

CITY OF PELICAN BAY, TEXAS

COPY

ORDINANCE NO. 180.

ORDINANCE ADOPTING REVISED ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF PELICAN BAY, TEXAS, ADOPTING AND ENACTING A REVISED ZONING ORDINANCE, ESTABLISHING THE SAME AND PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN SUCH CODE; PROVIDING FOR THE DESIGNATION OF SUCH CODE AND HOW IT MAY BE CITED; PROVIDING FOR CATCHLINES OF SUCH CODE; PROVIDING FOR CERTAIN DEFINITIONS AND RULES OF CONSTRUCTION FOR SUCH CODE; PROVIDING FOR THE AMENDMENT OR ADDITION TO SUCH CODE; PROVIDING FOR SUPPLEMENTATION TO SUCH CODE; ESTABLISHING A GENERAL PENALTY FOR VIOLATIONS OF THE REVISED CODE AND ALL ORDINANCES OF THE CITY IN THE AMOUNT OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, EXCEPT VIOLATIONS OF PROVISIONS THAT GOVERN FIRE SAFETY, ZONING, AND PUBLIC HEALTH AND SANITATION, INCLUDING DUMPING OF REFUSE; IN WHICH CASE THE MAXIMUM PENALTY FOR VIOLATION SHALL BE TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR SEVERABILITY OF PARTS OF THE CODE; PROVIDING FOR ADOPTION OF THE NEW PROVISIONS AND REGULATIONS INCORPORATED IN SAID ZONING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE AND REVISED ZONING ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELICAN BAY, TEXAS:

SECTION 1

That the Revised Zoning Ordinance consisting of Sections 1 through 40, each inclusive, is hereby adopted and enacted as the Revised Zoning Ordinance of the City of Pelican Bay, Texas, and shall be treated and considered as a new and original comprehensive ordinance, which shall supersede all other general and permanent ordinances passed by the City Council before May 10th, to the extent provided herein, except as hereinafter provided for.

SECTION 2

That all provisions of such Ordinance shall be in full force and effect from and after the 10th day of May, 2005, and all ordinances of a general and permanent nature of the City of Pelican Bay, Texas, enacted on or before and not included in this Ordinance or recognized and continued in force by reference herein, are hereby repealed from and after

the 10th day of May, 2005, except as hereinafter provided. Provisions imposing a penalty for violations shall become effective upon publication of the caption of this ordinance in two consecutive issues of the official newspaper.

COPY

SECTION 3

That the repeal provided for in Section 2 above shall not affect any of the following:

- (a) Any ordinance pertaining to amending zoning districts (map), issuance of specific use permits, or granting of variances.

The repeal provided for in Section 2 shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

SECTION 4

That whenever in such Revised Zoning Ordinance or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such ordinance the doing of an act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision of such Ordinance or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for violations of municipal ordinances that govern fire safety, zoning and public health and sanitation including dumping of refuse, in which case the maximum fine shall be two thousand dollars (\$2,000.00) for each offense. Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each day any violation of such Revised Zoning Ordinance or any ordinance shall continue shall constitute a separate offense unless otherwise designated. Any violation of any provision of such Revised Zoning Ordinance which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the City for such purposes.

SECTION 5

That any and all amendments and additions to such Revised Zoning Ordinance, when passed in such form as to indicate the intention of the City Council to make the same a part of the Revised Subdivisions Ordinances, shall be deemed to be incorporated in such Revised Zoning Ordinance so that reference to the "Revised Zoning Ordinance of the City of Pelican Bay, Texas," shall be understood and intended to include such additions and amendments.

SECTION 6

That in case of the amendment of any section of such Ordinances for which penalty is not provided, the general penalty as provided in Section 4 of this ordinance shall apply to the

section as amended, or, in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty is provided in another section of the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless the penalty is specifically repealed therein.

COPY

SECTION 7

That a copy of the Revised Subdivision Ordinance shall be kept on file in the office of the City Secretary in looseleaf form. It shall be the express duty of the City Secretary or his/her authorized representative to insert in the designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Revised Zoning Ordinance when the same has been printed or reprinted in page form by the codifier designated by the City Council and to extract from such Ordinances all provisions which may be from time to time repealed by the City Council. Such copy of such Ordinances shall be available for all persons desiring to examine the same at any time during regular business hours.

SECTION 8

That it shall be an offense for any person to change or amend, by additions or deletions, any part or portion of this Revised Zoning Ordinance, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause a law of the City of Pelican Bay to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

SECTION 9

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of the Revised Zoning Ordinance hereby adopted are severable and, if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, or sections, since the same would have been enacted by the City Council without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 10

That said Revised Zoning Ordinance shall be admitted in evidence without further proof and the City Secretary shall record said Ordinances as adopted in the ordinance records of the City, and thereafter such record shall serve as a record of the ordinances so codified and it shall not be necessary in establishing the context of any particular ordinance so codified to go beyond said record.

SECTION 11

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

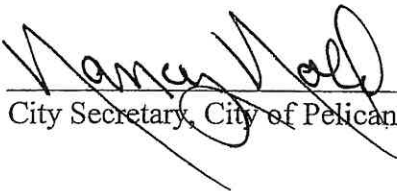
SECTION 12

That this ordinance shall take effect immediately from and after its passage and publication, as the law in such cases provides.


DULY ADOPTED by the City Council of the City of Pelican Bay, Texas, on this the 10th day of May, 2005.

ATTEST:

APPROVED:



City Secretary, City of Pelican Bay



Mayor, City of Pelican Bay

APPROVED AS TO FORM:

City Attorney

TABLE OF CONTENTS

SECTION NO.	SECTION TITLE	PAGE
	CAPTION TITLE	2
1	PURPOSE	2
2	ZONING DISTRICTS ESTABLISHED	2
2.1	Zoning Districts Identified	2
2.2	Description and Purpose of Zoning Districts	3
3	ZONING DISTRICT MAP	5
3.1	Zoning District Boundaries Delineated on Zoning District Map	5
3.2	Regulations for Maintaining Zoning District Map	6
4	ZONING DISTRICT BOUNDARIES	6
4.1	Rules for Determining District Boundaries	6
5	ZONING OF ANNEXED TERRITORY	7
5.1	Permanent Zoning Concurrent with Zoning	7
5.2	Temporary Classification	7
5.3	Regulations in Areas Temporarily Classified	7
6	COMPLIANCE WITH ZONING REGULATIONS	8
6.1	Compliance With Zoning Regulations Required	8
6.2	Building Permits Prohibited Without Plat	8
6.3	Exclusions	8
6.4	One Main Building on a Lot or Tract	8
7	A — AGRICULTURAL DISTRICT	9
7.1	General Purpose and Description	9
7.2	Permitted Uses	9
7.3	Permitted Specific Uses	11
7.4	Height and Area Regulations	11
7.5	Parking Regulations	11
8	SF-1 — SINGLE FAMILY RESIDENTIAL DISTRICT	11
8.1	General Purpose and Description	11
8.2	Permitted Uses	11
8.3	Permitted Specific Uses	12
8.4	Height and Area Regulations	12
8.5	Parking Regulations	12
9	SF-2 — SINGLE FAMILY RESIDENTIAL DISTRICT	12
9.1	General Purpose and Description	12
9.2	Permitted Uses	12
9.3	Permitted Specific Uses	12
9.4	Height and Area Regulations	12
9.5	Parking Regulations	13
10	SF-3 — SINGLE FAMILY RESIDENTIAL DISTRICT	13
10.1	General Purpose and Description	13
10.2	Permitted Uses	13
10.3	Permitted Specific Uses	13
10.4	Height and Area Regulations	13

10.5	Parking Regulations	14
11	TF — TWO FAMILY RESIDENTIAL (DUPLEX) DISTRICT	14
11.1	General Purpose and Description	14
11.2	Permitted Uses	14
11.3	Permitted Specific Uses	14
11.4	Height and Area Regulations	14
11.5	Parking Regulations	14
12	MH-1 — MANUFACTURED HOME PARK DISTRICT	15
12.1	General Purpose and Description	15
12.2	Permitted Uses	15
12.3	Permitted Specific Uses	15
12.4	Height and Area Regulations	15
12.5	Parking Regulations	15
12.6	Additional Restrictions Applicable to MH-1 District	16
13	MH-2 — MANUFACTURED HOME SUBDIVISION DISTRICT	16
13.1	General Purpose and Description	16
13.2	Permitted Uses	16
13.3	Permitted Specific Uses	17
13.4	Height and Area Regulations	17
13.5	Parking Regulations	17
13.6	Additional Restrictions Applicable to MH-1 District	17
14	MF — MULTIFAMILY RESIDENTIAL DISTRICT	18
14.1	General Purpose and Description	18
14.2	Permitted Uses	18
14.3	Permitted Specific Uses	18
14.4	Height and Area Regulations	18
14.5	Parking Regulations	19
14.6	Additional Restrictions Applicable to Mobile Home Park District	19
14.7	Screening Fence	19
14.8	Special Fire Protection Requirements	19
15	C-1 — COMMERCIAL DISTRICT - OFFICE, LIGHT RETAIL, AND NEIGHBORHOOD SERVICES	20
15.1	General Purpose and Description	20
15.2	Permitted Uses	20
15.3	Permitted Specific Use	20
15.4	Height and Area Regulations	21
15.5	Parking Regulations	21
15.6	Special Masonry Requirements	21
16	C-2 — GENERAL BUSINESS DISTRICT	21
16.1	General Purpose and Description	21
16.2	Permitted Uses	21
16.3	Permitted Specific Uses	22
16.4	Height and Area Regulations	22
16.5	Parking Regulations	22
16.6	Special Masonry Requirements	22
16A	C-2 — CENTRAL BUSINESS DISTRICT	22
16A.1	General Purpose and Description	22
16A.2	Permitted Uses	22

16A.3	Permitted Specific Uses	23
16A.4	Height and Area Regulations	23
16A.5	Parking Regulations	23
16A.6	Special Masonry Requirements	23
17	M-1 — MANUFACTURING/INDUSTRIAL DISTRICT — LIGHT	23
17.1	General Purpose and Description	23
17.2	Permitted Uses	24
17.3	Permitted Specific Uses	24
17.4	Height and Area Regulations	24
17.5	Parking Regulations	25
18	M-2 — MANUFACTURING/INDUSTRIAL DISTRICT — HEAVY	25
18.1	General Purpose and Description	25
18.2	Permitted Uses	26
18.3	Permitted Specific Uses	26
18.4	Height and Area Regulations	26
18.5	Parking Regulations	27
19	IN — INSTITUTIONAL DISTRICT	27
19.1	General Purpose and Description	27
19.2	Permitted Uses	27
19.3	Permitted Specific Uses	27
19.4	Height and Area Regulations	27
19.5	Parking Regulations	27
20	PD — PLANNED DEVELOPMENT DISTRICT	28
20.1	General Purpose and Description	28
20.2	Permitted Uses	28
20.3	Development Standards	28
20.4	Conceptual and Development Plans	28
20.5	Written Report May Be Required	31
20.6	Planned Developments To Be Recorded	31
21	FP — FLOOD PLAIN DISTRICT	32
21.1	General Purpose and Description	32
21.2	Permitted Uses	32
21.3	City Council Approval Required	32
22	USE OF LAND AND BUILDINGS	33
	SCHEDULE OF USES	33(i)-33(xiii)
23	DESCRIPTIONS/DEFINITIONS OF USES	35
23.1	Residential Uses	35
23.2	Educational, Institutional, and Special Uses	38
23.3	Transportation, Utility, and Communications Uses	42
23.4	Automobile and Related Service Uses	43
23.5	Retail and Service Type Uses	46
23.6	Manufacturing, Storage, and Warehousing Uses	52
23.7	Accessory Uses	56
24	SPECIAL USES⁷¹	
24.1	Child Care Centers	60
24.2	Construction Yards, Field Offices, and Other Temporary Buildings	60

24.3	Radio, Television, and Microwave Towers	61
24.4	Residence Hotels	61
24.5	Garden (Patio) Homes	62
24.6	Multifamily Residences	64
24.7	Service Stations	65
24.8	Swimming Pools	65
24.9	Fences	65
25	"SUP SPECIFIC USE PERMIT	66
25.1	General Provisions	66
25.2	Specific Use Permit Regulations	67
26	OFF-STREET PARKING AND LOADING REQUIREMENTS	69
26.1	Purpose	69
26.2	Special Off-Street parking Provisions - Residential Districts	69
26.3	Size of Space	69
26.4	Parking Area Standards	70
26.5	Off-Street Parking Incidental to Main Use	70
26.6	Schedule of Parking Requirements Based on Use	70
26.7	Off-Street Parking Requirements for Uses Not Listed	74
26.8	Rules for Computing Number of Parking Spaces	75
26.9	Location of Parking Spaces	76
26.10	Use of Parking Spaces - All Districts	76
26.11	Special Off-Street Parking Regulations	76
26.12	Design Standards for Parking Structures	78
26.13	Off-Street Loading	78
26.14	Stacking Requirements for Drive-Through Facilities	79
27	ACCESSORY BUILDING REGULATIONS	80
27.1	Height	80
27.2	Area Regulations for Accessory Buildings or Structures in Residential and Apartment Districts	80
28	PLATTING PROPERTY NOT PERMANENTLY ZONED	80
28.1	Zoning Required Prior to Approval of Plat	80
28.2	Annexation Prior to Approval of Plat	81
28.3	Contemporaneous Action on Zoning and Annexation	81
29	CLASSIFICATION OF NEW AND UNLISTED USES	81
29.1	Procedure for Classifying New/Unlisted Uses	81
30	CREATION OF BUILDING SITE	82
30.1	Procedure for Creating Building Site/Lot	82
31	NON-CONFORMING USES AND STRUCTURES	82
31.1	Uses in Existence at Time of Adoption of Ordinance	82
31.2	Expansion of Non-Conforming Use Prohibited	83
31.3	Repairs/Normal Maintenance on Non-Conforming Uses Permitted	83
31.4	Change of Non-Conforming to Conforming Use	83
31.5	Abandonment/Discontinuation of Non-Conforming Use	83
31.6	Accidental Destruction of Non-Conforming Use	83
31.7	Replacement of Non-Conforming HUD-Code Manufactured Home	83
32	PLANNING AND ZONING COMMISSION	84

32.1	Organization and Appointment	84
32.2	Duties and Authority	85
33	ZONING BOARD OF ADJUSTMENT	86
33.1	Creation, Membership, and Procedures	86
33.2	Powers and Duties of Board	87
33.3	Appeals	88
33.4	Variances	89
33.5	Changes	91
34	RULES OF CONSTRUCTION AND SPECIAL DEFINITIONS	91
34.1	General Rules of Construction	91
34.2	Special Definitions	102
35	BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY	102
35.1	General Requirements	102
35.2	Procedure for New or Altered Buildings	102
35.3	Procedure for Vacant Land or a Change in Use	103
35.4	Contents of Certificate of Occupancy	103
35.5	Temporary Certificate	103
35.6	Certificates for Non-Conforming Use	103
36	CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES	104
36.1	Declaration of Policy	104
36.2	Authority to Amend Ordinance	104
36.3	Public Hearing and Notice	104
36.4	Action of the City Council	106
36.5	Effect of Denial of Petition	107
36.6	Final Approval and Ordinance Adoption	108
36.7	Changes in Zoning Regulations	108
37	SCHEDULE OF FEES, CHARGES, AND EXPENSES	108
38	PENALTY FOR VIOLATIONS	109
39	VALIDITY, SEVERANCE, AND CONFLICT	109
40	EFFECTIVE DATE	109
APPENDIX 1 — AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS		A-1

CITY OF PELICAN BAY, TEXAS

ORDINANCE NO. 180

AN ORDINANCE OF THE CITY OF PELICAN BAY, TEXAS, REVISING AND AMENDING THE CITY'S COMPREHENSIVE ZONING PLAN AND ZONING MAP AND DIVIDING THE CITY INTO SEVERAL DISTRICTS; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING, AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR SPECIFIC USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; PROVIDING FOR CERTIFICATES OF OCCUPANCY AND COMPLIANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the existing Zoning Ordinance of the City of Pelican Bay, and amendments thereto, does not accurately reflect the current pattern of land uses within the City; and

WHEREAS, the existing Zoning Ordinance, and amendments thereto, does not adequately protect property owners in the city from adverse and incompatible land uses; and

WHEREAS, the existing Zoning Ordinance, and amendments thereto, does not include zoning categories which adequately account for certain land uses and development patterns; and

WHEREAS, it is impractical to incorporate the changes to the existing Zoning Ordinance, and amendments thereto, into the existing Zoning Ordinance through the standard ordinance amendment process, due to the extent of change in zoning categories, regulations, and other language; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELICAN BAY, TEXAS, THAT THE CITY'S EXISTING COMPREHENSIVE ZONING ORDINANCE AND MAP AND ALL AMENDMENTS THERETO ARE HEREBY REPLACED BY THE FOLLOWING ORDINANCE WHICH SHALL PROVIDE AS FOLLOWS:

TITLE

This ordinance shall be known and may be cited as "The City of Pelican Bay Zoning Ordinance".

SECTION 1 PURPOSE

Zoning Regulations and Districts are herein established in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the City. They are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, and to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 2 ZONING DISTRICTS ESTABLISHED

2.1. Zoning Districts Identified

The City of Pelican Bay, Texas, is hereby divided into zoning districts as listed in this section.

**ABBREVIATED
DESIGNATION**

ZONING DISTRICT NAME

A	Agricultural District
SF-1	Single Family Residential District - 1
SF-2	Single Family Residential District - 2
SF-3	Single Family Residential District - 3
TF	Two Family Residential (Duplex) District

MH-1	Manufactured Home Park District
MH-2	Manufactured Home Subdivision District
MF	Multifamily District
C-1	Commercial District - Office, Light Retail, and Neighborhood Services
C-2	Commercial District - General
CBD	Central Business District
M-1	Manufacturing/Industrial District - Light
M-2	Manufacturing/Industrial District - Heavy
I	Institutional District
PD	Planned Development District
FP	Flood Plain District

2.2. Description and Purpose of Zoning Districts

A — Agricultural District: This district provides for the continuance of farming, ranching, and commercial gardening activities on land being utilized for these purposes. When land in an Agricultural District is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Comprehensive Plan. See Section 7 for A — Agricultural District regulations.

SF-1 — Single Family Residential District - 1: The SF-1 district provides for a minimum residential building site of 7,500 square feet. Density in this district will usually be no greater than four (4) units per gross acre. See Section 8 for SF-1 — Single Family Residential District regulations.

SF-2 — Single Family Residential District - 2: The SF-2 district provides for a minimum residential building site of 6,000 square feet and permits residential development of densities ranging from four (4) to six (6) units per gross acre. See Section 9 for SF-2 — Single Family Residential District regulations.

SF-3 — Single Family Residential District - 3: The SF-3 district provides for a minimum residential building site of 6,000 square feet and permits residential development of densities ranging from four (4) to six (6) units per gross acre. This district accommodates

a mix of single family uses, including modular housing and traditional site-built single family residential structures, with manufacturing housing permitted under certain specific circumstances. See Section 10 for SF-3 — Single Family Residential District regulations.

TF — Two Family Residential (Duplex) District: The TF district provides for stable, quality residential development, including duplex, garden (patio) home, and similar residential development with densities ranging from four (4) to twelve (12) units per gross acre. See Section 11 for TF — Two Family Residential (Duplex) District regulations.

MH-1 — Manufactured Home Park District: The MH-1 district establishes a category in which manufactured home park development with a maximum density of approximately five (5) - six (6) units per gross acre can occur. See Section 12 for MH-1 — Manufactured Home Park District regulations.

MH-2 — Manufactured Home Subdivision District: The MH-2 district establishes a category in which a tract can be platted and developed with lots sold to persons seeking to locate manufactured homes, modular homes, and/or standard single family units. The MH-2 district permits residential development of densities ranging from four (4) to six (6) units per gross acre. See Section 13 for MH-1 — Manufactured Home Park District regulations.

MF — Multifamily District: The MF district permits multifamily developments of maximum densities of fifteen (15) units per acre, except under special mitigation conditions. See Section 14 for MF — Multiple-Family Dwelling District regulations.

C-1 — Commercial District - Office, Light Retail, and Neighborhood Services: Retail, commercial, and office uses developed under the standards of the C-1 District are designed to provide a compatible relationship between the C-1 development and adjacent residential areas. See Section 15 for C-1 — Commercial District - Office, Light Retail, and Neighborhood Services regulations.

C-2 — Commercial District - General: Uses which require considerable space for display, sales, or open storage, or by the nature of the use are generally not compatible with residential uses are located in the C-2 Commercial District. See Section 16 for C-2 — General Commercial District regulations.

CBD — Central Business District: The Central Business District is established to accommodate the unique characteristics of the historical center of the city and to ensure that future development in the CBD is compatible with maintaining the economic and historic integrity of the area. The Central Business District is designed to provide an area for shopping, dining, working, and entertainment which will remain active during evenings and weekends as well as standard work hours.

M-1 — Manufacturing/Industrial District - Light: The Light Manufacturing/Industrial District is established to accommodate uses of a non-nuisance type located in relatively close proximity to residential and C-1 business areas. Development in the M-1 district is limited primarily to certain wholesale, jobbing, and warehouse uses and certain specialized manufacturing and research uses of a type which will not create nuisances, as well as any commercial uses. See Section 17 for M-1 — Manufacturing/Industrial District - Light regulations.

M-2 — Manufacturing/Industrial District - Heavy: The Heavy Manufacturing/Industrial District is established to accommodate industrial uses not appropriate for inclusion in the M-1 district and likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses. See Section 18 for M-2 — Manufacturing/Industrial District - Heavy regulations.

I — Institutional District: The Institutional District is established to accommodate uses of a generally non-commercial institutional and/or group quarters character. Such uses typically have residential characteristics or have symbiotic relationships with residential neighborhoods. See Section 19 for I — Institutional District regulations.

PD — Planned Development District: The Planned Development District provides a zoning category for the planning and development of larger tracts of land or tracts of land with unique characteristics for a single use or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect to the protection of surrounding property. See Section 20 for PD — Planned Development District regulations.

FP — Flood Plain District: Zoning districts located in flood hazard areas which are subject to periodic inundation shall be preceded by the prefix FP, indicating a subdistrict. Areas designated FP may be used only for those uses listed in the provisions of Section 22 until a use in any area or any portion thereof located in FP subdistrict has been approved by the City Council. Approval shall only be given after engineering studies determine that the area, or any portion thereof, is suitable for uses in the district, and building construction or development would not create an obstruction to drainage nor a hazard to life or property, and that such construction is not contrary to the public interest. See Section 21 for FP — Flood Plain District regulations.

SECTION 3 ZONING DISTRICT MAP

3.1. Zoning District Boundaries Delineated on Zoning District Map

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Pelican Bay, Texas, said map being hereby adopted as part of this ordinance as if the same were set forth herein in detail.

3.2. Regulations for Maintaining Zoning District Map

Two (2) original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:

- 3.2.1. One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
- 3.2.2. One copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits and for enforcing the Zoning Ordinance. A written record (logbook) shall be kept by the Building Official of all changes made to the Zoning District Map.
- 3.2.3. Reproductions of the official Zoning District Map may be made for information purposes.

SECTION 4 ZONING DISTRICT BOUNDARIES

4.1. Rules for Determining District Boundaries

The district boundary lines shown on the zoning district map 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 map, the following rules shall apply:

- 4.1.1. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
- 4.1.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- 4.1.3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 4.1.4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- 4.1.5. Boundaries indicated as approximately following the centerlines of streams, drainageways, or other bodies of water shall be construed to follow such centerlines.

- 4.1.6. Boundaries indicated as parallel to or extensions of features indicated in 4.1.1 through 4.1.5 above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.
- 4.1.7. Whenever a street, alley or other public way is vacated by official action of the City Council, or whenever a street or alley area is franchised for building purposes, 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 areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- 4.1.8. Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections 4.1.1 through 4.1.7, or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified A — Agricultural District, temporarily. In an area determined to be temporarily classified as A — Agricultural District, no person shall construct, add to or alter any building or structure or cause the same to be done, nor shall any use be located therein or on the land which is not permitted in an A — Agricultural District, unless and until such territory has been zoned to permit such use by the City Council. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

SECTION 5 ZONING OF ANNEXED TERRITORY

5.1. Permanent Zoning Concurrent with Zoning

An area or areas being annexed to the City of Pelican Bay shall ordinarily be given permanent zoning concurrently with the annexation.

5.2. Temporary Classification

In instances in which the zoning of an annexed territory concurrently with the annexation is impractical, the annexed territory shall be temporarily classified as A — Agricultural District, until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations. The City Council shall determine a permanent zoning for such area as soon as practicable after annexation.

5.3. Regulations in Areas Temporarily Classified

In an area temporarily classified as A — Agricultural District:

- 5.3.1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Pelican Bay without first applying for and obtaining a building permit or certificate of occupancy from the building official or the City Council, as may be required.
- 5.3.2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the Agricultural District, unless and until such territory has been classified in a zoning district other than the Agricultural District by the City Council in the manner prescribed by the law.

SECTION 6 COMPLIANCE WITH ZONING REGULATIONS

6.1. Compliance With Zoning Regulations Required

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

6.2. Building Permits Prohibited Without Plat

No permit for the construction or placement of a building or buildings upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and City Council and filed in the Plat Records of county or counties in which the plot or tract is located.

6.3. Exclusions

Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this ordinance and which entire building shall be completed within one (1) year from the date of the passage of this ordinance.

6.4. One Main Building on a Lot or Tract

Only one main building for one family or two family use with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street or approved place other than an alley, which street or approved place shall have a minimum width of twenty-two (22) feet. Where a lot is used for 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. 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 City Council. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

SECTION 7 A — AGRICULTURAL DISTRICT

7.1. General Purpose and Description

The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

7.2. Permitted Uses

A building or premise shall be used only for the following purposes:

- 7.2.1. Single-family dwellings on building lots of three (3) acres or more in areas where said dwellings can be adequately served by city utilities or septic tanks located on the building lot provided, however, that no HUD Code manufactured housing shall be allowed unless it is at least a double wide and then only with a specific use permit.
- 7.2.2. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained; gas lines; and gas regulating stations.
- 7.2.3. Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent (10%) of the gross land area of the tract.

Reserved for future use.

7.2.4. Temporary metal buildings of less than six hundred (600) square feet which are used for tool and supply storage.

7.2.5. Riding academy or other equestrian related activities.

7.2.6. Other uses as listed in Section 22 of this ordinance.

7.3. Permitted Specific Uses

The following specific uses shall be permitted in the Agricultural District, when granted in accordance with Section 25:

7.3.1. Uses as listed in Section 22 of this ordinance.

7.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

7.5. Parking Regulations

Two (2) covered spaces behind the front yard line for single family dwelling units and HUD Code manufactured homes. Other off-street parking space regulations are set forth in Section 26.

SECTION 8 SF-1 — SINGLE FAMILY RESIDENTIAL DISTRICT - 1

8.1. General Purpose and Description

The Single Family Residential District - 1 is designed to accommodate the standard single family residential development. The district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses. Densities in this district will not usually exceed four (4) units per gross acre.

8.2. Permitted Uses

A building or premise in an SF-1 District shall be used only for the following purposes:

8.2.1. Uses as listed in Section 22 of this ordinance.

8.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-1 District, when granted in accordance with Section 25:

- 8.3.1. Uses as listed in Section 22 of this ordinance.

8.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

8.5. Parking Regulations

A minimum of two (2) parking spaces shall be provided per unit behind the building line. Other off-street parking space regulations are set forth in Section 26.

SECTION 9 SF-2 — SINGLE FAMILY RESIDENTIAL DISTRICT - 2

9.1 General Purpose and Description

The Single Family Residential District - 2 is intended to provide for medium density single family residential development. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas. Density in this district will range between four (4) and six (6) units per gross acre.

9.2. Permitted Uses

A building or premise shall be used only for the following purposes:

- 9.2.1. Uses as listed in Section 22 of this ordinance.

9.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-2 district, when granted in accordance with Section 25:

- 9.3.1. Uses as listed in Section 22 of this ordinance.

9.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, And Coverage Regulations.

9.5. Parking Regulations:

A minimum of one (1) parking space shall be provided per unit behind the front yard line. Other off-street parking space regulations are set forth in Section 26.

SECTION 10 SF-3 — SINGLE FAMILY RESIDENTIAL DISTRICT - 3

10.1 General Purpose and Description

The Single Family Residential District - 3 is intended to provide for medium density single family residential development. This district differs from the SF-2 District in that it accommodates a mix of single family uses, including manufactured housing, modular housing, and traditional site-built single family residential structures. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas. Density in this district will range between four (4) and six (6) units per gross acre.

10.2. Permitted Uses

A building or premise shall be used only for the following purposes:

10.2.1. Uses as listed in Section 22 of this ordinance.

10.3. Permitted Specific Uses

The following specific uses shall be permitted in an SF-3 district, when granted in accordance with Section 25:

10.3.1. Uses as listed in Section 22 of this ordinance.

10.4. Height and Area Regulations:

See Appendix 1, Area, Setback, Height, And Coverage Regulations.

10.5. Parking Regulations:

A minimum of one (1) parking space shall be provided per unit behind the front yard line. Other off-street parking space regulations are set forth in Section 26.

SECTION 11 TF — TWO FAMILY RESIDENTIAL (DUPLEX) DISTRICT

11.1 General Purpose and Description

The purpose of the Two Family Residential (Duplex) District is to promote stable, quality residential development of slightly increased densities. Consistent with the city's Comprehensive Plan, this district may be used as a "buffer" district between low density and high density districts or between residential and non-residential districts.

11.2. Permitted Uses

A building or premise shall be used only for the following purposes:

11.2.1. Uses as listed in Section 22 of this ordinance.

11.3. Permitted Specific Uses

The following specific uses shall be permitted in the TF District, when granted in accordance with Section 25:

11.3.1. Uses as listed in Section 22 of this ordinance.

11.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

11.5. Parking Requirements

Off-street parking shall be provided in accordance with the requirements for uses set forth in Section 26.

SECTION 12 MH-1— MANUFACTURED HOME PARK DISTRICT

12.1. General Purpose and Description

The Manufactured Home Park District is intended to provide for quality mobile home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

12.2. Permitted Uses

A building or lot shall be used only for the following purposes:

- 12.2.1. Manufactured home park of not less than eight (8) nor more than twenty-five(25) acres in size.
- 12.2.2. Uses normally accessory to a manufactured home park, including office and/or maintenance buildings for management and maintenance of the park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities, and recreation areas for use by the resident of the park.
- 12.2.3. Other uses as listed in Section 22 of this ordinance.

12.3. Permitted Specific Uses

The following specific uses shall be permitted in the MH-1 District when granted in accordance with Section 25:

- 12.3.1. Boat and recreational vehicle and travel trailer storage yard.
- 12.3.2. Travel trailer and commercial overnight camping park.
- 12.3.3. Other uses as listed in Section 22 of this ordinance.

12.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

12.5. Parking Requirements

Two (2) spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in Section 26.

12.6. Additional Restrictions Applicable to Mobile Home Park District

- 12.6.1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.
- 12.6.2. All manufactured homes shall be set on a solid slab structure and/or 18"—20" runners and/or pier and beam construction consistent with Rural Economic and Community Development Administration (formerly Farmer's Home Administration) standards. Additional rooms and enclosed porches shall be constructed on a solid slab.
- 12.6.3. Tie-downs will be required and will be secured prior to occupancy.
- 12.6.4. Underpinning and skirting will be required and will be installed prior to occupancy. Upon determination by the City Administrator that a bona fide hardship will be incurred by this provision, a waiver of up to ninety (90) days occupancy may be granted prior to strict enforcement of this provision.
- 12.6.5. Accessory buildings will be either manufactured or constructed in accordance with city codes.
- 12.6.6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this ordinance.

SECTION 13 "MH-2" MANUFACTURED HOME AND MODULAR HOUSING SUBDIVISION DISTRICT

13.1 General Purpose and Description

The "MH-2" Manufactured Home (HUD Code) and Modular Housing Subdivision district is intended to provide for quality mobile home and modular home subdivision development containing most of the characteristics and atmosphere of a standard single family residential subdivision.

13.2 Permitted Uses

A building or premise shall be used only for the following purposes:

13.2.1. Uses as listed in Section 22 of this ordinance.

13.3. Permitted Specific Uses

The following specific uses shall be permitted in the MH-2 District, when granted in accordance with Section 22.

13.3.1 Uses as listed in Section 22 of this ordinance.

13.4. Height, Setback, and Area Regulations:

See Appendix 1, Area, Setback, Height, And Coverage Regulations.

13.5. Parking Requirements

Two (2) spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in Section 26.

13.6. Additional Restrictions Applicable to Mobile Home Subdivision District:

- 13.6.1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.
- 13.6.2. All manufactured homes shall be set on a solid slab structure and/or 18"—20" runners and/or pier and beam construction consistent with Rural Economic and Community Development Administration (formerly Farmer's Home Administration) standards. Additional rooms and enclosed porches shall be constructed on a solid slab.
- 13.6.3. Tie-downs will be required and will be secured prior to occupancy.
- 13.6.4. Underpinning and skirting will be required and will be installed prior to occupancy. Upon determination by the City Administrator that a bona fide hardship will be incurred by this provision, a waiver of up to ninety (90) days occupancy may be granted prior to strict enforcement of this provision.

- 13.6.5. Accessory buildings will be either manufactured or constructed in accordance with city codes.
- 13.6.6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

SECTION 14 MF — MULTIFAMILY RESIDENTIAL DISTRICT

14.1. General Purpose and Description

The Multifamily Residential District is intended to provide for medium to higher density residential development. This district functions as a buffer or transition between major streets, non-residential areas, or higher density residential areas and lower density residential areas. Density in this district does not ordinarily exceed fifteen (15) units per gross acre but can reach a maximum of twenty-five (25) units per gross acre if special fire protection requirements are observed (see Section 14.8).

14.2. Permitted Uses

A building or premise shall be used only for the following purposes:

- 14.2.1. Three (3) or more single family attached dwelling units, provided that no more than seven (7) dwelling units are attached in one continuous row or group.
- 14.2.2. Other uses as listed in Section 22 of this ordinance.

14.3. Permitted Specific Uses

The following specific uses shall be permitted when granted in accordance with Section 25:

- 14.3.1. Uses as listed in Section 22 of this ordinance.

14.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

When buildings exceed one (1) story in height, an automatic sprinkler system shall be installed in accordance with existing fire codes and each unit shall have two (2) points of entry or exit.

14.5. Parking Regulations

Two and one-half (2.5) off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in Section 26.

14.6. Refuse Facilities

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

14.7. Screening Fence

Border fencing of wood or masonry of not less than six (6) feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

14.8. Special Fire Protection Requirements

Whenever densities of greater than fifteen (15) units per acre are present, each building in the development shall contain an automatic sprinkler system to be installed at the time of construction, and thereafter operated in accordance with currently applicable fire safety codes.

In addition, each unit in any multi-story design, regardless of density, shall be provided with two (2) points of entry and exit with each providing separate access to places of safety in the event of fire or other emergency.

SECTION 15 C-1 — COMMERCIAL DISTRICT - OFFICE, LIGHT RETAIL, AND NEIGHBORHOOD SERVICES

15.1. General Purpose and Description

The Commercial District - 1 is intended for office facilities, neighborhood shopping facilities, and retail and commercial facilities of a service character. The C-1 District is established to accommodate the daily and frequent needs of the community. The following regulations shall be applicable to all uses in the district:

- 15.1.1. The business shall be conducted wholly within an enclosed building;
- 15.1.2. Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or waste material;
- 15.1.3. All merchandise shall be sold at retail on the premises; and
- 15.1.4. Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

15.2. Permitted Uses

A building or premise shall be used only for the following purposes:

- 15.2.1. Discount, variety, or department store of not greater than twenty thousand (20,000) square feet floor space.
- 15.2.2. Food store with floor space not greater than twenty thousand (20,000) square feet.
- 15.2.3. Gasoline service station (no garage or automobile repair facilities).
- 15.2.4. Other uses as listed in Section 22 of this ordinance.

15.3. Permitted Specific Uses

The following specific uses shall be permitted in the C-1 District, when granted in accordance with Section 25:

- 15.3.1. Broadcasting facilities, radios, television, or microwave tower.
- 15.3.2. Gasoline service station with associated minor automobile repair facility with floor space not greater than two thousand five hundred (2,500) square feet.

15.3.3. Other uses as listed in Section 22 of this ordinance.

15.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

15.5. Parking Regulations

Off-street parking and loading shall be provided as set forth in Section 26.

15.6 Special Masonry Requirements

All structures, excluding accessory buildings, located in commercial/business zones (C-1 and C-2) and which have frontage on U. S. Highway 67 or Interstate Highway 35W shall have not less than sixty-five percent (65%) of the exterior wall facing U. S. Highway 67 and/or Interstate Highway 35W constructed of masonry materials. Variances from this provision may be granted by the City Council if petitioner demonstrates that the intent of the masonry requirement is being satisfied by use of other materials or that the conditions of the particular location make the masonry requirement unnecessary or unreasonable. Cost of satisfying the masonry requirement shall not be a consideration in determining whether a variance should be granted.

SECTION 16 C-2 — GENERAL COMMERCIAL DISTRICT

16.1. General Purpose and Description

The General Commercial District is intended to provide a zoning category similar to the C-1 District, except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of service and repair uses is permitted.

16.2. Permitted Uses

A building or premise shall be used only for the following purposes:

16.2.1. Uses as listed in Section 22 of this ordinance.

16.3. Permitted Specific Uses

The following specific uses shall be permitted in a C-2 District, when granted in accordance with Section 25:

16.3.1. Other uses as listed in Section 22 of this ordinance.

16.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

16.5. Parking Requirements

Off-street parking requirements shall be provided in accordance with Section 26.

16.6. Special Masonry Requirements

All structures, excluding accessory buildings, located in commercial/business zones (C-1 and C-2) shall have not less than sixty-five percent (65%) of the exterior wall constructed of masonry materials. Variances from this provision may be granted by the City Council if petitioner demonstrates that the intent of the masonry requirement is being satisfied by use of other materials or that the conditions of the particular location make the masonry requirement unnecessary or unreasonable. Cost of satisfying the masonry requirement shall not be a consideration in determining whether a variance should be granted.

SECTION 16A. CBD — CENTRAL BUSINESS DISTRICT

16A.1 General Purpose and Description

The Central Business District is established to accommodate the unique characteristics of the historical center of the city and to ensure that future development in the CBD is compatible with maintaining the economic and historic integrity of the area. The Central Business District is designed to provide an area for shopping, dining, working, and entertainment which will remain active during evenings and weekends as well as standard work hours.

16A.2. Permitted Uses

A building or premise shall be used only for the following purposes:

16A.2.1. Uses as listed in Section 22 of this ordinance.

16A.3. Permitted Specific Uses

The following specific uses shall be permitted in a C-2 District, when granted in accordance with Section 25:

16A.3.1. Other uses as listed in Section 22 of this ordinance.

16A.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

16A.5. Parking Requirements

Off-street parking requirements shall be provided in accordance with Section 26.

SECTION 17 M-1 — MANUFACTURING/INDUSTRIAL DISTRICT — LIGHT

17.1. General Purpose and Description

The Light Manufacturing/Industrial District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the M-1 District is limited primarily to certain storage, wholesale, and industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the M-2 District may be permitted in the M-1 District.

Uses permitted in the M-1 District are subject to the following conditions:

17.1.1. All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed areas.

17.1.2. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or

effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.

- 17.1.3. Permitted uses in the M-I District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.
- 17.1.4. Permitted uses in the M-I District shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.
- 17.1.5. Permitted uses in the M-I District shall not create fire hazards on surrounding property.

17.2. Permitted Uses

A building or premise shall be used only for the following purposes:

- 17.2.1. Uses as listed in Section 22 of this ordinance.

17.3. Permitted Specific Uses

The following specific uses shall be permitted in the M-I District when granted in accordance with Section 25:

- 17.3.1. Machine shops and fabrication of metal not more than ten (10) gauge in thickness.
- 17.3.2. Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction.
- 17.3.3. Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings.
- 17.3.4. Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
- 17.3.5. Other uses as listed in Section 22 of this ordinance.
- 17.3.6. Sexually oriented businesses:
 - (1) Sexually oriented businesses shall be allowed only in those locations shown on Table 6D of the Comprehensive Zoning Ordinance as amended by adding such use as shown on Exhibit A hereto, within the Manufacturing/Industrial District

("M-2") where a specific use permit has been obtained in the same manner as other zone changes have been granted. No such permit shall be granted for any location which is within 1,000 feet of:

- a. A church;
- b. A public or private elementary or secondary school;
- c. Residentially zoned property;
- d. A public park; or
- e. Another sexually oriented business.

(2) For the purposes of subparagraph (1) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park or residential zoning district, or sexually oriented business.

(3) No zone change for a special use permit for a sexually oriented business shall be granted until the applicant therefore provides proof of compliance with Section 243.0075, Texas Loc. Gov't Code.

17.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

17.5. Parking Regulations

Off-street parking requirements shall be provided in accordance with the specific uses set forth in Section 26.

SECTION 18 M-2 — MANUFACTURING/INDUSTRIAL DISTRICT — HEAVY

18.1. General Purpose and Description

The Heavy Manufacturing/Industrial District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

Uses permitted in the M-2 District are subject to the following conditions:

- 18.1.1. All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated.
- 18.1.2. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively, screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.
- 18.1.3. All uses permitted in the M-2 district must meet the following performance standards and any appropriate city ordinances:
- 18.1.3.a. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to smoke emission;
- 18.1.3.b. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;
- 18.1.3.c. Dust, Odor, Gas, Fumes, Glare, or Vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;
- 18.1.3.d. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;
- 18.1.3.e. Noise: No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise at the property line shall not exceed 75 db(A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise; and
- 18.1.3.f. Water Pollution: No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State and national health and environmental protection agencies prior to issuance of a certificate of occupancy.

The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

18.2. Permitted Uses

The following uses shall be permitted:

18.2.1. Uses as listed in Section 22 of this ordinance.

18.3. Permitted Specific Uses

The following specific uses shall be permitted in the M-2 District when granted in accordance with Section 25:

18.3.1. Uses as listed in Section 22 of this ordinance.

Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes may be permitted by the City Council after public hearing and review of the particular operational characteristics of each such use, and other pertinent data affecting the community's general welfare. Approval of uses under this section shall be made in accordance with Section 34.2.2.6.

18.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

18.5. Parking Regulations

Required off-street parking shall be provided in accordance with the specific uses set forth in Section 26.

SECTION 19 I— INSTITUTIONAL DISTRICT

19.1 General Purpose and Description

The Institutional District "I" prefix is intended to provide for uses of a generally non-commercial institutional and/or group quarters character. Such uses typically have uses which are not compatible with low and medium density residential development but

which often have residential characteristics or have symbiotic relationships with residential neighborhoods.

19.2. Permitted Uses

19.2.1. Uses as listed in Section 22 of this ordinance.

19.3. Permitted Specific Uses

The following specific uses shall be permitted in the I District when granted in accordance with Section 25:

19.3.1. Uses as listed in Section 22 of this ordinance.

19.4. Height and Area Regulations

See Appendix 1, Area, Setback, Height, and Coverage Regulations.

19.5. Parking Regulations

Required off-street parking shall be provided in accordance with the specific uses set forth in Section 26.

SECTION 20 PD — PLANNED DEVELOPMENT DISTRICT

20.1. General Purpose and Description

The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

20.2. Permitted Uses

Any use specified in the ordinance granting a Planned Development District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

20.3. Development Standards

- 20.3.1. Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.
- 20.3.2. In the PD District, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
- 20.3.3. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.
- 20.3.4. The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

20.4. Conceptual and Development Plans

In establishing a Planned Development District, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the City Council shall require a conceptual plan and a development plan (or detail site plan).

20.4.1. Conceptual Plan

This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development.

- 20.4.1.1. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary plotting arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and

location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

20.4.1.2. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include but is not limited to the types of use(s), topography, and boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.

20.4.1.3. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the City Council shall determine the conformity.

20.4.2. Development Plan or Detailed Site Plan

This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the City Council. A public hearing on approval of the development plan shall be required at the Council level, unless such a hearing is waived pursuant to Section 20.4.3.1 at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

20.4.2.1. A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.

20.4.2.2. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location

and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet.

- 20.4.2.3. A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
- 20.4.2.4. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
- 20.4.2.5. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single family and two family may be required by the City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

20.4.3. Procedure for Establishment

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 37. This procedure is expanded as follows for approval of conceptual and development plans.

- 20.4.3.1. Separate public hearings shall be held by the City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:
 - a) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or
 - b) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and
 - c) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
- 20.4.3.2. The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.
- 20.4.3.3. The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the City Council for the initial and subsequent sections will be required.

- 20.4.3.4. An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to reapproval by the City Council. If the entire project is not completed within two (2) years, the City Council may review the original conceptual plan to ensure its continued validity.
- 20.4.3.5. Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.

20.5. Written Report May Be Required

When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the City Council.

20.6. Planned Developments To Be Recorded

All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this ordinance.

SECTION 21 FP — FLOOD PLAIN DISTRICT

21.1. General Purpose and Description

The Flood Plain District is designed to provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding portions of certain districts. Such areas are designated with a Flood Plain Prefix, FP.

21.2. Permitted Uses

The permitted uses in that portion of any district having a Flood Plain (FP) prefix shall be limited to the following:

- 21.2.1. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings.
- 21.2.2. Off-street parking incidental to any adjacent main use permitted in the district.
- 21.2.3. Electrical substation.
- 21.2.4. All types of local utilities including those requiring specific use permits.
- 21.2.5. Parks, playgrounds, public golf courses (no structures), and other recreational areas.
- 21.2.6. Private open space as part of a Planned Residential Development.
- 21.2.7. Structures, installations, and facilities installed, operated, and maintained by public agencies for flood control purposes.
- 21.2.8. Bridle trail, bicycle, or nature trail.

21.3. City Council Approval Required

No structure shall be erected in that portion of any district designated with a Flood Plain, FP, prefix until and unless such structure has been approved by the City Council after engineering studies have been made and it is ascertained that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or public health and welfare.

SECTION 22 USE OF LAND AND BUILDINGS

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following Schedule of Uses listed in the following:

Table 1	Accessory and Incidental Uses Residential Uses
Table 2A	Educational, Institutional, and Special Uses (cont.)
Table 2B	Transportation, Utility, and Communications Uses
Table 3	Automobile and Related Service Uses

Table 4	Office, Retail, Commercial, and Service Type Uses
Table 5A	Office, Retail, Commercial, and Service Type Uses (cont.)
Table 5B	Office, Retail, Commercial, and Service Type Uses (cont.)
Table 5C	Office, Retail, Commercial, and Service Type Uses (cont.)
Table 6A	Manufacturing, Storage, and Warehousing Uses
Table 6B	Manufacturing, Storage, and Warehousing Uses (cont.)
Table 6C	Manufacturing, Storage, and Warehousing Uses (cont.)
Table 6D	Manufacturing, Storage, and Warehousing Uses (cont.)

LEGEND FOR INTERPRETING SCHEDULE OF USES

Y
S

Designates use *permitted* in district indicated.

Designates use *prohibited* in district indicated.

Designates use which may be approved as *Specific Use Permit*.

The numbers in the "note" column refer to descriptions/definitions listed in Section 23, Descriptions/Definitions of Uses.

Additional regulations relating to use of land and buildings in individual zoning districts are listed in Sections 8 through 21 and Section 27 of this ordinance.

RESIDENTIAL TYPE USES

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Boarding or rooming house	23.1.1						S			Y	Y			
Dormitory	23.1.2						S							Y
Duplex (see Two family dwelling)														
Garden (patio) home (1)	23.1.4			Y	Y	Y	S							
Guest house	23.1.5	Y	Y	S	S	S								
Manufactured housing, HUD Code	23.1.6	S [^]			S			Y	Y					
Manufactured home park	23.1.7							^^^						
Manufactured home subdivision	23.1.8							Y	Y					
Mobile home	23.1.9							S	S					
Motel, motor hotel, or motor lodge	23.1.10									Y	Y			
Multifamily dwelling (2)	23.1.11				S	S	Y							
Residence hotel (3)	23.1.12			Y			Y			Y	Y			
Retirement housing	23.1.13			Y			Y			S	S			Y
Servant's, caretaker's or guard's residence	23.1.14	S	S	S	S	S	S	S	S	S	S	S	S	S
Single-family dwelling, attached	23.1.15				Y	Y	^^							
Single-family dwelling, detached	23.1.16	^^	Y	Y	Y	Y	Y		Y					
Townhouse or row dwelling	23.1.17					S	Y							
Travel trailer park	23.1.18	S							S	S	Y	Y		
Two-family dwelling	23.1.20					Y	Y							
Zero lot line house	23.1.21			S	Y	Y	Y							

*The number in this column references the description/definition listed in Section 23.

- (1) See Section 24.5 for additional regulations.
- (2) See Section 24.6 for additional regulations.
- (3) See Section 24.4 for additional regulations.

[^] See Section 7.2.1 of this ordinance.

[^] See Section 7.2 of this ordinance.

^{^^} See Section 26, especially 26.11.4, of this ordinance.

^{^^^} See Section 12, especially 12.2 and 12.3, of this ordinance.

EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Athletic field (See Stadium or playfield, public)														
Cemetery or mausoleum		S	S	S	S	S	S	S	S	S	S	S	S	S
Child care center (1)	23.2.1		S	S	S	S	S	S	S	S	Y			Y
Church, rectory, place of worship	23.2.2	S	S	S	S	S	S	S	S	S	S			Y
Civic center	23.2.3										Y	Y	Y	Y
College or university	23.2.4		S	S	S	S	S	S	S	S	S	S	S	Y
Community center, public	23.2.5		S	S	S	S	S	S	S	S	Y	Y		Y
Community center, private	23.2.6		S	S	S	S	S	S	S	S	Y	Y		Y
Continuing care facility	23.2.7						S	S	S	S	S			S
Country club (private)	23.2.8	Y	S	S	S	S	S					Y		
Exhibition area	23.2.10	S									Y	Y	S	S
Fairgrounds	23.2.11	S									S	Y	Y	S
Family home (2)	23.2.12	S	S	S	S	S	S	S	S					S
Farm, ranch, or orchard	23.2.13	Y	S	S	S							Y	Y	
Feedlot, livestock		S												
Fraternal organization, lodge or civic club	23.2.14	S								Y	Y	Y	S	S
Golf course	23.2.15	Y	S	S	S	S	S					Y	Y	
Golf driving range		S								S	S	Y	S	
Greenhouse or plant nursery, commercial	23.2.16a	Y								S	Y	Y	Y	
Greenhouse or plant nursery, non-commercial	23.2.16b	Y	Y	Y	Y	Y		Y	Y	S	Y	Y	Y	
Health club; gymnasium										Y	Y	Y		
Hospital (chronic care); long term health care fac.	23.2.17		S	S	S	S	S	S	S	Y	Y	Y	S	Y
Hospital (acute care)	23.2.18						S			S	Y	Y	S	Y
Household care facility	23.2.19						S							S
Household care institution	23.2.20						S							S
Kennel (no outside pens)	23.2.21	Y								S	S	Y	Y	
Kennel (outside pens)	23.2.21	Y									S	Y	Y	
Library	23.2.22		S	S	S	S	S			Y	Y	Y		Y
Museum or art gallery	23.2.23									Y	Y			Y

*The number in this column references the description/definition listed in Section 23.1.

(1) See Section 24.1 for additional regulations.

(2) A family home may not be located within one-half mile of an existing family home.

EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES (cont.)

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Nursery school, kindergarten	23.2.24		S	S	S	S	S	S	S	S	Y			Y
Park, playg'd, or rec. center (public)	23.2.26	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Park, playg'd, or rec. center (private)	23.2.27		S	S	S	S	S	S	S					Y
Personal care home (custodial care)	23.2.28		S	S	S	S	S	S	S					S
Prison, jail, place of incarceration		S								S	S	S	S	S
Race track	23.2.30	S										S	S	S
Registered family home	23.2.31		S	S	S	S	S	S	S	S	S			S
Rehabilitation care facility	23.2.32	S										S	S	S
Rehabilitation care institution	23.2.33	S									S	S	S	S
Rest home or nursing home	23.2.34	S	S	S	S	S	S			S	Y			Y
Rodeo arena and grounds		S										S	Y	Y
School, private (prim. and/or secondary)	23.2.35		S	S	S	S	S			Y	Y	S		Y
School, public (prim. and/or secondary)	23.2.36		S	S	S	S	S			Y	Y	S		Y
School, trade or commercial	23.2.37	S								S	S	Y	Y	Y
Shooting range, target range		S								S	S	S	S	
Stable, commercial	23.2.38a	Y												S
Stable, private	23.2.38b	Y												
Stadium or playfield, public	23.2.39		S	S	S	S	S	S	S	Y	S			
Swimming pool, commercial (1)	23.2.40						S			S	Y	S	S	
Swimming pool, private (1)		Y	Y	Y	Y	Y	Y	Y	Y	S	S	S	S	

*The number in this column references the description/definition listed in Section 23.1.

(1) See Section 24.8 for additional regulations.

TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Airport, landing field	23.3.1	S									S	Y	Y	
Electric power generating plant		S									S	S	Y	
Electrical substation	23.3.2	Y	S	S	S	S	S	S	S	Y	Y	Y	Y	S
Electrical transmission line		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gas metering station	23.3.3	Y	S	S	S	S	S	S	S	Y	Y	Y	Y	S
Heliport or heliport	23.3.4	S								S	Y	Y	Y	S
Landfill		S												
Liquified petroleum gas, storage & sale (no bulk plants)		S									Y	Y	Y	
Local utility distribution lines		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public or private franchised utility (1)	23.3.5	S	S	S	S	S	S	S	S	S	Y	Y	Y	S
Radio, TV or microwave oper., amateur (2)	23.3.6	S	S	S	S	S	S	S	S	S ^{^^}	Y	Y	Y	S
Radio, TV or microwave oper., commer. (2)	23.3.7	S								S ^{^^}	Y	Y	Y	S
Railroad station	23.3.8										Y	Y	Y	
Railroad team track & right of way	23.3.9	Y									Y	Y	Y	
Railroad track and right-of-way	23.3.10	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Service yards of government agency	23.3.11	S	S	S	S	S	S	S	S	S	S	Y	Y	S
Sewage pumping station		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sewage treatment plant		S					S	S	S	S	S	S	S	
Shops, office and/or storage area of public or private utility	23.3.12	S									Y	Y	Y	
Solid waste transfer station	23.3.13	S									S	S	Y	
Telephone exchange	23.3.14	^								Y	Y	Y	Y	
Telephone line		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Transit station or turnaround		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water pumping station or well		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Water storage, elevated		Y	S	S	S	S	S	S	S	S	Y	Y	Y	Y
Water storage, ground		Y	S	S	S	S	S	S	S	Y	Y	Y	Y	Y
Water treatment plant		S	S	S	S	S	S	S	S	S	Y	Y	Y	Y

*The number in this column references a description/definition listed in Sect. 23.1.

(1) Excluding office buildings, garages, shops, railroad yards, loading yard, and warehouses.

(2) See Section 24.3.

[^] See Section 7.2.2 of this ordinance.

^{^^} See Section 24.3 of this ordinance.

AUTOMOBILE AND RELATED SERVICE USES

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-2	M-2	I
Auto laundry	23.4.1									S	Y	Y		
Auto leasing	23.4.2										S	Y		
Auto paint and body shop												Y	Y	
Auto parts sales (inside)	23.4.3									Y	Y	Y		
Auto parts sales (outside)	23.4.4											Y	S	
Auto repair, major	23.4.5											Y	S	
Auto repair, minor	23.4.6									S	Y	S	S	
Automobile and trailer sales area, new	23.4.7									S	Y	Y	Y	
Automobile and trailer sales area, used	23.4.8									S	Y	Y	Y	
Automobile service station	23.4.9									^	Y	S	S	
Auto storage	23.4.10											Y	Y	
Auto wrecking yard or junk yard	23.4.11											S	S	
Bus terminal	23.4.12										Y	Y		
Car wash	23.4.13									S	Y	Y		
Motorcycle sales and service										S	Y	Y		
Parking lot or parking garage, automobile	23.4.14									Y	Y	Y	Y	Y
Parking lot or parking garage, truck	23.4.15											Y	Y	
Quick oil change facility	23.4.16										Y	Y		
Quick tuneup facility	23.4.17										Y	Y		
Tire dealer (no outside storage)											S	Y	S	
Tire dealer (with outside storage)										S	Y	Y	S	
Tire retreading and recapping											S	Y	Y	
Truck and bus leasing	23.4.18										S	S	S	
Truck and bus repair	23.4.19											Y	Y	
Truck or motor freight terminal	23.4.20										S	Y	Y	
Truck sales	23.4.21										Y	Y	Y	

*The number in this column references a description/definition listed in Sect. 23.1.

^ See Sections 15.2.3, 15.3.2, and 24.7 of this ordinance for additional regulations.

OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Air conditioning & refrigeration contractor	23.5.1										S	Y	Y	
Amusement, commercial (indoor)	23.5.2a									S	S	Y	S	
Amusement, commercial (outdoor)	23.5.2b											Y	S	
Antique shop	23.5.3									Y	Y			
Arcade	23.5.4									S	S	S	S	
Arts, crafts store (inside sales)										Y	Y			
Arts, crafts store (outdoor sales)											Y	Y		
Bakery and confectionery, retail sales	23.5.5a									Y	Y			
Bakery and confectionery, commercial	23.5.5b											Y	Y	
Bank, savings and loan, credit union	23.5.6									Y	Y			
Boat sales and storage										S	Y	Y		
Barber shop	23.5.7a									Y	Y			
Barber school or college	23.5.7b									Y	Y	Y		
Beauty culture school; cosmetology spec. shop	23.5.7c									Y	Y	Y		
Beauty shop	23.5.7d									Y	Y			
Bowling alley										Y	Y	Y		
Bldg. materials, hardware (inside storage)	23.5.8									Y	Y	Y	S	
Bldg. materials, hardware (outside storage)	23.5.8									S	S	Y	Y	
Business service	23.5.9									Y	Y	Y	Y	
Cabinet and upholstery shop	23.5.10									S	S	Y	Y	
Cleaning and dyeing, small shop	23.5.11									S	S	Y	Y	
Clinic, medical or dental	23.5.12									Y	Y			
Convenience store (local service)	23.5.13a									Y	Y	S		
Convenience store (general service)	23.5.13b									S	Y	S		
Custom personal service shop	23.5.14									Y	Y	S		
Discount, variety, or department store	23.5.15									^	Y	S		
Drapery, needlework, or weaving shop										Y	Y	Y		
Engine and motor repair											Y	Y	Y	
Farm equipment, sales & service											Y	Y	Y	
Feed and farm supply (inside sales/storage)	23.5.16									S	Y	Y	Y	
Feed and farm supply (outside sales/storage)	23.5.16										Y	Y	Y	
Flea market	23.5.17	S									S	Y	Y	
Florist	23.5.18									Y	Y	S		
Food store; grocery store	23.5.19									^^	Y			

*The number in this column references a description/definition listed in Sect. 23.1.

^ See Section 15.2.1 of this ordinance.

^^ See Section 15.2.2 of this ordinance.

OFFICE, RETAIL, COMMERCIAL AND SERVICE TYPE USES (cont.)

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Furniture and appliance repair and storage	23.5.20										Y	Y	Y	
Furniture, appliance store	23.5.21									S	Y	Y	Y	
Garden center (retail sales)	23.5.22									S	Y	Y		
General merchandise store	23.5.23									S	Y			
Gymnastic or dance studio										Y	Y	Y		
Handcraft shop										Y	Y	Y		
Heavy machinery sales											S	Y	Y	
Hotel, motel, motor hotel, or motor lodge	23.1.10									S	Y			
Laboratory, medical or dental										Y	Y	Y		
Laboratory, scientific or research	23.5.24											Y	Y	
Laundry and cleaning, self service	23.5.25									Y	Y			
Laundry and cleaning, commercial										Y	Y	Y		
Metal dealer, secondhand	23.5.26a											Y	Y	
Metal dealer, crafted precious	23.5.26b									Y	Y	Y	Y	
Mortuary or funeral home										Y	Y	S		
Motel (see Hotel. . . . above)														
Office center	23.5.28									S	Y			
Office, prof. or general administrative	23.5.29									Y	Y			
Office - showroom/warehouse	23.5.30									S	Y	Y	Y	
Pawn shop	23.5.31										Y	S		
Personal service shop	23.5.32									Y	Y			
Pet shop	23.5.33									S	Y			
Medical supplies, sales & service										S	Y	Y		
Newspaper printing											S	Y	Y	
Pharmacy										Y	Y			
Plumbing, heating, refrig. or air cond. bus.	23.5.34										Y	Y	S	
Plumbing service	23.5.35										Y	Y		
Portable building sales	23.5.36											Y	S	
Post office, government and private	23.5.37									Y	Y	Y	Y	
Print shop	23.5.38									S	S	Y	Y	
Racquetball facilities	23.5.39									Y	Y	Y		

*The number in this column references a description/definition listed in Sect. 23.1.

OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES (cont.)

TYPE OF USE	notes*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Restaurant or cafeteria, with drive-in or drive-through service	23.5.40a									Y	Y	Y		
Restaurant or cafeteria, without drive-in or drive-through service	23.5.40b									Y	Y	Y		
Restaurant, with drive-in service	23.5.40c									Y	Y	Y		
Restaurant, with drive-through service	23.5.40d									Y	Y	Y		
Retail shops and stores other than listed	23.5.41									Y	Y	S		
Second hand store, furniture/clothing	23.5.42									S	Y	Y		
Service, retail	23.5.43									S	Y	Y		
Shopping center	23.5.44									Y	Y			
Studio (photographer, musician, artist)										Y	Y			
Studio for radio and television										S	Y	S		
Tanning salon										Y	Y			
Taxidermist										S	Y	S		
Theater (indoor)										S	Y	S		
Theater (outdoor)	23.5.45										S	Y	S	
Tool rental shop										S	Y	Y	S	
Trailer, manufactured housing or mobile home display and sales	23.5.46										S	Y	S	
Trailer rental	23.5.47										S	Y	S	
Veterinarian clinic (no outside pens)										S	S	Y	S	
Veterinarian clinic (outside pens)											S	Y	S	
Washateria	23.5.48									S	Y	S		

*The number in this column references a description/definition listed in Section 23.1.

MANUFACTURING, STORAGE, AND WAREHOUSING USES

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Acetylene gas manufacture or storage													Y	
Acid manufacture													Y	
Advertising displays manufacture												Y	Y	
Alcohol manufacture													Y	
Ammonia, bleach or chlorine manufacture													Y	
Apparel and other products assembled from finished textiles												Y	Y	
Arsenal													Y	
Asphalt manufacture or refining													Y	
Bag cleaning													Y	
Blast furnace													Y	
Boats, building or repair												Y	Y	
Boiler works													Y	
Bookbinding, except hand binding												Y	Y	
Bottling works	23.6.1											Y	Y	
Brick, tile, pottery or terra cotta manufacture, other than handcraft												S	Y	
Brooms or brushes, manufacture												Y	Y	
Building materials (inside storage)												Y	Y	
Building materials (outside storage)												Y	Y	
Cameras or other photographic equipment												Y	Y	
Candle manufacture												S	Y	
Carpet manufacture or cleaning												Y	Y	
Celluloid manufacture or treatment													Y	
Cement, lime, gypsum or plaster of paris manufacture													Y	
Ceramics, stone, glass, marble or porcelain products manufacture												Y	Y	
Chemical manufacturing													S	
Cleaning and dyeing; dry cleaning plant	23.6.2											Y	Y	
Coal, coke, or wood yard												S	Y	
Concrete, asphalt batching plant (perm.)												S	S	
Concrete, asphalt batching plant (temp.)		Y	Y	Y			Y	Y	Y	Y	Y	Y	Y	Y
Contractor's shop and storage yard												Y	Y	

*The number in this column references a description/definition listed in Sect. 23.1.

MANUFACTURING, STORAGE, AND WAREHOUSING USES (cont.)

TYPE OF USE	note	A	SF-1	SF-2	SF-3	TF	MF-1	MH-1	MH-2	C-1	C-2	I-1	I-2	I
Cosmetic manufacture												Y	Y	
Cotton gin													S	
Cotton seed oil manufacture													Y	
Creosote treatment													S	
Dairy products processing, manufacturing												S	Y	
Disinfectant manufacture													Y	
Distillation of bones, coal or wood													Y	
Drugs or pharmaceutical products manufact.												S	Y	
Dyestuff manufacture												S	Y	
Electrical appliances, supplies, and machinery, assembly or manufacture												Y	Y	
Electronic products, assembly												Y	Y	
Electronic products, manufacturing												S	Y	
Emery cloth and sandpaper manufacture													Y	
Explosives or fireworks manufacture or storage														S
Farm seed and/or fertilizer sales/storage (inside)											S	Y	Y	
Farm seed and/or fertilizer sales/storage (outside)												S	Y	
Fat rendering													Y	
Fertilizer manufacture													S	
Fiberglass manufacture													S	
Fish smoking and curing													Y	
Food products processing											S	S	Y	
Forge plant													Y	
Foundry (iron, steel, brass or copper)													Y	
Fur good manufacture (not including tanning or dyeing)												Y	Y	
Furniture and upholstery manufacture												Y	Y	
Garbage, offal or dead animal reduction													S	
Gas manufacture													Y	
General commercial plant	23.6.3											Y	Y	
General manufacturing	23.6.4											Y	Y	
Glass products												Y	Y	
Glue or gelatin manufacture													Y	
Grain elevator													S	

*The number in this column references description/definition listed in Section 23.1.

MANUFACTURING, STORAGE, AND WAREHOUSING USES (cont.)

TYPE OF USE	notes*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Hatchery		S										Y	Y	
Herbicide manufacture													S	
Household appliance products assembly & manufacture from prefabricated parts												Y	Y	
Ice production, dry or natural												Y	Y	
Industrial park	21.6.5											Y	Y	
Insect poison manufacture												Y	Y	
Junk or salvage yard	23.6.6											S	S	
Jute, hemp, sisal or oakum products manuf.												Y	Y	
Laundry plant												Y	Y	
Light manufacturing	23.6.7											Y	Y	
Livestock feed yards													S	
Mattress manufacture or renovation												Y	Y	
Meat processing/locker plant/frozen food products												Y	Y	
Metal fabrication												^	Y	
Mill (grain, flour, food products)												S	Y	
Mines and quarries													S	
Musical instrument manufacture												Y	Y	
Oil field service												S	Y	
Oil, gas, other mineral extraction												S	S	
Oilcloth or linoleum manufacture												S	Y	
Ore reduction													Y	
Orthopedic or medical appliance manufacture												Y	Y	
Paint, oil, shellac, turpentine or varnish manufacture												S	Y	
Paper products manufacture													Y	
Petroleum products, sales (wholesale)												S	Y	

*The number in this column references a description/definition listed in Section 23.1.

^ See Section 17.3.1 of this ordinance.

MANUFACTURING, STORAGE, AND WAREHOUSING USES (cont.)

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Petroleum products, bulk quantities													Y	
Pipe sales and supply											S	S	Y	
Plastic products manufacture (not including processing of raw materials)												S	Y	
Pump sales, repair and maintenance											S	Y	Y	
Scrap metal sales and storage													Y	
Self storage; mini-warehouse	23.6.8										S	Y	Y	
Sporting and athletic equipment manufacture												Y	Y	
Steel fabrication												S	Y	
Storage/wholesale warehouse, light	23.6.9										S	Y	Y	
Storage/wholesale warehouse, heavy	23.6.10											S	Y	
Tire recapping, vulcanizing												S	Y	
Tools or hardware manufacture												Y	Y	
Toys and novelty products manufacture												Y	Y	
Window shade, awnings, Venetian blind manufacture												Y	Y	
Wrecking yard (junk or salvage yard)	23.6.6												S	
Yeast manufacture													Y	

*The number in this column references the description/definition listed in Section 23.1.

ACCESSORY AND INCIDENTAL USES

TYPE OF USE	note*	A	SF-1	SF-2	SF-3	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2	I
Accessory building to main use	19.7.1	^	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Boat; boat trailer		Y	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}					
Carport	19.7.2	Y	Y	Y	Y	Y	Y	Y	Y					
Construction yard (temporary) (1)	19.7.3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Customary home occupation	19.7.5	Permitted in any district where residential use is located.												
Field or sales office, temporary (1)	19.7.4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garage, private	19.7.6	Y	Y	Y	Y				Y	Y		Y		
Motor home		Y	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}					
Trailer; travel trailer; cattle trailer, etc.		Y	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}	Y ^{^^}					

*The number in this column references the description/definition listed in Section 23.

(1) See Section 24.2 for additional regulations.

^ See Section 8.2.3 of this ordinance.

^^ See Section 26.11.4 of this ordinance for special regulations.

Reserved for future use.

SECTION 23 DESCRIPTIONS/DEFINITIONS OF USES

23.1. Residential Uses

- 23.1.1. Boarding or Rooming House — A building, other than a hotel or multiple family dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms. Facilities usually referred to as "bed and breakfast" arrangements are included in this definition.
- 23.1.2. Dormitory — A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.
- 23.1.3. Duplex — See Two Family Dwelling, Sec. 23.1.20.
- 23.1.4. Garden (Patio) Home — A free-standing, detached structure used for residential purposes, built in accordance with standards set out in Section 24.5.
- 23.1.5. Guest House — Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.
- 23.1.6. Manufactured Housing, HUD Code — A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (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 the plumbing, heating, air-conditioning, and electrical systems. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.
- 23.1.7. Manufactured Home Park — Any tract of land under single ownership of not less than two (2) acres and not more than ten (10) acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and

operated in accordance with standards herein set forth or as set forth in any other ordinance of the City relating to the location, use, construction, operation, or maintenance of manufactured housing.

- 23.1.8. Manufactured Home Subdivision — A tract of land of not less than ten (10) acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the city for occupancy primarily by HUD-Code manufactured housing and industrialized housing.
- 23.1.9. Mobile Home — A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (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 the plumbing, heating, air-conditioning, and electrical systems.
- 23.1.10. Motel, Motor Hotel, or Motor Lodge — A building or group of buildings designed for and occupied as a temporary dwelling place, providing four (4) or more room units for compensation, and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.
- 23.1.11. Multiple Family Residence — Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.
- 23.1.12. Residence Hotel — A multi-dwelling 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 linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this ordinance.
- 23.1.13. Retirement Housing — A development providing dwelling units specifically designed for the needs of ambulatory retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:
- a) cafeteria and/or dining room
 - b) library
 - c) game room
 - d) swimming pool and/or jacuzzi

- e) exercise room
 - f) arts and crafts facilities
 - g) greenhouse
 - h) housekeeping service
 - i) transportation service
 - j) snack bar with a maximum of 350 square feet per 100 dwelling units
 - k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units
 - l) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts.
- 23.1.14. Servant's, Caretaker's, or Guard's Residence — An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than fifty percent (50%) of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed six hundred (600) square feet.
- 23.1.15. Single Family Dwelling, Attached — A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.
- 23.1.16. Single Family Dwelling, Detached — A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.
- 23.1.17. Townhouse or Row Dwelling — One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.
- 23.1.18. Reserved for future use.
- 23.1.19. Travel Trailer Park — Any tract of land under single ownership, two (2) acres or more, where accommodation is provided for travel trailer use.
- 23.1.20. Two Family Dwelling — A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof.

- 23.1.21. Zero Lot Line House — A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

23.2 Educational, Institutional, and Special Uses

- 23.2.1. Child Care Center — An establishment where four (4) or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term "day care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (Also see Registered Family Home.)
- 23.2.2. Church, Rectory, or Place of Worship — A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises.
- 23.2.3. Civic Center — A building or complex of buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency.
- 23.2.4. College or University — An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.
- 23.2.5. Community Center, Public — A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.
- 23.2.6. Community Center, Private — A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit; not to be a commercial, for profit, business.
- 23.2.7. Continuing Care Facility — A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one (1) year, such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care. (Also see Household Care Facility and Household Care Institution, and Personal Care Home.)

- 23.2.8. Country Club (Private) — Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.
- 23.2.9. Reserved for future use.
- 23.2.10. Exhibition Area — An area or space either outside or within a building for the display of topic-specific goods or information.
- 23.2.11. Fairgrounds — An area where outdoor fairs, circuses or exhibitions are held.
- 23.2.12. Family Home — A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:
- a. Not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time.
 - b. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision.
 - c. All applicable licensing requirements must be met.
- 23.2.13. Farm, Ranch, or Orchard — An area of five (5) acres or more which is used for growing of usual farm products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.
- 23.2.14. Fraternal Organization, Lodge, or Civic Club — An organized group having a restricted membership and specific purpose related to the welfare of the members.
- 23.2.15. Golf Course — An area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.
- 23.2.16a. Greenhouse or Plant Nursery, Commercial — A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

- 23.2.16b. Greenhouse, Non-Commercial — A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.
- 23.2.17. Hospital (Chronic Care); Long Term Health Care Facility — An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the State of Texas.
- 23.2.18. Hospital (Acute Care) — An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.
- 23.2.19. Household Care Facility — A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit. (See also Household Care Institution; Personal Care Home; and Continuing Care Facility.)
- 23.2.20. Household Care Institution — A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with supervisory personnel. (See also Household Care Facility, Personal Care Home and Continuing Care Facility.
- 23.2.21. Kennel — Any lot or premises on which four (4) or more dogs, cats or other domestic animals more than four (4) months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.
- 23.2.22. Library — Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.
- 23.2.23. Museum or Art Gallery — An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.
- 23.2.24. Nursery School; Kindergarten — A child care facility offering a program four (4) hours or less per day for children who have passed their second birthday but who are under seven years old.

- 23.2.25. Nursing Home — See Rest Home or Nursing Home.
- 23.2.26. Park, Playground, or Recreation Center (Public) — An open recreation facility or park owned and operated by a public agency and available to the general public.
- 23.2.27. Park, Playground, or Recreation Center (Private) — A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owner's association, or similar organization.
- 23.2.28. Personal Care Home (Custodial Care) — An owner-occupied, home-operated non-licensed facility for the elderly providing custodial care to not more than three (3) individuals not related to the provider of such care. Custodial care is that type of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel. (Also see Continuing Care Facility.)
- 23.2.29. Reserved for future use.
- 23.2.30 Race Track — A facility used for the racing of motor-driven vehicles and/or animals.
- 23.2.31. Registered Family Home — A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. (Also see Child Care Center.)
- 23.2.32. Rehabilitation Care Facility — A dwelling unit 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.
- 23.2.33. Rehabilitation Care Institution — A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.
- 23.2.34. Rest Home or Nursing Home — A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.

- 23.2.35. School, Private (Primary or Secondary) — An institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
- 23.2.36. School, Public (Primary or Secondary) — An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
- 23.2.37. School, Trade or Commercial — Establishments, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction in a trade, art, or occupation.
- 23.2.38a. Stable, Commercial — A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity.
- 23.2.38b. Stable, Private — An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one and one half (1.5) acre area of a farm or lot.
- 23.2.39. Stadium or Playfield, Public — 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 which may be lighted for nighttime play.
- 23.2.40. Swimming Pool, Commercial — A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

23.3. Transportation, Utility, and Communications Uses

- 23.3.1. Airport; Landing Field — A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.
- 23.3.2. Electrical Substation — A subsidiary station in which electric current is transformed.
- 23.3.3. Gas Metering Station — Facility at which natural gas flows are regulated and recorded.
- 23.3.4. Heliport or Helicopter — A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.

- 23.3.5. Public or Private Franchised Utility — A utility such as one distributing heat, chilled water, closed circuit television, or similar service and requiring a franchise to operate in the City. Such utility usually requires special facilities in residential areas or on public property such as heating, cooling, or communications.
- 23.3.6. Radio, Television, or Microwave Communications Operations, Amateur — The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.
- 23.3.7. Radio, Television, or Microwave Communications Operations, Commercial — The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.
- 23.3.8. Railroad Station — Any premises for the transient parking of trains and the loading and unloading of passengers.
- 23.3.9. Railroad Team Track and Right-Of-Way — A facility/place for the loading and unloading of materials on trains.
- 23.3.10. Railroad Track and Right-Of-Way — Includes track and undeveloped right-of-way, but does not include railroad stations, sidings, team tracks, loading facilities, dock yards, or maintenance areas.
- 23.3.11. Service Yard of Governmental Agency — An area for the servicing and storage of vehicles or other property of a governmental agency.
- 23.3.12. Shops, Office, and/or Storage Area of Public or Private Utility — The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.
- 23.3.13. Solid Waste Transfer Station — A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.
- 23.3.14. Telephone Exchange — A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.
- 23.4. Automobile and Related Service Uses
- 23.4.1. Auto Laundry — See Car Wash.

- 23.4.2. Auto Leasing — Storage and leasing of automobiles, motorcycles, and light load vehicles.
- 23.4.3. Auto Parts Sales (Inside) — The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.
- 23.4.4. Auto Parts Sales (Outside) — The use of any land area for the display and sale of new or used parts for automobiles, panel trucks vans, trailers, or recreation vehicles.
- 23.4.5. Automobile Repair, Major — General repair or reconditioning of engines and air-conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under "automobile repair, minor"; and other similar uses.
- 23.4.6. Automobile Repair, Minor — Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under "automobile repair, major" or any other similar use.
- 23.4.7. Automobile and Trailer Sales, New — Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.
- 23.4.8. Automobile and Trailer Sales, Used — Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.
- 23.4.9. Automobile Service Station — A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premise motor vehicle trade provided that the above services

shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven (7) days.

- 23.4.10. Auto Storage — The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.
- 23.4.11. Automobile Wrecking Yard or Junk Yard — Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise.
- 23.4.12. Bus Terminal — Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.
- 23.4.13. Car Wash — Facility or structure used to wash motorcycles, automobiles, and light load vehicles.
- 23.4.14. Parking Lot or Parking Garage, Automobile — Area for parking light load vehicles.
- 23.4.15. Parking Lot or Parking Garage, Truck — Area for parking heavy load vehicles.
- 23.4.16. Quick Oil Change Facility — A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.
- 23.4.17. Quick Tune-up Facility — A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.
- 23.4.17.1 Scrap Tire Facility — A facility that stores, processes, conducts energy recovery, recycles, splits, shreds, or quarters used tires, scrap tires, or tire pieces for use or disposal as solid waste, recyclable materials, or inert fill materials. A scrap tire is a whole tire that can no longer be used for its original intended purpose. A whole used tire that can be used, reused or legally modified to be reused, for its original intended purpose is not a scrap tire. A tire piece is a particle of a scrap tire or scrap

tire piece that has been split, quartered or shredded to a usable size such as two-inch minus, or other size required by an industry user or recycler.

- 23.4.18. Truck and Bus Leasing — The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.
- 23.4.19. Truck and Bus Repair — An establishment providing major and minor automobile repair services to heavy load vehicles.
- 23.4.20. Truck or Motor Freight Terminal — A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.
- 23.4.21. Truck Sales — Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles (for definition, see Section 34.2.44), to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.

23.5. Retail and Service Type Uses

- 23.5.1. Air Conditioning and Refrigeration Contractor — A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon's Ann.Civ.St., art. 8861.
- 23.5.2a. Amusement, Commercial (Indoor) — An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.
- 23.5.2b. Amusement, Commercial (Outdoor) — An outdoor area or structure, open to the public, 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.

- 23.5.3. Antique Shop — 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.
- 23.5.4. Arcade — An establishment in which there are located six (6) or more coin operated skill or pleasure machines.
- 23.5.5a. Bakery and Confectionery, Retail Sales — A place for preparing, cooking, baking and selling of products on the premises.
- 23.5.5b. Bakery and Confectionery, Commercial — A place for preparing, cooking or baking of products primarily intended for off-premise distribution.
- 23.5.6. Bank, Savings and Loan, Credit Union — An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.
- 23.5.7a. Barber Shop — A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann.Civ.St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.
- 23.5.7b. Barber School or College — A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann.Civ.St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.
- 23.5.7c. Beauty Culture School; Cosmetology Specialty Shop — A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451.
- 23.5.7d. Beauty Shop — A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451, is practiced.
- 23.5.8. Building Materials, Hardware Sales — The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.
- 23.5.9. Business Service — Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.
- 23.5.10. Cabinet and Upholstering Shop — An establishment used for the production, display and sale of furniture and soft coverings for furniture.

- 23.5.11. Cleaning and Dyeing, Small Plant or Shop — A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area or a pickup station. (Also see Cleaning and Dyeing; Dry Cleaning Plant.)
- 23.5.12. Clinic, Medical or Dental — A facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.
- 23.5.13. Convenience Store — A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.
- 23.5.14. Custom Personal Service Shop — Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.
- 23.5.15. Discount, Variety, or Department Store — A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.
- 23.5.16. Feed and Farm Supply Store — An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.
- 23.5.17. Flea Market — A site where space inside or outside a building 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.
- 23.5.18. Florist — An establishment displaying plants, flowers, floral supplies, and similar items.
- 23.5.19. Food Store; Grocery Store — An establishment that displays and sells consumable goods that are not to be eaten on the premises.
- 23.5.20. Furniture and Appliance Repair or Storage: The storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

- 23.5.21. Furniture, Appliance Store — 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.
- 23.5.22. Garden Center (Retail Sales) — Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.
- 23.5.23. General Merchandise Store — 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 group are known as department stores, variety stores, general stores, and other similar stores.
- 23.5.24. Laboratory, Scientific or Research — Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
- 23.5.25. Laundry and Cleaning, Self-Service — An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.
- 23.5.26a. Metal Dealer, Secondhand — A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in Vernon's Ann.Civ.St., art. 9009. (Also see Junk or Salvage Yard.)
- 23.5.26b. Metal Dealer, Crafted Precious — A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins and commemorative medallions, under terms and conditions found in Vernon's Ann.Civ.St., art. 9009a.
- 23.5.27. Reserved for future use.
- 23.5.28. Office Center — A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

- 23.5.29. Office, Professional or General Administrative — 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 association but excluding medical offices.
- 23.5.30. Office - Showroom/Warehouse — An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
- 23.5.31. Pawn Shop — An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).
- 23.5.32. Personal Service Shop — An establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs.
- 23.5.33. Pet Shop — A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.
- 23.5.34. Plumbing, Heating, Refrigeration, or Air Conditioning Business — An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see Air Conditioning and Refrigeration Contractor.)
- 23.5.35. Plumbing Service — The operation of a business which involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.
- 23.5.36. Portable Building Sales — An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.
- 23.5.37. Post Office, Government or Private — Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

- 23.5.38. Print Shop — An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.
- 23.5.39. Racquetball Facilities — Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.
- 23.5.40a. Restaurant or Cafeteria, With Drive-In or Drive-Through Service — An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises but providing service to persons in cars.
- 23.5.40b. Restaurant or Cafeteria, Without Drive-In or Drive-Through Service — An eating establishment where service is primarily to customers at tables and not providing facilities for the consumption of food in automobiles on or near the restaurant premises.
- 23.5.40c. Restaurant, With Drive-In Service — An eating establishment where food or drink is primarily served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.
- 23.5.40d. Restaurant, With Drive-Through Service — An eating establishment which serves food only to persons in cars and which does not provide facilities for the consumption of food in automobiles on or near the restaurant premises.
- 23.5.41. Retail Stores and Shops — Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.
- 23.5.41.1 Sand, Gravel, Stone or Earth Sales — An establishment for the selling of sand, gravel, stone, earth or similar natural materials, for which the extraction process for such materials occurs off-premises.
- 23.5.42. Second Hand Store, Furniture or Clothing — An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.
- 23.5.43. Service, Retail — An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service,

repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

- 23.5.44. Shopping Center — A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.
- 23.5.45. Theater (Outdoor) — An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.
- 23.5.46. Trailer, Manufactured Housing, or Mobile Home Display and Sales — The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- 23.5.47. Trailer Rental — The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.
- 23.5.48. Washateria — A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See Laundry and Cleaning, Self-Service.)

23.6. Manufacturing, Storage, and Warehousing Uses

- 23.6.1. Bottling Works — A manufacturing facility designed to place a product into a bottle for distribution.
- 23.6.2. Cleaning and Dyeing; Dry Cleaning Plant — An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see Cleaning and Dyeing, Small Plant or Shop, Section 23.5.11.)
- 23.6.3. General Commercial Plant — An establishment other than a personal service shop 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.
- 23.6.4. General Manufacturing — Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or

substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.

- 23.6.5. Industrial Park — A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- 23.6.6. Junk or Salvage Yard — A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building. (Also see Metal Dealer, Secondhand.)
- 23.6.7. Light Manufacturing — Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- 23.6.8. Self-Storage, Mini-Warehouse — A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.
- 23.6.8.1 A. Sexually oriented Businesses — Include but are not limited to the following examples; the term encompasses all those defined by TEX. LOC. GOV'T CODE §243.002:
- (1) Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas."
- (2) Adult bookstore means a commercial establishment which, as one of its principal business purposes, offers for sale or rental, for any form of consideration, books, magazines, periodicals or other printed matters, or any combination thereof, which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas".
- (3) Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (a) Persons who appear in a state of nudity; or
- (b) Live performances which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas." or

(c) Films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas."

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

(a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; and

(b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(5) Adult movie theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, video reproductions, slides or other visual representations, or any combination thereof, are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas."

(6) Adult novelty stores means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals, or other printed matter, or photographs, films motion pictures, videocassettes or video reproductions, slides, objects, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas;" or

(b) Instruments, devices, or paraphernalia which are designed or manufactured for use in connection with "specified sexual activities." This does not include items used for birth control or for prevention of sexually transmitted diseases.

(7) Adult service establishment means a commercial establishment which offers services or sells products to customers and in which one or more of the employees or the customer appears in a state of nudity, semi-nudity, or simulated nudity.

(8) Adult video store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental, for any form of consideration, photographs, films, motions pictures, video cassettes, video reproductions, slides or other visual representations, or any combination thereof, which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas."

(9) Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of

nudity or live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."

(10) Escort agency means a person or business association who, as one of its principal business purposes, furnishes, offers to furnish, or advertises to furnish escorts, or any combination thereof, for a fee, tip or other consideration.

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

(12) Sex parlor means an establishment that is operated for the purpose of giving massages, at the establishment or on a home-call basis, that are intended to provide sexual stimulation or sexual gratification in combination with a massage.

(13) Sexual encounter center means a business or commercial enterprise that offers, for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex, when one or more of the persons is in a state of nudity, semi-nudity, or simulated nudity.

B. Definitions of terms used in Section A:

(1) Principal means over 35 percent of either customers, volume of sale, stock in trade, display areas or presentation time, or any combination thereof in any three-month increment period beginning from the date of issuance of a certificate of occupancy. Stock in trade shall be measured with all titles or objects available on the premises for sale or rental including those that are identical, considered a separate title or object.

(2) Nudity or state of nudity means less than completely and/or opaquely covered:

- (a) Human genitals, pubic region or pubic hair;
- (b) Human buttocks;
- (c) Female breast or breasts below a point immediately above the top of the areola; or
- (d) Any combination of the foregoing.

(3) Simulated nudity means a state of dress in which any device or covering is worn and exposed to view that simulates any part of the genitals, buttocks, anus, pubic region, or areola of the female breast.

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

(5) Specified sexual activities means and includes any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) Sex acts, normal and perverted, actual or simulated;
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

C. Exceptions.

The following activities are exempted from the requirements of this ordinance:

(1) Any business operated by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, or licensed athletic trainers engaged in practicing such licensed professions;

(2) Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts;

(3) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and which does not exhibit merchandise on live models; or

(4) Any activity conducted or sponsored by any Texas Independent School District, licensed or accredited private school, or public or private college or university.

23.6.9. Storage or Wholesale Warehouse, Light — A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

23.6.10. Storage or Wholesale Warehouse, Heavy — A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

23.7. Accessory Uses

23.7.1. Accessory Building or Use — An accessory building or use is one which: (a) is subordinate to and serves a principal building or principal use; and (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the principal use served.

23.7.2. Carport — A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed twenty-four (24) feet on its longest dimension.

23.7.3. Construction Yard (Temporary) — 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 and subject to same restrictions as Field Office. (Also see Section 24.2.)

23.7.4. Field or Sales Office (Temporary) — A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for "temporary buildings" shall be issued for a period of time not to exceed eighteen (18) months.

Extensions may be granted only by the City Council. Upon due notice and hearing by and before the City Council, any such permits granted may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard. (Also see Section 23.7.3 above.)

23.7.5. Customary Home Occupation — An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

- a) "Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.
- b) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise.
- c) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed twenty-five percent (25%) of the total of the floor area of the residential dwelling.
- d) Not more than one (1) non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one (1) square foot in area and shall be mounted on the building in which the home occupation is being conducted.
- e) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
- f) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.
- g) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
- h) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
- i) No stock, goods, wares, or merchandise shall be sold or kept for sale on the premises.

- j) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
- k) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

23.7.6. Garage, Private — A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

Reserved for future use.

SECTION 24 SPECIAL USES

24.1. Child Care Centers

- 24.1.1. No portion of a child care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
- 24.1.2. Child care centers shall be located adjacent to a street having a pavement width of twenty seven (27) feet or greater.
- 24.1.3. Site plan approval by the Planning and Zoning Commission shall be required for all child care center sites, whether or not a Specific Use Permit is required.
- 24.1.4. Child care centers located within any single family or two family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.
- 24.1.5. All child care centers shall comply with the following standards:
 - 24.1.5.1. All vehicular entrances and exits shall be clearly visible from the street.
 - 24.1.5.2. All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
 - 24.1.5.3. Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the Planning and Zoning Commission if the child care is provided for less than four (4) hours per day for an individual person.
 - 24.1.5.4. In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within one hundred (100) feet of the child care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
 - 24.1.5.5. No child care center shall be part of a one family or two family dwelling.

24.2. Construction Yards, Field Offices, and Other Temporary Buildings

Temporary permits for construction yards and field offices shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if

the City Council finds the use of the building or structure is contrary to the intent of this ordinance or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

24.3. Radio, Television, and Microwave Towers

- 24.3.1. No radio, television, or microwave tower shall be located within a distance equal to at least the height of such tower from any residential structure or from any area zoned residential, or shown as 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.
- 24.3.2. No commercial radio, television, or microwave reflector antenna support structure shall be closer to any residential district boundary line or any area shown as residential on the current Comprehensive Plan than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two (2) stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.
- 24.3.3. The location of radio, television, or microwave reflectors, antennas, or support structures and associated foundations and any support structures and associated foundations and any support wires shall be prohibited within any required front or side yard.
- 24.3.4. All commercial communication operations or radio, television, or microwave reflectors, antennas, or structures shall be prohibited in residential districts.
- 24.3.5. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited.

24.4. Residence Hotels

Residence hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in Section 15. Residence hotels constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

24.5. Garden (Patio) Homes

- 24.5.1. Location on Lot: Garden (patio) home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of ten feet. A minimum three-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of ten (10) feet shall be provided. The combined area of all structures shall not exceed sixty-five (65) percent of the lot area.
- 24.5.2. Front Yard Setback: The minimum front yard shall be fifteen (15) feet, provided that in no case shall a garage or carport fronting onto a street be less than twenty (20) feet from the property line adjacent to the street. The front yard setback may be staggered, varied, or reduced to a minimum setback of ten (10) feet for lots facing cul-de-sac or loop streets not exceeding four hundred (400) feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be twenty-five (25) feet. A minimum lot depth of sixty-five (65) feet, as measured from front building line to rear lot line, shall be maintained.
- 24.5.3. Rear Yard Setback: The minimum rear yard shall be five (5) feet for a single story structure and fifteen (15) feet for any two story structure. If access is from an alley, the minimum setback will be twenty (20) feet for garages or carports.
- 24.5.4. Side Yard Setback: The minimum side yard shall be zero (0) feet except that there shall be at least ten (10) feet of separation between structures. When garden (patio) homes are constructed with a zero (0) side yard, five (5) feet on the lot adjacent to the zero (0) setback shall be dedicated as an access easement for the zero (0) setback garden (patio) home. There shall be a minimum of twenty (20) feet from any property line adjacent to a street.
- 24.5.5. Lot Frontage: The minimum frontage of any garden (patio) home shall be twenty-five (25) feet on residential streets and thirty-five (35) feet on collector and thoroughfare streets.
- 24.5.6. Lot Area: The minimum lot area for any development lot for garden (patio) homes shall be two thousand eight hundred (2,800) feet.
- 24.5.7. Maximum Length of Structures: No zero lot line structure shall have an overall length exceeding two hundred and fifty (250) feet.
- 24.5.8. Maximum Height of Structures: No structure shall exceed two (2) stories or thirty-five (35) feet in height.

24.5.9. Parking: Two (2) off-street spaces per dwelling unit plus one-half (1/2) space per dwelling unit for visitor parking within six hundred (600) feet of each dwelling unit. The visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is adequate on-street parking for visitors.

24.5.10. Common Area Maintenance: To insure the long term maintenance of common land and facilities in patio home developments, the following shall be required:

(a) Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect. A Homeowners Association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.

(b) The HOA or other similar management entity shall be organized as a non-profit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.

24.5.11. Usable Open Space Requirements: Each parcel of land developed under patio home standards shall provide usable open space totaling fifteen percent (15%) of the area of a patio home development. Such open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The fifteen percent (15%) shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan). At the time of site plan and/or subdivision plat approval, the City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

24.5.12. Additional Landscaping: In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

24.6. Multifamily Residence

- 24.6.1. Courts: Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.
- 24.6.2. Usable Open Space: Each lot or parcel of land which is used for multiple-family residences shall provide on the same lot or parcel of land usable open space (as defined in Section 34.2.101), in accordance with the table below:

USABLE OPEN SPACE REQUIREMENT

Number of Bedrooms
or Sleeping Rooms

1 or Less	600 Sq. Ft.
Each Additional Bedroom Over 1	300 Sq. Ft.

In those instances where a parcel of land has been zoned for multifamily use with a Specific Use Permit or Planned Development classification and the permitted densities do not conform exactly with those permitted in the MF District, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.

In meeting this requirement, a credit of three (3) square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within ten (10) feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the Planning and Zoning Commission and/or City Council may allow a credit not to exceed ten percent (10%) of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed fifty percent (50%) of the total usable open space for an individual lot or parcel of land.

At the time of site plan approval, the City Council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance the development.

24.7. Service Stations

Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall not be closer than ten (10) feet to the property line.

24.8. Swimming Pools

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

24.8.1. No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department regulations.

24.8.2. A swimming pool may be constructed and operated when:

24.8.2.1. the pool is not located in any required front or side yard abutting a street;

24.8.2.2. a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;

24.8.2.3. all lighting of the pool is shielded or directed to face away from adjoining residence. 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;

24.8.2.4. no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and

24.8.2.5. the swimming pool is no closer than eight (8) feet from any property line.

24.9. Fences

24.9.1 *Reserved for future use.*

- 24.9.2. No fence or hedge shall exceed three feet (3') height in the required front yard in any district.
- 24.9.3. No fence shall exceed eight feet (8') in height.
- 24.9.4. Fences shall be constructed of customary urban fencing materials and shall be aesthetically consistent with buildings and fences in the area.
- 24.9.5. Notwithstanding any other provision of this ordinance, where subdivisions are platted so that the rear yards of residentially zoned lots, including but not limited to SF-1, SF-2, SF-3, TF, MH-1, MF, and residential PD, are adjacent and back to a dedicated roadway, the developer shall provide, at his sole expense, a brick or decorative solid masonry wall with a minimum height of six (6) feet located on the street right-of-way line.

When a brick or masonry wall is erected adjacent to a dedicated roadway, the color of the wall shall be uniform and/or compatible on both sides of a thoroughfare between two (2) intersecting thoroughfares. When walls are built in sections, the color shall be as closely similar as possible, but shall in no case be incompatible.

All brick and masonry screening walls shall be placed on an engineered concrete footing, with provision for drainage under the wall. Masonry or brick columns shall be expressed at a minimum of thirty (30) feet on centers and should typically be taller than the remainder of the wall. The exterior of all sides of each wall shall be finished with the same material and shall be similar in appearance. Developers are encouraged to create offsets in brick or decorative masonry walls to provide visual variety. At development and subdivision entry features, all walls and raised planter beds shall be of brick or decorative masonry construction.

Developers are encouraged to create offsets in brick or masonry walls to provide visual variety.

24.10 Sand, Gravel, Stone or Earth Sales

- 24.10.1 No sand, gravel, stone, earth or similar natural materials ("materials") shall be stored or displayed for sale without such materials being placed in or upon a bunker, bin, or other man-made impervious surface. The materials may not be placed for sale or stored upon any unimproved surface.

SECTION 25 SPECIFIC USE PERMIT

25.1. General Provisions

- 25.1.1. As permitted under the provisions of this ordinance, a property owner may petition the City for a specific use of property, as authorized by the zoning district in which the property is located. Such petition shall be considered by the Planning and Zoning Commission. After proper notice and a public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council regarding any application for a Specific Use Permit. The Planning and Zoning Commission may require information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.
- 25.1.2. An application for a Specific Use Permit (SUP) shall be accompanied by a site plan drawn to scale and showing the general arrangements 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; visual screening such as walls, landscaping, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet.
- 25.1.3. After proper notice and a public hearing, the City Council may grant a permit for a specific use of property as authorized by the zoning district in which the property is situated. The City Council may require information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.

25.2. Specific Use Permit Regulations

- 25.2.1. In recommending that a specific use permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration, and shall make

recommendations as to requirements for the paving of streets, alleys, and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of buildings.

- 25.2.2. The City Council shall authorize issuance of a Specific Use Permit only after determining that the proposed use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration.
- 25.2.3. The City Council shall authorize issuance of a Specific Use Permit only after determining that adequate provisions have been made for the paving of streets, alleys, and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of buildings.
- 25.2.4. 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 permit, as attached to the site plan drawing (or drawings) and approved by the City Council. No public hearing is necessary for site plan approval.
- 25.2.5. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.
- 25.2.6. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses.
- 25.2.7. If a Specific Use Permit has not been utilized by the permittee within twelve (12) months after the permit has been granted, the permit shall be automatically rescinded.
- 25.2.8. An inspection of premises granted a specific use permit shall be performed one year after such grant to determine whether it has been utilized, and to determine whether all conditions of the permit have been complied with.

SECTION 26 OFF-STREET PARKING AND LOADING REQUIREMENTS

26.1 Purpose

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

26.2. Special Off-Street Parking Provisions - Residential Districts

- 26.2.1. Required off-street parking shall be provided on the same site as the use it serves.
- 26.2.2. No parking shall be allowed except on a No. 2 base rock or higher quality surface or a paved concrete or asphalt parking space surface.
- 26.2.3. No parking structure, including garages, carports, or similar structures, shall be located within the required front, side, or rear yards (setback areas) of a lot or tract.

26.3. Size of Space

- 26.3.1. Each standard off-street surface parking space shall measure not less than nine (9) feet by twenty (20) feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way, or adjacent property, the length of the standard space may be reduced to eighteen (18) feet.
- 26.3.2. Each small car off-street parking space shall measure not less than eight and one-half (8.5) feet by sixteen (16) feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way or adjacent property, the length of the small car space may be reduced to fifteen (15) feet. All small car parking spaces shall be grouped and located in specific areas so as not to be scattered throughout a parking lot.
- 26.3.3. A maximum of fifty percent (50%) of the required parking for a general office or light manufacturing plant may be permitted as small car spaces upon approval of a site plan but only when both of the following conditions are met:
 - 26.3.3.a. Signage will identify the small car spaces; and

26.3.3.b. The entire grounds and building served by the small car spaces are occupied and controlled by one tenant who shall be responsible for policing the use of the small car spaces.

26.3.4. Each parking space (on-street or off-street) designed for parallel parking shall have a minimum dimension of eight (8) feet by twenty-two (22) feet.

26.3.5. Each standard parking space located in a parking garage shall measure not less than nine (9) feet by eighteen (18) feet, exclusive of access drives or aisles.

26.4. Parking Area Standards

26.4.1. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties. For safety and fire-fighting purposes, free access through to adjacent parking areas shall be provided where practical.

26.4.2. Except for single family and duplex uses, parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

26.5. Off-Street Parking Incidental to Main Use

Off-street parking shall be provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or in accordance with Section 26.9 and located within the same zoning district as the main use.

26.6. Schedule of Parking Requirements Based on Use

Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated. [Where a calculation results in requiring a fractional space, one additional space shall be required.]

26.6.1. Bank, savings and loan or similar financial establishment:

One (1) space for each two hundred (200) square feet of total floor area.

26.6.2. Business or professional office, studio, medical or dental clinic:

Three (3) parking spaces plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500) feet.

26.6.3. Church or other place of worship:

One (1) parking space for each four (4) seats in the main auditorium.

26.6.4. Clinic of doctor's or dentist's office:

One (1) space for each two hundred (200) square feet of total floor area.

26.6.5. Community center, library, museum or art gallery:

Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.

26.6.6. College or university:

One (1) space for each two (2) students, plus one (1) space for each classroom, laboratory or instruction area.

26.6.7. Commercial amusement (indoor):

26.6.7.a. Bowling Alley - 6 spaces for each lane;

26.6.7.b. Racquetball or handball courts - 4 spaces for each court;

26.6.7.c. Indoor tennis courts - 6 spaces for each court;

26.6.7.d. Gymnasium, skating rinks, and martial arts schools or areas - 1 space for each 3 seats at maximum seating capacity, plus 1 space for each two hundred (200) square feet;

26.6.7.e. Swimming Pool - 1 space for each one hundred (100) square feet of gross water surface and deck area;

26.6.7.f. Weight lifting or exercise areas - 1 space for each one hundred (100) square feet;

26.6.7.g. Bingo Parlors - 1 space for 3 seats (design capacity) or 1 per one hundred (100) square feet of total floor area, whichever is greater;

26.6.7.h. Indoor jogging or running tracks - 1 space for each one hundred (100) linear feet;

26.6.7.i. All areas for subsidiary uses not listed above or in other parts of Section 25:6 (those noted uses such as restaurants, offices, etc., shall be calculated with the minimum specified for those individual uses) - 1 space for each one thousand (1,000) square feet.

26.6.7.j. Other - 1 space for each three (3) persons accommodated (design capacity).

- 26.6.8. Dance hall, assembly or exhibition hall (without fixed seats):
One (1) parking space for each one hundred (100) square feet of floor area used thereof.
- 26.6.9. Day nursery, day care, kindergarten school:
One (1) space per ten (10) pupils/clients (design capacity).
- 26.6.10. Dwellings, single-family attached or detached:
Two (2) parking spaces for each dwelling unit.
- 26.6.11. Dwellings, multifamily:
One (1) parking space for each dwelling unit plus one-half (.5) space for each individual bedroom in all dwelling units.
- 26.6.12. Flea market:
One and one-half (1.5) spaces for each two hundred (200) square feet of floor area or market area.
- 26.6.13. Fraternity, sorority or dormitory:
One (1) parking space for each two (2) beds.
- 26.6.14. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service:
Two (2) parking spaces plus one (1) additional parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
- 26.6.15. Gasoline service station:
Minimum of five (5) spaces.
- 26.6.16. Golf course:
Minimum of thirty (30) spaces.
- 26.6.17. Health care facility:
One (1) space for each four (4) rooms or beds, whichever is greater.
- 26.6.18. Hospital:
One (1) space for each two (2) beds.
- 26.6.19. Hotel or motel:
One (1) parking space for each sleeping room, unit, or guest accommodation plus one (1) space for each three hundred (300) square feet of commercial floor area contained therein.
- 26.6.20. Lodge, or fraternal organization:
One and one-fourth (1.25) spaces per two hundred (200) square feet.

- 26.6.21. Manufacturing, processing or repairing:
One (1) parking space for each two (2) employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than one (1) parking space for each 1,000 square feet of floor area, whichever is greater.
- 26.6.22. Massage establishment:
One (1) space for each two hundred (200) square feet of floor area.
- 26.6.23. Mini-warehouse:
Four (4) spaces per complex plus one (1) space per five thousand (5,000) square feet of storage area.
- 26.6.24. Mortuary or funeral home:
One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
- 26.6.25. Motor vehicle salesrooms and used car lots:
One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
- 26.6.26. Office, general:
One (1) space for each three hundred (300) square feet of total floor area.
- 26.6.27. Office, medical:
One (1) space for each one hundred seventy-five (175) square feet of floor area.
- 26.6.28. Office - showroom or office - warehouse:
One (1) space for each one thousand (1,000) square feet of floor area for storage and warehousing, plus one (1) space for each one hundred (100) square feet of office, sales or display area.
- 26.6.29. Private club:
- 26.6.29.1. If free standing or located in a shopping center of 150,000 square feet or less, one (1) space for each ten (10) square feet of bar, lounge and waiting areas, plus one (1) space for each one hundred (100) square feet of remaining floor area.
- 26.6.29.b. If located in a shopping center of greater than 150,000 square feet, one (1) space for each one hundred (100) square feet of gross floor area.
- 26.6.30. Private country club or golf club:
One (1) parking space for each two hundred fifty (250) square feet of floor area or for every five (5) members, whichever is greater.

- 26.6.31. Recreational area or building (other than listed):
One (1) space for each two (2) persons to be normally accommodated in the establishment.
- 26.6.32. Restaurant, cafeteria, cafe or similar establishment:
One (1) parking space for every one hundred (100) square feet of floor area.
- 26.6.33. Retail store or personal service establishment, except as otherwise specified herein:
One (1) parking space for each two hundred (200) square feet of floor area.
- 26.6.34. Sanitarium, convalescent home, home for the aged or similar institutions:
One (1) parking space for each six (6) beds.
- 26.6.35. School, elementary and middle:
One (1) parking space for each five (5) seats in the auditorium or main assembly room, or one (1) space for each classroom plus ten (10) spaces, whichever is greater.
- 26.6.36. School, secondary (grades 9 - 12):
One (1) parking space for each four (4) seats in the main auditorium, or one (1) space for each classroom plus one (1) space for each two (2) students accommodated in the institution, whichever is greater.
- 26.6.37. Shopping center:
One (1) space for each two hundred (200) square feet of floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds ten percent (10%) of the shopping center floor area, shall require additional parking to be provided in accordance with the requirements for restaurants.
- 26.6.38. Storage or warehousing:
One (1) space for each two (2) employees, or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater.
- 26.6.39. Theater, auditorium (except school), meeting room, sports arena, stadium, gymnasium, or other places of public assembly:
One (1) parking space for each four (4) seats or bench seating spaces.
- 26.6.40. Vehicle repair garage:
Three (3) spaces per service bay, plus one (1) space per employee (maximum shift), plus one (1) space per tow truck or other service vehicle.

26.7. Off-Street Parking Requirements for Uses Not Listed

For those uses which are not matched with a parking requirement in 26.6, the following standards shall apply:

<u>General Use Category</u>	<u>Parking Space Requirements</u>
a. Educational, Institutional, & Special Uses	One space per employee
b. Transportation, Utility & Communications Uses	One space per employee plus one space per stored vehicle
c. Accessory & Incidental Uses	One space per employee
d. Office & Professional Uses	One space per 300 square feet of gross floor area
e. Automobile & Related Uses	One space per employee plus one space per stored vehicle
f. Retail Uses	One space per 200 square feet of gross floor area
g. Service Uses	One space per 200 square feet of gross floor area
h. Wholesale Uses	Same as for "Storage or warehousing"
i. Contract Construction Uses	One space per employee
j. Commercial, Manufacturing, & Industrial Uses	Same as for "Manufacturing, processing, or repairing"

26.8. Rules for Computing Number of Parking Spaces

In computing the number of parking spaces required for each of the uses in Sections 26.1-26.7), the following rules shall govern:

- 26.8.1. "Floor Area" shall mean the gross floor area of the specific use.
- 26.8.2. Where fractional spaces result, the parking spaces required shall be rounded to the nearest whole number.
- 26.8.3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- 26.8.4. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

26.9. Location of Parking Spaces

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- 26.9.1. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than three hundred (300) feet from any other non-residential building served.
- 26.9.2. Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.
- 26.9.3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned, and shall be filed with the application for a building permit.

26.10. Use of Parking Spaces - All Districts

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

26.11. Special Off-Street Parking Regulations

- 26.11.1. In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements unless specific areas of different uses are delineated by floor or building segment.
- 26.11.2. Wherever a parking lot is located across the street from or adjacent to residentially zoned property, and is designed so that headlight beams will shine into residences (whether or not such residences have been built at the time the parking lot is

constructed), an irrigated earthen berm or a solid masonry wall or reinforced concrete fence of not less than three (3) nor more than four (4) feet in height above the finished grade of the off-street parking area shall be erected and maintained so as to provide a headlight screen for the residential district.

- 26.11.3. The off-street parking spaces designated for each apartment (multifamily) dwelling unit shall be located within one hundred (100) feet of the dwelling unit served by such spaces.
- 26.11.4. In all residential districts, no heavy load vehicle, truck trailer, truck tractor, mobile home, motor home, camper, trailer, boat, machinery, farm equipment or machinery or any other similar equipment or machinery (called collectively "equipment") shall be parked or left standing for more than two (2) days out of any consecutive seven (7) day period within the required front yard or within the side yard of a corner lot between the side building line and the side property line on the side of the lot abutting a street or public right-of-way.

In no event shall equipment, including motor vehicles, trucks, and vans be parked or left standing at any time on a surface other than a paved or gravel driveway or paved parking lot. The driveway shall be located either:

- 1) between the street or alley on the one hand, and on the other a garage or carport;
- 2) in the side yard adjacent to the main building; or
- 3) as a circular driveway serving the main entrance of the premises.

The driveway shall be no wider than the width of the garage, carport (or 20 feet whichever is greater) or parking space which it serves. No more than fifty percent (50%) of the front yard shall be a driveway. In no event shall vehicles or equipment be parked or left standing closer than five (5) feet from the front property line.

- 26.11.5. Parking spaces in non-residential districts shall be provided with sufficient space for entering and exiting without backing onto a public street. Parking spaces on the perimeter of the parking lot and abutting a property line shall have a wheel stop barrier two (2) feet from the end of the parking space.
- 26.11.6. Off-street parking requirements for uses in the CBD zone are not subject to the provisions of this section. The Zoning Administrator shall be responsible for periodically (not less than annually) reporting to the Planning and Zoning Commission regarding the availability of parking in the CBD and the possible need for changes in this provision.

26.12. Design Standards For Parking Structures

- 26.12.1. In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.
- 26.12.2. The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards contained in the Subdivision Ordinance.
- 26.12.3. Ramps shall not be constructed with slopes exceeding fifteen percent (15%) and single lane entrances shall not be less than twelve (12) feet wide at the street.
- 26.12.4. A minimum of one (1) car length shall be provided between an exit control gate and the inside edge of a sidewalk to minimize conflicts between exiting cars and pedestrians.
- 26.12.5. Parking structure facades shall be left fifty percent (50%) open and interior light levels shall be maintained at ten (10) foot candles to enhance security and safety. All parking structure lighting shall be designed so as not to reflect or shine on adjacent properties.
- 26.12.6. Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinklered and mechanically ventilated.

26.13. Off-Street Loading

- 26.13.1. All retail, commercial, and industrial structures shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a private service drive.

At least one-half of such loading spaces shall have a minimum dimension of ten (10) feet by forty (40) feet, and the remaining spaces shall have a minimum dimension of ten (10) feet by twenty (20) feet.

Where such loading space is located adjacent to a residential district, the space shall be enclosed on three (3) sides.

Loading spaces shall be provided in accordance with the following schedule:

FOR ALL RETAIL, COMMERCIAL AND INDUSTRIAL USES

<u>Square Feet of Gross Floor Area in Structure</u>	<u>Minimum Required Spaces or Berths</u>
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 100,000	1 additional

FOR ALL HOTELS, OFFICE BUILDINGS, RESTAURANTS, SIMILAR ESTABLISHMENTS

<u>Square Feet of Gross Floor Area in Structure</u>	<u>Minimum Required Spaces or Berths</u>
0 to 50,000	None
50,000 to 150,000	1
150,000 to 300,000	2
300,000 to 500,000	3
500,000 to 1,000,000	4
Each additional 500,000	1 additional

26.13.2. Kindergartens, day schools, and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street, to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.

26.13.3. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m., and is adjacent to a residential use or district, shall be designed and constructed so as to fully enclose the loading operation in order to reduce the effects of the noise of the operation on adjacent residences.

26.13.4. Where adjacent to residential uses or districts, off-street loading areas shall be screened from view of the residential use or district.

26.14. Stacking Requirements for Drive-Through Facilities

26.14.1. A stacking space shall be an area on a site measuring eight (8) feet by twenty (20) feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.

- 26.14.2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces (from the right-of-way line).
- 26.14.3. For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces (from the right-of-way line) shall be provided.
- 26.14.4. For kiosks, a minimum of two (2) stacking spaces (from the right-of-way line) for each service window shall be provided.

SECTION 27 ACCESSORY BUILDING REGULATIONS

27.1. Height

No accessory building shall exceed twenty-five (25) feet in height, nor shall it be greater in height than the main structure.

27.2. Area Regulations for Accessory Buildings or Structures in Residential and Apartment Districts

- 27.2.1. Front Yard: Attached accessory buildings, including garages and carports, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the side yard or rear yard.
- 27.2.2. Side Yard: There shall be a side yard not less than eight (8) feet from any side lot line, alley line, or easement line, except that adjacent to a side street, the side yard shall never be less than twenty (20) feet.
- 27.2.3. Rear Yard: There shall be a rear yard not less than ten (10) feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings located within the rear portion of a lot, as heretofore described, shall not be located closer than fifteen (15) feet to the main building nor nearer than eight (8) feet to any side lot line.

SECTION 28 PLATTING PROPERTY NOT PERMANENTLY ZONED

28.1. Zoning Required Prior to Approval of Plat

The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat has been permanently zoned by the City Council.

28.2. Annexation Prior to Approval of Plat

The City Council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.

28.3. Contemporaneous Action on Zoning and Annexation

In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

SECTION 29 CLASSIFICATION OF NEW AND UNLISTED USES

29.1. Procedure For Classifying New/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:

- 29.1.1. The Zoning Administrator shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation to the City Council as to the zoning classification(s) 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 and 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. The Planning and Zoning Commission shall make a recommendation to the City Council regarding the zoning district or districts within which such use should be permitted.

- 29.1.2. The Planning and Zoning Commission and the City Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.
- 29.1.3. The City Council shall by resolution approve or make such determination concerning the classification of such use as is determined appropriate, based upon its findings.

SECTION 30 CREATION OF BUILDING SITE

30.1. Procedure for Creating Building Site/Lot

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:

- 30.1.1. The lot or tract is part of a plat of record, properly approved by the Mayor, and filed in the plat records of the county or counties in which the lot or tract is located.
- 30.1.2. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the city, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned parcel.
- 30.1.3. The plot or tract is all or part of a site plan officially approved by the City Council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts, or lots must be provided access via a public street or drive.

SECTION 31 NON-CONFORMING USES AND STRUCTURES

31.1. Uses in Existence at Time of Adoption of Ordinance

A non-conforming status shall exist 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 the adoption of the Zoning Ordinance.

31.2. Expansion of Non-Conforming Use Prohibited

No non-conforming use or structure may be expanded or increased except to provide off-street loading or off-street parking upon approval of the City Council

31.3. Repairs/Normal Maintenance on Non-Conforming Uses Permitted

Repairs and normal maintenance may be made to a non-conforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

31.4. Change of Non-Conforming to Conforming Use

Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.

31.5. Abandonment/Discontinuation of Non-Conforming Use

Whenever a non-conforming use is abandoned, all non-conforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a non-conforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a non-conforming use for a period of six (6) months shall be construed as conclusive proof of intent to abandon the non-conforming use. Any non-conforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.

31.6. Accidental Destruction of Non-Conforming Use

If a non-conforming structure or a structure occupied by a non-conforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except in conformance to the provisions of this ordinance unless permitted by the City Council after a public hearing with notice is provided in the same manner as for hearings before the zoning board of adjustment. The council may provide restrictions on such rebuilding. Such non-conforming use or structure may be rebuilt without such permission if such destruction does not exceed fifty percent (50%) of its reasonable value so long as permits for such rebuilding are obtained within six months of such destruction, and the size and function of the non-conforming use are not expanded.

31.7. Replacement of Non-Conforming HUD-Code Manufactured Home

Notwithstanding any of the provisions of this section, a non-conforming HUD-Code manufactured home may be exchanged or replaced by another HUD-Code manufactured home, provided the newly located residential unit is owner-occupied.

SECTION 32 PLANNING AND ZONING COMMISSION

32.1. Organization and Appointment

There is hereby created a Planning and Zoning Commission which shall be organized, appointed, and function as follows:

- 32.1.1. **Membership:** The Planning and Zoning Commission shall consist of five (5) members who are residents of the City of Pelican Bay or its extraterritorial jurisdiction, each to be appointed by the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Appointees shall fill positions which shall be designated by place numbers (e.g., place 1, place 2, etc.). Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made. The City Council may appoint two (2) alternate members of the Planning and Zoning Commission who shall serve in the absence of one or more of the regular members when requested to do so by the chairman of the Planning and Zoning Commission. If a member is absent for three consecutive meetings, or if the member misses more than 50% of the meetings in a calendar year, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a meeting.
- 32.1.2. **Terms:** The terms of members filling places 1, 3, and 5 shall expire on June 30 of each odd-numbered year and the terms of members filling places 2 and 4 shall expire on June 30 of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two (2) years. Newly-appointed members shall be installed at the first regular commission meeting after their appointment.
- 32.1.3. **Organization:** The commission shall hold an organizational meeting in July of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law. The Planning and Zoning Commission shall elect a chairman from its own membership at its annual organizational meeting.

- 32.1.4. Quorum and Compensation: A quorum for the conduct of business shall consist of three members and/or alternate members of the commission. The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

32.2. Duties and Authority

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

- 32.2.1. Formulate and recommend to the City Council for its adoption a city plan for the orderly growth and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- 32.2.2. Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as authorized under state law.
- 32.2.3. Exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as authorized under state law.
- 32.2.4. Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.
- 32.2.5. Study and make recommendations regarding the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.
- 32.2.6. Initiate, in the name of the city, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change of zoning district boundaries on an area-wide basis.
- 32.2.7. Formulate and recommend to the City Council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- 32.2.8. Submit each May a progress report to the City Council summarizing its activities for the past year and a proposed work program for the coming year.

SECTION 33 ZONING BOARD OF ADJUSTMENT

33.1. Creation, Membership and Procedures:

33.1.1. Zoning Board of Adjustment Established: A Zoning Board of Adjustment is hereby reestablished in accordance with the provisions of Texas Local Government Code, § 211.008, as amended, regarding the zoning of cities and with the powers and duties as provided in said Code.

33.1.2. Membership: The Zoning Board of Adjustment shall consist of five (5) members, each to be appointed by the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. If a member is absent for three consecutive meetings, or if the member misses more than 50% of the meetings in a calendar year, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a meeting-

Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Three (3) members shall serve until January 1 of odd-numbered years, as heretofore appointed, and two (2) members, as heretofore appointed, shall serve until January 1 of even-numbered years, and thereafter each member reappointed or each new appointee shall serve for a full term of two (2) years unless removed as hereinabove provided. The City Council may also appoint four (4) alternate members of the Board who shall serve in the absence of one or more of the regular members when requested to do so by the chairman of the Board, so that all cases to be heard by the Board will always be heard by a minimum number of four (4) members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal by the same means and under the same procedures as the regular members.

33.1.3. Hearings: The hearings of the Board shall be public. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four (4) members of the Board.

33.1.4. Meetings: Regular meetings of the Board shall be held at such times as the Board may determine. Special meetings of the Board shall be held at the call of the chairman or at the written request of two regular members of the Board, said request to be submitted to the Chairman.

33.1.5. Rules and Regulations: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating

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 City Secretary and shall be public record. The Board shall act by resolution in which four (4) members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the Zoning Administrator and the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

33.2. Powers and Duties of Board

- 33.2.1. Appeals Based on Error: The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official of the city in the enforcement of this ordinance.
- 33.2.2. Special Exceptions: The Board shall have the power to hear and decide special exceptions to the terms of this ordinance upon which the Board is required to pass as follows:
- 33.2.2.1. Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformity with the Master Plan and present no conflict or nuisance to adjacent properties.
- 33.2.2.2. Permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
- 33.2.2.3. Grant a permit for the extension of a use, height, or area regulation into an adjoining district where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
- 33.2.2.4. Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and primary purpose of continuing the nonconforming use is not to continue a monopoly.
- 33.2.2.5. Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would

impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

33.2.2.6. Determine whether an industry should be permitted within the M-1 — Light Industrial District and M-2 — Heavy Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

33.2.2.7. Rule on all applications on siting of manufactured homes in districts not so zoned. Approval shall only be allowed in cases of extreme hardship under guidelines established by the Board.

33.2.3. Limitation on Reapplications: When the Board has denied a proposal, no new applications of similar nature shall be accepted by the Board or scheduled for twelve (12) months after the date of Board denial. Applications which have been withdrawn at or before the Board meeting may be resubmitted at any time for hearing before the Board.

33.2.4. Vote of Four Members Required: The concurring vote of four members of the Board is necessary to:

- (a) reverse an order, requirement, decision or determination of an administrative official;
- (b) decide in favor of an applicant on a matter on which the Board is required to pass; or
- (c) authorize a variation from the terms of a zoning ordinance.

33.3. Appeals

33.3.1. Procedure: Appeals may be taken to and before the Zoning Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau in the city. Such appeal shall be made by filing in the office of the City Secretary a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record from which the action appealed was taken.

33.3.2. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Zoning Board of Adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal is taken.

33.3.3. Notice of Hearing on Appeal: The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the

lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

33.3.4. Decision by Board: The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

33.4. Variances

The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

- 33.4.1. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
- 33.4.2. Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the Board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the term of this ordinance and at the same time protecting the surrounding property.
- 33.4.3. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance. Except as otherwise provided herein, the Board shall have, in addition, the following specific powers:
 - 33.4.3.1. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.

- 33.4.3.2. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
- 33.4.3.3. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
- 33.4.3.4. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than ninety percent (90%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.
- 33.4.3.5. To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The Board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.
- 33.4.4. A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:
- a) that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b) that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c) that the special conditions and circumstances do not result from the actions of the applicant;
 - d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
 - e) no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

33.5. Changes

The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board may not change the district designation of any land either to a more or less restrictive zone.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the Board only on appeal from the decision of the Building Official and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by the laws of the State of Texas.

SECTION 34 RULES OF CONSTRUCTION AND SPECIAL DEFINITIONS

34.1 General Rules of Construction:

The following rules of construction shall apply to the interpretation of words used in this ordinance:

- 34.1.1. words used in the present tense include the future tense;
- 34.1.2. words used in the singular number include the plural number;
- 34.1.3. words in the plural number include the singular number;
- 34.1.4. the words "building" and "structure" are synonymous;
- 34.1.5. the words "lot", "plot" and "tract" are synonymous; and
- 34.1.6. the word "shall" is mandatory and not discretionary.

34.2. Special Definitions

Except to the extent a particular provision specifies otherwise, the following definitions shall apply throughout this ordinance:

- 34.2.1. Abutting Property - Property abutting upon a street shall also be understood as abutting property on the other side of the street.

- 34.2.2. Accessory Use or Building - A use or building subordinate to and detached from the main building and used for purposes customarily incidental to the primary use of the premises. (Also see Sec. 23.7.1)
- 34.2.3. Adjacent - Shall mean "next to" or "closest to" but shall not necessarily mean "touching".
- 34.2.4. Alley - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.
- 34.2.5. Antenna/Microwave Reflector - An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. This definition is meant to include but is not limited to what are commonly referred to as satellite receive only earth stations.
- 34.2.6. Antenna, Radio or Television - The arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.
- 34.2.7. Apartment - A room or suite of rooms in a multifamily dwelling or apartment house designed or occupied as a place of residence by a single family, individual or group of individuals.
- 34.2.8. Apartment House - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three (3) or more families living in independent dwelling units.
- 34.2.9. Area of the Lot or Building Site - The area shall be the net area of the lot or site and shall not include portions of streets and alleys.
- 34.2.10. Reserved for future use.
- 34.2.11. Basement - A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.
- 34.2.12. Block - An area enclosed by streets and occupied by or intended for buildings; where this word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.
- 34.2.13. Board of Adjustment - The Zoning Board of Adjustment of the City of Pelican Bay.
- 34.2.14. Buildable Width - The width of the building site left to be built upon after the required side yards are provided.

- 34.2.15. Building - 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.
- 34.2.16. Building, Detached - A building surrounded by yard or open space on the same building lot.
- 34.2.17. Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building spacing regulations for multiple-family dwelling, the term "building end" shall mean the narrowest side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.
- 34.2.18. Building, Front Of - The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.
- 34.2.19. Building Inspector - The Building Official or person charged with the enforcement of the zoning and building codes of the city.
- 34.2.20. Reserved.
- 34.2.21. Building Line - A line parallel or approximately parallel to the street line at a specified distance therefrom constituting the minimum distance from the street line that a building may be erected.
- 34.2.22. Building Lot - A single tract of land located within a single block which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may not coincide with a lot of record. A "building lot" may be subsequently subdivided into two (2) or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this ordinance.
- 34.2.23. Building, Main or Primary - A building in which is conducted the principal use of the lot on which it is situated.
- 34.2.24. Building Official - The Building Inspector.
- 34.2.25. Canopy - Any structure of a permanent fixed nature attached to or independent of the main structure, built and designed for the purpose of shielding from the elements, persons or chattels or a roof-like structure of a permanent nature which is supported by or projects from the wall of a structure.

- 34.2.26. Cellar - A building story with more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.
- 34.2.27. Certificate of Occupancy and Compliance - An official certificate issued by the city through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.
- 34.2.28. Contiguous - Shall mean "touching" or "in contact".
- 34.2.29. Court - An open, unoccupied space, bounded on more than two (2) sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one (1) side open to a street, alley, yard or other permanent space.
- 34.2.30. Coverage - The percent of a lot or tract covered by the roof or first floor of a building.
- 34.2.31. Depth of Lot - The mean horizontal distance between the front and rear lot lines.
- 34.2.32. Depth of Rear Yard - The mean horizontal distance between the rear line of a building other than an accessory building and the rear lot line except as modified in the text of any section in this ordinance.
- 34.2.33. District - A section of the city for which the regulations governing the area, height or use of the land and buildings are uniform.
- 34.2.34. Duplex - A building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof.
- 34.2.35. Dwelling Unit - A building or portion thereof designed exclusively for residential occupancy, including one (1) family, two (2) family, and multiple family dwellings, except for buildings designed and used as hotels, boarding houses, rooming houses, and motels.
- 34.2.36. Family - An individual or group of two or more persons related by blood, marriage, adoption or guardianship including foster children, exchange students, and servants together with not more than two (2) additional persons not related by blood, marriage or adoption to the previously identified individual or group, living together as a single housekeeping unit in a dwelling unit or a Family Home for the Disabled as defined by the Community Homes for Disabled Persons Location Act, Article 1011n of V.A.C.S., as it presently exists or may be amended in the future, but not including household care or rehabilitation care facilities.

- 34.2.37. Flood Plain - An area of land subject to inundation by a 100-year frequency flood, as shown on the flood plain map of the City of Pelican Bay. The term "flood plain" is interchangeable with the term "flood hazard area".
- 34.2.38. Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.
- 34.2.39. Floor Area Ratio - The ratio of total building floor area to lot area.
- 34.2.40. Reserved.
- 34.2.41. Front Yard - See Yard, front (Section 34.2.104a).
- 34.2.42. Garage Sale - The sale of items normally accumulated by a household subject to compliance with each of the following conditions:
- a) No more than three (3) garage sales shall be allowed for the same location in any twelve (12) month period. The duration of the garage sale shall not exceed three (3) consecutive days.
 - b) No items shall be purchased for a garage sale for the purpose of resale.
 - c) No items for sale shall be displayed outside of the residence, garage or carport.
 - d) One (1) unlighted sign not exceeding twelve (12) square feet in area shall be permitted. Said sign shall pertain to the garage sale only and shall be located on the property. Said sign shall be permitted for the three (3) day period.
 - e) No person shall conduct a garage sale without a City issued Garage Sale Permit. A Garage Sale Permit fee shall be paid to the City at the time application is made in accordance with Section 19 of the Fee Schedule (Appendix 1 of the Code of Ordinances).
- 34.2.43. Gross Floor Area - The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level.
- 34.2.44. Heavy Load Vehicle (HLV) - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.
- 34.2.45. Height - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs, or (3) to the mean height level between eaves and edge 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 (10) feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
- 34.2.46. Industrialized Housing - A residential structure designed for use and occupancy by one (1) or more families, constructed in one (1) or more modular components built at a location other than the permanent residential site, designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term shall not mean or apply to (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.
- 34.2.47. Landscape Screen - Plant material of the evergreen variety, a minimum of six (6) feet in height at the time of installation and planted on four (4) foot centers. All such landscape screens shall be permanently maintained. Adequate facilities shall be provided for permanent watering at the time of installation.
- 34.2.48. Light Load Vehicles (LLV) - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight not greater than 11,000 pounds, and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles, campers and other similar vehicles, but not including automobiles and motorcycles.
- 34.2.49. Living Unit - The room or rooms occupied by a family and which includes cooking facilities.
- 34.2.50. Reserved.
- 34.2.51. Lot - An undivided tract or parcel of land under one (1) ownership having frontage upon a public street or officially approved place, either occupied or to be occupied by a building or building group, together with accessory buildings, and used together with such yards and other open spaces as are required by this ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record.
- 34.2.52. Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than 135 degrees. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.
- 34.2.53. Lot Coverage - The percentage of the total area of a lot occupied by the base (first story or floor) of a building located on the lot or the area determined as the maximum cross-sectional area of the building.

- 34.2.54. Reserved for future use.
- 34.2.55. Lot Line, Front - That boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
- 34.2.56. Lot Line, Rear - That boundary of a building lot which is most distant from or is most nearly parallel to the front lot line.
- 34.2.57. Lot Line, Side - That boundary of a building lot which is not a front lot line or a rear lot line.
- 34.2.58. Lot Lines - The lines bounding a lot as defined herein.
- 34.2.59. Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk of Johnson County; or a parcel of land the deed for which is recorded in the office of the county clerk of Johnson County prior to the adoption of this ordinance.
- 34.2.60. Reserved.
- 34.2.61. Lot or Building Site - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.
- 34.2.62. Lot Width - The width of a lot at the front building lines.
- 34.2.63. Main Building - The building or buildings on a lot which are occupied by the primary use.
- 34.2.64. Manufactured Home (HUD Code) Park - Any tract of land, under single ownership, of not less than two (2) acres and not more than ten (10) acres, approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Pelican Bay relating to the location, use, construction, operation or maintenance of manufactured housing.
- 34.2.65. Manufactured Home (HUD Code) Subdivision - A tract of land of not less than ten (10) acres to be used as a location primarily for owner-occupied HUD Code manufactured homes and which has been final platted of record in its entirety in accordance with the City of Pelican Bay Subdivision Regulations and in accordance with the Section 25 of this ordinance.

- 34.2.66. Manufactured Modular Home - "Modular Home" means a structure or building module as defined by statute and under the jurisdiction and control of the Texas Department of Labor and Standards, installed and used as a residence by a consumer, transportable in one (1) or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.
- 34.2.67. Manufacturing Processes - Uses restricted from other zoning districts but permitted in the M-1 and M-2 districts under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas.
- 34.2.68. Mobile Home — A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (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 the plumbing, heating, air-conditioning, and electrical systems.
- 34.2.69. Mobile Home Park - See Manufactured Home (HUD Code) Park.
- 34.2.70. Mobile Home Subdivision - See Manufactured Home (HUD Code) Subdivision.
- 34.2.71. Non-Conforming Building or Use - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is located.
- 34.2.72. Occupancy - The use or intended use of the land or buildings by proprietors or tenants.
- 34.2.73. Off-Street Parking Incidental to Main Use - Off-street parking spaces provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or within two hundred (200) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.

- 34.2.74. Off-Street Parking Space - An area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley or other right-of-way. (See Section 26, for detailed descriptions and regulations.)
- 34.2.75. Open Space - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material. Also see "Usable Open Space" (Section 34.2.101).
- 34.2.76. Open Storage - The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six (6) feet above ground level, for more than twenty-four (24) hours.
- 34.2.77. Parking Space - An 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.
- 34.2.78. Planning and Zoning Commission - The duly appointed Planning and Zoning Commission of the City of Pelican Bay.
- 34.2.79. Plat - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Pelican Bay and subject to approval by the Planning and Zoning Commission.
- 34.2.80. Reserved.
- 34.2.81. Radio, Television or Microwave Towers - Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.
- 34.2.82. Residence - Same as dwelling; when used with district, an area of residential regulations.
- 34.2.83. Residential District - Any zoning district included in this ordinance in which residential use constitutes the primary permitted use classification, including the SF-E, SF-1, SF-2, MF, and MH-1 district classifications.
- 34.2.84. Room - A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

- 34.2.85. Screening Device - See "Landscape Screen".
- 34.2.86. Setback - The minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed porch and the side street.
- 34.2.87. Sign - 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 for display on premises.
- 34.2.88. Site Plan - A detailed line drawing, to scale, showing scale used, north arrow, date and title of project, clearly describing the project and showing the following information:
- a) Property lines, location and widths of all streets, alleys and easements.
 - b) Proper dimensions on all fundamental features such as lots, buildings, parking spaces and landscaped areas.
 - c) The location of setback lines, driveway openings and sidewalks.
 - d) All proposed buildings, free-standing sign locations, parking areas and open spaces.
 - e) All required landscaping, together with a description of type of material to be used.
 - f) A cross section of any required or proposed screening.
 - g) Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density of floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; and solid waste collection facilities.
 - h) Name, address and telephone number of the proponent.
- 34.2.89. Story - The height between the successive floors of a building from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.
- 34.2.90. Street - Any thoroughfare or public driveway, other than an alley, more than thirty (30) feet in width, which has been dedicated or deeded to the public for public use.
- 34.2.91. Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street; the right-of-way.
- 34.2.92. Street, Local or Residential - A street designed to serve properties abutting and in the immediate vicinity of the street, having a minimum right-of-way width of fifty (50) feet in single family residential districts and seventy-five (75) feet in all other districts.
- 34.2.93. Street, Major - A street designed to serve the entire community or substantial portions of the community, as well as traffic of non-local origin and destination, having a minimum right-of-way width of one hundred (100) feet.

- 34.2.94. Street, Secondary or Collector - A street designed to serve an area roughly one quarter (1/4) mile distant from each side of the street, having minimum right-of-way width of seventy-five (75) feet.
- 34.2.95. Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.
- 34.2.96. Structure - (Same as Building.)
- 34.2.97. Swimming Pool (Private) - A swimming pool constructed for the exclusive use of the residents of a single family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than eight (8) feet to any property line.
- 34.2.98. Tennis Court (Private) - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise provided or restricted by the Specific Use Permit.
- 34.2.99. Thoroughfare - (Same as Street.)
- 34.2.100. Two Family Dwelling - A building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof.
- 34.2.101. Usable Open Space - An open area which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten (10) feet, and may include landscaping, walks, water features and decorative objects. Usable open space shall not include rooftops, accessory buildings, parking areas, driveways, turn-around areas, or right-of-way or easement for streets or alleys.
- 34.2.102. Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.
- 34.2.103. Wholesale - The sale of goods, merchandise, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.

- 34.2.104. Yard - An open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.
- 34.2.104a. Yard, Front - An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.
- 34.2.104b. Yard, Rear - an open, unoccupied space, except for accessory buildings as herein permitted extending across the rear of a lot from one (1) side lot line to the other side lot line.
- 34.2.104c. Yard, Side - An open, unoccupied space or spaces on one (1) side or two (2) sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a side line.
- 34.2.105. Zoning District Map - The official certified map upon which the boundaries of the various zoning districts are drawn.
- 34.2.106. Zoning Ordinance - This ordinance containing land use regulations for the City of Pelican Bay.

SECTION 35 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

35.1. General Requirements

No permanent structure may be constructed or otherwise located within the city limits prior to issuance of a Building Permit by the Building Inspector. No permanent structure constructed or otherwise located within the city limits may be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector. No change in the existing conforming use of a permanent structure, or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a Certificate of Occupancy by the Building Inspector.

35.2. Procedure for New or Altered Buildings

Plans for any permanent structure to be constructed or otherwise located within the city limits must be approved by the Building Inspector who, upon approval, shall issue a

Building Permit. A complete application for a Building Permit shall contain details of foundation and structure sufficient to determine compliance with applicable provisions of the Building Code. Upon submission of a complete application, the Building Inspector shall issue a Building Permit. After issuance of a Building Permit and prior to issuance of a Certificate of Occupancy, the Building Inspector shall conduct a foundation, plumbing, electrical and framing inspection. After such inspection, the Building Inspector shall issue a Certificate of Occupancy if the plans and the results of the inspection comply with the provisions of all applicable ordinances and regulations.

35.3. Procedure for Vacant Land or a Change in Use

Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy therefor shall be issued within ten (10) days after the application for same has been made.

35.4. Contents of Certificate of Occupancy

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all Certificates of Occupancy shall be kept on file in the Office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

35.5. Temporary Certificate

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Issuance of a temporary certificate shall not be construed to alter the respective rights, duties, or obligations of the owner or of the City relating to the use occupancy of the premises or any other matter covered by this ordinance.

35.6. Certificates for Non-Conforming Uses

A Certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by adoption of this ordinance. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such non-conforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful non-conforming use, but failure to apply for such Certificate of Occupancy for a non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

SECTION 36 CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

36.1. Declaration of Policy

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- 36.1.1. To correct any error in the regulations or map.
- 36.1.2. To recognize changed or changing conditions or circumstances in a particular locality.
- 36.1.3. To recognize changes in technology, style of living, or manner of doing business.

36.2. Authority to Amend Ordinance

The City Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, the City Council, or may be requested by the owner of affected real property or the authorized representative of an owner of affected real property.

36.3. Public Hearing and Notice

- 36.3.1. Each application for rezoning, including an application for a specific use permit, shall include a signed, notarized statement of ownership of the property in the following format:

"The undersigned hereby, on oath, state that he or she is the record owner of the property for which this application is made.

[Name]

SWORN TO AND SUBSCRIBED before me on this __ day of _____, 20__, by the person whose signature appears directly above.

<SEAL>

Notary Public in and for
The State of Texas

Upon filing of an application for an amendment to the zoning ordinance and/or map, the Planning and Zoning Commission shall call a public hearing on said application.

- 36.3.2. Written notice of such hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date of such hearing, to all such owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the City Post Office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City tax roll, notice to such owners shall be given by one publication in the official newspaper at least fifteen (15) days before the time of hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.
- 36.3.3. If, at the conclusion of the hearing, the Planning and Zoning Commission recommends amendment of this ordinance to the City Council, said recommendation shall be by resolution of the Planning and Zoning Commission carried by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
- 36.3.4. If, after public hearing, the Planning and Zoning Commission recommends denial of an application, the applicant may appeal said determination to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days after the determination of the Planning and Zoning Commission.
- 36.3.5. The Planning and Zoning Commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the Commission recommends denial of the application and fails to clearly state the same is being

denied with prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refileing. If it is later determined by the Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

36.4. Action of the City Council

- 36.4.1. If the Planning and Zoning Commission has recommended approval of an application or if the Planning and Zoning Commission has recommended denial of an application and a notice of appeal has been filed pursuant to Section 36.3.4, the City Council shall set said application for public hearing and shall give notice of the time and place of the hearing by one (1) publication in the official newspaper at least fifteen (15) days prior to such hearing.
- 36.4.2. If the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be disapproved, the City Council may refuse to adopt the amendment by a simple majority vote of the Councilmen present and voting. However, in order to adopt the amendment which has been recommended for disapproval by the Planning and Zoning Commission, the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council of the City of Pelican Bay present and voting.
- 36.4.3. When the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved, the City Council may disapprove the petition or application for amendment by a simple majority vote of the City Councilmen present and voting. In the event of a tie vote of the City Councilmen present and voting, the Mayor may cast the deciding vote.
- 36.4.4. In the case of a protest against an amendment to the ordinance signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council of the City of Pelican Bay.
- 36.4.5. In making its determination, the City Council shall consider the following factors:
 - 36.4.5.1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole.

- 36.4.5.2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
 - 36.4.5.3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
 - 36.4.5.4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
 - 36.4.5.5. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
 - 36.4.5.6. Any other factors which will substantially affect the public health, safety, morals or general welfare.
- 36.4.6. In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the City Council shall further consider whether said application shall be denied with or without prejudice against refiling. If the City Council shall deny the application and fail to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being denied without prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or a part of the subject tract of land for a period of one (1) year from the date of denial by the City Council. If it is determined by the Planning and Zoning Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

36.5. Effect of Denial of Petition

In case an application for an amendment to the Zoning Ordinance is denied by the Planning and Zoning Commission, and no appeal therefrom is taken to the City Council, or in case an application for an amendment to the Zoning Ordinance is denied by the City Council, (in either of said events), said application shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the

opinion of the Planning and Zoning Commission, to be eligible for consideration within one (1) year of the denial of the original application.

In the event a reapplication affecting the same land is for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered as being substantially different from the application denied.

36.6. Final Approval and Ordinance Adoption

If the amending ordinance is not approved within six (6) months from the time of its original consideration, the zoning request, at the option of the City Council, may be recalled for a new public hearing.

36.7. Changes in Zoning Regulations

Amendments to the Zoning Ordinance not involving a particular property but involving a change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

SECTION 37 **SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule shall be posted in the office of the administration official and may be altered or amended only by the City Council.

No permit, certificate, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Planning and Zoning Commission, City Council, or Board of Adjustment unless or until all charges and fees have been paid in full.

The fees for the following services are established as follows:

- | | |
|--|----------|
| a. For docketing a zoning petition or specific use permit petition with the Planning and Zoning Commission | \$100.00 |
| b. For docketing an application for relief with the Board of Adjustment | \$100.00 |

SECTION 38 PENALTY FOR VIOLATIONS

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00) per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 39 VALIDITY, SEVERANCE AND CONFLICT

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the City of Pelican Bay the terms of this ordinance shall control.

SECTION 40 EFFECTIVE DATE

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

PASSED by the following vote of the City Council of the City of Pelican Bay, Texas, on this the ____ day of _____, 2005.

AYE: _____
NAY _____
ABSTAIN _____

ATTEST:

SIGNED:

City Secretary

Mayor

AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS

ZONING DISTRICT	MIN. LOT AREA (a) (square feet)	MIN. LOT WIDTH (at front bldg. line) (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK (b) (linear feet)	SIDE SETBACK (c) (linear feet)	REAR SETBACK (d) (linear feet)	HEIGHT LIMIT (linear feet)	MAX. GROUND COVERAGE ^{ooo} (% of lot area)	MAX. DENS. PER ACRE
A	5 acres (e)	100	120	50 / 50	25 / 50 / 50	50	45	10 / 10	1.0 D.U.
SF-1	7,500	60	120	25 / 35	8/10/20 15	25 (f)	35	40 / 50	4.5 D.U.
SF-2	6,000	50	120	25 / 35	8/10/20 15	25 (f)	35	45 / 55	5.5 D.U.
SF-3	6,000	50	120	25 / 35	8/10/20 15	25 (f)	35	45 / 55	5.5 D.U.
TF	7,500	60	120	25 / 35	8/10/20 15	25 (f)	35	50 / 60	7.5 D.U.
MH-1	5000	40	120	25 / 35	8/10/20 15	25 (f)	35	40 / 50	7.5 D.U.
MH-2	6000	50	120	25 / 35	8/10/20 15	25 (f)	35	40 / 50	5.5 D.U.
MF	(g)	(h)	120	25 / 35	8/25 (i)	25	45 (j)	60 / 65 (k)	23.0 D.U.
C-1	None	None	80	25 / 35 (l)	(m)/10/15	(n)	35 (o)	None	NA
C-2	None	None	80	25 / 35 (l)	(m)/10/15	(n)	45	None	NA
M-1	None	50	80	(p)	(q)/10/15	(r)	45 (s)	None	NA
M-2	None	50	80	(p)	(t)/10/15	(r)	45 (s)	None	NA
I	None	60	80	25 / 35 (l)	(m)/10/15	(r)	35 (u)	None	NA

^oThe first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

^{oo}The first number in the column is the required setback for a side yard not abutting a street; the second number in the column is the required setback for a side yard abutting a residential street; the third number in the column is the required setback for a side yard abutting a collector or major street.

^{ooo}The first number in the column refers to coverage by primary building(s); the second number refers to coverage by all buildings.

This chart is not complete for all districts and uses. See "District Regulations" (Sections 7-20) for additional regulations. See Section 27, Accessory Building Regulations, for area, setback, and height regulations for accessory buildings.

AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS

ZONING DISTRICT	MIN. LOT AREA (square feet)	MIN. LOT WIDTH (at front bldg. line) (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK (linear feet)	SIDE	REAR SETBACK† (linear feet)	HEIGHT LIMIT (linear feet)	MAX. GROUND COVERAGE (% of lot area)
					Normal* (linear feet)			
R-1	7,200	70		25	10% (a)	30	35	(g)
R-2	7,200	70		25	10% (a)	30	35	(g)
MF	(b)	70		25	10% (a)	30	45	(g)
C-1°	None	None		25	0 (c)	0 (d)	2 stories	(g)
C-2°	None	None		25	0 (c)	0 (e)	2 stories	(g)
M-1	None	50		30	(f)	15	50	(g)
M-2	None	50		30	(f)	15	50	(g)

*A "normal" side setback includes interior lots; a "side street" setback is one in which the side yard adjoins a side street.

°Residential uses shall meet the same requirements for such uses in the R districts.

†Where the rear yard of a residential building abuts an alley, one-half of such alley may be counted as a portion of the rear yard.

- (a) A side yard shall be not less than seven (7) feet and need not be more than fifteen (15) feet.
- (b) Single family uses shall meet requirements of R-1 District; minimum lot area for multifamily dwellings shall be 1,500 square feet; minimum lot area for nursing homes, boarding and lodging houses shall be 1,000 square feet per person.
- (c) Where a side lot line abuts a lot line of a lot in an R district, the side yard shall be the same as required in the abutting R district.
- (d) Where a rear lot line abuts a lot line of a lot in an R district, the rear yard shall be fifteen (15) feet.
- (e) Where a rear lot line abuts a lot line of a lot in an R district, the rear yard shall be twenty (20) feet.
- (f) A side yard shall be provided on each side of a building unit or group of buildings, the total of which side yards shall be not less than twenty (20) feet; no side yard shall be less than ten (10) feet. A side yard abutting property in an R district shall be not less than twenty (20) feet.
- (g) A detached accessory building not exceeding twenty four (24) feet or two stories in height and not higher than the main building, may occupy not more than thirty percent (30%) of the rear yard.

NOTES TO APPENDIX 1

- a. The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than required which was an official "lot of record" at the time of adoption of this ordinance may be used for a one family dwelling.

No lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

- b. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard.

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).

Where a building line has been established by a plat approved by the City Council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than twenty (20) feet, except as approved under a Planned Development (see Section 20).

Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.

On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped terrace or embankment may be maintained higher than three (3) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point thirty (30) feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the front or side yard shall be measured from the future right-of-way line.

- c. Every part of a required side yard shall be open and unobstructed except for (a) accessory buildings as permitted herein; (b) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve (12) inches into the required side yard; and (c) roof eaves projecting not more than thirty-six (36) inches into the required side yard. Balconies shall not project into the required side yard.

When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

- d. The required rear yard shall be open and unobstructed from a point thirty (30) inches above the average elevation of the graded rear yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.
- e. Single family dwellings require building lots of two (2) acres or more.
- f. A one-story wing or extension may be built to within fifteen (15) feet of the rear lot line.
- g. No lot containing multifamily units shall contain less than ten thousand (10,000) square feet or one thousand five hundred (1,500) square feet per dwelling unit, whichever is greater.

Minimum lot sizes for townhouses and zero lot line houses shall be three thousand (3,000) square feet per dwelling unit.

Minimum lot sizes for all other permitted uses shall be seventy five hundred (7,500) square feet or one thousand five hundred square feet per living unit, whichever is greater.

- h. Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be twenty (20) feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than sixty (60) feet.

- i. If a side yard or rear yard is adjacent to a single family residential district, there shall be a twenty five (25) foot setback and a sixty (60) foot setback from the adjacent property line for buildings in excess of one (1) story in height.

If more than one building is located on the same lot, there shall be a ten (10) foot separation between buildings without openings (windows) and fifteen (15) feet between buildings with openings.

- j. The height of any multifamily building sited on a lot adjacent to an area zoned for single family dwellings or where single family dwellings of one story in height exist shall be limited to one story for a distance of sixty (60) feet from the single family district boundary or the lot on which the single family dwelling is located.

- k. See Section 24.6.2 for additional regulations.

- l. The front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.

- m. No side yard is required except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

- n. No rear yard is required except that a rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting or across a rear alley or street from a residential district.

- o. No building shall exceed thirty-five (35) feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height. The height restrictions of this district shall not apply to church steeples.

- p. A twenty-five (25) foot front yard is required except that a front yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.

- q. No side yard is required except that a side yard or a side street yard of not less than twenty-five (25) feet in width shall be provided on the side of the lot adjoining or across a street or alley from a residential or commercial district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

- r. No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street or alley from a residential district, except that such rear yard requirement shall be twenty-five (25) feet in depth where the property in the residential district backs up to the rear street. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

- s. A building may be erected to a height of eighty (80) feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. This requirement is in addition to all other relevant setback requirements.

- t. Side yard requirements shall be the same as for the M-1 District except that a side yard or a side street yard of not less than fifty (50) feet in width shall be provided on the side of the lot adjoining or across the street from a residential or commercial district.

- u. The height of a structure in the I District may be increased to not more than forty-five feet (45') when, in addition to the minimum side and rear setback requirements contained herein, each of said setbacks shall be increased an additional foot for each foot such structure exceeds thirty-five feet (35') in height. The height restrictions of this district shall not apply to church steeples.

INDEX

- Abutting property, defined, Sec. 34.2.1
- Accessory building or use, Sec. 27; Schedule of Uses—Table 1
 - Area regulations, residential districts, Sec. 27.2
 - Definition/description, Sec. 23.7.1; Sec. 34.2.2
 - District regulations, Schedule of Uses—Table 1
 - Height regulations, Sec. 27.1
- Agricultural district (see Districts, Agricultural district)
- Air conditioning and refrigeration contracting, Schedule of Uses—Table 5A
 - Definition/description, Sec. 23.5.1
 - (also see Plumbing, heating, refrigeration, or air conditioning business)
- Airport, Schedule of Uses—Table 3
 - Definition/description, Sec. 23.3.1
- Alley, defined, Sec. 34.2.4
- Amendments to zoning regulations, Sec. 36
- Amusement, commercial, Schedule of Uses—Table 5A
 - Definition/description, Sec. 23.5.2a and 23.5.2b
- Annexed territory, Sec. 6; Sec. 28
- Antenna/microwave reflector, defined, Sec. 34.2.5
- Antenna, radio or television, defined, Sec. 34.2.6
- Antique shop, Schedule of Uses—Table 5A
 - Definition/description, Sec. 23.5.3
- Apartment, defined, Sec. 34.2.7 (Also see Multifamily dwelling)
- Apartment house, defined, Sec. 34.2.8
- Appliance, service and repair, Schedule of Uses—Table 5B
 - Definition/description, Sec. 23.5.20
- Appliance storage, Schedule of Uses—Table 5C
- Appliance store, Schedule of Uses—Table 5B
 - Definition/description, Sec. 23.5.21
- Area (of the lot of building site), defined, Sec. 34.2.9
- Area regulations, generally, Appendix 1
 - Accessory buildings, residential districts, Sec. 27.2
 - One main building on lot/tract, Sec. 7.4
- Arcade, Schedule of Uses—Table 5A
 - Definition/description, Sec. 23.5.4
- Art gallery, Schedule of Uses—Table 2A
 - Definition/description, Sec. 23.2.23
- Arts, crafts store, Schedule of Uses—Table 5A
- Athletic field (See Stadium or playfield)
- Automobile (Also see Car Wash; Parking lot; Quick oil change facility; Quick tune-up facility; Tire dealer)
 - Auto laundry, Schedule of Uses—Table 4
 - Definition/description, Sec. 23.4.1
 - Auto leasing, Schedule of Uses—Table 4
 - Definition/description, Sec. 23.4.2

Auto paint and body shop, Schedule of Uses—Table 4
 Auto parts sales, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.3 and 23.4.4
 Auto repair, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.5 and 23.4.6
 Automobile and trailer sales, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.7 and 23.4.8
 Automobile service station, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.9
 Auto storage, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.10
 Auto wrecking yard, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.11

Bakery and confectionery, commercial, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.5b
 Bakery and confectionery, retail, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.5a
 Bank, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.6
 Barber shop, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.7a
 Barber school or college, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.7b
 Basement, defined, Sec. 34.2.11
 Beauty culture school, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.7c
 Beauty shop, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.7d
 Block, defined, Sec. 34.2.12
 Board of Adjustment (See Zoning Board of Adjustment)
 Boarding house, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.1
 Boat sales and storage, Schedule of Uses—Table 5A
 Bottling works, Schedule of Uses—Table 6A
 Definition/description, Sec. 23.6.1
 Bowling alley, Schedule of Uses—Table 5A
 Buildable width, defined, Sec. 34.2.14
 Building, defined, Sec. 34.2.15
 Building, detached, defined, Sec. 34.2.16
 Building ends, defined, Sec. 34.2.17
 Building, front, defined, Sec. 34.2.18
 Building inspector, defined, Sec. 34.2.19
 Building line, defined, Sec. 34.2.21
 Building lot, defined, Sec. 34.2.22

Building, main or primary, defined, Sec. 34.2.23
 Building materials, sales and storage, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.8
 Building, non-conforming (see Non-conforming uses of land and buildings)
 Building Official, defined, Sec. 34.2.24
 Building permits, generally, Sec. 35
 Prohibited without plat, Sec. 6.2
 Required in annexed territory, Sec. 5.3
 Building site
 Creation of, Sec. 30
 Defined, Sec. 34.2.61
 Bus leasing (see Truck and bus leasing)
 Bus repair (see Truck and bus repair)
 Bus terminal, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.12
 Business service, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.9

Cabinet and upholstery shop, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.10
 Car wash, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.13
 Carport, Schedule of Uses—Table 1
 Definition/description, Sec. 23.7.2
 Canopy, defined, Sec. 34.2.25
 Caretaker's residence, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.14
 Cellar, defined, Sec. 34.2.26
 Cemetery, Schedule of Uses—Table 2A
 Certificate of occupancy, generally, Sec. 35
 Defined, Sec. 34.2.27
 Required in annexed territory, Sec. 6.3.1
 Child care center, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.1
 Special regulations, Sec. 24.1
 Church, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.2
 Civic center, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.3
 Civic club (see Fraternal organization)
 Classification of new/unlisted uses (see New/unlisted uses)
 Cleaning, commercial (see Laundry and cleaning, commercial)
 Cleaning, self service (see Laundry and cleaning, self service)
 Cleaning and dyeing, small shop, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.11

Cleaning and dyeing plant, Schedule of Uses—Table 6A
 Definition/description, Sec. 23.6.2

Clinic, medical or dental, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.12

College, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.4

Community center, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.5 and Sec. 23.2.6

Compliance with zoning regulations required, Sec. 6

Construction yard, temporary, Schedule of Uses—Table 1
 Definition/description, Sec. 23.7.3
 Special regulations, Sec. 24.2

Continuing care facility, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.7

Contiguous, defined, Sec. 34.2.28

Convenience store, Sec. 23.5.13a; 23.5.13b (also see Gasoline service station)

Cosmetology specialty shop (see Beauty culture school)

Country club, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.8

Court, defined, Sec. 34.2.29

Credit union (see Bank)

Coverage, defined, Sec. 34.2.30

Custom personal service shop, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.14

Customary home occupation, Schedule of Uses—Table 1
 Definition/description, Sec. 23.7.5

Dance studio, Schedule of Uses—Table 5B
 Definitions, Sec. 34
 Rules of construction, Sec. 34.1

Department store, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.15

Discount store, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.15

Districts
 Agricultural district (A)
 Abbreviated designation, Sec. 2.1
 Area regulations, Sec. 7.4; Appendix 1
 Description and purpose, Sec. 2.2; Sec. 7.1
 Parking regulations, Sec. 7.5
 Permitted specific uses, Sec. 7.3; Sec. 22 —Schedule of Uses
 Permitted uses, Sec. 7.2; Sec. 22 —Schedule of Uses
 Temporary classification, Sec. 5.2 and 5.3

Boundaries
 Rules for determining, Sec. 4

Commercial district - general (C-2)
Abbreviated designation, Sec. 2.1
Area regulations, Sec. 16.4; Appendix 1
Description and purpose, Sec. 2.2; Sec. 15.1
Parking regulations, Sec. 16.5
Permitted specific uses, Sec. 16.3; Sec. 22 —Schedule of Uses
Permitted uses, Sec. 16.2; Sec. 22 —Schedule of Uses
Commercial - office, retail neighborhood services district (C-1)
Abbreviated designation, Sec. 2.1
Area regulations, Sec. 15.4; Appendix 1
Description and purpose, Sec. 2.2; Sec. 15.1
Parking regulations, Sec. 15.5
Permitted specific uses, Sec. 15.3; Sec. 22—Schedule of Uses
Permitted uses, Sec. 15.2; Sec. 22—Schedule of Uses
Defined, Sec. 34.2.33
Established, Sec. 2.1
Floodplain district (FP)
Abbreviated designation, Sec. 2.1
City council approval required, Sec. 21.3
Description and purpose, Sec. 2.2; Sec. 21.1
Permitted uses, Sec. 21.2
Institutional District (I)
Abbreviated designation, Sec. 19.1
Area regulations, Sec. 19.4
Description and purpose, Sec. 2.2; Sec. 19.1
Parking regulations, Sec. 19.5
Permitted specific uses, Sec. 19.3; Sec. 22—Schedule of Uses
Manufactured home district (MH-1)
Abbreviated designation, Sec. 2.1
Area regulations, Sec. 12.4; Appendix 1
Description and purpose, Sec. 2.2; Sec. 12.1
Parking regulations, Sec. 12.5
Permitted specific uses, Sec. 12.3; Sec. 22—Schedule of Uses
Permitted uses, Sec. 12.2; Sec. 22—Schedule of Uses
Regulations specific to district, 12.6
Manufactured home park district (MH-2)
Abbreviated designation, Sec. 2.1
Area regulations, Sec. 13.4; Appendix 1
Description and purpose, Sec. 2.2; Sec. 13.1
Parking regulations, Sec. 13.5
Permitted specific uses, Sec. 13.3; Sec. 22—Schedule of Uses
Permitted uses, Sec. 13.2; Sec. 22—Schedule of Uses
Regulations specific to district, 13.6
Manufacturing/industrial district - heavy (M-2)
Abbreviated designation, Sec. 2.1

- Area regulations, Sec. 18.4; Appendix 1
- Description and purpose, Sec. 2.2; Sec. 18.1
- Parking regulations, Sec. 18.5
- Performance standards, Sec. 18.1.3
- Permitted specific uses, Sec. 18.3; Sec. 22 —Schedule of Uses
- Permitted uses, Sec. 18.2; Sec. 22 —Schedule of Uses
- Storage requirements, Sec.18.1.2
- Manufacturing/industrial district - light (M-1)
 - Abbreviated designation, Sec. 2.1
 - Area regulations, Sec. 17.4; Appendix 1
 - Description and purpose, Sec. 3.2; Sec. 17.1
 - Parking regulations, Sec. 17.5
 - Permitted specific uses, Sec. 17.3; Sec. 22 —Schedule of Uses
 - Permitted uses, Sec. 17.2; Sec. 22 —Schedule of Uses
- Multifamily district (see Residential, multifamily district)
- Planned development district (PD)
 - Abbreviated designation, Sec. 2.1
 - Conceptual plan, Sec. 20.4.1
 - Description and purpose, Sec. 2.2; Sec. 20.1
 - Development plan, Sec. 20.4.2
 - Development standards; Sec. 20.3
 - Permitted uses, Sec. 20.2
 - Procedure for establishment, Sec. 20.4.3
 - Site plan, Sec. 20.4.2
 - Written report, Sec. 20.5
- Residential, multifamily district (MF)
 - Abbreviated designation, Sec. 2.1
 - Area regulations, Sec. 14.4; Appendix 1
 - Description and purpose, Sec. 2.2; Sec. 14.1
 - Fire protection requirements, Sec. 14.8
 - Parking regulations, Sec. 14.5
 - Permitted specific uses, Sec. 14.3; Sec. 22 —Schedule of Uses
 - Permitted uses, Sec. 14.2 (14); Sec. 22 —Schedule of Uses
 - Refuse facility regulations, 14.6
 - Screening fence, 14.7
- Residential, single family district - 1 (SF-1)
 - Abbreviated designation, Sec. 2.1
 - Area regulations, Sec. 8.4; Appendix 1
 - Description and purpose, Sec. 2.2; Sec. 8.1
 - Parking regulations, Sec. 8.5
 - Permitted specific uses, Sec. 8.3; Sec. 22 —Schedule of Uses
 - Permitted uses, Sec. 8.2; Sec. 22 —Schedule of Uses
- Residential, single family district - 2 (SF-2)
 - Abbreviated designation, Sec. 2.1
 - Area regulations, Sec. 9.4; Appendix 1

Description and purpose, Sec. 2.2; Sec. 9.1
 Parking regulations, Sec. 9.5
 Permitted specific uses, Sec. 9.3; Sec. 22 —Schedule of Uses
 Permitted uses, Sec. 9.2; Sec. 22 —Schedule of Uses
 Residential, single family district - 3 (SF-3)
 Abbreviated designation, Sec. 2.1
 Area regulations, Sec. 10.4; Appendix 1
 Description and purpose, Sec. 2.2; Sec. 10.1
 Parking regulations, Sec. 10.5
 Permitted specific uses, Sec. 10.3; Sec. 22 —Schedule of Uses
 Permitted uses, Sec. 10.2; Sec. 22 —Schedule of Uses
 Residential, two family (duplex) district (TF)
 Abbreviated designation, Sec. 2.1
 Area regulations, Sec. 11.4; Appendix 1
 Description and purpose, Sec. 2.2; Sec. 11.1
 Permitted specific uses, Sec. 11.3; Sec. 22 —Schedule of Uses
 Permitted uses, Sec. 11.2; Sec. 22 —Schedule of Uses
 Dormitory, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.2
 Drapery shop, Schedule of Uses—Table 5A
 Dry cleaning plant, Schedule of Uses—Table 6A
 Definition/description, Sec. 23.6.2
 Duplex, Schedule of Uses—Table 1
 Definition/description, Sec. 34.2.34
 Dwelling unit, defined, Sec. 34.2.35

 Electrical power generating plant, Schedule of Uses—Table 3
 Electrical substation, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.2
 Electrical transmission line, Schedule of Uses—Table 3
 Engine and motor repair, Schedule of Uses—Table 5A
 Exhibition area, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.10

 Fairgrounds, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.11
 Family, defined, Sec. 34.2.36
 Family home, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.12
 Farm, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.13
 Farm equipment, sales and service, Schedule of Uses—Table 5A
 Farm supply store, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.16
 Feedlot, Schedule of Uses—Table 2A

Feed store (see Farm supply store)
 Fees, Sec. 37
 Fences, in general, Sec. 24.9
 Around multifamily complex, Sec. 14.7
 Around refuse facilities, Sec. 14.6
 Around swimming pool, Sec. 24.8.2
 Around parking lot, Sec. 26.11.2
 (Also see Landscape screen)
 Flea market, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.17
 Field offices, temporary, Schedule of Uses—Table 1
 Definition/description, Sec. 23.7.4
 Special regulations, Sec. 24.2
 Flood plain, defined, Sec. 34.2.37
 Floor area, defined, Sec. 34.2.38
 Floor area ratio, defined, Sec. 34.2.39
 Florist, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.18
 Food store (see Grocery store)
 Franchised utility, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.5
 Fraternal organization, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.14
 Front yard (see Yard, front yard)
 Furniture repair, Schedule of Uses—Table 5C
 Furniture storage, Schedule of Uses—Table 5C
 Furniture store, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.20

 Garden center, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.21
 Garden home, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.4
 Special regulations, Sec. 24.5
 Garage, Schedule of Uses—Table 1
 Definition/description, Sec. 23.7.6
 Garage sale, defined, Sec. 34.2.42
 Gas metering station, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.3
 Gas transmission line, Schedule of Uses—Table 3
 Gasoline service station, Sec. 23.5.13a; Sec. 23.5.13b; Sec. 24.7
 General merchandise store, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.22
 Golf course, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.15

Golf driving range, Schedule of Uses—Table 2A
Greenhouse, commercial, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.16a
Greenhouse, non-commercial, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.16b
Grocery store, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.19
Gross floor area, defined, Sec. 34.2.43
Guard's residence, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.14

Remainder of page reserved for future use.

This page reserved for future use.

Guest house, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.5
 Gymnasium (see Health club)
 Gymnastic studio, Schedule of Uses—Table 5B

Handcraft shop, Schedule of Uses—Table 5B
 Hardware, Schedule of Uses—Table 5A
 Definition/description, Sec. 23.5.8
 Health club, Schedule of Uses—Table 2A
 Heating business (see Plumbing, heating, refrigeration, or air conditioning business)
 Heavy load vehicle, defined, Sec. 34.2.44
 Heavy machinery sales, Schedule of Uses—Table 5B
 Height, defined, Sec. 34.2.45
 Height regulations (see Area regulations)
 Heliport, heliport, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.4
 Home occupation (see Customary home occupation)
 Hospital, acute care, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.18
 Hospital, chronic care, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.17
 Hotel, Schedule of Uses—Table 5B (also see Residence hotel)
 Household appliance service and repair, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.23
 Household care facility, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.19
 Household care institution, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.20
 HUD-code manufactured home, (see Districts, Manufactured home district and Manufactured home park district)
 Replacement of non-conforming use, Sec. 31.7

Industrial district (see Districts, Manufacturing/industrial district -light and Districts, Manufacturing/industrial-heavy)
 Industrial park, Schedule of Uses—Table 6C
 Definition/description, Sec. 23.6.5
 Industrialized housing, defined, Sec. 34.2.46
 Institutional district (see Districts, Institutional district)

Jail (see Prison)
 Junk yard (see Auto wrecking yard and Salvage yard)

Kennel, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.2
 Kindergarten, Schedule of Uses—Table 2B

Definition/description, Sec. 23.2.24
 Laboratory, medical or dental, Schedule of Uses—Table 5B
 Laboratory, scientific or research, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.24
 Landfill, Schedule of Uses—Table 3
 Landscape screen, defined, Sec. 34.2.47
 Laundry and cleaning, commercial, Schedule of Uses—Table 5B
 Laundry and cleaning, self service, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.25
 Library, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.22
 Light load vehicle, defined, Sec. 34.2.48
 Liquefied petroleum gas, storage and sale, Schedule of Uses—Table 3
 Living unit, defined, Sec. 34.2.49
 Livestock feetlot (see Feedlot)
 Loading requirements, off-street, Sec. 26.13
 Local utility distribution lines, Schedule of Uses—Table 3
 Lodge (see Fraternal organization)
 Lot, defined, Sec. 34.2.51
 Corner lot, defined, Sec. 34.2.52
 Lot area regulations (see Area regulations)
 Lot coverage, defined, Sec. 34.2.53
 Lot depth, defined, Sec. 34.2.31
 Lot line, defined, Sec. 34.2.5
 Front lot line, defined, Sec. 34.2.55
 Rear lot line, defined, Sec. 34.2.56
 Side lot line, defined, Sec. 34.2.57
 Lot of record, defined, Sec. 34.2.59
 Lot width, defined, Sec. 34.2.62

 Main building, defined, Sec. 34.2.63
 Manufactured home (see Districts, Manufactured home district and Manufactured home park district; also see HUD-code manufactured home)
 Manufactured home, display and sales, Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.46
 Manufactured home park, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.7; Sec. 34.2.64
 Manufactured home subdivision, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.8; Sec. 34.2.65
 Manufactured modular home, defined, Sec. 34.2.66
 Manufacturing
 Definition/description, Sec. 23.6.4
 Manufacturing, light, Schedule of Uses—Table 6C
 Definition/description, Sec. 23.6.7

Manufacturing processes, defined, Sec. 34.2.67
 Manufacturing uses, Schedule of Uses—Tables 6A, 6B, 6C, and 6D
 Map (see Zoning district map)
 Masonry requirement, Sec. 15.6 and Sec. 16.6
 Mausoleum, Schedule of Uses—Table 2A
 Medical supplies, sales and service, Schedule of Uses—Table 5B
 Metal dealer, crafted precious, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.26b
 Metal dealer, secondhand, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.26a
 Mini-warehouse, Schedule of Uses—Table 6D
 Definition/description, Sec. 23.6.8
 Mobile home, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.9
 Display and sales, Schedule of Uses—Table 5C
 Mortuary (see Funeral home)
 Motel, motor hotel, motor lodge, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.10
 Motor freight terminal (see Truck and motor freight terminal)
 Motorcycle sales and service, Schedule of Uses—Table 4
 Multifamily residence (also see Districts, Residential, multifamily district)
 Courts, Sec. 24.6.1
 Open space requirements, Sec. 24.6.2
 Museum, Schedule of Uses—Table 2A
 Definition/description, Sec. 23.2.23

 New/unlisted uses
 Classification, Sec. 28
 Newspaper printing, Schedule of Uses—Table 5B
 Non-conforming uses of land and buildings, Sec. 31
 Definition/description, Sec. 34.2.71
 Nursery school, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.24
 Nursing home, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.34

 Occupancy, defined, Sec. 34.2.72
 Off-street parking, defined, Sec. 34.2.73
 Off-street parking space, defined, Sec. 34.2.74
 Office center, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.28
 Office, professional or administrative, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.29
 Office, showroom/warehouse, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.30

Open space, defined, Sec. 34.2.75 (also see Usable open space)
 Open storage, defined, Sec. 34.2.76
 Orchard (see Farm)

Paint and body shop, Schedule of Uses—Table 4
 Park, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.26 and 23.2.27
 Parking lot, parking garage, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.14 and 23.4.15
 Parking requirements, off-street, Sec. 26 (also see parking reference under individual district names under Districts in this index)
 Area standards, Sec. 26.4
 Design standards for parking structures, Sec. 26.12
 Location of spaces, Sec. 26.9
 Rules for computing number of spaces, Sec. 26.8
 Schedule based on use, Sec. 26.6 and 26.7
 Size of space, Sec. 26.3
 Special provisions, residential districts, Sec. 26.2
 Special regulations, generally, Sec. 26.11
 Stacking requirements, Sec. 26.14
 Parking space, defined, Sec. 34.2.77
 Patio home (see Garden home)
 Pawn shop, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.31
 Penalty for violation of ordinance, Sec. 38
 Personal care home, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.28
 Personal service shop, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.32
 Pet shop, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.33
 Pharmacy, Schedule of Uses—Table 5B
 Planning and Zoning Commission, Sec. 32
 Appointment, Sec. 32.1
 Compensation, Sec. 32.1.4
 Duties, Sec. 32.2
 Membership, Sec. 32.1.1
 Organization, Sec. 32.1.3
 Terms, Sec. 32.1.2
 Plant nursery (see Greenhouse, commercial)
 Plat, defined, Sec. 34.2.79
 Playfield, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.39
 Playground (see Park)
 Plumbing, heating, refrigeration, or air conditioning business, Schedule of Uses—Table 5B

Definition/description, Sec. 23.5.34
 Plumbing service, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.35
 Pool (see Swimming pool)
 Portable building sales, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.36
 Post office, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.37
 Print shop, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.38
 Printing, newspaper (see Newspaper printing)
 Prison, Schedule of Uses—Table 2B
 Purpose of ordinance, Sec. 2

Quick oil change facility, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.16
 Quick tuneup facility, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.17

Race track, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.30
 Radio, television, microwave operations, amateur, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.6
 Radio, television, microwave operations, commercial, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.7
 Railroad station, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.8
 Railroad team track, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.9
 Railroad track, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.10
 Ranch (see Farm)
 Racquetball facilities, Schedule of Uses—Table 5B
 Definition/description, Sec. 23.5.39
 Recreation center (see Park)
 Registered family home, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.31
 Rehabilitation care facility, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.32
 Rehabilitation care institution, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.33
 Residence, defined, Sec. 34.2.82
 Residence hotel, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.12
 Special regulations, Sec. 24.4

Residential district, defined, Sec. 34.2.83
 Rest home (see Nursing home)
 Restaurant or cafeteria, Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.40a, 40b, 40c, 40d
 Retail shops and stores, Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.41
 Retirement housing, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.13
 Rodeo arena and grounds, Schedule of Uses—Table 2B
 Room, defined, Sec. 34.2.84
 Rooming house (see Boarding house)
 Row dwelling (see Townhouse)

Sales office, temporary, Schedule of Uses—Table 1
 Definition/description, Sec. 23.7.4
 Salvage yard, Schedule of Uses—Table 6C
 Definition/description, Sec. 23.6.6
 Sand, gravel, stone or earth sales, Sec. 23.5.41.1; Sec. 24.10
 Savings and loan institution (see Bank)
 Schedule of Uses, Sec. 22
 Accessory and incidental uses, Table 1
 Automobile and related uses, Table 4
 Commercial uses, Table 5A-5C
 Educational uses, Table 2A-2B
 Industrial uses, Table 6A-6D
 Institutional uses, Table 2A-2B
 Manufacturing uses, Table 6A-6D
 Office uses, Table 5A-5C
 Residential uses, Table 1
 Retail uses, Table 5A-5C
 Service and related uses, Table 5A-5C
 Special uses, Tables 2A, 2B
 Storage uses, Table 6A-6D
 Transportation uses, Table 3
 Utility uses, Table 3
 Warehousing uses, Table 6A-6D
 School, private, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.35
 School, public
 Definition/description, Sec. 23.2.36

School, trade or commercial, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.37

Scrap tire facility, Sec. 23.4.17.1

Screening device (see Landscape screen)

Second hand store, Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.42

Self storage (see Mini-warehouse)

Servant's residence, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.14

Service, retail, Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.43

Service station (see Automobile service station)

Service yards, government agency, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.11

Setback, defined, Sec. 34.2.86

Sewage pumping station, Schedule of Uses—Table 3

Sewage treatment plant, Schedule of Uses—Table 3

Sexually oriented businesses, Sec. 17.3.6; Sec. 23.6.8.1

Shopping center, Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.44

Sign
 Customary home occupation, Sec. 23.7.5
 Defined, Sec. 34.2.87
 Garage sale, Sec. 34.2.42

Single family dwelling, attached, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.15

Single family dwelling, detached, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.16

Site plan, defined, Sec. 34.2.88

Solid waste transfer station, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.13

Specific use permit, generally, Sec. 25
 Abbreviated designation, Sec. 2.1

Stable, commercial, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.38a

Stable, private, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.38b

Stacking requirements (see Parking, Stacking requirements)

Stadium, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.39

Storage uses, Schedule of Uses—Tables 6A, 6B, 6C, and 6D

Story, defined, Sec. 34.2.89

Street, defined, Sec. 34.2.90
 Local or residential, defined, Sec. 34.2.92
 Major, defined, Sec. 34.2.93

Secondary or collector, defined, Sec. 34.2.94
 Street line, defined, Sec. 34.2.91
 Structural alterations, defined, Sec. 34.2.95
 Structure (see Building)
 Structures, non-conforming, (see Non-conforming uses of land and buildings)
 Studio (photographer, musician, artist), Schedule of Uses—Table 5C
 Studio (radio and television), Schedule of Uses—Table 5C
 Swimming pool, Schedule of Uses—Table 2B
 Definition/description, Sec. 23.2.40; Sec. 34.2.97
 Special regulations, Sec. 24.8

 Tanning salon, Schedule of Uses—Table 5C
 Taxidermist, Schedule of Uses—Table 5C
 Telephone exchange, Schedule of Uses—Table 3
 Definition/description, Sec. 23.3.14
 Telephone line, Schedule of Uses—Table 3
 Temporary building
 Special regulations, Sec. 24.2
 Temporary zoning, Sec. 28
 Tennis court, defined, Sec. 34.2.98
 Theater (indoor), Schedule of Uses—Table 5C
 Theater (outdoor), Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.45
 Thoroughfare (see Street)
 Tire dealer, Schedule of Uses—Table 4
 Tire retreading and recapping, Schedule of Uses—Table 4
 Tool rental, Schedule of Uses—Table 5C
 Towers (radio, television, microwave)
 Defined, Sec. 34.2.8
 Special regulations, Sec. 24.3
 Townhouse, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.17
 Trade school (see School, trade or commercial)
 Trailer display and sales, Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.46
 Trailer rental, Schedule of Uses—Table 5C
 Definition/description, Sec. 23.5.47
 Transit station or turnaround, Schedule of Uses—Table 3
 Travel trailer, Schedule of Uses—Table 1
 Travel trailer park, Schedule of Uses—Table 1
 Definition/description, Sec. 23.1.19
 Truck and bus leasing, Schedule of Uses—Table 4
 Truck and bus repair, Schedule of Uses—Table 4
 Definition/description, Sec. 23.4.19
 Truck or motor freight terminal, Schedule of Uses—Table 4

Definition/description, Sec. 23.4.20
Truck sales, Schedule of Uses—Table 4
Definition/description, Sec. 23.4.21
Two family dwelling, Schedule of Uses—Table 1
Definition/description, Sec. 23.1.20; Sec. 34.2.100

University (see College)
Unlisted uses (see New/unlisted uses)
Upholstery shop (see Cabinet and upholstery shop)
Usable open space, defined, Sec. 34.2.101
Uses, new and unlisted (see New/unlisted uses)
Uses, non-conforming (see Non-conforming uses of land and buildings)
Utility distribution lines, Schedule of Uses—Table 3
Utility, franchised, Schedule of Uses—Table 3
Definition/description, Sec. 23.3.5
Utility, public or private, Schedule of Uses—Table 3
Definition/description, Sec. 23.3.12

Variance, defined, Sec. 34.2.102
Variety store, Schedule of Uses—Table 5A
Definition/description, Sec. 23.5.15
Vehicle, heavy load, Sec. defined, Sec. 34.2.44
Vehicle, light load,, Sec. defined, Sec. 34.2.48
Veterinarian clinic, Schedule of Uses—Table 5C
Violation of ordinance, penalty, Sec. 38

Warehouse, wholesale (heavy), Schedule of Uses—Table 6D
Definition/description, Sec. 23.6.10
Warehouse, wholesale (light), Schedule of Uses—Table 6D
Definition/description, Sec. 23.6.9
Warehousing uses, Schedule of Uses—Tables 6A, 6B, 6C, and 6D
Washateria, Schedule of Uses—Table 5C
Definition/description, Sec. 23.5.48
Water pumping station, Schedule of Uses—Table 3
Water storage, elevated, Schedule of Uses—Table 3
Water storage, ground, Schedule of Uses—Table 3
Water well, Schedule of Uses—Table 3
Water treatment plant, Schedule of Uses—Table 3
Wholesale, defined, Sec. 34.2.103
Wrecking yard (see Salvage yard)

Yard, defined, Sec. 34.2.104
Yard regulations (see Area regulations)
Front yard, defined, Sec. 34.2.104a; Sec. 34.2.41
Rear yard, defined, Sec. 34.2.32; Sec. 34.2.104b

Side yard, defined, Sec. 34.2.104c

Zero lot line house, Schedule of Uses—Table 1

Definition/description, Sec. 23.1.21

Zoning Board of Adjustment, Sec. 33

Appeals, Sec. 33.2 and 33.3

Authority and jurisdiction, Sec. 33.5

Creation, Sec. 33.1.1

Duties, Sec. 33.2

Meetings, Sec. 33.1.4

Membership, Sec. 33.1.2

Procedures, Sec. 33.1.5

Rules and regulations, Sec. 33.1.5

Variances, Sec. 33.4

Zoning district map, generally, Section 3

Defined, Sec. 34.2.105

Maintenance, Sec. 3.2.2

Original record, Sec. 3.2.1

Reproductions, Sec. 3.2.3