifamily, retail, office, commercial, or industrial purposes, or a combination of same, or for a combination of retail and dwelling purposes, more than one main building may be located upon the lot, but only when such buildings conform to

all the open space, parking, and density requirements applicable to the uses and districts. No storage area or required open space for one building shall be computed as being the open space for any other dwelling or other use.

1.8.2 STREET FRONTAGE AND ACCESS

- 1) **Single-family and Two-family Uses**
Every dwelling shall face or front upon a public street or approved place other than an alley.
- 2) **Multifamily and Nonresidential Uses**
Whenever two or more main buildings or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the Planning & Zoning Commission.
- 3) **Religious facilities, independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade schools, and public, private, and parochial schools located in any residential district shall have access to a street with a minimum pavement width of 36 feet.**
- 4) **Through lots are hereby prohibited.**

Section 2 ADMINISTRATION AND PROCEDURES

2.1 PROCEDURAL STEPS OF ZONING PETITIONS AND AMENDMENTS

2.1.1 PROCESS REQUIREMENTS

- 1) The City Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established as provided by the state statutes.
- 2) Before taking action on any proposed amendments, supplement, or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report. If the commission recommends that an amendment be denied, City Council will not hear the request unless the applicant requests council consideration in writing within ten days of the recommendation.
- 3) Any person or corporation having a proprietary interest in any property may initiate proceedings to consider a change in zoning on such property, or the Planning and Zoning Commission or City Council may, on its own motion, initiate proceedings to consider a change in zoning on any property. Any person or corporation may petition the City Council for a change or amendment to the provisions of this ordinance, or the Planning & Zoning Commission may, on its own motion or on request from the City Council, institute a study and propose changes and amendments in the public interest.

2.1.2 TWO TYPES OF ZONING AMENDMENTS

- 1) Zoning Map Amendment (Rezoning) – A zoning map amendment (rezoning) is a change or modification to the boundaries of any zoning district.
- 2) Zoning Text Amendment – A zoning text amendment is a change to the text of this Zoning Ordinance and does not include change or modification to the boundaries of any zoning districts.

2.1.3 PLANNING & ZONING COMMISSION RECOMMENDATION REQUIRES PUBLIC HEARING

- 1) The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be mailed to all owners of real property as the ownership appears on the last approved city tax roll, lying within 200 feet of the property on which the change is requested. Such notice shall be given no less than ten days before the date set for hearing. Notice of such hearing shall also be given by publication in a newspaper of general circulation, stating the time and place of such hearing, which time shall not be earlier than ten days from the date of publication.

- 2) Following the public hearing, the Planning & Zoning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the petition. If the petitioner accepts the recommendation of the Planning & Zoning Commission, subsequent public notice shall be written as approved. If the petitioner does not accept the recommendation of the Planning & Zoning Commission, the petitioner may continue his original request, and subsequent public notice shall be written as originally submitted; however, any part of the request not conforming to the Planning & Zoning Commission's recommendations shall be presumed to have been denied by the Planning & Zoning Commission. The Planning & Zoning Commission may table for study any zoning case for up to 90 days.
- 3) When a petition is denied by the Planning & Zoning Commission, the Planning & Zoning Commission should offer reasons to the petitioner for such denial.

2.1.4 CITY COUNCIL DECISION AND PUBLIC HEARING REQUIRED

- 1) If the zoning petition is approved, including denials in part, by the Planning and Zoning Commission, the City Secretary shall automatically schedule a public hearing regarding the petition to be held before the City Council, giving notice as required by the general laws of the State of Texas. However, if the petition is denied by the Planning and Zoning Commission, the petitioner may, within 30 days from the date of the Commission's action, file a written appeal for a public hearing be scheduled and held before the City Council regarding the petition. Upon the Planning Department's receipt of the written appeal, a public hearing on the petition shall be scheduled before the City Council, with notice provided as required by the general laws of the State of Texas.
- 2) A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication. The City Council's hearing must be within 60 days of the Planning and Zoning Commission's recommendation.
- 3) Prior to the opening of the public hearing, the petitioner may request withdrawal of the petition or tabling of the request to a specified future City Council meeting. City Council may approve the request for withdrawal or tabling, or open the public hearing and take appropriate action on the petition within the context of the public notice provided.
- 4) After a public hearing is held before the City Council regarding the zoning petition, the City Council may approve a change in zoning as appropriate within the context of the public notice provided. City Council may deny in whole or in part, table the petition, or refer it back to the Planning & Zoning Commission for further study. In the event the petition has been denied by the Planning & Zoning Commission or in the event a protest against the petition has been filed as more fully described in Sec. 2.1.5, then the petition shall not be approved except by three-fourths vote of the City Council.

2.1.5 THREE-FOURTHS CITY COUNCIL VOTE REQUIREMENTS

- 1)** If the Planning & Zoning Commission has wholly or partially denied a proposed amendment, supplement, or change, or if sufficient protest as defined below is submitted against such change, the proposed change must receive the affirmative vote of at least three-fourths of all members of the City Council.
- 2)** If a protest against such proposed amendment, supplement, or change has been filed with the city secretary, duly signed and acknowledged by the owners of 20 percent or more of the area of the lots or land included in such a proposed change, or those immediately adjoining the area and extending 200 feet therefrom or of those directly opposite thereto extending 200 feet from the area, such amendment shall not become effective except by a three-quarters vote of all the members of the City Council.
- 3) Written Protests**
 - a.** A protest of a proposed zoning change must be in writing and must be signed by the owner of the property in question or by a person authorized by power of attorney to act on behalf of the owner. For specific ownership types, the following shall apply:
 - i.** Corporations -- The protest must be signed by the president, vice president, or by an attorney in-fact authorized to sign on behalf of the corporation.
 - ii.** General or Limited Partnerships -- The protest must be signed by a general partner or by an attorney-in-fact authorized to sign on behalf of the general or limited partnership.
 - iii.** Community Property -- The city shall presume the written protest of one spouse to be the protest of both.
 - iv.** Condominiums -- Lots or land subject to a condominium declaration are presumed to be commonly owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, the written protest must state that the governing body of the condominium has authorized a written protest in accordance with its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium.
 - b.** In all cases where a protest has been properly signed pursuant to this section, the city shall presume that the persons whose signatures appear on the protest are valid.
 - c.** A withdrawal of a protest must be in writing. If multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.

2.1.6 JOINT PUBLIC HEARING AND NOTICE

- 1)** At its discretion, the City Council may conduct the public hearing on an amendment to the Zoning Ordinance jointly with a public hearing required to be held by the Planning &

Zoning Commission. The City Council may not take action in the matter until it receives the final report of the Commission.

- 2) Notice of the Planning and Zoning Commission public hearing may be combined with the notice of the City Council's public hearing, if time permits.

2.2 ZONING PETITION DETAILS

- 1) The zoning petition shall contain sufficient information relative to the amendment requested including, but not limited to, the following:
 - a. A key map showing all existing zoning within 200 feet of the subject property.
 - b. A location map showing existing and proposed thoroughfares, collector streets, and local streets on the subject property and within 200 feet of the subject property.
 - c. A statement reading as follows: "Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats, or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case."
- 2) To ensure the submission of adequate information, the City Manager is hereby empowered to maintain and distribute a list of specific requirements for zoning petitions. Upon periodic review, the City Manager shall have the authority to update such requirements for zoning petition details.
- 3) The zoning petition shall be accompanied by the appropriate fee in accordance with the fee schedule established by City Council per each type of zoning requested on a tract of land, plus all publication and notification costs for new subdivisions and multiple lot annexations. Individuals who wish to annex individual lots into the city limits shall have the zoning fees waived and shall be zoned concurrently with annexation, provided that the requested zoning district is approved by the Planning and Zoning Commission and City Council.
- 4) Fees for rezoning and zone change applications, specific use permits, and appeals to the board of adjustments shall be charged in accordance with the fee schedule established by City Council per each type of zoning requested on a tract of land, plus all publication and notification costs.
- 5) The applicant requesting a proposed amendment must submit a legal description of the property on which change is requested.

2.3 FOLLOWING ZONING APPROVAL

- 1) If, after holding a public hearing, a zoning change, amendment, or supplement is approved by the City Council, no further petition may be considered for all or a part of the subject tract of land for a period of 2 years from the date of the City Council's action, unless it is determined that there are substantive reasons to permit the waiving of the 2-

year waiting period and the granting of a new hearing. The determination shall be made by the Planning & Zoning Commission, or on appeal, the City Council. The provisions of this subsection shall not apply to general text changes in the Zoning Ordinance.

- 2) Substantive reasons for waiving the 2 year period include, but are not limited to:
 - a. Correction of an error.
 - b. A change of conditions affecting the property and which were not known at the time of zoning.
 - c. A change in public plans or policies as it affects the property.

2.4 PENDING ZONING APPLICATION

Any pending zoning petition shall automatically expire if no action of any kind has been taken on it by either the Planning & Zoning Commission or the City Council for a period of one year. If no ordinance granting zoning has been adopted within 6 months of the date on which the City Council voted approval of a zoning change, such zoning change shall be automatically placed on the City Council agenda for further consideration.

2.5 BOARD OF ADJUSTMENT

2.5.1 ORGANIZATION

As the city is a Type A general law municipality of the state, the city councilmembers are hereby granted the authority to act as a board of adjustment under V.T.C.A., Local Government Code Ch. 211.

2.5.2 PROCEDURE

The board shall adopt rules to govern its proceedings; provided, however, that such rules are not inconsistent with this article or state statutes. Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be public record.

2.5.3 APPEALS

- 1) Appeals to the board of adjustment can be taken by any person aggrieved, or by an officer, department, or board of the municipality affected, by a decision of the City Manager under this ordinance. Such appeal shall be taken within 15 days after the decision has been rendered by the City Manager, by filing with the officer from whom the appeal is taken and with the board of adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to

the board all the papers constituting the record upon which the action appealed from was taken.

- 2) An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application and notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in the mail addressed to all owners of real property located within 200 feet of the property to which the appeal applies and by publishing notice of such hearing in a newspaper of general circulation in the city. Both the posted and published notice shall be given at least ten days prior to the date set for the hearing. At the hearing, any party may appear in person or by attorney or by agent.

2.5.4 JURISDICTION

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board of adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exception to the regulations herein established.

- 1) Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use of the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.
- 2) Permit such modifications of the height, yard, area, coverage, and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
- 3) Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this article. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The board shall, from time to time on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the city.

- 4) To bring about the discontinuance of a nonconforming use under a plan whereby the owner's actual investment in the structures on the property prior to the time that the use became nonconforming can be amortized within a definite time period.

2.5.5 ACTION OF THE BOARD OF ADJUSTMENT

- 1) In exercising its powers the board may, in conformity with the provisions of V.T.C.A., Local Government Code Ch. 211, as amended, revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and make such order, requirement, decisions, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
- 2) The concurring vote of four members of the board shall be necessary to revise any order, requirements, decision or determination of the City Manager, or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance from which this section is derived or to affect any variance in such ordinance.
- 3) Any persons, jointly or severally, aggrieved by any decision of the board of adjustment or any tax payer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.

2.6 DETERMINATION OF VESTED RIGHTS

2.6.1 VESTED RIGHTS PETITION

- 1) **Purpose.** The purpose of a vested rights petition is to determine whether one (1) or more standards of this zoning chapter should not be applied to a zoning permit application by operation of state law, or whether certain permits are subject to expiration.
- 2) **Applicability.** A vested rights petition may be filed with an application for a zoning permit. A vested rights petition may not be filed with a request to amend the text of the zoning regulations or the zoning map, or with a request for approval of a special use permit. A vested rights petition also may be filed to prevent expiration of certain zoning permits pursuant to section 2.7.
- 3) **Effect.** Upon granting of a vested rights petition in whole or in part, the zoning permit application shall be decided in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards, or the permit otherwise subject to expiration pursuant to section 2.7 shall be extended.

2.6.2 PETITION REQUIREMENTS

- 1) Who may petition. A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with any zoning permit application, or by the holder of a permit subject to expiration pursuant to section 2.7.
- 2) Form of petition. The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the zoning permit application under V.T.C.A., Local Government Code Ch. 245 or successor statute, or pursuant to V.T.C.A., Local Government Code § 43.002 or successor statute, that requires the city to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:
 - a. A narrative description of the grounds for the petition;
 - b. A copy of each approved or pending zoning permit or other development application which is the basis for the contention that the city may not apply current standards to the zoning permit application which is the subject of the petition;
 - c. The date of submittal of the application for the permit, or of a development plan pursuant to which the permit was subsequently filed, if different from the official filing date;
 - d. The date the project for which the application for the zoning permit was submitted was commenced;
 - e. Identification of all standards otherwise applicable to the zoning permit application from which relief is sought;
 - f. Identification of the standards which the petitioner contends apply to the zoning permit application;
 - g. Identification of any current standards which petitioner agrees can be applied to the zoning permit application at issue;
 - h. A narrative description of how the application of current standards affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size shown on the development application for which the petition is filed;
 - i. A copy of any prior vested rights determination involving the same land; and
 - j. Where the petitioner alleges that a zoning permit subject to expiration under section 2.7 should not be terminated, a description of the events, including any zoning permit or other development applications on file that should prevent such termination.
- 3) Time for filing petition. A vested rights petition shall be filed with a zoning permit application for which a vested right is claimed, except that the petition may be filed before the date of expiration of any permit subject to expiration under section 2.7. Where more than one (1) zoning permit application is authorized to be filed by this zoning chapter, the petition may be filed simultaneously for each application.

2.6.3 PROCESSING OF PETITION AND DECISION

- 1)** Responsible official. The official responsible for processing the zoning permit application shall process the vested rights petition. A copy of the petition shall be forwarded to the city attorney following acceptance.
- 2)** Official's decision. If the responsible official is the decision maker on the zoning permit application, the official shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the official's reasoning and setting forth the decision on the petition, which shall be delivered to the applicant within ten (10) days of the date the vested rights petition is accepted for filing.
- 3)** Decision by commission on petition. If the zoning permit application is to be decided by the planning and zoning commission, the planning and zoning administrator shall submit a report in the form of a recommendation to the decision maker. The commission shall render a decision on the vested rights petition in conjunction with its decision on the zoning permit application.
- 4)** Appeal of decision on petition. The petitioner or any interested person may appeal the responsible official's or the commission's decision on the vested rights petition within ten (10) working days of the date of such decision to the city council. An appeal under this subsection stays acceptance of filing of any related development applications.
- 5)** Decision by city council. Where the city council is the final decision maker on the zoning permit application, for any petition submitted pursuant to section 2.7, or upon appeal, the city council shall decide the vested rights petition. The request must be accompanied by a waiver of the time for decision on the application imposed under this zoning chapter pending decision by the council, which shall stay further proceedings on the application. The council shall decide the petition, after considering the responsible official's report and any decision by the planning and zoning commission with its decision on the zoning permit application or within thirty (30) calendar days of receipt of the responsible official's report, or the notice of appeal, whichever is later.

2.6.4 ACTION ON PETITION AND ORDER

- 1)** Action on the petition. The decision-maker on the vested rights petition may take any of the following actions:
 - a.** Deny the relief requested in the petition, and direct that the zoning permit application shall be reviewed and decided under currently applicable standards;
 - b.** Grant the relief requested in the petition, and direct that the zoning permit application shall be reviewed and decided in accordance with the standards contained in identified prior regulations; or

- c. Grant the relief requested in part, and direct that certain identified current standards shall be applied to the zoning permit application, while standards contained in identified prior regulations also shall be applied; or
 - d. For petitions filed pursuant to section 2.7, determine whether the zoning permit(s) should be terminated, or specify the expiration date or the conditions of expiration for such permit(s).
- 2) Order on petition. The responsible official's report and each decision on the vested rights petition shall be memorialized in an order identifying the following:
- a. The nature of the relief granted, if any;
 - b. The approved or filed zoning permit or other development application(s) upon which relief is premised under the petition;
 - c. Current standards which shall apply to the zoning permit application for which relief is sought;
 - d. Prior standards which shall apply to the zoning permit application for which relief is sought, including any procedural standards;
 - e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;
- 3) For petitions filed pursuant to section 2.7, determine whether the zoning permit(s) should be terminated, and specify the expiration date or the conditions of expiration for the permit(s).

2.6.5 CRITERIA FOR APPROVAL

- 1) Factors. The decision maker shall decide the vested rights petition based upon the following factors:
- a. The nature and extent of prior zoning permit or other development applications filed or approved for the land subject to the petition;
 - b. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - c. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
 - d. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space, or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed development application;
 - e. Whether any statutory exception applies to the standards in the current zoning regulations from which the applicant seeks relief;
 - f. Whether any prior approved zoning permit or other development applications relied upon by the petitioner have expired;
 - g. For petitions filed pursuant to section 2.7, whether any of the events in subsection 2 have occurred.

- 2) Conditions. If the claim of vested rights under a petition is based upon a pending zoning or other development application subject to standards that have been superseded by current standards under this zoning chapter, the decision maker may condition any relief granted on the petition on the approval of the application under such prior standards.

2.6.6 APPLICATION FOLLOWING RELIEF ORDER

Following the city's final decision on the vested rights petition, the property owner shall conform the zoning permit application for which relief is sought to such decision. If the zoning permit application on file is consistent with the relief granted on the vested rights petition, no revisions are necessary. Where proceedings have been stayed on the zoning permit application pending referral of the vested rights petition to the city council, proceedings on the application shall resume after the council's decision on the vested rights petition.

2.6.7 EXPIRATION

Relief granted on a vested rights petition shall expire on occurrence of one (1) of the following events:

- 1) The petitioner or property owner fails to submit a required revised zoning permit application consistent with the relief granted within thirty (30) days of the final decision on the petition;
- 2) The zoning permit application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
- 3) The zoning permit application for which relief was granted on the vested rights petition expires.

2.7 DORMANT PROJECTS

2.7.1 TERMINATION OF ZONING PERMITS

Any application for a zoning permit that has been approved by the city but which is not subject to an expiration date shall expire ninety (90) days from the effective date of this section, unless one (1) of the following events has occurred by such date:

- 1) A subsequent application has been approved and remains in effect; provided, however, that if the subsequent application is for a zoning permit, such subsequent application also is subject to expiration under this subsection 2; or
- 2) A subsequent application has been filed and is pending for decision; or
- 3) Substantial construction on the development has occurred as authorized by and consistent with the zoning permit.

2.7.2 EXPIRATION DATES

Notwithstanding any other provision of the Zoning Ordinance, for any application for a zoning permit to which no expiration date applies and which has been filed and is pending for decision on, or which is

filed on or after the effective date of this chapter, approval of such application shall expire six (6) months from the date of approval, unless a subsequent application is filed and approved, or construction is commenced consistent with and pursuant to the zoning permit, within such period. This subsection does not apply to a zoning permit application within a planned development district or subject to a special use permit.

2.7.3 VESTED RIGHTS PETITION

The owner of the land subject to a zoning permit that expires under subsection 2.7.2 may petition the city council to reinstate such zoning permit by filing a vested rights petition pursuant to section 2.6, as hereinafter established, prior to the expiration date.

2.8 INTERPRETATION

2.8.1 RESTRICTIVENESS

Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern.

2.8.2 ABROGATION

The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

2.8.3 CUMULATIVE EFFECT

The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

2.8.4 ERROR CORRECTION

In the event that any property or Zoning District set forth on the Zoning District Map as provided in Subsection 3.2 Zoning District Map of this ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District Map may be amended and/or supplemented according to the following.

- 1) Applicants
The property owner of said tract, the City Council, or the Planning & Zoning Commission may submit an application to the City Manager to initiate the error correction process.
- 2) Process

The error correction shall be processed as a zoning map or text amendment according to Subsection 2.1 Procedural Steps of Zoning Petitions and Amendments.

2.8.5 CITY MANAGER AUTHORITY TO INTERPRET THE ZONING ORDINANCE

Questions of interpretation of this ordinance shall be referred to the City Manager, who shall have the authority to determine the meaning and interpretation of any provision of this ordinance. Any person aggrieved, or any officer, department or board of the City of Farmersville affected by an interpretation made by the City Manager, may appeal said interpretation to the Planning and Zoning Commission, whose decision in the matter shall be final.

2.9 DEFINITIONS

For the purpose of this Zoning Ordinance, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not discretionary. The following are the Zoning Ordinance definitions.

Accessory building means a building, either attached or detached from the main structure, for a subordinate use incidental to the principal building and use located on the same lot. Accessory buildings shall include, but not be limited to, parking garages, farm structures, garages for automobile storage, carports, tool houses, greenhouses, home workshops, children's playhouses, storage houses or garden shelters.

Accessory use means a use that is subordinate to, serves, and is customarily incidental to the primary use of the main building or to the primary use of the premises; is located on the same lot or tract of land; and, which otherwise meets all requirements of this zoning ordinance and all applicable building and fire codes, as each of the foregoing may be amended.

Adult day care center means a facility that provides services under an adult day care program on a daily or regular basis, but not overnight, to four or more elderly or persons with disabilities who are not related by blood, marriage, or adoption to the owner of the facility. Adult day care centers must be licensed by the state department of human services.

Airport landing field means a place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

- (1) **Heliport:** An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.
- (2) **Helistop:** The same as a heliport, except that no refueling, maintenance, repairs or storage or helicopters is permitted.

Alley means a public space or thoroughfare which affords only secondary means of access to property abutting thereon, which has been deeded or dedicated to the public for public use.

Alternative financial institution means a payday advance/loan business or a motor vehicle title loan business. An alternative financial institution does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code.

Amenity center (private) means a facility or area that is an integral part of a residential project or planned development and that is used by the residents of the project or development for a place of meeting, recreation, or social activity, but not primarily to render a service that is customarily carried on as a business. Such facilities include but are not limited to swimming pools, saunas, hot tubs, game courts, playgrounds, community clubhouse, cabana, pavilion or roofed areas, leasing office, laundry facilities, and other similar uses. This use need not be located on the same lot as the property it serves.

Amusement, commercial (indoors) means an amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to a bowling alley, billiard parlor, or skating rink.

Amusement, commercial (outdoors) means an outdoor area or structure, open to the public, which provides entertainment or amusement primarily by and for participants for a fee or admission charge. Typical uses include batting cages, miniature golf, go-kart tracks, and carnivals.

Antenna means an instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

Antenna, stealth means a commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include, but are not limited to:

- (1) Antennas within a building's attic space,
- (2) Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located,
- (3) Antennas on a public utility structure, such as a water tower or high transmission line support tower, and painted to match the structure,
- (4) Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and antennas located on an athletic field light pole

Antenna and/or antenna support structure, commercial means an antenna and its support structure used for commercial broadcasting or telecommunication purposes. This definition shall also include a satellite dish exceeding twelve (12) feet in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. Definition includes ancillary ground equipment.

Antenna and/or antenna support structure, non-commercial means an instrument or device consisting of wires, poles, rods, or reflecting discs and its support structure not exceeding forty (40) feet

in height above the ground elevation at the base of the support structure, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed twelve (12) feet in diameter.

Antenna support structure means any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.

Antique shop and used furniture means a retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.

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

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

Art gallery or museum means a building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

Artisan's workshop means an establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.

Auto parts and accessory sales (indoor) means the use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Auto parts and accessory sales (outdoor) means the use of any land area for the display and sale of new or used parts for automobiles, panel trucks, or vans, trailers, or recreation vehicles.

Automobile repair, major means general repair or reconditioning of engines, air conditioning systems and transmissions for motor vehicles, collision services including body, frame or fender straightening or repair, customizing, painting, vehicle steam cleaning, undercoating and rustproofing, those uses listed under "automobile repair, minor," and other similar uses.

Automobile repair, minor means an establishment used for the dispensing or sales of automobile fuels, lubricants, tires, and automobile accessories; the minor repair or replacement of parts, tires, paintless dent repair, and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; window tinting, and the sales and installation of automobile radios. Uses listed under "automobile repair, major" or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) calendar days.

Automobile sales/leasing, new means sales, rental, and/or leasing of new automobiles or light load vehicles, and may include, as accessory uses: automobile sales, used; automobile repair, major; and automobile storage.

Automobile sales, used means sales of used automobiles or light load vehicles.

Bakery and confectioners works (retail) means a place for preparing, cooking, baking, and selling of products on the premises.

Bakery and confectioners works (wholesale) means a place for preparing, cooking, baking, and selling of products intended for off-premises distribution.

Banks, savings and loan, or credit union means an establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

Banquet/meeting hall means an establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

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

Barber shop/beauty salon and personal service shops means establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

Bed and breakfast inn means an owner (or operator) occupied residence with up to five bedrooms available for overnight guests. A bed and breakfast inn may provide for guest stays up to 14 consecutive days, however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A bed and breakfast inn shall not include restaurants, banquet facilities, or similar services.

Big box retail development means any retail building for a single, primary tenant that exceeds 70,000 square feet in size. A big box retail development may contain multiple secondary tenants with interior access to the primary tenant space. A big box retail development may be freestanding or may be an in-line tenant in a larger center. The square footage of a big box retail development shall include all primary and ancillary uses with interior access to the primary tenant space including inventory storage, automotive repair, and open storage areas.

Block means an area enclosed by streets and occupied by or intended for buildings and is used as a term of measurement. The term "block" also means the distance along a side of a street between the nearest two streets which intersect the street on the side.

Board means the zoning board of adjustment as provided for in Section 2.5.

Boarding house or rooming house means a residence structure other than a hotel where lodging and/or meals for four or more persons are provided for compensation.

Body art studio means an establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that 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. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

Bottling works means a manufacturing facility designed to place a product into a bottle for distribution.

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

Building ends means those sides of a building having the least dimensions as compared to the front or rear of a building. As used in this chapter, a building end shall be interpreted as being the most narrow side of a building regardless of whether its front is upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

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

Building maintenance service and sales means a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

Building materials and hardware sales, inside storage means an establishment for the sale of materials and hardware customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

Building materials and hardware sales, outside storage means an establishment for the sale of materials and hardware customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

Car wash, full service means a facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

Car wash, self-service means a facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

Carport means a structure open on a minimum of three sides, designed or used to shelter vehicles.

Cemetery or mausoleum means property used for the interment of the dead.

Certificate of occupancy and compliance means an official certificate issued by the city through the enforcing official as specified in section 77-400, which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

Church, rectory, or other place of worship means a building for regular assembly religious worship which is used primarily for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

City manager means the city's chief administrative officer.

Cleaning & laundry, self-service means a facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

Clinic, medical or dental means an establishment for one or more physicians, surgeons, or dentists to treat sick or injured outpatients who do not remain overnight.

College, university or private school means an institution established for educational purposes offering courses for study beyond the secondary education level, but excluding trade schools and commercial schools.

Community center (public) means a building or complex of buildings that house cultural, recreational, athletic, library or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.

Concrete/asphalt batching plant means a facility or area, which is not temporary in nature, for mixing concrete or asphalt.

Concrete/asphalt batching plant, temporary means a temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

Construction yard (temporary) means a storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction.

Contractor's shop and storage yard means a building, part of a building, or land area for the storage of construction materials, tools, products, and vehicles.

Convenience store with gas pumps means a retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

Convenience store without gas pumps means a retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

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

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

Dancehall or nightclub means an establishment offering to the general public facilities for dancing and entertainment for a fee, and subject to licensing and regulation by the city.

Day camp means a facility arranged and conducted for the organized recreation and instruction of children, including outdoor activities on a daytime basis.

Day care center means a facility or area providing care, training, education, custody, treatment or supervision for seven or more children for less than 24 hours per day. The term "day care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to kindergartens, prekindergartens, and schools listed elsewhere in this Ordinance.

Depth of lot means the mean horizontal distance between the front and rear lot lines.

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

Drive-in or drive-through service means and refers to a retail or commercial facility whose employees provide goods or services to patrons without requiring the patrons to leave their automobiles. Drive-in or drive-through service may be an accessory use or the primary use of the retail or commercial facility as more particularly provided in the land use charts contained in section 3.6, and as hereafter amended. Any drive-in or drive-through service shall provide the appropriate number of required stacking spaces.

Dry cleaning plant means an industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Dry cleaning or laundry, minor means a custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

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

Equipment and machinery sales and rental, major means a building or open area, other than a right-of-way or public parking area, used for display, sale, rental or storage of heavy equipment. Heavy equipment includes, but is not limited to, tractors, farm machinery, bulldozers, street graders, paving devices, or other equipment with a gross vehicle weight (GVW) greater than 25,000 pounds.

Equipment and machinery sales and rental, minor means a building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

Fairgrounds/exhibition area means an area where outdoor fairs, circuses, rodeos, or exhibitions are held.

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

Farm accessory building means a structure, other than a dwelling, on a farm as herein defined, for the housing, protection or storage of the usual farm equipment, animals and crops.

Farm, ranch, garden, or orchard means an area of five acres or more which is used for growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep and including the necessary accessories used for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law.

Farmer's market means the retail sale of farm produce by individual vendors within a covered lease space, for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of any type of meat, fish, or poultry, eggs, refrigerated dairy products, and home canned or packaged items shall be prohibited.

Feed store means an establishment for the selling of corn, grain, and other food stuffs for animals and livestock, and including other implements and goods related to agricultural processes, but not including farm machinery.

Fire station and public safety building means a building housing fire apparatus and, usually, firefighters, or a building housing a law enforcement agency of a unit of local government.

Flea market, inside means a building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flea market, outside means an outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Floodplain means an area of land subject to inundation by a 100-year frequency flood, as shown on the city's floodplain map.

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

Floor area ratio (FAR) means the floor area of a main building on a lot, divided by the lot area.

Florist shop means an establishment for the display and retail sale of flowers, small plants, and accessories.

Foundation. A man-made structure element on which a structure is erected, with the ability to transfer the applied loads of the structure to the ground.

Foundation fascia. Covering of a foundation wall or stem wall.

Fraternal organization, lodge, or civic club means an organized group having a restricted membership and specific purpose related to the welfare of the members, such as Elks, Masons, Knights of Columbus, or a labor union.

Fuel pumps mean any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

Furniture, home furnishing, and equipment stores means retail stores selling goods used for furnishing the home including, but not limited to, furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

Gaming device means coin-operated machines or devices, which are operated by or with a coin or other United States currency, metal slug, token, electronic card, or check, specifically including eight-liners (an electronic, electromechanical or mechanical contrivances which have eight lines on which a player can win — three across, three down and two diagonally - by matching symbols) that dispenses credits, tickets, coupons, merchandise, commodities or some other representation of value and which may play music in connection with or in addition to dispensing skill or pleasure. The primary use of any building, structure, facility or space that houses two or more coin-operated machines or devices, as described above, shall be deemed to be a game room use. In addition, any business that receives 50 percent or more of its gross revenues from the provision, exhibition and/or operation of coin-operated machines or devices, as described above, shall also be deemed a game room use.

Game room means any premise, building, structure, facility or space to deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, promotion, sweepstakes, or other activity electronic or otherwise that may or may not confer upon the patrons or participants the right, chance, or ability to win and or claim prizes.

Garage apartment means a dwelling unit erected in conjunction with a garage when the main structure is an owner occupied detached dwelling unit.

General commercial plant means establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plant.

General merchandise stores means retail stores which sell a number of lines of merchandise including, but not limited to, dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this definition are known as department stores, variety stores, general merchandise stores, and general stores.

Golf course and/or country club means a land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

Grocery store or supermarket means a retail establishment, singular retailer, or wholesale user primarily selling food, pharmaceutical medication, household merchandise, clothing, and a variety of other retail goods that may or may not have membership requirements, emphasize bulk sales, discount sales, and department stores.

Ground level. The final grade elevation of a lot.

Guest house means an accessory building used to house guests of the owner(s) of the main residential structure, and which is never rented or offered for rent.

Gun or archery range (indoor) means any indoor facility open to the public and occupying all or a portion of a building where firearms and/or archery are discharged for testing or recreation purposes.

Health/fitness center means a public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

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

- (1) Highest point of the roof's surface, if a flat surface;
- (2) Deck line of mansard roofs; or
- (3) Mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

High impact use means a facility or area for activities or products which have the potential to be dangerous, extremely obnoxious, or cause substantial environmental impacts on or beyond the

boundaries of the property on which the activity or use is conducted. High impact uses include but are not limited to the following activities:

- (1) Manufacture and/or bulk storage and testing of explosives, fireworks, or munitions.
- (2) Refining petroleum and the storage and distribution of natural and liquid gas or other petroleum derivatives in bulk including terminals, tank farms or other similar facilities.
- (3) Manufacture, storage, compounding or handling radioactive materials or wastes.
- (4) Manufacture, blending or mixture of pesticides, certain acids, and fertilizer.
- (5) Stockyards, feed pens, livestock sales with barns and/or shipping facilities. Rendering of animal fats, slaughtering or processing of animals and industrial manufacturing processes using the following raw materials: bones, garbage, offal and dead animals.
- (6) Refining of raw materials, such as, but not limited to chemicals, rubber, wood or wood pulp, into other products.
- (7) The extraction of raw materials, such as sand or gravel mining.
- (8) Forging, casting, melting, refining, extruding, rolling, drawing and/or alloying metals.
- (9) Jet engine or other engine testing.
- (10) Refuse disposal services including but not limited to landfills, incinerators, and other locations which receive garbage and refuse generated offsite for storage, treatment or disposal.
- (11) Asphalt or concrete batch plant.
- (12) Boiler works.

Home occupation means an occupation carried on in the home by a member of the occupant's family without the employment of additional persons, use of a sign to advertise the occupation, offering any commodity or service for sale on the premises, use of equipment other than that customarily found in a household and which does not create obnoxious noise or other obnoxious conditions to abutting residential property, such as emission of odor, increased traffic or generation of light or smoke, and where the use is carried on in the main structure only and there is not a separate entrance for the use. The term "home occupation" shall specifically exclude the operation of a repair garage, plumbing shop or similar activity.

Hospital means an institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

Hotel means a building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.

Housing development means any development involving the provision of housing as the primary land use and the inclusion of secondary facilities, such as streets and sidewalks.

HUD-Code manufactured home means a structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems. The term "HUD-Code manufactured home" does not include a recreational vehicle, or mobile home as defined in the Texas Manufactured Housing Standards Act, Vernon's Ann. Civ. St., art. 5221f.

Industrialized housing (or modular home)

Per Section 1202 of the Texas Occupations Code or as may be amended:

- (a) Industrialized housing is a residential structure that is:
- 1) designed for the occupancy of one or more families;
 - 2) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
 - 3) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- (b) Includes the structure's plumbing, heating, air conditioning, and electrical systems.
- (c) Industrialized housing does not include:
- 1) a residential structure that exceeds four stories or 60 feet in height;
 - 2) housing constructed of a sectional or panelized system that does not use a modular component; or
 - 3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Licensed massage therapy means a health care service by a licensed massage therapist, as defined by state law. The term "massage therapy" means the manipulation of soft tissue for therapeutic purposes and includes, but is not limited to, effleurage (stroking), petrissage (kneading), 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, and 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.

Living unit means the rooms occupied by a family, which must include cooking facilities.

Loading space means an off-street space or berth used for the loading or unloading of vehicles.

Lot area means the net horizontal area of a lot excluding portions of streets and alleys and easements for streets and alleys.

Lot, corner, means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot depth means the horizontal distance measured perpendicularly between two points on the front lot line and two points on the rear lot line which creates an area that meets the minimum width and depth requirements for the zoning district. The term "lot depth" shall not include easements, which impair the use of the lot surface as a yard.

Lot, flag or panhandle means a lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than 12 feet.

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

Lot line, front means the narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, such line shall be considered a front lot line in establishing a minimum setback line.

Lot line, rear means the lot line farthest from, but most nearly parallel to, the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

Lot line, side means any lot line which is not the front or rear lot line.

Lot lines means the lines bounding a lot as defined in this section.

Lot of record means a lot which is part of a subdivision, the plat for which has been recorded in the county clerk's office.

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

Lot, through means a residential lot, other than a corner lot, abutting more than one street and having access to more than one street. Through lots are prohibited by this chapter.

Lot width means the horizontal distance measured between side lot lines, perpendicular to the front lot line, and measured from the point on the building line which is closest to the front lot line.

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

Manufactured home display and sales means the open display, storage, and sale of HUD-Code manufactured homes.

Manufacturing, Heavy means a facility or area for generally mass producing goods usually for sale to wholesalers or other industrial or manufacturing uses. A heavy manufacturing use is one which employs the following or similar types of processes:

- (1) The milling of grain as retail sales and service.
- (2) Producing animal food, and tanning animal hides.
- (3) Production of large durable goods such as but not limited to motorcycles, cars, manufactured homes, or airplanes.
- (4) Canning or bottling of food or beverages for human consumption using a mechanized assembly line.
- (5) Manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; and use of a foundry for metals.
- (6) Production of items made from stone, clay, metal or concrete.
- (7) Tire recapping or retreading.

Manufacturing, Light means a facility or area for producing goods without the use of chemical processing of materials and determined not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation. Light manufacturing activities include but are not limited to the following activities:

- (1) Assembly, finishing, and/or packaging of small items from component parts made at another location. Examples include but are not limited to cabinetmaking or the assembly of clocks, electrical appliances, or medical equipment.
- (2) Production of items made from materials derived from plants or animals, including but not limited to leather, pre-milled wood, rubber, paper, wool, or cork; or from textiles or plastics.
- (3) Electrical component manufacturing.
- (4) Reproduction, cutting, printing or binding of written materials, drawings, or newspapers on a bulk basis using lithography, offset printing, blue printing and other similar methods.
- (5) Machine or welding shop - a facility where material is processed by machining, cutting, grinding, welding or similar processes.
- (6) Spray painting or motor vehicle conversion.

Masonry construction

(A) Primary Materials

Unless otherwise provided for in this Ordinance, exterior construction materials are fired brick, natural and manufactured stone, granite, marble, architectural concrete block, and 3-step stucco process for all structures.

(B) Other Materials

Other exterior construction materials for nonresidential structures are tilt wall concrete panels and sealed and painted concrete block.

Medical or scientific research lab means a facility or area for conducting medical or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prostheses.

Mini-warehouse/self-storage facility means a facility or area where enclosed storage space, divided into separate compartments no larger than 500 square feet in size, is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment at another location. Related activities, such as retail sale of packing and moving materials and the rental of moving equipment, including vans and trucks, are allowed as incidental uses.

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

Model home (temporary) means a single family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Mortuary or funeral parlor means a place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased, and ceremonies connected therewith before burial or cremation.

Motel means a building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.

Motor vehicle means every device in, on or by which any person or property is or may be transported, carried, propelled, or drawn including by way of illustration, and not limitation, cars, busses, mopeds, motorcycles, trucks, tractors, trailers, and watercraft.

Motorcycle sales/service means the display, sale and servicing, including repair work of motorcycles.

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

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

Nursery, major means an establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

Nursery, minor means a retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

Nursing/convalescent home means an institutional facility licensed by the State of Texas providing in-patient health care, personal care or rehabilitative services over a long period of time generally exceeding thirty days to persons chronically ill, aged or disabled who need on-going health supervision but not including hospitals. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.

Occupancy means the use or intended use of the land or building by owners, proprietors, or tenants.

Office, professional/general administrative means a room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services, including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

Office, medical or dental – see Clinic, medical or dental

Office, showroom/warehouse means an establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall be incidental to the primary use and shall not exceed 50 percent of the total floor area. This designation does not include contract construction or a contractor's shop and storage yard.

One-family dwelling (attached) means a dwelling that is part of a structure containing 3 or more dwellings, which is joined to another dwelling at one or more points, by a party wall or abutting separate wall, which is designed for occupancy by one household and is located on a separate lot delineated by front, side and rear lot lines. This definition includes the term “townhome.”

One-family dwelling (detached) means a dwelling designed and constructed for occupancy by one household, which is located on a lot or separate building tract, and having no physical connection to a building located on any other lot or tract.

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

Open storage and outside display means as a primary use, over 50 percent of a property area used for outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in

its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts.

Outdoor structure means open to the public and which provides entertainment or amusement for a fee or admission charge including, but not limited to, batting cages, miniature golf, go-kart tracks and carnivals.

Owner (or operator) occupied residence means the structure, house, or home is the primary or principal residence of the owner or operator.

Park or playground (public) means an open recreation facility or park owned and operated by a public agency for the general public, including a baseball field, golf course, football field or stadium.

Parking garage, residential means an enclosed all-weather surfaced area used for parking a vehicle, not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street, permitting free ingress and egress without encroachment on the street.

Parking lot/garage (accessory) means an area or structure for the temporary storage of motor vehicles.

Parking lot/garage (commercial) means an area or structure where a fee is charged for parking motor vehicles and which serves as the primary use on the lot.

Patio home means a one-family dwelling on a separate lot, with open space setbacks only on three sides, commonly developed in a cluster configuration.

Pawn shop means an establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

Pet grooming means an establishment that provides grooming services for dogs, cats and other small domesticated animals inside a heated and air conditioned building; but which establishment does not provide indoor or outdoor pens in which such animals are housed or boarded on a daily basis or overnight or are otherwise bred, trained, or sold for commercial purposes. Pet grooming may be an accessory use to a pet shop.

Pet shop means an establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

Planning and zoning commission means the agency appointed by the city council as an advisory body to it and which is authorized to recommend changes in the zoning and other functions as delegated to it by the city council.

Plat means a plan for a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the city's subdivision standards and state law. It is subject to approval by the planning and zoning commission and the city council and is filed with the county plat records.

Play field or stadium (public) means an athletic field or stadium owned and operated by a public agency for the general public, including a baseball field, golf course, football field, or stadium.

Plot means a single unit or parcel of land, or a parcel of land that can be identified and referenced on a recorded plat or map.

Portable building sales means an establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or HUD-Code manufactured homes.

Post office, government and private means the local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

Premises means land together with any building or structures situated thereon.

Primary use means the principal or predominant use of any lot or building.

Principal building means same as main building.

Print shop, major means an establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print shop, minor means an establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but excludes the on-site storage of heavy load fleet vehicles.

Private club means a club where alcoholic beverages are stored, possessed and mixed on club premises and served for on-premises consumption only to members of the club and their families and guests, by the drink or in sealed, unsealed or broken containers of any legal size.

Private street means a private vehicular accessway shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of Chapter 65, Subdivisions. The term "private street" shall be inclusive of private alleys.

Private utility, other than listed means a nonpublic utility requiring special faculties, in residential areas or on public property, for such purposes as heating, cooling, or communications, not customarily provided by the municipality or public utilities.

Propane storage and distribution means facilities for the receipt, storage, and distribution of propane gas in tanks larger than five gallons.

Public building, shop or yard of local, state or federal government means facilities such as office buildings, maintenance yards or shops required by branches of local, state, or federal governments for service to an area such as a highway department or city service center.

Railroad or bus passenger station means any premises of the transient housing or parking of motor-driven buses and trains and the loading and unloading of passengers.

Railroad team track, freight depot or docks means a facility or place for the loading and unloading of materials on trains.

Recreational vehicle (RV) parks and campgrounds means an area for locating, establishing, or maintaining one or more sites for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a temporary basis by campers, vacationers, and travelers.

Recreational vehicle sales and service, new/used means sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

Rehabilitation care facility means a facility which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

Rehabilitation care institution means a facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

Repair shop, household equipment and appliances means the maintenance and rehabilitation of appliances customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners and hairdryers.

Residence means the same as dwelling, and when used with district means an area of residential regulations.

Residence hotel means a multidwelling unit, extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services such as linens, maid service, telephone, and upkeep of furniture shall be provided. Meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this section.

Residential community center, private (accessory) means a facility or area that is an integral part of a residential project or planned development and that is used by the residents of the project or development for a place of meeting, recreation, or social activity, but not primarily to render a service that is customarily carried on as a business. Such facilities include but are not limited to swimming pools, saunas, hot tubs, game courts, playgrounds, community clubhouse, cabana, pavilion or roofed areas, leasing office, laundry facilities, and other similar uses. This use need not be located on the same lot as the property it serves.

Residential district means a district where the primary purpose is residential use.

Restaurant or cafeteria means an eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, which may include a drive-in window.

Restaurant (drive-in type) means an eating establishment where primarily food or drink is served to customers in motor vehicles, or where facilities are provided on the premises, which encourages the serving and consumption of food in automobiles on or near the restaurant premises.

Restaurant or food shop, take-out and delivery means a food establishment that is open to the public, where food and beverages are prepared primarily for carry-out by the consumer or delivery by the establishment and not for consumption on the premises. This classification may include ice cream shops, pizza delivery, specialty food and beverage shops, or baked goods shops.

Retail or service, incidental means a retail or service use that is clearly incidental and supportive to the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean an area that constitutes not more than fifteen (15) percent of the main use.

Retail stores and shops means an establishment engaged in the sale or rental of goods and merchandise to the general public for personal or household use or consumption and rendering services incidental to the sale or rental of such goods or merchandise.

Right-of-way and track means used by a railroad, but not including railroad stations, siding, team tracks, loading facilities, dock yards, or maintenance areas.

Salvage yard means a yard or building where automobiles or machinery are stored, dismantled and/or offered for sales as whole units, as salvaged parts, or as processed metal.

Sand and gravel storage means a facility where sand and gravel are stored for sale or use by private entity.

School, private or parochial (primary or secondary), means a school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

School, public means a school operated by an independent school district and providing elementary or secondary curriculum.

School, trade or commercial, means establishments, other than public or parochial schools, private primary or secondary schools, or colleges offering training or instruction in a trade, art, or occupation.

Sexually oriented businesses or establishments are as defined and regulated in Ord. No. 98-12.

Shopping center means a group of commercial, primarily retail and service establishments, that are planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and provisions for aesthetically appropriate design and protection from the elements.

Shops, offices, and storage area for public or private utility means the pole yard, maintenance yard, or administrative office or public of private utilities.

Sign means an outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure or a display on premises intended to accomplish the

purposes customarily assigned to signs. Regulations of size, type, construction standards are set forth in Ord. No. 2000-07, or its successor ordinance, if any.

Small engine repair shop means shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Stable (commercial) means a facility for boarding horses, renting horses to the public or conducting riding lessons. A minimum of ten acres is required for this use.

Stable (private) means an accessory building for quartering horses, when the stable building is set back from all adjacent property lines at least 100 feet, and when the site contains a minimum area of one acre for each animal quartered.

Stacking space means a designated area that provides the ability for motor vehicles to queue on site prior to receiving a service. Each required stacking space shall be a minimum of nine feet in width and 20 feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

Story means the height between the successive floors of a building, or the distance from the floor to the roof. For the purpose of computing building height pursuant to this ordinance, the average height for a story shall be defined as 12 feet, six inches.

Street means any thoroughfare or public driveway, other than an alley, of more than 30 feet in width, which has been dedicated or deeded to the public for public use.

Street line means a boundary line between a lot, tract, or parcel of land and a contiguous street right-of-way. A street line is the same as a front property line or right-of-way line.

Structural alterations means any change in the supporting member of a building, such as bearing walls, columns, beams, or girders.

Structure means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water.

Studio for dance, gymnastics, and/or martial arts means a building or portion of a building used as a place of work for a gymnast, dancer and/or martial artist or for instructional classes in gymnastics, dance and/or martial arts.

Studio for photographer, musician, and artist means a building or portion of a building as a place of work by a photographer, musician, or artist.

Studio for radio and television means a building or portion of a building used as a place for radio or television broadcasting.

Swim and tennis club means a private recreational club with restricted membership, usually of less area than a country club, but including a clubhouse and swimming pool, tennis courts and similar recreational facilities, none of which are available to the general public.

Swimming pool (private) means a swimming pool constructed for the exclusive use of the residents of a one-family, two-family, or multiple-family dwelling and located and fenced in accordance with city regulations. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Telephone line and exchange means a line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication.

Temporary field office means a building or structure of either permanent or temporary construction, used in connection with a development or supervisory and/or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project.

Theater (drive-in) means an open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Theater (indoor) means a building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performance.

Thoroughfare means the same as street.

Tow truck means a vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a boom, wheel-lift or spectacle lift, integrated boom and wheel-lift (a.k.a. self-loader, snatcher, quick pick or repo truck), flatbed (a.k.a. rollback or slide), lift flatbed, or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least ten thousand (10,000) pounds that may be used to move disabled, improperly parked, impounded, repossessed, or otherwise indisposed motor vehicles.

Towing or wrecker service means a facility or area in which tow trucks are employed in the hauling of motorized vehicles and for the storage of vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

Townhome – see *one-family dwelling (attached)*.

Tract means an area, parcel, site, piece of land, or property which is the subject of a zoning or development application.

Trailer sales or rental means the display and offering for sale or rent of trailers designed to be towed by a vehicle. Such trailers offered or displayed in the GR District shall not exceed 20 feet in overall length.

Transportation and utility structures/facilities mean permanent facilities and structures operated by companies engaged in providing transportation and utility services including, but not limited to, sewage pumping stations, telephone exchanges, water reservoirs, and water pumping stations.

Travel trailer means a mobile vehicle, designed and used as a temporary place of dwelling, and of such size and design so as to be subject to licensing for towing on the highway by a passenger motor vehicle or other vehicle, and not requiring a special permit for moving on the highways as contrasted to a mobile home.

Truck parking lot means an area for parking vehicles weighing more than 6,500 pounds.

Truck sales (heavy truck) means the display, sale, or rental of new or used heavy load vehicles in operable condition.

Truck terminal means an area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, and may include facilities for the temporary storage of loads prior to shipment.

Two-family dwelling (duplex) means a single structure designed and constructed with two living units under a single roof for occupancy by two households living independently of each other.

Utility distribution/transmission lines means facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines and metering stations.

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

Vehicle recovery means the recovery of any vehicle to another place, generally speaking with a tow truck.

Vehicle storage means a holding facility for the storage of operable or inoperable vehicles awaiting adjustment or settlement of insurance claims, repossessed motor vehicles, or motor vehicles that have been impounded for other various reasons. Dismantling of vehicles is not permitted.

Veterinarian Clinic and/or Kennel, Indoor means an establishment, not including outside pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Veterinarian Clinic and/or Kennel, Outdoor an establishment with outdoor pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Warehouse/distribution center means a building or area for storage, wholesale, and/or distribution of manufactured products, supplies, and equipment. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Wholesale office storage or sales facility means a wholesale, storage, and distribution use, not generally open to the public, in which merchandise is displayed and sold at wholesale to business representatives for resale, rather than to the general public for direct consumption, including the storage of goods for sale, and not including "Truck Terminal". An establishment should have a minimum 75 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale areas, sales offices, and display areas for

products sold and distributed from the storage and warehouse areas. Wholesalers that do not have auxiliary storage as a part of the use shall be considered offices.

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

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

Yard, rear, means an open, unoccupied space, except for accessory building as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified the district in which the lot is situated. (See appendix illustration 3 on file in the city secretary's office.)

Yard, side, means an open, unoccupied space or spaces on one side or two sides of the same lot with a main building, and being situated between the building and a side line of the lot extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed as a side line. (See appendix illustration 3 and 4 on file in the city secretary's office.)

Zero lot line dwelling means detached single-family dwellings on lots without a side yard requirement on one side of the lot.

Zoning administrator means the City Manager or other person designated as the one responsible for the administration and enforcement of the city zoning and building codes.

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

Zoning ordinance means this chapter.

Section 3 ZONING DISTRICTS AND USES

3.1 ESTABLISHMENT OF ZONING DISTRICTS

The city is divided into zoning districts. The use, height and area regulations set out herein are uniform within each district. The districts established in this subsection shall be known as:

Abbreviated Designation	Zoning District Name
A	Agricultural District
ED	Estate Development
SF-1	Single Family Dwelling-1 District
SF-2	Single Family Dwelling-2 District
SF-3	Single Family Dwelling-3 District
2F	Two Family Residence (Duplex) District
MF-1	Multifamily Residence-1
MF-2	Multifamily Residence-2
NS	Neighborhood Service District
GR	General Retail District
C	Commercial District
CA	Central Area District
LI	Light Industrial District
HI	Heavy Industrial District

3.2 ZONING DISTRICT MAP

3.2.1 ESTABLISHMENT

The boundaries of the zoning districts set out herein are delineated upon the zoning district map, with such map being a part of this section as fully as if the same were set forth in this subsection in detail.

3.2.2 MAINTENANCE AND UPDATES

- 1) Three original, official and identical copies of the zoning district maps are hereby adopted, each bearing the signature of the mayor and the attestation of the city secretary, and shall be filed and maintained as follows:

- a. One copy shall be filed for permanent record in the city secretary's office and shall be designated as "exhibit A." This copy shall not be changed in any manner.
- b. One copy shall be filed in the City Manager's office and shall be designated as "exhibit B." This copy shall be maintained by the zoning administrator and kept up to date by posting thereon all subsequent changes and amendments for use in issuing building permits and certificates of compliance and occupancy and enforcing the provisions of this chapter.
- c. One copy shall be filed with the Planning and Zoning Commission and shall be designated as "exhibit C." This copy shall be maintained and kept up to date by the zoning administrator by posting thereon all subsequent changes and amendments.
- d. Reproductions for information purposes only may from time to time be made of the official zoning district map.

3.2.3 DISTRICT BOUNDARIES

- 1) The district boundary lines shown on the zoning district maps are usually along streets, alleys, property lines or extensions thereof, where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:
 - a. Boundaries indicated, as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 - b. Boundaries indicated as approximately following the platted lot lines shall be construed as following such lot lines.
 - c. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - d. Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way or if no centerline is established the boundary shall be interpreted to be midway between the right-of-way lines such railroad.
 - e. Boundaries indicated as following shore lines shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainage ways or draws shall be construed to follow such centerlines.
 - f. Boundaries indicated as parallel to or extensions of features indicated in subsections (1)(a) through (1)(e) of this section shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.
 - g. Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
- 2) Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel

of property is zoned and such question cannot be resolved by the application of subsection (1)(a) through (1)(g) of this section, the property shall be considered as classified A, Agricultural District temporarily in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions provided in subsection 3.3 of this section for temporarily zoned areas.

3.3 ZONING UPON ANNEXATION

All territory hereafter annexed to the city shall be temporarily classified in the A, Agricultural District, until permanent zoning is established by the City Council, unless permanent zoning can be established at the time of annexation as provided in section 2.1 Procedural Steps of Zoning Petitions and Amendments. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

3.3.1 RULES OF NEWLY ANNEXED TERRITORY CLASSIFIED AS THE AGRICULTURAL DISTRICT

In an area temporarily classified as A, Agricultural District:

- 1) No person shall erect, construct or add to any building or structure, or cause the same to be done in any newly annexed territory to the city without first applying for and obtaining a building permit therefore from the zoning administrator or the city council as may be required herein;
- 2) No permit for the construction of a building or use of land shall be issued by the zoning administrator other than a permit which will allow the construction of a building permitted in the A, Agricultural District, unless and until such territory has been classified in a zoning district other than the A, Agricultural District, by the city council in the manner provided by law except that a building permit may be issued in accordance with the provisions of subsection 3.3.1(3) of this section.
- 3) An application for a permit for any other use than that specified in subsection 3.3.1(2) of this section shall be made to the zoning administrator, and by him referred to the planning and zoning commission for consideration and recommendation to the city council. The Planning and Zoning Commission, in making its recommendation to the City Council concerning any such permit, shall take into consideration the appropriate land use for the area. The City Council, after receiving and reviewing the recommendations of the Planning and Zoning Commission, may by majority vote authorize the issuance of a building permit or specific use permit or may disapprove the application.

3.4 SPECIFIC USE PERMITS

The city council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the planning and zoning commission that the use is in general conformance with the comprehensive plan of the city and containing such requirements and safeguards

as are necessary to protect adjoining property, authorize the granting of a specific use permit for those uses indicated by "S" in the schedule of uses to this chapter, according to the following criteria:

- 1) An application for a specific use permit shall be accompanied by a plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions (the "plan"). A specific use permit that will require the construction of a new structure shall be accompanied by said plan. A plan may not be required if a specific use permit is applied for that will locate in an existing structure, if the city manager or his designee determines that the existing site adequately addresses the above elements and a plan is not necessary to evaluate the specific use permit.
- 2) In recommending that a specific use permit for the premises under consideration be granted, the planning and zoning commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property within 200 feet of the premises under consideration, and shall make recommendations regarding the adequacy of the streets, alleys and sidewalks abutting and adjacent to the proposed use (subject to the city's subdivisions chapter), means of ingress and egress from and to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and whether the building is compatible for the use under consideration.
- 3) Every specific use permit granted under these provisions shall be considered as an amendment to this chapter and shall remain applicable to the property so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs.
- 4) In granting a specific use permit, the city council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the city for use of the building on such property pursuant to such specific use permit. Such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.
- 5) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawings and approved by the city council.
- 6) A building permit shall be applied for and secured within six months from the time of granting the specific use permit; provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private street development, which shall have no limit regarding the application and securing of a building permit. If a building permit has not been secured

within six months from the time of granting the specific use permit, or if a building permit has been issued but subsequently allowed to lapse, a city-initiated zoning change will be placed on the agenda of the planning and zoning commission and city council to consider the revocation of the specific use permit.

- 7) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.
- 8) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.
- 9) When the city council authorizes granting of a specific use permit, the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.
- 10) Specific use permits are issued to the property, and subsection (5) shall be applicable to any new owner or occupant of the subject property.

3.5 PERMITTED USES

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

3.6 SCHEDULE OF PERMITTED USES

3.6.1 EXPLANATION OF USE CHART

- 1) **Permitted By-Right Uses**
 “P” in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this ordinance.
- 2) **Uses Requiring a Specific Use Permit**
 “S” in a cell indicates that, in the respective zoning district, the use is allowed only if issued a Specific Use Permit, in accordance with the procedures of Section 3.4, Specific Use Permits. Uses requiring a Specific Use Permit are subject to all other applicable regulations of this ordinance.
- 3) **Prohibited Uses**
 A blank cell indicates that the use is prohibited in the respective zoning district.
- 4) **Use-Specific Regulations**
 Regardless of whether a use is allowed by right, or permitted with a Specific Use Permit, there may be supplemental regulations that are applicable to the use. The existence of these regulations is noted through a cross-reference in the last column of the table. Cross-references refer to Section 3.9, Use-Specific Regulations. An asterisk [*] in a cell indicates that the use, whether permitted by right or as a special use, is permitted subject to use-specific regulations in that district.
- 5) **Allowed Land Uses in Overlay Districts**
 Except as otherwise provided by this Code for a specific overlay district:
 - a. Any land use permitted by right in the applicable underlying base zoning district may be permitted within an overlay district, subject to any use-specific regulations required by this section and any additional requirements of the specific overlay district.
 - b. Any land use requiring a Specific Use Permit in the applicable underlying base zoning district is only allowed if a Specific Use Permit is issued for the use.
 - c. Any land use prohibited in the underlying base zoning district is also prohibited in an overlay district. A specific overlay district may include additional prohibited land uses.
- 6) **Allowed Land Uses in Planned Development Districts**
 Land uses in a Planned Development district are permitted as follows:
 - a. If the PD Development Plan references a base zoning district:
 - i. Any land use permitted by right in the applicable underlying base zoning district, as amended, may be permitted.
 - ii. Any land use requiring a Specific Use Permit in the applicable underlying base zoning district, as amended, is only allowed if a Specific Use Permit is issued for the use.
 - iii. Any land use prohibited in the underlying base zoning district, as amended, is also prohibited in the PD district.

- b. The PD district may list the permitted and prohibited uses separately.
- c. A combination of the above options.

3.6.2 LEGEND FOR USE CHART

P	Use is permitted in district indicated
S	Use is permitted in district upon approval of a Specific Use Permit
	Use is prohibited in district indicated
*	Use is permitted in the district indicated if the use complies with use-specific regulations in the corresponding numeric end note in Section 3.9, Use-Specific Regulations

3.6.3 RESIDENTIAL USES

Zoning District Legend	Residential Districts										Non-Residential and Mixed-Use Districts						Use-Specific Regulations
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	ZF – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District	CA – Central Area District ¹			
Type of Use	A	ED	SF-1	SF-2	SF-3	ZF	MF-1	MF-2	NS	GR	C	LI	HI	CA			
Permitted Use P	S	S	S	S	S	S	S	S									
Special Use Permit S																	
Prohibited Use /	P	P	P	P	P	P						P					
Special Conditions Apply (see Section 3.9, Use-Specific Regulations) •	P	P	P	P	P	P						P					
Bed and breakfast inn	S		S											S			
Boarding house or rooming house																	
Garage apartment				P								P					
Guest house	P	P	P	P										S			
Hotel	S											P		S			
HUD-Code manufactured home			S	S													
Industrialized housing (or modular home)																	
Mobile Home																	
Motel																	
Multiple-family dwelling																	
One-family dwelling (attached)					S		P	P									
One-family dwelling (detached)	P	P	P	P	P	P	P	P									
Residence hotel																	
Two-family dwelling (duplex)						P	P	P	P	P	S	S					
Zero lot line dwelling				S	P	P	P	P						S			

¹Property in the Central Area District shall be used only in the manner and for the purposes provided for by this division, provided that a residence or residential use in such district by specific use permit shall be subject to the limitations of section 3.13.4.

3.6.4 ACCESSORY AND INCIDENTAL USES

Zoning District Legend	Residential Districts										Non-Residential and Mixed-Use Districts					Use-Specific Regulations								
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	2F – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District	CA – Central Area District										
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P	Permitted Use																							
S	Special Use Permit																							
	Prohibited Use																							
*	Special Conditions Apply (see Section 3.9, Use-Specific Regulations)																							
Accessory building	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Farm accessory building	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Fuel pumps (accessory use)									P*	P*						3.9.7								
Home occupation	P	P	P	P	P	P	P	P						S										
Parking lot/garage (accessory)	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Stable (private)	P	S																						
Swimming pool (private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P		3.9.12								
Temporary field office	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Tennis courts	P	P	P	P	P	P	P	P	P	P	P	P	P	P		3.9.11								

3.6.5 AGRICULTURAL USES

Zoning District Legend		Residential Districts										Non-Residential and Mixed-Use Districts						Use-Specific Regulations
Type of Use		A -- Agricultural District	ED -- Estate Development	SF-1 -- Single Family Dwelling-1 District	SF-2 -- Single Family Dwelling-2 District	SF-3 -- Single Family Dwelling-3 District	ZF -- Two Family Residence (Duplex) District	MF-1 -- Multifamily Residence-1	MF-2 -- Multifamily Residence-2	NS -- Neighborhood Service District	GR -- General Retail District	C -- Commercial District	LI -- Light Industrial District	HI -- Heavy Industrial District	CA -- Central Area District			
Permitted Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Special Use Permit	S	S																
Prohibited Use																		
Special Conditions Apply (see Section 3.9, Use-Specific Regulations)	*																	
Farm, ranch, garden, or orchard																		
Feed store																		
Nursery, major		S														3.9.10		
Nursery, minor											P*	P	P	P	S			
Stable (commercial)		P	S															
Veterinarian clinic and/or kennel, indoor																		
Veterinarian clinic and/or kennel, outdoor		S									S							

3.6.6 AUTOMOBILE AND RELATED USES

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts					Use-Specific Regulations									
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	ZF – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District		CA – Central Area District								
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P	Permitted Use																						
S	Special Use Permit																						
	Prohibited Use																						
*	Special Conditions Apply (see Section 3.9, Use-Specific Regulations)																						
Type of Use																							
Auto parts and accessory sales (indoor)																							
Auto parts and accessory sales (outdoor)																							
Automobile repair, major																							
Automobile repair, minor																							
Automobile sales, used																							
Automobile sales/leasing, new																							
Car wash, full service																							
Car wash, self-service																							
Convenience store with gas pumps																							
Convenience store without gas pumps																							
Motor vehicle towing, motor vehicle recovery, and motor vehicle storage																							
Motorcycle sales/service																							
Recreational vehicle sales and service, new/used																							
Salvage yard																							
Trailer sales/rental																							
Truck sales (heavy truck)																							

3.6.7 COMMERCIAL AND PROFESSIONAL USES

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts						Use-Specific Regulations										
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	ZF – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District	CA – Central Area District											
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P	Permitted Use																								
S	Special Use Permit																								
	Prohibited Use																								
*	Special Conditions Apply (see Section 3.9, Use-Specific Regulations)																								
Type of Use																									
Building maintenance service and sales																									
Clinic, medical or dental																									
Contractor's shop and storage yard																									
Dry cleaning plant																									
Equipment and machinery sales and rental, major																									
Manufactured home display and sales																									
Medical or scientific research lab																									
Office showroom/warehouse																									
Office, professional, general administrative																									
Open storage and outside display																									
Print shop, major																									
Propane storage and distribution																									

3.6.8 EDUCATIONAL, INSTITUTIONAL, AND PUBLIC USES

Zoning District Legend	Residential Districts										Non-Residential and Mixed-Use Districts					Use-Specific Regulations							
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	ZF – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District	CA – Central Area District									
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P	Permitted Use																						
S	Special Use Permit																						
	Prohibited Use																						
*	Special Conditions Apply (see Section 3.9, Use-Specific Regulations)																						
Type of Use																							
Adult day care center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Art gallery or museum																							
Banquet/meeting hall																3.9.4							
Cemetery or mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Church, rectory, or other place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
College, university or private school	S																						
Day care center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Fire station and public safety building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
Fraternal organization, lodge, or civic club	S																						
Hospital																							
Nursing/convalescent home	S																						
Post office, government and private																							
Public building, shop or yard of local, state or federal government	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Rehabilitation care facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Rehabilitation care institution	S																						
School, private or parochial (primary or secondary)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
School, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
School, trade or commercial	S																						

3.6.9 ENTERTAINMENT AND RECREATIONAL USES

Zoning District Legend	Residential Districts										Non-Residential and Mixed-Use Districts					Use-Specific Regulations	
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	ZF – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District	CA – Central Area District			
Type of Use																	
Permitted Use	P	P	P	P	P	P	P	P									
Special Use Permit	S																
Prohibited Use																	
Special Conditions Apply (see Section 3.9, Use-Specific Regulations)																	
Amenity center (private)	P	P	P	P	P	P	P	P									
Amusement, commercial (indoors)	S																
Amusement, commercial (outdoors)	S																
Community center (public)	S	S	S	S	S	S	S	S	P	P	P	P	P	P			
Dancehall or nightclub																	
Day camp	P		S														
Fairgrounds/exhibition area	S																
Game room																	
Golf course and/or country club	P		S	S	S	S	S	S	P	P	P	P	P	P			398
Gun or archery range (indoor)	S																
Park or playground (public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Play field or stadium (public)	P	S	S	S	S	S	S	S	P	P	P	P	P	P			
Recreational vehicle (RV) parks and campgrounds	S										S	P	P				
Swim and tennis club	S	S	S	S	S	S	S	S									S
Theater (drive-in)	S																S
Theater (indoor)	S									S	P	P	P	P			P

3.6.10 INDUSTRIAL AND WHOLESALE USES

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts					Use-Specific Regulations									
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	ZF – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District		CA – Central Area District								
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P	Permitted Use																						
S	Special Use Permit																						
	Prohibited Use																						
*	Special Conditions Apply (see Section 3.9, Use-Specific Regulations)																						
Type of Use																							
Bakery and confectioners works (wholesale)																							
Concrete/asphalt batching plant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	3.9.6								
Concrete/asphalt batching plant, temporary																							
High impact use																							
Manufacturing, heavy																							
Manufacturing, light																							
Mini-warehouse/self-storage																							
Sand and gravel storage																							
Warehouse/distribution center																							
Wholesale office storage or sales facility																							

3.6.11 RETAIL AND SERVICE USES

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts					Use-Specific Regulations									
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	2F – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District		CA – Central Area District								
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P	Permitted Use																						
S	Special Use Permit																						
	Prohibited Use																						
•	Special Conditions Apply (see Section 3.9, Use-Specific Regulations)																						
Type of Use																							
Alternative financial institution																							
Antique shop and used furniture																							
Artisan's workshop																							
Bakery and confectioners works (retail)																							
Banks, savings and loan, or credit union																							
Barber shop/beauty salon and personal service shops																							
Big box retail development																							
Body art studio																							
Building materials and hardware sales, inside storage																							
Building materials and hardware sales, outside storage																							
Cleaning & laundry, self-service																							
Dry cleaning or laundry, minor																							
Equipment and machinery sales and rental, minor																							
Farmer's market																							
Flea market, inside																							
Flea market, outside																							
Florist shop																							
Furniture, home furnishing, and equipment stores																							

Section 3 – Zoning Districts and Uses

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts					Use-Specific Regulations						
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	2F – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District		CA – Central Area District					
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P	Permitted Use																			
S	Special Use Permit																			
*	Prohibited Use																			
General merchandise stores										P	P	P	P	P						
Grocery store or supermarket									P	P	P	P	P	P						
Health/fitness center									P	P	P	P	P	P						
Licensed massage therapy								S	P	P	P	P	P	P						
Mortuary or funeral parlor								S	S	P	P	P	P	P						
Pawn shop										P	P	P	P	P						
Pet grooming									P	P	P	P	P	P						
Pet shop									P	P	P	P	P	P						
Portable building sales											S	P	P							
Private club										P	P	P	P	P						
Repair shop, household equipment and appliances									P	P	P	P	P	P						
Restaurant (drive-in type)									P	P	P	P	P	P						
Restaurant or cafeteria									P	P	P	P	P	P						
Restaurant or food shop, take-out and delivery								S	P	P	P	P	P	P						
Retail stores and shops									S	P	P	P	P	P						
Sexually oriented businesses or establishments												S								
Shopping center											P	P	P							
Small engine repair shop									S	P	P	P	P		S					
Studio for dance, gymnastics, and/or martial arts									S	P	P	P	P	P						
Studio for photographer, musician, and artist									S	P	P	P	P	P						
Studio for radio and television									S	P	P	P	P	P						

3.6.12 TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES

Zoning District Legend	Residential Districts										Non-Residential and Mixed-Use Districts						Use-Specific Regulations
	A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	2F – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District	CA – Central Area District			
Type of Use																	
Permitted Use	S																
Special Use Permit																	
Prohibited Use																	
Special Conditions Apply (see Section 3.9, Use-Specific Regulations)																	
Airport landing field																	
Antenna and/or antenna support structure, commercial																	3.9.2
Antenna and/or antenna support structure, non-commercial																	3.9.3
Parking lot/garage (commercial)																	
Private utility, other than listed																	
Railroad or bus passenger station																	
Railroad team track, freight depot or docks																	
Shops, offices, and storage area for public or private utility																	
Telephone line and exchange																	
Transportation and utility structures/facilities																	
Truck terminal																	
Utility distribution/transmission lines																	

3.7 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- 1) The City Manager shall refer the question concerning any new or unlisted use to the planning and zoning commission, requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities, such as water and sanitary sewer.
- 2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
- 3) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall by resolution approve the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate.

3.8 PROHIBITED USES

- 1) All uses not expressly permitted are prohibited, except as provided in Section 3.7.
- 2) No land or building shall be used or occupied for a use which will in any manner create an unreasonable potential hazard to the general public, health, safety, and welfare, as, for example, but not by way of limitation, any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, radioactive, or other hazardous conditions; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, movement of air, electrical, or other disturbances; glare; or liquid or solid wastes.
- 3) Without limiting the foregoing sections, or being limited thereby, the following uses are specifically prohibited:
 - a. Storage, manufacturing, purifying, packaging, repackaging, selling, or supplying of toxic or highly flammable chemicals or gases, as a primary use regardless of quantities involved. **Examples include asbestos products, toxic or explosive chemicals and allied products or the processing of caustic acids.**

- b. Above ground tank farms or storage of gasoline, fuel oils, gases, or chemicals, or other flammable, corrosive, or toxic substances as a primary use or in total on site quantities exceeding 30,000 liquid gallons or equivalent.

3.9 USE-SPECIFIC REGULATIONS

3.9.1 ALTERNATIVE FINANCIAL INSTITUTION

- 1) No alternative financial institution shall be located within 1,000 feet, measured from property line to property line, of any other alternative financial institution.
- 2) No alternative financial institution shall be located within 200 feet, measured from property line to property line, of a lot zoned or used for residential purposes.
- 3) No alternative financial institution shall be located within the Highway Commercial Overlay District.
- 4) An alternative financial institution may only be a main use that requires a specific use permit and a certificate of occupancy. An alternative financial establishment may not be an accessory use.

3.9.2 ANTENNA AND/OR ANTENNA SUPPORT STRUCTURE, COMMERCIAL

- 1) All commercial antennae and antenna support structures located on property owned by the City shall be permitted with a Specific Use Permit in any district.
- 2) All commercial antennae and antenna support structures shall be permitted by Specific Use Permit in nonresidential districts.
- 3) All commercial antennae and antenna support structures allowed by an SUP shall be subject to the following regulations.
 - a. No radio, television or microwave tower for a commercial use shall be located within a distance equal to or less than the height of such tower from any residential structure or from any area zoned residential on the current comprehensive plan. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of such area or residence.
 - b. Antenna support structures shall be constructed to support at least two carriers.
 - c. Antenna facilities shall be screened by a six (6) foot masonry screening wall or a six (6) foot open ornamental fence with landscape screen.
- 4) Commercial Stealth Antennas are permitted by right in residential districts only as a secondary use when the primary use on the lot is a church, school, athletic stadium or field, or public utility structure.
- 5) Commercial Stealth Antennas are permitted by right in nonresidential districts.

3.9.3 ANTENNA AND/OR ANTENNA SUPPORT STRUCTURE, NON-COMMERCIAL

Amateur radio antennas and other transmitting and receiving devices of microwave or electromagnetic waves for broadcasting use shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no case shall the height of such antennas exceed 40 feet and proper guy wire securement shall be followed. In no manner shall the use of such equipment infringe upon adjoining property owners. Roof-mounted satellite dishes in excess of 50 pounds shall be approved by a registered architect or professional engineer by written letter to the City Manager, prior to installation, stating the antenna stability and support and that such dish shall not extend more than six feet above the roof.

3.9.4 BANQUET/MEETING HALL

- 1) Access to the lot on which the use is situated must be from an arterial or major collector street as identified on the city's Thoroughfare Development Plan.
- 2) The applicant shall submit a site plan and landscape plan in addition to any other plans that may be required by the city's ordinances, drawn to scale and sealed by a professional engineer or professional architect licensed by the State of Texas with the specific use permit application for consideration and approval by the planning and zoning commission and the city council.
- 3) Banquet or meeting halls may provide live or recorded entertainment, and, may serve catered meals and alcoholic beverages when the owner or operator holds the appropriate licenses and permits.
- 4) Banquet or meeting halls shall minimize disturbances to surrounding properties which includes restricting activities inside the structure or if located outside, no electronically amplified sound generated shall be audible at any time beyond the boundary of the property on which the facility is located.

3.9.5 BODY ART STUDIO

- 1) Facilities offering tattooing, permanent or intradermal cosmetic services and body piercing must be licensed by the state and must meet all city environmental health requirements.
- 2) Body art studios as a primary or standalone use shall be required to obtain a specific use permit and shall be prohibited within 1,000 feet, as measured by a singular straight line, from any other body art studio, church, day care, residentially zoned district, or public or parochial school. The measurement for this distance requirement shall be in a straight line from the nearest property line of the lot where the body art studio is located without regard to intervening structures or objects, to the nearest property line of the lot where the church, day care, residentially zoned district, or public or parochial school is located. The 1,000 foot distance requirement may be reduced to 300 feet if the city council finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood.

- 3) Tattooing, permanent cosmetics, and body piercing may be practiced as an accessory use to a custom personal service shop.

3.9.6 CONCRETE/ASPHALT BATCHING PLANT, TEMPORARY

- 1) Concrete Plant: Issuance of temporary permit by City Manager or his/her designee and removal as directed.
- 2) Asphalt Plant: Issuance of temporary permit by resolution of City Council.

3.9.7 FUEL PUMPS (ACCESSORY USE)

Accessory gas pumps are only allowed as an accessory use to a big box tenant and are subject to the following development standards.

- 1) Accessory fuel pumps must be located on the same lot as a big box tenant.
- 2) Fuel pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares.
- 3) A sales kiosk servicing the accessory fuel pumps shall be less than five hundred (500) square-feet in floor area.
- 4) Accessory fuel pumps shall be located at least two hundred and fifty (250) feet from a property line of a residential lot.

3.9.8 GAME ROOMS

Specific use permit application requirements for game rooms:

- 1) Game rooms shall be permitted only in the Light Industrial (LI) District upon the granting of a specific use permit (SUP);
- 2) The specific use permit shall be a personal license specific to:
 - a. The game room named in the ordinance granting the SUP;
 - b. The physical address of the game room identified in the ordinance granting the SUP; and,
 - c. The person(s) and/or entity(ies) that own the game room;
- 3) The specific use permit shall not be transferable to any other named game room, location or owner;
- 4) The specific use permit shall be for an initial period not to exceed six months;
- 5) The applicant may seek an extension or further renewal of the SUP prior to the expiration of the then current SUP with the length of any such renewal being from six months to two years as may be determined appropriate in the sole discretion of the planning and zoning commission and city council;
- 6) No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the Game Room;
- 7) A sign stating that no one under the age of 18 is allowed inside the game room building shall be posted in plain sight immediately inside the entrance stating that:

- "No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the Game Room"
- 8) The number and various types of coin-operated machines or devices allowed to be provided, exhibited and/or operated in the game room shall be plainly requested by the applicant and the actual numbers coin-operated machines or devices approved to be installed in the game room shall be specified in the ordinance granting such an SUP.
 - 9) The applicant shall submit a site plan, landscape plan and floor plan of the game room interior, in addition to any other plans that may be required by the city's ordinances, drawn to scale and sealed by a professional engineer or professional architect licensed by the state depicting the layout of the game room interior specifically including, but not limited to, the location of all coin-operated machines or devices, the manager's station(s), restroom facilities, kitchen and bar facilities, if any, and all areas to which patrons will not be permitted;
 - 10) No game room shall be situated within 1,000 feet of any church, school, hospital or any other game room, with the distance being measured in a straight line without regard to intervening objects or structures and from the nearest lot line of the game room seeking a SUP to the nearest lot line of the church, school, hospital or any other game room;
 - 11) No skill or pleasure gaming machines, which are an accessory use to the primary use that is situated in a building, structure, facility or space, shall be permitted to be placed within 300 feet of any church, school or hospital;
 - 12) Only one game room shall be permitted on any lot or in any building, structure or strip center;
 - 13) The hours of operation for a game room shall be limited to the following hours:
 - a. Monday through Thursday, open at 8:30 a.m. and close at 11:00 p.m.;
 - b. Friday and Saturday, open at 8:30 a.m. and close at 12:00 a.m.; and
 - c. Sundays and holidays, open at 12:00 p.m. and close at 11:00 p.m.;
 - 14) All coin-operated machines or devices, described herein above shall be permitted by and the occupation tax thereon paid to the state and the city;
 - 15) The grant of an SUP shall not relieve the applicant, owner and/or operator of a game room or the subject coin-operated machines or devices from any other and further obligations under the City Code; and,
 - 16) Nothing herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the city, any section of the penal code of this state, or the constitution of this state.

3.9.9 MOTEL

The following shall be provided:

- 1) Daily housekeeping service.

- 2) On-site management 24 hours a day to provide check-in/check-out services, custodial and maintenance response, or other guest services.
- 3) At least three amenities from the list below.
 - a. Business Center
 - b. Indoor/Outdoor Pool
 - c. Spa/Sauna
 - d. Weight Room/Fitness Center
 - e. Playground
 - f. Sports Court
 - g. Plaza/Atrium
 - h. Game Room
 - i. Conference Room (1,000 square foot minimum)

3.9.10 NURSERY, MAJOR

In the C District, a maximum of 40 percent of the lot area may be used for accessory outside storage provided that:

- 1) Outside storage is not allowed in any portion of the lot between a public street and the face(s) of the building.
- 2) Outside storage shall be screened from view of public streets by a screening device of not less than eight feet in height. Screening of outside storage areas shall be constructed of the same materials as the building façade and plant material.
- 3) Outside storage areas must be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned LI or HI.
- 4) No materials stored shall be stacked above the top of the screening device.

3.9.11 TENNIS COURTS (ACCESSORY USE)

It is the purpose of these provisions to recognize a tennis court as a potential attractive nuisance and to promote the safety and enjoyment of property rights by established rules and regulations governing the location and improvement of tennis courts whether privately, publicly, or commercially owned or operated.

- 1) **Permits and approvals**
No tennis courts shall be constructed or used until a tennis court building permit and certificate of occupancy have been issued therefore.
- 2) **Requirements**
A tennis court may be constructed and operated when:
 - a. The court is not located in any required front or side yard abutting a street;
 - b. The court is located behind the front yard or front building line and shall be no closer than three feet from the property line;

- c. A wall or fence with a minimum of six feet and a maximum of ten feet in height completely encloses either the court area or the surrounding yard area;
- d. All lighting of the court is shielded or directed to face way from adjoining residences. If lights are not individually shielded, they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties.

3.9.12 SWIMMING POOLS (ACCESSORY USE)

It is the purpose of these provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the safety and enjoyment of property rights by established rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

- 1) **Permits and approvals**
No swimming pool shall be constructed or used until a swimming pool building permit and a certificate of occupancy have been issued therefor. No building permit and no final certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.
- 2) **Requirements**
A swimming pool may be constructed and operated when:
 - a. The pool is not located in any required front or side yard abutting a street;
 - b. The pool is located behind the front yard or front building line and shall be no closer than three feet from the property line.

3.10 TEMPORARY USES

3.10.1 PURPOSE

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure. Temporary uses operating for less than 90 days within a one-year time period shall obtain a Temporary Use Permit from the City Manager. Temporary Use Permits outline conditions of operations to protect the public health, safety, and welfare.

3.10.2 TEMPORARY USES DEFINED

Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. In addition to the temporary uses identified in this section, the following uses and activities shall be considered temporary uses:

- 1) *Fundraising Activities by Not-for-Profit Agencies.* Fundraising or noncommercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 48 hours.
- 2) *Special and Seasonal Sales Events.* Significant commercial activities lasting not longer than 90 days intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, farmer's markets, Christmas tree lot sales, product demonstrations or parking lot sales of food, art work or other goods.
- 3) *Entertainment or Amusement Events.* Short-term cultural and entertainment events including public or private events lasting not longer than 90 days intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.

3.10.3 APPROVAL PROCEDURE

- 1) Application – An application for a Temporary Use Permit shall be submitted to the City Manager at least 10 working days before the requested start date for a temporary use and shall include the following:
 - a. A written description of the proposed use or event, the duration of the use or event, the hours of operation, anticipated attendance, and any building or structures, signs or attention-attracting devices used in conjunction with the event.
 - b. A written description of how the temporary use complies with the review criteria in subsection 3, below.
 - c. A plan showing the location of proposed structures, including onsite restrooms and trash receptacles, parking areas, activities, signs and attention attracting devices in relation to existing buildings, parking areas, streets and property lines.
 - d. A letter from the property owner agreeing to the temporary use.
 - e. Any additional information required by the Director.
- 2) Review and Action by the City Manager – The City Manager shall make a determination whether to approve, approve with conditions, or deny the permit within 5 working days after the date of application. Any applicant denied a permit by the City Manager shall be notified in writing of the reasons for the denial and of the opportunity to appeal to the Commission.
- 3) Review Criteria – Temporary uses shall comply with the following requirements:
 - a. *Land Use Compatibility.* The temporary use must be compatible with the purpose and intent of this ordinance. The temporary use shall not impair the normal, safe and effective operation of a permanent use on the same site. The temporary use shall not endanger or be detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the type of activity, its location on the site, and its relationship to parking and access points.

- b. *Compliance with Other Regulations.* The temporary use shall conform in all respects to all other applicable City regulations and standards.
 - c. *Restoration of Site.* Upon cessation of the event or use, the site shall be returned to its previous condition, including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use. The applicant shall be responsible for ensuring the restoration of the site.
 - d. *Hours of Operation and Duration.* The hours of operation and duration of the temporary use shall be consistent with the intent of the event or use and compatible with the surrounding land uses and shall be established by the Building Official at the time of approval of the temporary use permit.
 - e. *Traffic Circulation.* The temporary use shall not cause undue traffic congestion given anticipated attendance and the capacity of adjacent streets, intersections and traffic controls.
 - f. *Off-street Parking.* Adequate off-street parking shall be provided for the temporary use, and it shall not create a parking shortage for any of the other existing uses on the site(s).
 - g. *Public Conveniences and Litter Control.* Adequate onsite rest room facilities and litter control may be required. The applicant shall provide a written guarantee that all litter generated by the event or use shall be removed at no expense to the City.
 - h. *Appearance and Nuisances.* The temporary use shall be compatible in intensity, appearance and operation with surrounding land uses in the area, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
 - i. *Signs.* The City Manager shall review all signage, although a sign permit is not required. The City Manager may approve the temporary use of attention attracting devices.
- 4) **Additional Conditions** – The City Manager may establish additional conditions to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or buffering, and guarantees for site restoration and cleanup following the temporary use.
- 5) **Appeals** – A denial of a temporary use permit may be appealed to the City Council within 10 days of the City Manager's action. The appeal shall be made in writing to the City Manager.

3.10.4 USE TABLE FOR TEMPORARY USES

Zoning District Legend		Residential Districts							Non-Residential and Mixed-Use Districts						
Type of Use		A – Agricultural District	ED – Estate Development	SF-1 – Single Family Dwelling-1 District	SF-2 – Single Family Dwelling-2 District	SF-3 – Single Family Dwelling-3 District	2F – Two Family Residence (Duplex) District	MF-1 – Multifamily Residence-1	MF-2 – Multifamily Residence-2	NS – Neighborhood Service District	GR – General Retail District	C – Commercial District	LI – Light Industrial District	HI – Heavy Industrial District	CA – Central Area District
P	Permitted Use														
S	Special Use Permit														
	Prohibited Use														
	Special Conditions Apply (see Section 3.10.5)														
Construction field office		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Construction yard		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Model home		P*	P*	P*	P*	P*	P*	P*							
Temporary residence				P*	P*	P*					P*				
Temporary use (other than listed)		P	P	P	P	P	P	P	P	P	P	P	P	P	P

3.10.5 SPECIAL CONDITIONS RELATING TO CERTAIN TEMPORARY USES

- 1) **Construction Yards, Field Offices, Model Homes, and Other Temporary Buildings**
 Temporary permits for construction yards, field offices, model homes, and other temporary buildings shall be permitted upon application and issuance of a permit for a period of time not to exceed 24 months. Construction yards, field offices, and other temporary buildings utilized in the development of a project may be granted extensions by the City Manager until the issuance of a Certificate of Occupancy for the respective project. Extensions for model homes may be granted by the City Manager. Permits may be revoked by the City Manager if the use of the building or structure is contrary to the uses allowed by definition in this ordinance.
- 2) **Temporary Residence**
 - a. Limited to the use of a recreational vehicle ("RV") or travel trailer as temporary living quarters by the resident-owner of a single-family residential dwelling unit ("House") that is being repaired or remodeled. For purposes of this subsection 2, a "resident-owner" of a House (1) owns the House, (2) resides in the House as a full-time resident, (3) identifies the House as their primary residence, and (4) has been granted and currently possesses the homestead exemption on the property on which the House is situated.
 - b. The RV or travel trailer must be parked on an improved surface or the driveway of the House that is being repaired or remodeled.
 - c. The RV or travel trailer must be connected temporarily to water and electricity and the black and gray water tanks thereon must be properly maintained and routinely emptied in accordance with all applicable local, state and federal regulations, rules, laws, ordinances and statutes.

- d. The RV or travel trailer may only be used and occupied by the resident-owner of the House as temporary living quarters while the House is being repaired or remodeled.
- e. The resident-owner of the House is required to submit the application and pay the corresponding fee for the Temporary Use Permit allowing an RV or travel trailer to be used as a Temporary Residence. The resident-owner of the House must demonstrate to the satisfaction of the City Manager that:
 - i. the resident-owner of the House and his/her immediate family members cannot reside inside the House during the repair or remodeling of the House and the reasons for their inability to live inside the House; and
 - ii. the use of a RV or travel trailer as a Temporary Residence is solely for the use of the resident-owner of the House being repaired or remodeled and his/her immediate family; and
 - iii. the use of a RV or travel trailer as a Temporary Residence by the resident-owner of the House and his/her immediate family members will not adversely affect surrounding uses or violate any covenants, conditions and restrictions applicable to the property on which the House is situated; and
 - iv. the parking of the RV or travel trailer on the driveway of the House that is being repaired or remodeled will not result in the parking of multiple motor vehicles in, on and about the public right-of-way during the term of the Temporary Use Permit, and that the resident-owner of the House has developed a plan which addresses the parking of all vehicles associated with (a) the persons or parties performing the work and (b) the persons occupying the Temporary Residence.
- f. The Temporary Residence will only be used and occupied for up to the lesser of the following events to occur:
 - i. ninety (90) days following the issuance of the Temporary Use Permit; or
 - ii. the date a final green tag is issued for the repair or remodeling work performed on the House.
- g. The use of the Temporary Residence shall promptly cease upon the early of the following events to occur:
 - i. ninety days following the issuance of the Temporary Use Permit; or
 - ii. the date a final green tag is issued for the repair or remodeling work performed on the House is issued.
- h. Extension of time for Temporary Residence
 - i. If the resident-owner believes the repairs or remodeling being performed on the House will not be complete before the deadline set forth in Subparagraph 1.g, above, the resident owner of the House may file an application and pay the accompanying fees to request an extension of the Temporary Use Permit from the Planning & Zoning Commission and City Council following notice and a public hearing on the requested extension of the Temporary Use Permit at which public hearings all interested persons may speak.

- i. Any request for extension must be completed and filed with the City before the expiration date of the initial Temporary Use Permit.
- j. It shall be the responsibility of the resident-owner of the House to demonstrate to the satisfaction of the Planning & Zoning Commission and the City Council that:
 - i. the resident-owner of the House and his/her immediate family members are not able to reside inside the House during the repair or remodeling of the House and the reasons for their inability to live inside the House; and
 - ii. the use of a RV or travel trailer as a Temporary Residence is solely for the use of the resident-owner of the House being repaired or remodeled and his/her immediate family; and
 - iii. the use of a RV or travel trailer as a Temporary Residence by the resident-owner of the House and his/her immediate family members has not and will not adversely affect surrounding uses or violate any covenants, conditions and restrictions applicable to the property on which the House is situated; and
 - iv. the repair or remodeling work on the House has not been deferred, delayed, postponed or abated at any time during the pendency of the Temporary Use Permit, and all permits for such construction are still valid and being timely inspected; and
 - v. the resident-owner of the House has a specific plan for the completion of the repair or remodeling work on the House to allow the resident-owner of the House and his/her immediate family members to vacate the Temporary Residence and return to the House as soon as reasonably possible even if all of the repair or remodeling work has not been completed; and
 - vi. the maximum amount of time the resident-owner of the House and his/her immediate family members will need to live in the Temporary Residence until the House is habitable.
- k. The Planning & Zoning Commission and the City Council shall have broad discretion in considering and approving or disapproving an extension of time for a Temporary Use Permit for a Temporary Residence; and may impose any conditions deemed advisable on the extension of the Temporary Use Permit including periodic updates regarding progress on the repairs and remodeling and the condition of the interior of the House.

3.11 NON-CONFORMING USES AND STRUCTURES

3.11.1 NONCONFORMING STATUS

A nonconforming status shall exist under the following provisions of this article:

- 1) When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to June 16, 1970, and has been operating since without discontinuance.
- 2) When, on the effective date of the ordinance from which this article is derived, the use or structure was in existence within the provisions of the prior zoning ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which such use or structure is located.
- 3) When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence at the time of annexation to the city and has since been in regular and continuous use.

3.11.2 USE WITHIN CLASSIFICATIONS

Any nonconforming use of land or structures may be continued for definite periods of time subject to such regulations as the board of adjustment may require for immediate preservation of the adjoining property prior to the ultimate removal of the nonconforming use. The City Manager may grant a change of occupancy from one nonconforming use to another, providing the use is within the same, or higher or more restrictive, classification. It shall not later be changed to a less restrictive classification of use, and the prior, less restrictive classification shall be considered to have been abandoned.

3.11.3 STRUCTURE DESTROYED; PARTIAL DESTRUCTION; RECONSTRUCTION

If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this article. In the case of partial destruction of a nonconforming structure, not exceeding 50 percent of its reasonable value, reconstruction will be permitted, but the size or function of a nonconforming use therein cannot be expanded. Conversely, if a residential structure which was in existence within the provisions of prior zoning district regulations, which does not now conform to the regulations herein prescribed for Highway Commercial Zoning, is destroyed in the above described manner, it shall be allowed to be rebuilt.

3.11.4 EXPANSION OF AREA

No nonconforming use may be expanded or increased beyond the platted lot or tract upon which such nonconforming use is located nor may a nonconforming junk yard or trailer park be expanded by covering more area than it did as of the effective date of the ordinance from which this article is derived, except to provide off-street parking or off-street loading space upon approval of the board of adjustment. Conversely, a residential structure which was in existence within the provisions of prior

zoning district regulations, which does not now conform to the regulations herein prescribed for highway commercial zoning, shall be allowed to expand.

3.11.5 ABANDONMENT

When a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformance to this article. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for, or which remains vacant for, a period of six months shall be considered to have been abandoned.

3.11.6 TERMINATION AND AMORTIZATION

- 1) Termination of nonconforming uses. It is the purpose of this article that nonconforming uses be eliminated and required to comply with the regulations and provisions of this Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
- 2) Amortization of nonconforming uses.
 - a. Any person who resides or owns real property in the city may request that the board of adjustment establish a compliance date for a nonconforming use. Upon receiving such a request, the board shall determine whether there is a public necessity for expedited compliance with the zoning regulations. In doing so, the board shall consider the character of the surrounding neighborhood, the degree of incompatibility of the use to the zoning district in which it is located and the effect of the nonconforming use on the surrounding area and the effect of its cessation on that area.
 - b. The board shall provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use, before the time the use became nonconforming, can be amortized within a definite time period.
 - c. The following factors must be considered by the board in determining a reasonable amortization period:
 - i. The owner's capital investment in structures. Fixed equipment and other assets, excluding inventory and other assets that may be feasibly transferred to another site, on the property before the time the use became nonconforming.
 - ii. Any costs that are directly attributable to the establishment of the compliance date, including demolition expenses, relocation expenses, and termination of leases.
 - iii. Any return on investment since inception of the use, including net income and depreciation.
 - iv. The anticipated annual recovery of investment, including net income and depreciation.

- d. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date, and it may not operate thereafter unless it becomes a conforming use.
- e. For purposes of this section, the term "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

3.12 RESIDENTIAL ZONING DISTRICT REGULATIONS

3.12.1 A – AGRICULTURAL

- 1) **Purpose**
The A district is primarily intended to accommodate agricultural uses, such as the keeping of livestock, dairy farming, pasturage and horticulture and the incidental uses necessary to support agricultural activities. It is anticipated that all A districts will be changed to other zoning classifications as the city proceeds toward full development.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		2 acres
Minimum Lot Width		150 feet
Minimum Lot Depth		250 feet
Minimum Front Yard		40 feet
Minimum Side Yard	<i>Interior Lot</i>	20 feet
	<i>Corner Lot</i>	See Section 4.3
Minimum Rear Yard		10 feet
Maximum Lot Coverage		20%
Maximum Height		Two stories, 40 feet
Minimum Floor Area per Dwelling Unit		750 square feet

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.12.2 ED – ESTATE DEVELOPMENT

- 1) **Purpose**
The ED district is intended primarily for the development of semi-rural, low density, single-family residential detached development and in areas where topography and/or utility capacities limit the use of the land.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		One acre
Minimum Lot Width		150 feet
Minimum Lot Depth		200 feet
Minimum Front Yard		40 feet
Minimum Side Yard	<i>Interior Lot</i>	10% of lot width; minimum 15 feet
	<i>Corner Lot</i>	See Section 4.3
Minimum Rear Yard		10 feet
Maximum Lot Coverage		20%
Maximum Height		Two stories, 40 feet
Minimum Floor Area per Dwelling Unit		750 square feet

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.12.3 SF-1 – SINGLE FAMILY DWELLING-1

- 1) **Purpose**
The SF-1 district is primarily intended to provide for single-family development on large lots, in addition to religious facilities, schools and other institutional uses. The SF-1 district may also serve as a transitional zone between the ED district and urban uses or activities.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		12,000 sq. ft.
Minimum Lot Width		80 feet
Minimum Lot Depth		125 feet
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	10% of lot width; minimum 10 feet
	<i>Corner Lot</i>	See Section 4.3
Minimum Rear Yard		10 feet
Maximum Lot Coverage		40%
Maximum Height		Two stories, 35 feet
Minimum Floor Area per Dwelling Unit		750 square feet

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.12.4 SF-2 – SINGLE FAMILY DWELLING-2

- 1) **Purpose**
The SF-2 district is primarily intended to provide for single-family development on medium-sized lots, in addition to religious facilities, schools and other institutional uses.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		7,200 sq. ft.
Minimum Lot Width		60 feet
Minimum Lot Depth		100 feet
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	10% of lot width; minimum 6 feet
	<i>Corner Lot</i>	See Section 4.3
Minimum Rear Yard		10 feet
Maximum Lot Coverage		45%
Maximum Height		Two stories, 35 feet
Minimum Floor Area per Dwelling Unit		750 square feet

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.12.5 SF-3 – SINGLE FAMILY DWELLING-3

- 1) **Purpose**
The SF-3 district is primarily intended to provide for single-family development on smaller lots, in addition to religious facilities, schools and other institutional uses.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements	
Minimum Lot Area		Single-family (detached)	5,000 sq. ft.
		Zero lot line	4,000 sq. ft.
		Single-family (attached)	2,500 sq. ft.
Minimum Lot Width		Single-family (detached)	50 feet
		Zero lot line	50 feet
		Single-family (attached)	25 feet
Minimum Lot Depth		Single-family (detached)	90 feet
		Zero lot line	80 feet
		Single-family (attached)	100 feet
Minimum Front Yard		25 feet	
Minimum Side Yard	<i>Interior Lot</i>	Single-family (detached)	5 feet
		Zero lot line	0 feet on one side and 10 feet on other side
		Single-family (attached)	N/A
	<i>Corner Lot</i>	15 feet	
Minimum Rear Yard		10 feet	
Maximum Lot Coverage		Single-family (detached)	50%
		Zero lot line	55%
		Single-family (attached)	65%
Maximum Height		Two stories, 35 feet	
Minimum Floor Area per Dwelling Unit		750 square feet	

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.12.6 2F – TWO FAMILY RESIDENCE (DUPLEX)**1) Purpose**

The 2F district is primarily intended to provide for areas of two-family development that are consistent in design and in development patterns with typical single-family detached development. This district may provide a transitional zone between lower density residential areas and higher density or non-residential areas.

2) Permitted Uses

- a. See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- b. Single family residential, zero lot line, and townhome development shall comply with the standards set forth in the SF-3 District.

3) Area, Yard and Bulk Requirements

Description		Requirements
Minimum Lot Area		8,000 sq. ft.
Minimum Lot Width		70 feet
Minimum Lot Depth		100 feet
Minimum Front Yard		25 feet
Minimum Side Yard	<i>Interior Lot</i>	10% of lot width; minimum 5 feet
	<i>Corner Lot</i>	See Section 4.3
Minimum Rear Yard		15 feet
Maximum Lot Coverage		50%
Maximum Height		Two stories, 35 feet
Minimum Floor Area per Dwelling Unit		750 square feet

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.12.7 MF-1 – MULTIFAMILY RESIDENCE-1

1) Purpose

The MF-1 district is primarily intended to accommodate condominiums and apartments at medium densities with usable open space and landscaping. MF-1 districts should be located along or near major thoroughfares and should not have principal access to standard residential streets.

2) Permitted Uses

- a. See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- b. Single family residential, zero lot line, townhome, and duplex development shall comply with the standards set forth in the SF-3 and 2F Districts.

3) Area, Yard and Bulk Requirements

Description		Requirements
Minimum Lot Area		7,500 sq. ft. (1-3 dwelling units) 1,500 sq. ft. each additional dwelling unit
Minimum Lot Width		70 feet
Minimum Lot Depth		120 feet
Minimum Front Yard		25 feet
Minimum Side Yard	<i>Interior Lot</i>	8 feet
	<i>Corner Lot</i>	15 feet
Minimum Rear Yard		15 feet
Maximum Lot Coverage		50%
Maximum Height		Three stories, 45 feet
Minimum Floor Area per Dwelling Unit	Studio	500 sq. ft.
	1 bedroom	600 sq. ft.
	2 bedroom	900 sq. ft.
	Each additional bedroom	150 sq. ft.
Maximum Residential Density		18 units per gross acre

4) See Section 4 Development Standards for additional requirements and exceptions.

3.12.8 MF-2 – MULTIFAMILY RESIDENCE-2

1) Purpose

The MF-2 district is primarily intended to accommodate condominiums and apartments at higher densities and taller heights in a park-like setting with usable open space and landscaping. MF-2 districts should be located along or near major thoroughfares and should not have principal access to standard residential streets.

2) Permitted Uses

- a. See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- b. Single family residential, zero lot line, townhome, and duplex development shall comply with the standards set forth in the SF-3 and 2F Districts.

3) Area, Yard and Bulk Requirements

Description		Requirements
Minimum Lot Area		7,500 sq. ft. (1-3 dwelling units) 1,500 sq. ft. each additional dwelling unit
Minimum Lot Width		70 feet
Minimum Lot Depth		120 feet
Minimum Front Yard		25 feet
Minimum Side Yard	<i>Interior Lot</i>	8 feet
	<i>Corner Lot</i>	15 feet
Minimum Rear Yard		15 feet
Maximum Lot Coverage		50%
Maximum Height		Four stories, 55 feet
Minimum Floor Area per Dwelling Unit	Studio	500 sq. ft.
	1 bedroom	600 sq. ft.
	2 bedroom	900 sq. ft.
	Each additional bedroom	150 sq. ft.
Maximum Residential Density		24 units per gross acre

4) See Section 4 Development Standards for additional requirements and exceptions.

3.13 NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICT REGULATIONS

3.13.1 NS – NEIGHBORHOOD SERVICE DISTRICT

- 1) **Purpose**
The NS district is primarily intended to provide areas for low density retail, office and service uses that provide services to immediately adjacent residential neighborhoods. Automotive repair and automotive service businesses are generally not appropriate in the NS district.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		5,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		25 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	15 feet
Minimum Rear Yard		None
Maximum Lot Coverage		60%
Maximum Height		Two stories, 40 feet

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.13.2 GR – GENERAL RETAIL DISTRICT

- 1) **Purpose**
The GR district is primarily intended to provide areas for neighborhood, local and community shopping facilities for the sales of goods and services included convenience stores, shopping centers and limited automotive repair and automobile services.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		10,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		25 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	15 feet
Minimum Rear Yard		None
Maximum Lot Coverage		50%
Maximum Height		Two stories, 40 feet

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.13.3 C – COMMERCIAL DISTRICT

1) **Purpose**

The C district is primarily intended to provide a location for a broad range of commercial and service-related uses, such as contract construction, landscape contractors, plumbing shops paint and body shops and automotive repair services, and other similar commercial uses.

2) **Permitted Uses**

See Subsection 3.6 Schedule of Permitted Uses for a complete listing.

3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		10,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	20 feet
Minimum Rear Yard		None
Maximum Lot Coverage		40%
Maximum Height		Two stories, 40 feet

4) See Section 4 Development Standards for additional requirements and exceptions.

3.13.4 CA – CENTRAL AREA DISTRICT

1) Purpose

The CA district is primarily intended to serve as a pedestrian oriented center for retail, office, governmental, cultural, entertainment and residential uses in downtown Farmersville and adjacent neighborhoods. It is designed to ensure that development, redevelopment, and renovation within the district are consistent with the historical character of Farmersville’s original business district and surrounding area. The standards of this district apply to specific characteristics of Farmersville’s downtown area and are not appropriate for other locations and districts.

2) Permitted Uses

- a. See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- b. A residence or residential use may be established in a building as an accessory or incidental use only after issuance of a certificate of occupancy and establishment of the primary use of the building; and
- c. A building in the CA District may be used for residential purposes provided however that such residential use shall be limited solely to:
 - i. A maximum of 40 percent of the overall square footage of the first floor and placed on that portion of the first floor at the farthest portion of the building away from the building's store front with the remaining 60 percent of the first floor actually being used for retail or other commercial use; and
 - ii. The second floor and above of the building.

3) Area, Yard and Bulk Requirements

Description	Requirements
Minimum Lot Area	5000 square feet for one-family dwelling (detached) 4000 square feet for zero lot line 2000 square feet for one-family dwelling (attached) 3000 square feet for two-family dwelling 1500 square feet per unit for multiple family dwellings (1-3 stories) 900 square feet per unit for multiple-family dwellings (over three stories)
Minimum Lot Width	20 feet for one-family dwelling (attached) 50 feet for two-family dwellings 60 feet for multiple-family dwellings
Minimum Lot Depth	100 feet for one-family dwelling (detached) 80 feet for zero lot line 100 feet for one-family dwelling (attached) 120 feet for multiple-family dwellings
Minimum Front Yard	None

Maximum Front Yard	30 feet from the centerline of any street on which such structure fronts
Minimum Side Yard	10% of lot width; 5 feet minimum for one-family (detached) and two-family dwellings 15 feet for one-family dwelling (attached) 10 feet for zero lot line None for non-residential uses
Minimum Rear Yard	10 feet for residential uses; none for non-residential uses (see Section 4.4)
Maximum Lot Coverage	None
Maximum Height	None if all code provisions are met
Maximum Floor Area Ratio	10:1
Minimum Dwelling Size	750 square feet

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.13.5 LI – LIGHT INDUSTRIAL DISTRICT

- 1) **Purpose**
The LI district is primarily intended for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		15,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	20 feet
Minimum Rear Yard		None
Maximum Lot Coverage		None
Maximum Height		None; 40 feet when within 40' of a residential property line

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.13.6 HI – HEAVY INDUSTRIAL DISTRICT

- 1) **Purpose**
The HI district is primarily intended to provide areas for manufacturing firms engaged in processing, assembling, warehousing, research and development, and incidental services.
- 2) **Permitted Uses**
See Subsection 3.6 Schedule of Permitted Uses for a complete listing.
- 3) **Area, Yard and Bulk Requirements**

Description		Requirements
Minimum Lot Area		15,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	<i>Interior Lot</i>	None
	<i>Corner Lot</i>	20 feet
Minimum Rear Yard		None
Maximum Lot Coverage		None
Maximum Height		None; 40 feet when within 40' of a residential property line

- 4) See Section 4 Development Standards for additional requirements and exceptions.

3.14 SPECIAL DISTRICT REGULATIONS

3.14.1 HIGHWAY COMMERCIAL OVERLAY DISTRICT

1) Purpose

The Highway Commercial (HC) Overlay District is intended to provide for retail, service, and office uses within the Highway 380 and Highway 78 corridors, with the high traffic volumes and high visibility. The regulations and standards of this district are designed to enhance the aesthetic and functional characteristics of this transportation corridor. Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable standards of this zoning ordinance. All applicable regulations of the underlying base zoning district apply to property in an overlay zoning district unless otherwise expressly stated. When overlay district standards conflict with standards that otherwise apply in the underlying, base zoning district, the regulations of the overlay zoning district govern.

2) Permitted Uses

All applicable land uses of the underlying base zoning district apply to property in the HC overlay zoning district unless otherwise expressly stated. See Subsection 3.6 Schedule of Permitted Uses for a complete listing.

The following uses are allowed by right within the HC overlay zoning district:

- a. Six box retail development

3) Specific Use Permit Required

The following uses require a specific use permit within the HC overlay zoning district:

- a. Automobile repair, major
- b. Building materials and hardware sales, outside storage
- c. Equipment and machinery sales and rental, major
- d. Print shop, major
- e. Warehouse/distribution center

4) Prohibited Uses

The following uses are prohibited within the HC overlay zoning district:

- a. Car wash, self-service
- b. Contractor's shop and storage yard
- c. Game rooms
- d. Mini-warehouse/self-storage

5) Area, Yard and Bulk Requirements

Description		Requirements
Minimum Lot Area		None
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		25 feet
Minimum Side Yard	<i>Interior Lot</i>	10 feet
	<i>Corner Lot</i>	25 feet
Minimum Rear Yard		20 feet
Maximum Lot Coverage		50%
Maximum Height		None, unless single family or two family zoning districts or developments are within 200 feet of the property line, in which a 40 foot height maximum shall apply.
Maximum Floor Area Ratio		1.5:1

6) Highway Commercial Overlay District Regulations

- a. Façade Design and Exterior Materials and Products – 75 percent of any front and side exterior wall must be faced with individual unit masonry consisting of brick, native or precast stone, glass and textured concrete masonry. Precast tilt wall systems may be used for 100 percent of the rear façade if it does not face a public street. Precast panels on all sides of the building shall be scored or seamed to provide visual interest and a repeating pattern.
- b. Buildings shall be articulated at all entrances facing streets by a minimum of two offsets (façade articulations that extend outward from the building must be set back at some point in a corresponding manner) in the façade of a minimum two (2) feet in depth. Main building entrances shall be covered by an awning, canopy or building overhang.
- c. The Planning and Zoning Commission may consider waivers of the building façade material and design requirements for expansions and reconstruction of buildings that existed within the HC district on the date of adoption of this ordinance in accordance with the requirements below:

- i. The expansion or reconstruction does not increase the square footage of the existing building by more than 50 percent; and
- ii. Strict compliance with these standards would result in significant inconsistency in appearance between existing and proposed sections of the building.
- d. Prohibited Exterior Materials and Products – the following materials and products shall not be used for exterior walls or exterior accents on any building within the HC district: metal panels, wood siding, Masonite, particle board, stucco foam insulation systems, vinyl siding, and aluminum siding. Metal panels may only be used for decorative architectural features, awnings and canopies and may not constitute the exterior building material of any wall.
- e. Building Orientation – Bays for car washes, auto repair and other automotive uses shall not be oriented to face public streets.
- f. Mechanical Screening – Roof mounted mechanical units shall be screened from view at a point 5' 5" above the property line by solid panels, parapet walls, mansard roofs or other architectural feature. Ground mounted mechanical units, compressors, generators and other equipment must be screened by a minimum six (6) foot tall solid screening wall or solid, irrigated landscape screen of shrubs that will achieve a height of six (6) feet within two (2) years of planting.
- g. Open Storage and Outside Display – No outside storage and display, sales, or operations shall be permitted unless such activity is visually screened from all streets and adjacent residential property in accordance with Section 4.8. Outside garden centers are allowed only if attached to the main building and screened by masonry walls constructed of the same materials and manner of construction as the main building. The walls may be interspersed with ornamental metal panels.
- h. Loading Area Placement and Screening – Loading areas shall be located on the side and/or rear sides of buildings within the HC district. The loading areas shall be screened from view of public streets and from adjacent residential uses by wing walls, landscaping or other screening features.
- i. Screening of Automobile Storage Areas – Storage areas for automobiles that have been towed, are being staged before or after repairs, and/or stored for auction shall be screened by a minimum six (6) foot tall masonry wall or a solid, irrigated landscaped screen of shrubs that will achieve a height of 6 feet within two (2) years of planting.
- j. Cross Access – Cross access easements shall be required between properties within the HC district to allow access to existing and proposed median openings and left turn lanes and to provide access to two public streets. Access drives/aisles/access easements should be extended to the development's property boundary in order to provide for connectivity with future development(s). The Planning and Zoning Commission may determine that cross access is not appropriate for security reasons or where topography and existing site conditions make cross access difficult.

- k. **Utility services – All utility service lines shall be underground.**

7) Highway Commercial Overlay District Landscape Regulations

Landscaping shall conform to the following:

- a. Landscaping shall be required on all developments and shall be completed prior to the issuance of the certificate of occupancy. All detention ponds shall be landscaped.
- b. Landscaping adjacent to public right-of-ways
 - i. Every site adjacent to the highway right-of-way shall include a buffer strip, landscaped and irrigated, being ten (10) feet in depth adjacent to the highway right-of-way.
 - ii. A minimum 10 foot landscape buffer adjacent to the right-of-way of any minor thoroughfare is required. If the lot is a corner lot, all frontages on minor thoroughfares and private drives of 2 lanes or greater shall be required to observe the ten-foot buffer.
 - iii. Developers shall be required to plant 1 large canopy tree per 40 linear feet or portion thereof of street frontage, not including entry drives or visibility triangles. These required trees must be planted within the landscape setback along thoroughfares, unless otherwise approved. Trees may be grouped or clustered to facilitate site design. Ornamental trees may be substituted for canopy trees at the ratio of 2:1 along the street frontage for up to 50 percent of the required canopy trees.
- c. Screening of parking areas and drive aisles adjacent to public right-of-way
 - i. Landscaped screening is required for all parking areas and drive aisles within 50 feet of the property line.
- d. Landscaping adjacent to buildings
 - i. Foundation plantings with a minimum 6 foot depth are required along 50 percent of a building façade facing a major or minor thoroughfare.
 - ii. Entries should be accented.
- e. General landscaping standards
 - i. All trees shall be a minimum of 4 feet from all pavement and underground utilities.
 - ii. Canopy trees shall be a minimum of 3 inches in caliper (measured 6 inches above the ground) and 7 feet in height at time of planting.
 - iii. Accent or ornamental trees shall be a minimum of 1-inch in caliper (measured 6 inches above the ground) and 5 feet in height at time of planting.
 - iv. Evergreen shrubs shall be a minimum height of 24 inches at time of planting.

3.14.2 PLANNED DEVELOPMENT DISTRICT**1) Purpose**

The PD District is a district that accommodates coordinated development that provides a more flexible regulatory structure than the zoning districts outlined in this Ordinance. A PD may be used to permit new or innovative concepts in land utilization or diversification than achieved under conventional zoning approaches. Procedures are established herein to ensure appropriate use of PD zoning.

- a. The PD designation shall be used for the following purpose(s):
 - i. Master planning;
 - ii. To carry out specific goals of the Comprehensive Plan, City or public/private partnered special projects, and City Council strategic focus areas;
 - iii. Development of mixed use or traditional neighborhoods with a variety of uses and housing types; and/or
 - iv. To preserve natural features, open space, and other topographical features of the land.
- b. The PD designation shall not be used solely for the following purpose(s):
 - i. To obtain variances and waivers from existing development standards;
 - ii. To secure agreements between an applicant and nearby property owners to receive zoning approval; and/or
 - iii. To assign responsibility to the City of private deed restrictions or covenants.

2) Establishment

The City Council may approve, approve with conditions, or deny the establishment or amendment of PD districts in accordance with the procedures contained within Section 2.1 of the Zoning Ordinance and as further described within this article. The boundary of each PD district shall be defined on the zoning map and identified with the letters PD followed by a unique number referencing the adopting ordinance and regulations.

3) Standard of Approval

The approval, approval with conditions, or denial of PD districts shall be at the sole discretion of the City Council based upon its judgment of the merit of the proposed district as related to the stated purposes in Section 3.14.2 (1).

4) Minimum District Size

Following the effective date of this ordinance, no PD district may be established smaller than 5 acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan or related study.

5) PD District Types

A PD district may be created as an overlay district or as a freestanding district as described below:

a. Overlay PD Districts

An overlay PD district superimposes regulations onto a standard zoning district defined in Section 3.12 and Section 3.13. A PD overlay may modify, supplement,

and/or delete the regulations of a standard zoning district (referred to as the base district). Except as specified by the terms of the ordinance establishing a PD overlay, the regulations of the base district shall apply, and any subsequent general amendment to the base district shall apply. A PD district established as an overlay district shall be designated by letters PD followed by a unique number and the initials of the base district (i.e., PD-000-R).

b. **Freestanding PD Districts**

A freestanding PD district is a unique zoning classification. The zoning regulations affecting development within the district are limited to those specifically defined within the ordinance establishing the district (which may include by reference other regulations) and may only be changed by amending the district. A freestanding PD district may only be established where the use of the overlay method cannot reasonably achieve the purposes of this ordinance and the PD district is in accordance with the Comprehensive Plan. A PD district established as a freestanding district shall be designated by the letters PD followed by a unique number (i.e., PD-000).

6) Regulations Affected

PD districts may be used to modify and supplement the regulations contained within the following ordinances:

- a. Zoning Ordinance
- b. Subdivision Ordinance
- c. Thoroughfare Standards

7) Site Plan and Plat Required

Section 5 Site Plan Review shall apply to the development of land for nonresidential or multifamily use within any PD district.

8) Initial Plan Review

A concept plan shall be normally required as part of an application for establishing or amending a PD district. Additional information, studies, and plans may be required by the Planning & Zoning Commission or the City Council to determine the merit of establishing a PD district and as required to develop regulations to be incorporated in the ordinance establishing or amending a PD district. The requirement for submitting a concept plan may be waived by the Planning & Zoning Commission or the City Council if they determine sufficient information exists to evaluate the proposed establishment or amendment of a PD district.

9) Plan Approval

Plans and land studies submitted in conjunction with establishing or amending a PD district may be approved by City Council either by separate administrative action, or by reference as part of the ordinance establishing the PD district. All subsequent plans prepared for the development of property within a PD district must substantially conform to the approved plan in accordance with the standards and procedures of Section 5 of the Zoning Ordinance.

10) Amendment of Plans

Plans which are administratively approved may be revised and re-approved by the Planning & Zoning Commission by administrative action in accordance with the provisions of Section 5 of the Zoning Ordinance and provided that the amended plan conforms to the regulations set forth within the PD ordinance.

11) Expiration of Plans

Plans which are approved by administrative action shall expire in accordance with the provisions of Section 5 of the Zoning Ordinance. Where the plan has expired and no extension is approved, the property owners of the PD must receive approval of a new plan prior to applying for development permits. Any new plan or study must conform to the regulations existing at the time of application.

12) Administration

It is the responsibility of the City Manager and the Planning & Zoning Commission to administer the regulations governing PD districts.

13) Partial Rezoning

Owners of property within a PD district may request rezoning of the portion of the district they own to separate it from the remaining property within the PD district. In considering the request, the Planning & Zoning Commission and City Council shall evaluate the effect of the rezoning on the remaining property and may require adjustments to terms and conditions of the original PD resulting from a change in boundary.

Section 4 DEVELOPMENT STANDARDS

4.1 LOT REGULATIONS

4.1.1 GENERAL

Regulations governing lot dimensions, as specified in section 3.12 and section 3.13, shall apply to all lots except that a lot having less area, width, or depth than herein required which was an official “lot of record” prior to the adoption of this ordinance may be used for a single-family dwelling, and no lot existing at the time of passage of this ordinance shall be reduced in area, width, or depth below the minimum requirements set forth herein.

4.1.2 MINIMUM LOT AREA

Independent living facilities, assisted living facilities, long-term care facilities, continuing care facilities, community centers, hospitals, colleges, universities, trade schools, and public, private, and parochial schools located in any residential district shall have a minimum site area of 2 acres.

4.1.3 LOT COVERAGE AND FLOOR AREA RATIO

The maximum percentage of any lot area which may hereafter be covered by the main building and all accessory buildings and the maximum ratio of the floor area to the total area of the lot or tract on which a building is located shall not exceed the regulations specified in section 3.12 and section 3.13, except where an existing building at the effective date of the ordinance from which this article is derived may have a greater percentage of lot coverage or a higher floor area ratio than herein prescribed, such building shall be considered a conforming structure.

4.2 FRONT YARD REGULATIONS

4.2.1 GENERAL

Regulations governing yard requirements, as specified in section 3.12 and section 3.13, shall apply to all lots unless otherwise specified in the ordinance.

4.2.2 SPECIAL FRONT YARD REGULATIONS

- 1) On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a final plat.
- 2) Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard setback shall comply with the requirements of the most restrictive district for the entire frontage.
- 3) Where a building line has been established by plat or Code provision and such line requires a front yard setback greater or lesser in depth than is prescribed by this article

for the district in which the building line is located, the required front yard shall comply with the building line established by such ordinance or plat.

- 4) **Front Yard Measurements**
 - a. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building.
 - b. Eaves and roof extensions or a porch without posts or columns may project into the required front yard setback for a distance not to exceed four (4) feet.
 - c. Where no front yard is required, all stairs, eaves, roofs and similar building extensions shall be located behind the front street right-of-way line or property line and off-street parking facilities shall be equipped with stops or guards to prevent parked vehicles from being stored nearer than ten feet to any curb and all such parking shall be behind the property line.
- 5) For existing through lots, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one front-age on the plat or by ordinance, in which event only an accessory building may be built on the line thus established. The main building must observe the front yard requirements for both streets.
- 6) In the case of existing through lots which are bounded on 3 sides by streets, all yards between the main building and a street shall be regulated as front yards unless a front, side, and rear building line have been established by plat.
- 7) If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback which is greater or lesser in dimension than the minimum front yard or setback established for the district in which such street frontage is located, then the average setback of all buildings fronting upon such street between two intersecting streets shall establish the minimum front yard requirement. All vacant lots shall be assumed to have a minimum front yard specified for the district in computing the average front yard. These provisions shall be not interpreted as requiring a setback or front yard greater than 50 feet nor shall they be interpreted as requiring any building to observe a front yard of more than ten feet greater than the front setback observed by any building on a contiguous lot.
- 8) In all districts except CA, the distance as measured from the front lot line to the face of the building shall in no case be less than one-half the height of the building, and in no case need such distance exceed 50 feet regardless of the height of the building.
- 9) In the CA district, no front yard is required except that no structure may be erected nearer than 30 feet to the centerline of any street on which such structure fronts.
- 10) Gasoline service station pump islands may not be located nearer than 20 feet to the front property line and the outer edge of the canopy shall not be nearer than ten feet to the front property line.
- 11) Satellite dishes are prohibited in the front yard of any district. Only one satellite dish shall be permitted per lot or primary unit. Satellite dishes in any residential district shall not exceed 12 feet in diameter.

4.3 SIDE YARD REGULATIONS

4.3.1 GENERAL

Regulations governing yard requirements, as specified in section 3.12 and section 3.13, shall apply to all lots unless otherwise specified in the ordinance.

4.3.2 SPECIAL SIDE YARD REGULATIONS

- 1) Every part of a required side yard shall be open and unobstructed by any building except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed 12 inches into the required side yard, and a roof eave or canopy projecting not to exceed 24 inches into the required side yard.
- 2) Multiple-family dwellings shall provide a minimum side yard of 15 feet between any building face or wall containing openings for windows, light and air and any side lot line except that any such building face or wall not exceeding 35 feet in width may provide a minimum side yard of ten feet. Where a building wall contains no openings for windows, light or air, a minimum side yard of ten feet shall be provided between such wall and the side lot line (See appendix illustration 9 on file in the city secretary's office.) Where high-rise apartment building, exceeding three stories in height are erected in the MF-2, O or other districts permitting such construction, the side yard shall be increased one foot for each two feet the structure exceeds three stories, but no side yard shall exceed 50 feet.
- 3) On a corner lot, a side yard adjacent to a street, for a multiple-family dwelling not exceeding three stories in height, shall not be less than 15 feet and no balcony or porch or any portion of the building may extend into such required side yard except that a roof may overhang such side not to exceed four feet.
- 4) On a corner lot, used for one-family or two-family dwellings, both street exposure shall be treated as front yards on all lots platted after the effective date of the ordinance from which this article is derived, except that where one street exposure is designated as a side yard by a building line shown on a plat previously approved by the planning and zoning commission containing a side yard of ten feet or more, the building line provisions on that plat shall be observed. On lots which were official lots of record prior to the effective date of the ordinance from which this article is derived, the minimum side yard adjacent to a side street shall comply with the required side yard for the respective districts as specified in subsection 4.3.1 of this section.
- 5) A one-family attached dwelling shall provide a minimum required side yard adjacent to a side street of ten feet and no complex of attached one-family dwellings shall exceed 200 feet in length. A minimum required side yard of five feet shall be provided at the end of each one-family attached dwelling complex so that the end of any two adjacent building complexes shall be at least ten feet apart.