ORDINANCE NO. 07-15

AN ORDINANCE AMENDING PORTIONS OF ORDINANCE NO. 07-05, THE COMPREHENSIVE ZONING ORDINANCE FOR THE CITY OF RED OAK, TEXAS; WHICH ESTABLISHES ZONING DISTRICTS; CONTAINS PROVISIONS REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND, THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES AND LAND WITHIN SUCH DISTRICTS; PROVIDING FOR THE REGULATION OF SIGNS AND NONCONFORMING USES; PROVIDING FOR LANDSCAPING AND SCREENING REQUIREMENTS; PROVIDING FOR THE REGULATION OF NONCONFORMING USES; PRESCRIBING PENALTIES FOR VIOLATIONS; DEFINING CERTAIN WORDS AND PROVIDING FOR THE INTERPRETATION OF THE ORDINANCE; PROVIDING FOR A BOARD OF ADJUSTMENT AND POWERS OF THE BOARD; PROVIDING FOR AMENDMENT AND CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEALING PORTIONS OF ORDINANCE NO. 07-05; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Red Oak, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has the authority to adopt a comprehensive Zoning Ordinance and map regulating the location and use of buildings, structures, and land for business, industry, residence and other purposes, and to amend said ordinance and said map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a Comprehensive Plan; and

WHEREAS, the City Council for the City of Red Oak deems it necessary in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this Ordinance should be passed, promulgated and enforced; and
WHEREAS, the City's Planning and Zoning Commission has recommended the regulations as herein contained after public hearing, as required by law; and

WHEREAS, the City Council has given published notice and held public hearings with respect to the adoption of this Comprehensive Zoning Ordinance, as required by law; and

WHEREAS, the Planning and Zoning Commission and City Council considered, among other things, the character of zoning districts created hereunder and their peculiar suitability for the particular uses allowed therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED OAK, TEXAS:

SECTION 1 – TITLE OF ORDINANCE

The Ordinance attached hereto as Exhibit A shall be known and may be cited as the "Zoning Ordinance of the City of Red Oak, Texas."

SECTION 2 – INTERPRETATION AND PURPOSES

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. The zoning regulations and districts as herein established, have been made in accordance with a comprehensive plan, for the purpose of promoting health, safety, morals and the general welfare of the City of Red Oak; they have been designed, among other things to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and pure air; to avoid undue concentration of population, and to facilitate adequate provisions for transportation, water, sewerage, schools, parking areas and other public requirements.

SECTION 3 – SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since they would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.
SECTION 4 – PENALTY

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than $2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Further, the City is authorized to enforce the provisions of this Ordinance through seeking injunctive relief.

SECTION 5 – SAVINGS

All rights and remedies of the City of Red Oak are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts. Specifically, the provisions of Ordinance No. 02-37, Ordinance No. 04-08 and those ordinances establishing planned development districts, as described in Section 5.6.0 of Exhibit A hereto, are saved from repeal and all existing ordinances assigning a specific zoning classification to a tract of land are saved from repeal. Also, the provisions of Article IV of the Unified Development Code are not repealed, but merely restated in this Ordinance.

SECTION 6 – CUMULATIVE

This ordinance shall be cumulative of all provisions of ordinances of the City of Red Oak, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed, except as set forth in Section 5.

SECTION 7 – NEWSPAPER PUBLICATION

This ordinance shall be published in one issue of the official newspaper of the City by publishing the caption and the penalty clause of this Ordinance at least once in the official newspaper of the City of Red Oak.
SECTION 8 – EFFECTIVE DATE

This ordinance shall be in force and effect from and after its passage and publication as provided in the Red Oak City Charter, and it is so ordained.

Mayor

ATTEST:

Judy Grant, City Secretary

Effective: 07-09-2007

APPROVED AS TO FORM AND LEGALITY:

Debra Drayovitch
City Attorney
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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED OAK:

ARTICLE 1  GENERAL PROVISIONS

SECTION 1  TITLE

1.1.1  This Ordinance shall be known and cited as the Red Oak Zoning Ordinance.

SECTION 2  ENACTING CLAUSE

1.2.1  The Zoning Ordinance establishes criteria for Comprehensive Zoning Standards and District Mapping and is hereby approved and adopted.

SECTION 3  PURPOSE

1.3.1  The zoning regulations as herein established have been made in accordance with an adopted Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to insure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, circulation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, 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.

1.3.2  Other policies and standards contained herein pertaining to the use and development of land, or improvements thereof, are to guide and coordinate the development of land for the benefit of individual parcels and tracts and the City as a community.

SECTION 4  AUTHORITY

1.4.1  The Ordinance is adopted pursuant to the laws of the State of Texas, Local Government Code, Chapter 211 and 212 and the appropriate provisions of the City of Red Oak Charter which govern the zoning and subdivision of land.

SECTION 5  JURISDICTION

1.5.1  The Ordinance shall be effective for all areas within the boundaries of the City.

SECTION 6  COMPLIANCE

1.6.1  A person commits an offense if the person uses, occupies, or sells any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all the applicable provisions of this Code.

1.6.2  For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.
SECTION 7  RELATIONSHIP TO THE COMPREHENSIVE PLAN

1.7.1  It is the intention of the City Council that this Ordinance implement the planning policies adopted by the City Council for the City, as reflected in the land use plan and other planning documents. While the Council reaffirms its commitment that this Ordinance and any amendment are in conformity with adopted planning polices, the City Council hereby expresses its intent that neither this Ordinance nor any amendment may be challenged on the basis of any alleged nonconformity with any planning document.

SECTION 8  FEES ESTABLISHED

1.8.1  Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, specific use permits, plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the City's budget or as established by resolution of the Council filed in the office of the City Secretary.

1.8.2  Fees established in accordance with Subsection 1.8.1 shall be paid upon submission of a signed application.

ARTICLE 2  ADMINISTRATIVE, ENFORCEMENT AND REVIEW

SECTION 1  ADMINISTRATIVE OFFICIAL

2.1.1  Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance shall be assigned by the City Council to the Administrative Official.

SECTION 2  PLANNING AND ZONING COMMISSION

2.2.1  Membership; Officers

A.  The Commission shall consist of five (5) regular members and two (2) alternate members appointed by the City Council as set forth by Ordinance. The Commission shall elect from its membership a chairman, vice-chairman, and secretary. The Secretary shall keep minutes of all meetings held by the Commission and full record of all recommendations to be made by the Commission to the City Council.

B.  Upon request of the Commission, the City Council may, at its discretion, appoint as an ex-officio member of the Commission a person residing in the City's extraterritorial jurisdiction.

2.2.2  Quorum; Voting

Four (4) members of the Commission shall constitute a quorum, and all members, including the presiding chairman, shall have the right of one vote each, a quorum being present. To be effective, all actions by the Commission shall require four (4) votes.

2.2.3  Meetings

The Commission shall meet not less than once each month in the City Hall at a time designated by the Chairman, or Vice Chairman in the absence of the Chairman, and at such intervals as may be necessary to orderly and properly transact the business of the Commission.
2.2.4 Duties and Zoning Responsibilities

The Commission shall be an advisory body to the City Council, and shall make recommendations regarding amendments to the Comprehensive or Master Plan, changes of zoning and permanent zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of preliminary plats as may be submitted to it by the City Council. The Commission shall serve in an advisory capacity on any planning-related item(s) in the City and the Commission shall approve final plats.

SECTION 3 ZONING BOARD OF ADJUSTMENT

2.3.1 Creation

There is created a Board to be known as the Board of Adjustment.

2.3.2 Members and Terms of Office

The Board of Adjustment shall consist of five (5) regular members and four (4) alternate members who shall be appointed by the City Council in accordance with Texas Local Government Code, Chapter 211, to serve for two (2) years terms commencing June 1st of the year of appointment or until their successors are duly appointed.

2.3.3 Appointment of Members

Following the regular City Council election of offices in May of each year, the City Council shall appoint members to the Board of Adjustment to fill those offices being vacated on May 31 of that year, so that three (3) regular members and two (2) alternate members shall be appointed to two (2) year terms in one (1) year, and two (2) regular members and two (2) alternate members shall be appointed for two (2) year terms in the alternate year.

2.3.4 Powers of Board of Adjustment

The Board of Adjustment shall have the following powers:

A. to perform those duties as are provided for in Texas Local Government Code, Chapter 211 and Articles 3 and 4 hereof;

B. the power to hear and decide any special exception which the Board is authorized by ordinance or law to grant; and

C. to authorize upon appeal in specific cases such variance from the zoning provisions of this Ordinance as will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

2.3.5 Service of Alternate Members

Alternate members shall serve in the absence of one or more regular members when requested to do so by the Administrative Official.
SECTION 4  CITY COUNCIL

2.4.1 Recommendation

The City Council, prior to making any decision on a change of zoning, modification of the Zoning Map or other Articles of this Ordinance, shall first consider the recommendation of the Commission on such matter.

2.4.2 Legislative Capacity

In considering proposed changes pertaining to zoning standards in the text of this Ordinance or in the zoning map, the Council acts in its legislative capacity.

SECTION 5  DEVELOPMENT COMMITTEES

2.5.1 Purpose

The City Council may appoint development committees for the purpose of transmitting information from the community to the Commission only on matters pertaining to the Comprehensive Plan. The committees shall be advisors only to the Commission and shall function under the supervision and rules as may be prescribed by the Commission.

2.5.2 Organization

The City Council may appoint development committees for each of the major planning elements in the Comprehensive Plan. Among the committees to be formed are those for land use and zoning, street and thoroughfares, parks and recreation, city utilities, public buildings and facilities, urban design, and capital improvement programming and finance.

2.5.3 Membership

The City Council shall appoint a member of the Commission to be a chairman for each committee. The Commission shall recommend to the City Council the membership for each standing committee that may be required to maintain the Comprehensive Plan.

SECTION 6  COMPLAINTS REGARDING VIOLATIONS

2.6.1 Generally

Whenever the Administrative Official receives a written, signed complaint alleging a violation of this Ordinance, he shall investigate the complaint and take appropriate action.

SECTION 7  PARTIES LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participated in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.
SECTION 8 PROCEDURES UPON DISCOVERY OF VIOLATIONS

2.8.1 Notice

If the Administrative Official finds that any provision of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation, including the nature of the violation and ordering the action necessary to correct. Additional written notices may be sent at the Administrative Official's discretion.

2.8.2 Appeals

The final written notice (and initial written notice may be the final notice) shall state what action the City intends to take if the violation is not corrected and shall advise that the Administrative Official's decision or order may be appealed to the Board of Adjustment in accordance with Article 3, Section 3 if a zoning matter, or the Commission in a platting matter.

2.8.3 Delay

Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety or welfare, the Administrative Official may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Article.

SECTION 9 PENALTIES AND REMEDIES FOR VIOLATIONS

2.9.1 Penalties

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed two thousand ($2,000) and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

ARTICLE 3 ZONING AMENDMENT, APPEALS AND VARIANCES

SECTION 1 ZONING

3.1.1 Declaration of Policy

The City declares the enactment of the zoning regulations set forth in this Ordinance governing the use and development of land, buildings and structures as 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 as follows:

A. to correct any error in the regulations or map;

B. to recognize changed or changing conditions or circumstances in a particular locality; or

C. to recognize changes in technology, the style of living or manner of conducting business.
3.1.2 Authority to Amend Code

A. The City Council may, from time to time, after receiving a final report thereon by the Commission and after public hearings required by law, amend, supplement or change the regulations herein provided or the boundaries of the zoning districts, as set forth in Article 5. Any zoning change or amendment may be ordered for consideration by the City Council, be initiated by the Commission or be requested by the owner of real property or the authorized representative of an owner of real property.

B. Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In event the ownership stated on an application and that shown on the City records are different, the applicant shall submit proof of ownership or an affidavit from the owner authorizing the applicant to act on his behalf.

C. An applicant for zoning, for an amendment, or for change to the existing provisions of the zoning requirements, regulation and mapping as set forth in this Article, shall make an application in writing on forms provided by the Administrative Official which shall be filed with the City and shall be accompanied by payment of the appropriate fee to be charged by the City for administering the zoning application.

3.1.3 Public Hearing and Notice

A. Prior to making its report to the City Council, the Commission shall hold at least one public hearing on each application.

B. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. The notice may be served by using the last known address as listed on the latest approved City tax roll and depositing the notice, postage paid, in the United States mail.

C. Notice of hearings on proposed changes in the text of this Ordinance shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official newspaper of the City. Notices for the public hearing before the City Council may also be published at the same time notice of the Commission meeting is published.

3.1.4 Failure to Appear

Failure of the applicant or his representative to appear before the Commission for more than one hearing without an approved delay shall constitute sufficient grounds for the Commission to deny the application.

3.1.5 Commission Consideration and Report

After the public hearing is closed, the Commission shall prepare its report and recommendations on the proposed change stating its findings and its evaluation of the request. The Commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Commission shall consider the following factors:
A. 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;

B. 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;

C. 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 unavailable for development;

D. 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;

E. how other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also; and

F. any other factors which will substantially affect the health, safety, morals or general welfare.

3.1.6 Council Hearing and Notice

Notice of the City Council hearing shall be given by publication in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.

3.1.7 Three-Fourths Vote

A. A favorable vote of three-fourths (3/4) of all members of the City Council shall be required to overrule a recommendation for denial from the Commission. A tie vote of the Commission shall not constitute a recommendation for denial.

B. If a protest against a proposed amendment, supplement or change to this Ordinance or the Zoning Map has been filed with City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred (200) feet therefrom or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.

3.1.8 Joint Public Hearings

A. The City Council may elect, from time to time, to combine the Commission public hearing and the Council public hearing; provided, however, that the City Council shall not take action upon any proposed amendment or change until it has received a final report from the Commission.

B. To conduct a joint hearing, the City Council shall cause a notice showing the time and place of the joint public hearing to be published in a newspaper of general circulation before the 15th day before the public hearing. In addition, notice of all jointly held public hearings on proposed changes in classification shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed, as
indicated on the most recently approved municipal tax role, before the 10th day before the public hearing. No additional public hearings shall be required to affect a change in zoning classification or a textual change in zoning regulations if a joint public hearing is conducted in accordance with the provisions of this Subsection.

SECTION 2 COUNCIL CONSIDERATION

3.2.1 Proposal Recommended for Approval

Every proposal which is recommended favorably by the Commission shall be forwarded to the Council for setting and holding of a public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

3.2.2 Proposal Recommended for Denial

When the Commission determines that a proposal should be denied, it shall so report and recommend to the Council. The failure of a proposed change to receive four affirmative votes shall constitute a recommendation for denial.

3.2.3 Reconsideration

Unless waived by the City Council, a request which has been denied by the Commission and/or City Council may not be resubmitted by the applicant for reconsideration by the City until one year from date of denial. A new filing fee must accompany the request.

SECTION 3 BOARD OF ADJUSTMENT

3.3.1 Jurisdiction

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after written notice to all property owners within two hundred (200) feet of the request and public hearing, and subject to appropriate conditions and safeguards, authorize or order the following action:

A. revise or modify any order, requirement, decision or determination made by the Administrative Official in the enforcement of this Ordinance;

B. permit the reconstruction, extension or enlargement of a building occupied by nonconforming uses, on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use; or

C. permit such variances of specific items such as height, yard area, exterior structure, lot coverage, off-street parking and loading regulations that will not be contrary to the public interest and where, because of special conditions, the enforcement of this code or its amendments would result in an unnecessary hardship to the property owner.

3.3.2 Written Appeal and Application

Any aggrieved person by any officer, department, or board of the City, or affected by any decision of the Administrative Official may appeal the decision by making a written application or appeal to the Board of Adjustment using application forms as provided by
the City. The appeal must be filed within ten (10) days after the decision has been rendered by the Administrative Official or Board.

3.3.3 Fee

The applicant shall pay a fee for request for a variance or an appeal to cover administrative costs, as established pursuant to Article 1, Section 8.

3.3.4 Findings Required for Variance

A. In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that:

1. the requested variance does not violate the intent of the ordinance or its amendments;

2. special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district; and

3. the hardship is in no way the result of the applicant’s own actions.

B. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district.

3.3.5 Uses

No variance may authorize a use other than those permitted in the district for which the variance is sought. Also, an application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a Site Plan, Preliminary Plat or Final Plat, when required by this Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Commission and, where required, by the City Council. The administrative procedures and requirements of this Ordinance, with regard to both Commission and City Council consideration and action on zoning requests, site plans, preliminary plats and final plats must be exhausted prior to requesting a variance from the terms of this Code. It shall be the responsibility of the applicant to establish the necessary facts and burden of proof that a hardship exists which justifies a variance.

3.3.6 Procedure for Appeal of Official’s Decision

A. The Board of Adjustment may hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this Ordinance; and/or in exercising its power, the board of adjustment may, in conformity with the provisions of Chapter 211, Local Government Code, as amended revise or reform, wholly or partly, or may modify the order, requirement, decision or determination as sought to be made and shall have all the powers of the officer from whom the appeal is taken, and may require such conditions and safeguards as the Board finds necessary to preserve the spirit and intent of this Ordinance.

B. Appeals to the Board of Adjustment can be taken by any person aggrieved by a decision
of any office, official, board or department of the City. The person wishing to appeal shall give notice of appeal, specifying the grounds thereof, within fifteen (15) days after the decision has been rendered by filing the notice with the officer from whom the appeal is taken and with the Board of Adjustment.

C. The officer from whom the appeal is taken shall forthwith transmit to the Board all paper constituting the record upon which action appeals was taken.

D. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record or application on notice to the officer from whom the appeal is taken.

3.3.7 Vote Required

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance.

3.3.8 Nonconforming Uses

A. The Board of Adjustment may permit the reconstruction, extension, or enlargement of a structure occupied by a nonconforming use on the lot occupied by such structure in accordance with the provisions of Article 4 of this Ordinance.

B. The Board of Adjustment may require the discontinuance of nonconforming uses under any plan whereby the full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Ordinance.

SECTION 4 ADMINISTRATIVE PROCEDURES

3.4.1 Authority to Establish

The Administrative Official may adopt procedures for administering zoning, platting, variances, appeals and any other requirements of this Ordinance whereby uniform procedural standards are required.

3.4.2 Approval Required

A. Uniform standards shall be submitted to and approved by the appropriate elected or appointed body which has the authority for which the procedural requirements have been written.

B. When no specific authority is assigned to the elected or appointed body, then such procedural requirements shall be approved by the City Council.
ARTICLE 4  NONCONFORMING USES

SECTION 1  GENERAL

4.1.1  Intent

Within the districts established by this Ordinance or amendments thereto that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that a nonconforming structure or use or yard requirement shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere within the same district.

4.1.2  Existing Building Permits and Projects

To avoid undue hardship, nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building or land development project for a use which is lawful at the time of the application for which a building permit was applied for prior to the effective date of this Ordinance and the construction is completed before the permit expires. The permit shall not be renewed or extended without all other conditions of this Article having been met.

4.1.3  Size Nonconformity of Lots of Record

In any district in which dwelling units are a permitted use, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling or commercial building and customary accessory buildings may be erected on any single lot existing on the effective date of this Ordinance or upon the amendment of this Article where zoning under this Ordinance is otherwise proper. This provision shall apply even though such lot fails to meet requirements for width or area, or both, of the lot shall conform to the regulations for the district in which such lot is located. A variance of the requirements shall be obtained only through action of the Board of Adjustment.

SECTION 2  NONCONFORMING USES AND STRUCTURES

4.2.1  Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article;

B. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to a nonconforming use;
C. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article; and

D. No additional structures shall be erected in connection with such nonconforming use of land.

4.2.2 Nonconforming Structures

Where a lawful structure exists at the effective date of this Ordinance, May 13, 2002, or the effective date of an amendment to this Ordinance, that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following:

A. The structure may not be enlarged in a way which increases its nonconformity;

B. The structure may not be altered in a way which increases its nonconformity;

C. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter be required to conform to the regulations of the district in which it is located after it is moved.

4.2.3 Nonconforming Use of Structures

If a lawful use of a structure exists that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to a nonconforming use.

C. Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such structure.

4.2.4 Nonconforming Mobile Home or HUD-Code Manufactured Homes Used as Dwelling

A. The use of a mobile home or HUD-Code manufactured home previously legally permitted and occupied as a residential dwelling, which no longer conforms to the requirements of this Ordinance shall be nonconforming, and may be continued in accordance with this Subsection.

B. A mobile home occupied for residential use may be replaced with a HUD-Code manufactured home, in compliance with all development requirements except minimum living space requirements.

C. A nonconforming HUD-Code manufactured home may not be replaced with a mobile
home or another HUD-Code manufactured home, but the Board of Adjustment may permit the expansion of a HUD-Code manufactured home, not to exceed twenty-five percent (25%) of the existing floor area.

SECTION 3 EXCEPTIONS

4.3.1 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding twenty-five percent (25%) of the current replacement value of the building, provided that the cubic content of the building, as it existed on the effective date of this Ordinance or upon the effective date of an amendment to this Ordinance, shall not be increased.

4.3.2 Unsafe Building

A. If a building or portion of a building containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any authorized City official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

4.3.3 Special Exception Uses/Specific Use Permits: Not Nonconforming Uses

A. Any use for which a special exception or specific use permit is granted pursuant to this Ordinance shall not be deemed a nonconforming use, but shall, without further action be deemed a conforming use in such district only for the single property granted such special exception or specific use permit.

B. Any specific use permit heretofore granted by the City Council which was lawfully existing at the effective date of this Code but which is no longer permitted under this Ordinance or amendment thereof shall be considered a nonconforming use and shall be subject to all terms of this Ordinance relating to nonconforming uses, unless the zoning classification under this Ordinance for the property to which the special use attaches allows that particular use. Any specific use permit which has expired or which is not in compliance with the conditions placed upon such use shall not be permitted to continue.

4.3.4 Discontinuance and Abandonment

A. A nonconforming use under Section 4.2.1, 4.2.2, or 4.2.3, when legally abandoned or, alternatively, discontinued for an extended period, shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance. The City Council has determined that legal abandonment and extended discontinuance are separate, distinct methods by which a nonconforming use right may terminate. Legal abandonment involves the intent of the owner coupled with an act in furtherance of that intent. Extended discontinuance does not involve the intent of the owner but rather the voluntary termination of a use. The City Council has determined that it is in the best interest of the community for nonconforming uses to be brought into conformance with this Ordinance at the earliest reasonable time. If a property owner can voluntarily
terminate a nonconforming use for the period identified in extended discontinuance then it is evident that the property owner no longer needs the rights conferred by nonconforming use status. The different time periods of use termination reflect the City Council's recognition of the different standard of review.

B. Upon evidence of hardship, the Board of Adjustment shall have the power to extend the time limits in paragraph “A” not to exceed one (1) year.

4.3.5 Abandonment

A. A nonconforming use shall be considered to be legally abandoned when the following facts exist based upon the evidence available to the Administrative Official:

1. The owner has expressed or demonstrated, in some manner, an intent to permanently discontinue the nonconforming use; and

2. When land used for a nonconforming use ceases to be used in a bona fide manner for the nonconforming use for 90 consecutive days; or

3. A structure designed or arranged for a nonconforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of 60 consecutive days.

B. Legal abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming use was dilapidated, substandard, or was not maintained in a suitable condition for occupancy during the time periods set forth above.

4.3.6 Extended Discontinuance

A nonconforming use right shall be surrendered, forfeited, and lost under the following circumstances:

A. When evidence is presented to the Administrative Official that land used for a nonconforming use has ceased to be used in a bona fide manner for the nonconforming use for 180 consecutive days or for a total of 540 days during any three (3) year period; or

B. When evidence presented to the Administrative Official indicates that a structure designed or arranged for a nonconforming use has ceased to be used in a bona fide manner as a nonconforming use for a period of 180 consecutive days or for a total of 180 days during any 90 day period; or

C. When evidence is presented to the Administrative Official showing that a structure designed or arranged for a nonconforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of 90 consecutive days.

4.3.7 Destruction of Nonconforming Use

A. If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements, or otherwise, it may not be reconstructed or rebuilt except to conform with the provisions of this Ordinance unless the destruction amounts to less than fifty percent (50%) of its fair market value at the time of destruction.

B. If the destruction is greater than fifty percent (50%) and less than total, the Board of
Adjustment may, after a public hearing, authorize repair, taking into consideration the property owner's circumstances and the effect on surrounding properties.

C. Where an individual structure or structures are destroyed by more than fifty percent (50%), upon submission by the owner of sufficient evidence to prove that the destruction amounts to less than fifty percent (50%) of the total value of the entire nonconforming use and that the destroyed structure or structures constituted an integral part of the nonconforming use, without which the nonconforming use cannot be profitably operated, the Board of Adjustment may permit the reconstruction of such destroyed structure or structures under conditions which reasonably allow the owner to recoup his original investment.

4.3.8 Reconstructing Single Family Dwelling

Notwithstanding anything herein to the contrary, a single family residence which is destroyed shall be permitted to be reconstructed without Board of Adjustment approval regardless of the extent of destruction provided that the construction complies with all current building codes and is commenced within six (6) months of the date of destruction. The failure of the owner to start such reconstruction within six (6) months shall forfeit the owner's right to restore or reconstruct the dwelling except in conformance with this ordinance.

4.3.9 Obligation to Reconstruct

If the owner of a nonconforming use fails to begin reconstruction of the destroyed structure (when permitted to do so by the terms of this Article) within six (6) months of the date of destruction or approval by the Board of Adjustment, the nonconforming structure or use shall be deemed to be discontinued or abandoned as provided in Sections 4.3.4 and 4.3.6 above.

SECTION 4 AMORTIZATION OF A NONCONFORMING USE

4.4.1 Generally

In addition to the authority granted the Board of Adjustment by this Ordinance, the Board of Adjustment shall have the power to bring about the discontinuance of a nonconforming use or structure, as defined in Sections 4.2.1, 4.2.2, and 4.2.3, under a plan whereby the owner's actual investment in the use or structure prior to the time that the use or structure became nonconforming can be amortized within a definite time period.

ARTICLE 5 ZONING DISTRICTS AND ZONING MAP

SECTION 1 PURPOSE

5.1.1 Generally

The regulations and districts as herein established have been prepared in consonance with the Comprehensive Plan. The regulations are designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to insure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, circulation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things for the character of the 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 through the City.

SECTION 2 ZONING DISTRICTS

5.2.1 Designation

Zoning Districts are designated for defining use districts on the Zoning District Map. The use, height, and area regulations for these Districts, as set out in Articles 6 and 7 herein, are uniform in each district. The districts established herein shall be known as:

<table>
<thead>
<tr>
<th>Abbreviated Designation</th>
<th>Zoning District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG</td>
<td>Agricultural District</td>
</tr>
<tr>
<td>RE</td>
<td>Single-Family Residential Estate District</td>
</tr>
<tr>
<td>R-1</td>
<td>Single-Family Residential District – 1</td>
</tr>
<tr>
<td>R-2</td>
<td>Single-Family Residential District – 2</td>
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<td>R-4</td>
<td>Single-Family Residential District – 4</td>
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<tr>
<td>A</td>
<td>Apartment District</td>
</tr>
<tr>
<td>C-1</td>
<td>Commercial District – 1</td>
</tr>
<tr>
<td>HO</td>
<td>Highway Oriented District</td>
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<td>C-2</td>
<td>Commercial District – 2</td>
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<tr>
<td>I</td>
<td>Industrial District</td>
</tr>
<tr>
<td>PD</td>
<td>Planned Development District</td>
</tr>
<tr>
<td>RAE</td>
<td>Single-Family Ranchette Estates District</td>
</tr>
</tbody>
</table>

Zoning Prefix Designation

FP                        Flood Plain Prefix

Planned Development Districts

PD                        Planned Development Prefix

SECTION 3 DEFINITIONS AND PURPOSE OF ZONING DISTRICTS AND PREFIX DESIGNATION

5.3.1 AG – Agricultural District

This District is intended to provide a location for principally undeveloped land situated on the fringe of an urban area and used for agricultural purposes, but may become an urban area in the future. Generally, the “AG”, Agricultural District, will be near development; therefore, any agricultural activities conducted in the District, should not be detrimental to urban land uses. The types and intensity of uses permitted in this District shall encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

5.3.2 RE – Single-Family Residential Estate District

The "RE", Residential Estate Zoning District is designed to promote and encourage a suitable environment for family life on approximately one-half acre and larger parcels of land used only for suburban style single-family homes and their community services and facilities.
5.3.3 R-1 – Single-Family Residential District – 1

This District is considered to be the proper zoning classification for large lot developments, 12,000 square feet or greater, for single-family dwelling use. The District is intended to be composed of single-family dwellings, together with public schools, churches, parks, drainage facilities and access required by the allowed density.

5.3.4 R-2 – Single-Family Residential District – 2

The R-2 District is slightly less restrictive than the RE or R-1 Districts by allowing lots of 10,000 square feet or greater. The principal use of the land is for single family dwellings and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area.

5.3.5 R-3 – Single-Family Residential District – 3

The R-3 Single-Family Residential District is designed to provide for a suitable residential environment for single-family residents on parcels of land of 8,400 square feet or larger.

5.3.6 R-4 – Single-Family Residential-4

The R-4 District is intended for single-family residential use having a minimum area of 7,200 square feet.

5.3.7 A- Apartment (Multiple-Family) Dwelling District

This Apartment Dwelling District is intended to be comprised of attached dwellings for two or more families with a maximum density of eighteen (18) dwelling units per acre.

5.3.8 C-1 – Commercial District – 1

The C-1 Commercial District provides for retail types of land uses to be located in appropriate areas serving a neighborhood or several neighborhoods and designed as a retail center. Uses are contained wholly within a building or structure.

5.3.9 HO – Highway Oriented District

The HO Highway Oriented District provides for office, retail, and limited service uses to be placed in districts adjacent to I.H. 35 E to service local and regional needs.

5.3.10 C-2 – Commercial District – 2

The C-2 District concentrates business, warehouse and service activities not normally located within retail service centers. Uses may have incidental open storage or outside sales of merchandise.

5.3.11 I – Industrial District

The I-Industrial District provides for a wide range of commercial and industrial uses, all of which should be comparatively nuisance free. The District specifically excludes residences on the bases that the mixture of residential use and public services and facilities for residences with those for industry is contrary to the purpose of these regulations.
5.3.12 PD – Planned Development

The Planned Development District is intended to provide for integrating uses allowed in various districts with appropriate regulations, and to permit greater flexibility in the use and design of land and buildings on sites where modification of specific provisions of this Code is not contrary to its intent and purpose of the Comprehensive Plan and will not be harmful to the surrounding neighborhood.

5.3.13 RAE – Ranchette Estate District

The Ranchette Estate District is designed to promote and encourage a suitable environment for family life on approximately three-quarter (3/4) acre and larger parcels of land used only for suburban style single family homes, with related equestrian, livestock and agricultural uses and their community services and facilities.

5.3.14 FP – Flood Plain Prefix

This Prefix provides regulations for use of land in designated floor plain areas as shown on FEMA mapping.

SECTION 4 ZONING DISTRICT MAP

5.4.1 Adoption

The boundaries of zoning districts set out herein are delineated upon a zoning map of the City, adopted as part of this Ordinance as fully as if the same were set forth herein in detail.

5.4.2 Filing

One original of the Zoning Map shall be filed in the office of the City Secretary and labeled as "Exhibit "A". This copy shall be the official Zoning Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

5.4.3 Reference Copy

An additional copy of the original Zoning Map shall be placed in the office of the City Secretary. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may be made of the official Zoning Map.

SECTION 5 ZONING DISTRICT BOUNDARIES

5.5.1 Rules of Construction

The district boundary lines shown on the Zoning Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following city limits shall be construed as following city limits.

D. Boundaries indicated as following stream lines shall be construed to follow such stream lines, and in the event of change in the stream line shall be construed as moving with the actual stream line.

E. Boundaries indicated as parallel to or extensions of features indicated above in A through D shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.

5.5.2 Boundary Limits

A. Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such 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 other public way and all areas so involved shall then and henceforth by subject to all regulations of the extended districts.

B. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

C. For exact legal descriptions, refer to adopting ordinances for each particular permanent zoning change.

SECTION 6 APPROVED PLANNED DEVELOPMENTS

5.6.1 Existing Developments

The planned development districts established prior to adoption of this Ordinance are shown on the Zoning Map and set forth in Appendix A hereto.

5.6.2 Planned Development Number 4

A. Planned Development District 4 was established with the adoption of Ordinance No. 89-02, to permit a mixture of single-family or multi-family units with density not to exceed 18 units per acre, or retail, commercial, or industrial uses, as follows:

1. Proposed developments within this district should include an analysis of the following:

   a. proposed land uses;
   b. connectivity between land uses;
   c. transportation;
   d. parking (including lighting);
   e. landscaping;
   f. open space;
   g. storm water management;
   h. screening; and
   i. buffering between land uses
2. Prior to issuance of a building permit, the applicant must comply with Article 7 of this Ordinance concerning submission and approval of concept and development plans.

B. With and subsequent to the adoption of Ordinance No. 00-22, the City established Planned Development Number 4 Districts with the adoption of Ordinances No. 00-22, 01-02, 01-06, 01-07, 01-08, 01-32, 01-46, 02-39, 03-24, 03-27, 03-44, 03-46, 04-16, 04-17, 04-25, 05-07, 05-08, 05-64 and 05-55. For future reference and to avoid confusion, these ordinances are hereby redesignated on the Zoning Map and in Appendix A. Each ordinance which establishes a planned development, along with its designation on the Zoning Map, is as follows:

<table>
<thead>
<tr>
<th>Ordinance No.</th>
<th>Designation on Zoning Map</th>
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<tbody>
<tr>
<td>89-02</td>
<td>PD 1</td>
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<td>06-46</td>
<td>PD 43</td>
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These ordinances, including those created as Planned Developments 4, shall, except to the extent modified by amending ordinances, remain in full force and effect, even though the designation of the planned development may be different.
ARTICLE 6 USE AND LOT STANDARD REGULATIONS

SECTION 1 GENERALLY

6.1.1 Purpose

The purpose of this Article is to establish requirements for use of property, minimum requirements for lot area, width, depth, yard setbacks, coverage, building height, and dwelling unit size. The following restrictions shall be applicable to all districts set forth in this Article.

6.1.2 Regulations Applicable to All Districts

A. Regulations set forth herein are the minimum requirements for lot area, width and depth, building setbacks, lot coverage, dwelling heights, and dwelling size.

B. The minimum lot area width and depth shall be in accordance with the square footage and dimensional values shown in Sections 2 through 5 of this Article for residential districts, except a lot platted of record prior to the adoption of this Ordinance may be used for single-family residential purposes if all other requirements are met.

C. Public and semi-public institutional uses such as hospitals, churches and schools located in any district shall have a minimum site area of one (1) acre.

D. Access to a lot shall have a minimum width of twenty-five (25) feet at the property line.

E. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the Commission so as to comply with the requirements for platting. However, 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.

F. Municipally-operated facilities are allowed in any zoning district.

6.1.3 Residential Main Building

Only one main building for single-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract.

SECTION 2 “AG” — AGRICULTURAL DISTRICT

6.2.1 Permitted Uses

A. Single-family dwellings in connection with agricultural operations.

B. Farm, nursery, greenhouse or garden, agricultural operations, including field crops, orchards, horticulture, animal husbandry, subject to the rules and regulations of the State Health Department, but not including feed lots, poultry farms and kennels.

C. Parks, community buildings or other public recreational areas and facilities owned and operated by the City or other public agency, and recreational areas operated by
public, charitable, or religious organizations.

D. All municipally-owned or privately-owned utilities.

E. Servant's quarters and quarters used by bona fide farm workers, or other accessory buildings such as barns, sheds, and other structures necessary for farming operations may be permitted, provided however, that no such accessory building or quarters to be used by servants or farm workers shall be occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker and actually and regularly employed by the land owner or occupant of the main building.

F. Accessory uses where the primary use is residential:

1. A detached or attached private garage having a capacity for not more than four (4) automobiles;

2. One (1) antenna (amateur or CB radio) and satellite dish antenna per lot;

3. Private swimming pools.

4. Stable, private.

G. Schools and related uses, operated by a public independent school district.

H. Telephone exchange.

I. A temporary bulletin board or sign pertaining to the lease or sale of land or acreage.

J. Such uses as permitted under the provisions of a Specific Use Permit.

6.2.2 Height Regulations

Height regulations are set forth in Table 6.2, Minimum Residential Requirements.

6.2.3 Area Regulations

A. Minimum Size of Yards:

Minimum size of yards is set forth in Table 6.2, Minimum Residential Requirements.

B. Minimum Lot Coverage:

Minimum lot coverage is set forth in Table 6.2, Minimum Residential Requirements.

C. Lot Coverage: None

D. Other Regulations: See Section 15 of this Article.

6.2.4 Special Dwelling Restrictions

The minimum living area of each main dwelling unit excluding any attached garage, porch area, or other similar non-living area shall not be less than two thousand (2,000) square feet.
6.2.5 Parking

A. A minimum two (2) car garage required. Two (2) spaces (9’ x 20’ minimum) per dwelling unit in front of garage.

B. Each driveway must be constructed of concrete compaction with ten (10) foot minimum width and four (4) inch minimum thickness.
   1. For homes set back over two hundred (200) feet from the property line, a concrete driveway is not required.
   2. Concrete parking is not required for farming or farm-related equipment.

C. Vehicles must be parked on private property and may not cross the property line.

D. See Article 8 for special residential provisions and nonresidential use requirements.

6.2.6 Type of Exterior Construction

A. One hundred percent (100%) masonry construction on the front elevation, including porches, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, but excluding garage doors and dormers. Glass or stucco may be used in place of masonry. Alternate building materials may be approved only by the Commission and City Council.

B. Accessory structures shall be constructed of brick, stucco, rock, stone or colored metal materials (inclusive of baked for painted finishes). Unfinished metal materials are prohibited.

6.2.7 Other Regulations

A single family dwelling must be on a lot of at least one acre and meet the setback requirements for the RAE District.

SECTION 3 “RAE” – RANCHETTE ESTATES DISTRICT

6.3.1 Permitted Uses

A. Single-family detached dwellings;

B. Farms, nurseries, greenhouses or gardens, agricultural operations, including field crops, orchards, horticultural, animal husbandry, subject to the rules and regulations of the State Health Department, but not including feedlots or outside kennels and the following:
   1. Poultry and swine may be kept solely for personal consumption subject to the rules of the State Health Department.
   2. A ratio of no more than ten (10) fowl or four (4) large animals per one (1) acre shall be permitted on each lot.

C. Parks, community buildings or other public recreational areas and facilities owned and operated by the City or other public agency, and recreational areas operated by public, charitable, or religious organizations;
D. All municipally-owned or privately-owned utilities;

E. Servant’s quarters and quarters used by bona fide farm workers or other accessory buildings such as barns, sheds, and other structures necessary for farming operations may be permitted, provided however, that no such accessory building or quarters be used by servants or farm workers shall be occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker and actually who is regularly employed by the land owner or occupant of the main building;

F. Permitted accessory uses where the primary use is residential are as follows:

1. A detached or attached private garage having a capacity for not more than four (4) automobiles;

2. One (1) antenna (amateur radio or CB radio) and one (1) satellite dish antenna greater than three (3) feet in diameter per lot with a Specific Use Permit;

3. Private swimming pools;

4. Keeping large animals, provided that no more than three (3) large animals for lots less than one (1) acre shall be permitted on each lot and one additional large animal is permitted for each additional quarter acre of lot size;

G. Stable, private or commercial, for the raising, sale and boarding of horses;

H. Schools and related uses, operated by a public independent school district;

I. A temporary bulletin board or sign pertaining to the lease or sale of land or acreage; and

J. Such other uses as may be permitted under the provisions of a Specific Use Permit.

6.3.2 Height Regulations

Height regulations are set forth in Table 6.2, Minimum Residential Requirements.

6.3.3 Other Regulations

A. Minimum Size of Yards:

The minimum size of yards is set forth in Table 6.2, Minimum Residential Requirements.

B. Maximum Lot Coverage:

The maximum lot coverage is set forth in Table 6.2, Minimum Residential Requirements.

C. Other Regulations: See Section 15 of this Article.

D. Barns and other accessory buildings shall not exceed the following square footage in size:

1. For lots less than One (1) Acre: One thousand four hundred (1,400) square feet;
2. For lots One (1) Acre to Less than Five (5) Acres: Three thousand (3,000) square feet; and

3. For lots Five (5) Acres and Larger: Must not exceed the maximum lot coverage requirements set forth in Paragraph B above (6.3 B, Maximum Lot Coverage).

6.3.4 Fencing

A. Smooth wire, 2x4 horse wire, and 4x4 panel fencing shall be permitted within the front and side yards.

B. Barbed wire is permitted on tracts two acres in size or larger.

C. Any section of fence visible from a public street must be constructed of wood, brick, wrought iron, pipe, vinyl or chain link materials.

6.3.5 Special Dwelling Restrictions

The minimum living area of the main dwelling unit, excluding any attached garages, porch areas, or other similar non-living area, shall not be less than two thousand (2,000) square feet.

6.3.6 Parking

A. At a minimum, a two (2) car garage is required, with two (2) spaces (9' x 20' minimum) in front of garage.

B. Driveway must be constructed of concrete with ten (10) foot minimum width and four (4) inch minimum thickness.

C. Vehicles must be parked on private property and may not cross the property line.

D. For homes set back from the curb/right-of-way line over two hundred (200) feet, the concrete driveway is not required. Concrete parking not required for farm related equipment.

E. See Article 8 for special residential and nonresidential use requirements.

6.3.7 Exterior Construction

A. One hundred percent (100%) masonry construction on the front, including porches, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, but excluding garage doors and dormers. Glass or stucco may be used in place of masonry. Alternate building materials may be approved only by the Planning and Zoning Commission and City Council.

B. Accessory structures shall be constructed of brick, stucco, rock, stone or colored metal materials (inclusive of baked for painted finishes). Unfinished metal materials are prohibited.
SECTION 4  “RE” – Single-Family Residential Estate District

6.4.1 Permitted Uses

A. Single-family detached dwellings;

B. Nurseries, greenhouses or gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises;

C. Private libraries;

D. Real estate sales offices during the development of residential subdivisions allowed for no longer than six months (180 days) with a non-renewable permit;

E. Public schools (kindergarten through high school) operated by an independent school district;

F. All municipally-owned utilities;

G. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith;
   1. A detached or attached private garage having a capacity for not more than four (4) automobiles;
   2. One antenna (amateur radio or CB radio) and satellite dish antenna greater than three (3) feet in diameter per lot with a Specific Use Permit;
   3. Private swimming pool; and
   4. Such other uses as may be permitted under the provisions of a Specific Use Permit.

6.4.2 Height Regulations

Height regulations are set forth in Table 6.2, Minimum Residential Requirements.

6.4.3 Area Regulations

A. The minimum size of yards is set forth in Table 6.2, Minimum Residential Requirements.

B. The minimum size of lots is set forth in Table 6.2, Minimum Residential Requirements.

C. The maximum lot coverage is set forth in Table 6.2, Minimum Residential Requirements.

D. Other Regulations: See Section 15 of this Article.

6.4.4 Special Dwelling Restrictions

A. No temporary buildings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes.
B. The minimum living area of each main dwelling unit, excluding any attached garage, porch area, or other similar non-living area, shall not be less than two thousand (2,000) square feet.

C. The maximum area of any one accessory building will not exceed six hundred fifty (650) square feet unless otherwise permitted pursuant to a Special Use Permit.

6.4.5 Parking

A. At least a two (2) car garage required. Two (2) spaces (9' x 20' minimum) per dwelling unit in front of garage; driveway must be concrete with ten (10) foot minimum width and four (4) inch minimum thickness. Vehicles must be parked on private property and may not cross the property line.

B. See Article 8 for special residential and nonresidential use requirements.

6.4.6 Type of Exterior Construction

One hundred percent (100%) masonry construction on the front elevation, including porches, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, but excluding garage doors and dormers. Glass or stucco may be used in place of masonry. Alternate building materials may be approved only by the Commission and City Council.

SECTION 5 “R-1” – SINGLE-FAMILY RESIDENTIAL DISTRICT – 1

6.5.1 Permitted Uses

A. Single-family detached dwellings; and

B. Any use permitted in the Residential Estates District.

6.5.2 Height Regulations

Height regulations are set forth in Table 6.2, Minimum Residential Requirements.

6.5.3 Area Regulations

A. The minimum size of yards is set forth in Table 6.2, Minimum Residential Requirements.

B. The minimum size of lots is set forth in Table 6.2, Minimum Residential Requirements.

C. The maximum lot coverage is set forth in Table 6.2, Minimum Residential Requirements.

D. Other Regulations: See Section 15 of this Article.

6.5.4 Special Dwelling Restrictions

A. No temporary buildings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes.
B. The minimum living area of each main dwelling unit, excluding any attached garage, porch area or other similar non-living area, shall not be less than eighteen hundred (1,800) square feet.

C. Accessory building area: The maximum area of any one accessory building will not exceed six hundred fifty (650) square feet without a Special Use Permit.

6.5.5 Parking

A. At least a two (2) car garage required for each dwelling unit, with two (2) spaces (9' x 20' minimum) in front of garage; the driveway must be concrete with ten (10) foot minimum width and four (4) inch minimum thickness. Vehicles must be parked on private property and may not cross the property line.

B. See Article 8 for special residential and nonresidential use requirements.

6.5.6 Type of Exterior Construction

One hundred percent (100%) masonry construction on the front elevation, including porches, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, but excluding garage doors and dormers. Glass or stucco may be used in place of masonry. Alternate building materials may be approved only by the Planning and Zoning Commission and City Council.

SECTION 6 “R-2” — SINGLE-FAMILY RESIDENTIAL DISTRICT — 2

6.6.1 Permitted Uses

A. Any uses permitted in the R-1, Single-Family Residential District — 1; and

B. Other such uses permitted pursuant to a Specific Use Permit.

6.6.2 Height Regulations

Height regulations are set forth in Table 6.2, Minimum Residential Requirements.

6.6.3 Area Regulations

A. The minimum size of yards is set forth in Table 6.2, Minimum Residential Requirements.

B. The minimum size of lots is set forth in Table 6.2, Minimum Residential Requirements.

C. The maximum lot coverage is set forth in Table 6.2, Minimum Residential Requirements.

D. Other Regulations: See Section 15 of this Article.

6.6.4 Special Dwelling Restrictions

A. No temporary buildings, such as travel trailers or mobile homes, may be used for on-site dwelling purpose.
B. The minimum living area of each main dwelling unit, excluding any attached garage, porch area, or other similar non-living area, shall be not less than seventeen hundred (1,700) square feet.

C. The maximum area of any one accessory building will not exceed 650 square feet without a specific use permit.

6.6.5 Parking

A. A minimum of a two (2) car garage is required for each dwelling unit, with two (2) spaces (9' x 20' minimum) in front of garage; the driveway must be concrete with ten (10) foot minimum width and four (4) inch minimum thickness. Vehicles must be parked on private property and may not cross the property line.

B. See Article 8 for special residential and nonresidential use requirements.

6.6.6 Type of Exterior Construction

One hundred percent (100%) masonry construction on the front elevation, including porches, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, but excluding garage doors and dormers. Glass or stucco may be used in place of masonry. Alternate building materials may be approved only by the Commission and City Council.

SECTION 7 “R-3” – SINGLE-FAMILY RESIDENTIAL DISTRICT – 3

6.7.1 Permitted Uses

A. Any uses permitted in the R-2 Residential District; and

B. Other such uses as may be permitted under the provisions of a Specific Use Permit as specified in Section 14 of this Article.

6.7.2 Height Regulations

Height regulations are set forth in Table 6.2, Minimum Residential Requirements.

6.7.3 Area Regulations

Area regulations are set forth in Table 6.2, Minimum Residential Requirements.

A. The minimum lot size is set forth in Table 6.2, Minimum Residential Requirements.

B. The maximum lot coverage is set forth in Table 6.2, Minimum Residential Requirements.

C. Other Regulations: See Section 15 of this Article.

6.7.4 Special Dwelling Restrictions

A. No temporary buildings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes;
B. The minimum living area of each main dwelling unit excluding any attached garage, porch area or other similar non-living area shall be not less than sixteen hundred fifty (1,650) square feet;

C. The maximum area of any one accessory building will not exceed six hundred fifty (650) square feet without a Special Use Permit.

6.7.5 Parking

A. A minimum two (2) car garage is required for each dwelling unit, with two (2) spaces (9' x 20' minimum) per dwelling unit in front of garage; the driveway must be concrete with ten (10) foot minimum width and four (4) inch minimum thickness. Vehicles must be parked on private property and may not cross the property line.

B. See Article 8 for special residential and nonresidential use requirements.

6.7.6 Type of Exterior Construction

One hundred percent (100%) masonry construction on the front elevation, including porches, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, but excluding garage doors and dormers. Glass or stucco may be used in place of masonry. Alternate building materials may be approved only by the Commission and City Council.

SECTION 8 “R-4” – SINGLE FAMILY RESIDENTIAL DISTRICT – 4

6.8.1 Permitted Uses

A. Any uses permitted in the R-3 Residential District;

B. Other such uses as may be permitted under the provisions of a Specific Use Permit.

6.8.2 Height Regulations

Height regulations are set forth in Table 6.2, Minimum Residential Requirements.

6.8.3 Area Regulations

Area regulations are set forth in Table 6.2, Minimum Residential Requirements.

A. The minimum lot size is set forth in Table 6.2, Minimum Residential Requirements.

B. The maximum lot coverage is set forth in Table 6.2, Minimum Residential Requirements.

C. Other Regulations: See Section 15 of this Article.

6.8.4 Special Dwelling Restrictions

A. No temporary buildings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes.

B. The minimum living area of a main dwelling unit excluding any attached garage, porch area or other similar non-living area shall not be less than twelve hundred fifty (1,250)
square feet.

C. The maximum area of an accessory building will not exceed six hundred fifty (650) square feet unless permitted pursuant to a specific use permit.

6.8.5 Parking

A. A minimum of a two (2) car garage required for each dwelling unit, with two (2) spaces (9' x 20' minimum) in front of garage; the driveway must be concrete with ten (10) foot minimum width and four (4) inch minimum thickness. Vehicles must be parked on private property and may not cross the property line.

B. See Article 8 for special residential and nonresidential use requirements.

6.8.6 Type of Exterior Construction

One hundred percent (100%) masonry construction on the front elevation, including porches, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, but excluding garage doors and dormers. Glass or stucco may be used in place of masonry. Alternate building materials may be approved only by the Commission and City Council.

SECTION 9 “A” – APARTMENT (MULTIPLE-FAMILY) DISTRICT

6.9.1 Permitted Uses

A. Any use permitted in the R-4 District;

B. Multiple-Family Dwelling (apartment building) greater than one (1) unit per building; and

C. Other such uses as may be permitted under the provisions of a Specific Use Permit.

6.9.2 Height Regulations

Height regulations are set forth in Table 6.2, Minimum Residential Requirements.

6.9.3 Area Regulations

Area regulations are set forth in Table 6.2, Minimum Residential Requirements.

A. Minimum lot size is set forth in Table 6.2, Minimum Residential Requirements.

B. Maximum lot coverage is set forth in Table 6.2, Minimum Residential Requirements.

C. Other Regulations: See Section 15 of this Article.

6.9.4 Refuse Facilities

A. Every dwelling unit shall be located within two hundred feet (200') of a refuse facility; measured along the designed pedestrian and vehicular travel way;

B. Each refuse facility shall be screened from view on three (3) sides by a masonry wall not less than six (6) feet in height. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
6.9.5 **Special District Requirements**

No temporary buildings, such as travel trailers or mobile homes, may be used for on-site dwelling purposes.

6.9.6 **Dwelling Unit Restrictions**

A. The minimum living area for dwelling units in the "A" -Apartment District shall be as follows:

1. Efficiency unit, four hundred (400) square feet;
2. One bedroom unit, six hundred (600) square feet; and
3. Two bedroom unit, seven hundred fifty (750) square feet;

B. When the bedrooms in the unit exceed two (2), an area of one hundred fifty (150) square feet shall be added to the living area for each additional bedroom.

C. For purposes of this section, the living area shall be exclusive of garage, porch or similar non-living area.

6.9.7 **Parking**

See Article 8 for all parking provisions and use requirements.

6.9.8 **Type of Exterior Construction**

One hundred percent (100%) masonry construction on the front elevation, including porches, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, but excluding garage doors and dormers. Glass or stucco may be used in place of masonry. Alternate building materials may be approved only by the Commission and City Council.

**SECTION 10 “C-1” – COMMERCIAL DISTRICT -1**

6.10.1 **Permitted Uses**

Uses permitted in the "C-1"-Commercial District are set forth in Table 6.1, Permitted Uses.

6.10.2 **Height Regulations**

Height regulations are set forth in the Table 6.3, Minimum Requirements.

6.10.3 **Area Regulations**

A. Area regulations are set forth in the Table 6.3, Minimum Requirements.

B. Other Regulations: See Section 15 of this Article.

6.10.4 **Parking**

See Article 8 for all parking provisions and use requirements.
6.10.5 Type of Exterior Construction

There shall be one hundred percent (100%) masonry exterior construction on the front elevation, excluding sidewalk overhangs, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, excluding garage doors. Glass or stucco may be used in place of masonry. Alternate exterior materials may be approved by the City Council upon receiving a recommendation from the Commission. To approve an alternate material, the City Council must find that the proposed structure will be weatherproof and compatible with the surrounding development.

SECTION 11 “HO” – HIGHWAY ORIENTED DISTRICT

6.11.1 Permitted Uses

Uses permitted in the “HO”-Highway Oriented District are set forth in Table 6.1.

6.11.2 Height Regulations

Height regulations are set forth in Table 6.3, Minimum Requirements.

6.11.3 Area Regulations

A. Area regulations are set forth in Table 6.3, Minimum Requirements.

B. Other Regulations: See Section 15 of this Article.

6.11.4 Parking

See Article 8 for all parking provisions and use requirements.

6.11.5 Type of Exterior Construction

There shall be one hundred percent (100%) masonry exterior construction on the front elevation, excluding sidewalk overhangs, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, excluding garage doors. Glass or stucco may be used in place of masonry. Alternate exterior materials may be approved by the City Council upon receiving a recommendation from the Commission. To approve an alternate material, the City Council must find that the proposed structure will be weatherproof and compatible with the surrounding development.

SECTION 12 “C-2” – COMMERCIAL

6.12.1 Permitted Uses

Uses permitted in the “C-2”-Commercial District are set forth in Table 6.1, Permitted Uses.

6.12.2 Height Regulations

Height regulations are set forth in Table 6.3, Minimum Requirements.

6.12.3 Area Regulations

A. Area regulations are set forth in Table 6.3, Minimum Requirements.
B. Other Regulations: See Section 15 of this Article.

6.12.4 Parking

See Article 8 for all parking provisions and use requirements.

6.12.5 Type of Exterior Construction

There shall be one hundred percent (100%) masonry construction on the front, excluding sidewalk overhangs, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, excluding garage doors. Glass or stucco may be used in place of masonry. Alternate exterior materials may be approved by the City Council upon receiving a recommendation from the Commission. To approve an alternate material the City Council must find that the proposed structure will be weatherproof and compatible with the surrounding development.

SECTION 13 "I" – INDUSTRIAL DISTRICT

6.13.1 Permitted Uses

Uses set forth in the "I"-Industrial District are set forth in Table 6.2, Permitted Uses.

6.13.2 Height Regulations

Height regulations are set forth in Table 6.3, Minimum Requirements.

6.13.3 Area Regulations

A. Area regulations are set forth in Table 6.3, Minimum Requirements.

B. Other Regulations: See Section 15 of this Article.

6.13.4 Parking

See Article 8 for all parking provisions and use requirements.

6.13.5 Type of Exterior Construction

There shall be one hundred percent (100%) masonry exterior construction on the front elevation, excluding sidewalk overhangs, and a minimum of seventy-five percent (75%) masonry exterior construction on each remaining elevation, excluding garage doors. Glass or stucco may be used in place of masonry. Alternate exterior materials may be approved by the City Council upon receiving a recommendation from the Commission. To approve an alternate material, the City Council must find that the proposed structure will be weatherproof and compatible with the surrounding development.

SECTION 14 USES PERMITTED BY SPECIFIC USE PERMIT

6.14.1 When Permitted

Uses that may be approved as a specific use for the district shown when approved as a Specific Use Permit in accordance with Permitted Uses, Table 6.1.
6.14.2 "FP" – Flood Plain Prefix Permitted Uses

1. Accessory buildings;
2. Animal pound runs;
3. Antennae;
4. Athletic fields;
5. Commercial or private stables;
6. Golf course, driving range;
7. Greenhouse, commercial;
8. Heliport;
9. Miniature golf;
10. Off-street parking;
11. Signs;
12. Transmission substations; and

SECTION 15 SPECIAL YARD, HEIGHT AND RAILROAD ACCESS REQUIREMENTS

6.15.1 Additional Front Yard Requirements

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

B. Where a building line has been established by a plat approved by the City Council or by ordinance, and such line required a greater or lesser front yard setback than is prescribed by this Code 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.

C. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building.

D. 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. Fireplaces, bay windows and other similar construction not exceeding seven (7) feet in width may extend two (2) feet into a required yard; provided the total length of all such projections into a yard shall not exceed one third (1/3) the length of the exterior wall, excluding garages adjacent to that yard. However, no projections shall extend beyond the property line.
E. Where lots have double frontage, extending 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.

F. In all residential districts, the minimum front yards may be reduced by a maximum of five (5) feet if twenty-five percent (25%) of the dedicated street lengths in the subdivision are curvilinear in design. In no case shall the required front yard be less than twenty (20) feet.

G. The minimum front yard setback requirements may be reduced by five (5) feet in all Single-Family Districts provided that at least fifty percent (50%) of the structures on a given block are setback an additional five (5) feet from the original setback. The average setback would equal the original setback requirement. The purpose of this requirement is to encourage a variety of front yard setbacks along a street creating a more pleasing appearance of houses in the subdivision. In no case shall the front yard setback be less than twenty (20) feet. The desired setbacks for each lot shall be designated on the final plat.

H. Minimum front yard setbacks for lots with predominate frontage on the curved radius of a dedicated cul-de-sac street may be reduced five (5) feet but shall not be less than twenty (20) feet.

I. 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 never be closer than ten (10) feet to the property line.

J. Satellite dishes are prohibited in the front yard area of any district. Only one satellite dish shall be permitted on each residential lot by Specific Use Permit.

K. Attached accessory buildings shall have a front yard not less than the main building or as specified in the particular district in which the building is situated. Detached accessory buildings shall be located in the area defined as the rear yard, with a minimum setback of sixty (60) feet from the front property line.

L. In all residential districts, front yard must be open and unobstructed except for fences.

6.15.2 Outside Storage

A. A person shall not place, store or maintain outside an item which is not:

1. customarily used or stored outside; or

2. made of a material that is resistant to damage or deterioration from exposure to the outside environment.

B. For purposes of this section, an item located on a porch of a building is considered to be outside if the porch is not enclosed.

C. Except as otherwise provided in this section, outside storage is not permitted in the front yard or on a front porch of a residential building.
D. A person shall not use more than five (5) percent of the total lot area of a premise for outside storage. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage. Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five (5) percent of the lot.

E. It is an affirmative defense to prosecution for a violation of the section that the item is one of the following:

1. an operable motor vehicle with a valid state registration parked on a surface that meets the standards for parking surfaces contained in the off-street parking regulations of this chapter, except that this exemption is not available if the vehicle is a truck tractor, truck, bus, or recreational vehicle and it has a load capacity in excess of two (2) tons, or if the vehicle is over 32 feet in length;

2. a boat, trailer, or recreational vehicle parked on a surface that meets the standards in Article 8 for parking surfaces, and which cannot reasonably be placed in an area behind the front yard;

3. landscaping, or an ornamental structure, including, but not limited to a birdbath, plant container, or statuette, placed in the front yard or on the front porch for landscaping purposes;

4. lawn furniture made of a material that is resistant to damage or deterioration from exposure to the outside environment;

5. seasonal decorations associated with the holidays;

6. a vehicle displaying a registration insignia or identification card issued by the state to a permanently or temporarily disabled person for purposes of Section 681.006 of the Texas Transportation Code; or

7. that the item is located on a front porch and not visible from the street.

F. A person commits an offense if the person operates an automobile repair business or garage and causes to be parked or stored outside a vehicle which is inoperative or are being repaired for a period greater than seven (7) days.

6.15.3 Additional Rear Yard Requirements

A. Nonresidential Districts

1. In a nonresidential zoning district, a minimum rear yard of ten (10) feet shall be provided for any main or accessory building.

2. When a nonresidential use backs up to a residential zoning district boundary line, a minimum rear yard of twenty (20) feet shall be provided for building heights of fifteen (15) feet or less. For building heights greater than fifteen (15) feet an additional setback of one (1) foot shall be provided for each foot in height of building than fifteen (15) feet.

B. Residential Districts

1. Rear Yard Accessory Building Setback
a. In a residential zoning district, there shall be a rear yard not less than five (5) feet from any lot line, alley line, or easement line, except that if no alley exists, the rear yard shall be not less than ten (10) feet as measured from the rear lot line. Where apartments are permitted, the main building and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line.

b. Garages, or other accessory buildings located within the rear portion of a lot and constructed closer than fifteen (15) feet to the main building shall have a rear yard equivalent to the rear yard requirement for the main building.

c. Accessory buildings constructed fifteen (15) feet or more from the main building shall have a rear yard of five (5) feet. If such an accessory building is located within three (3) feet of a rear lot line, the height of the building shall be no greater than eight (8) feet and a solid fence or wall of the same height shall be built on the rear lot line to screen the building from property located to the rear. Garages arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be setback from the rear yard or alley easement line a minimum distance of twenty (20) feet.

6.15.4 Additional Side Yard Requirements

A. In nonresidential districts, no side yard is required, except that a nonresidential twenty-five foot setback is required for a lot which abuts a street, has separate uses on the same lot or abuts a lot which has a different zoning classification.

B. Residential Districts

1. On a corner lot used for residential purposes, both street exposures shall be treated as front yards on any lot platted after May 18, 1989, except that where one street exposure is designated as a side yard and separated from the adjacent lot by an alley, in such case, a building line shall be designated on the approved plat containing a side yard of fifteen (15) feet or more. On lots which were official lots of record prior to May 18, 1987, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district but in no case shall be less than ten (10) feet.

2. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, and other architectural features projecting a maximum of twelve (12) inches into the required side yard, and roof eaves projecting a maximum of thirty-six (36) inches into the required side yard.

3. There shall be a side yard not less than five (5) feet from any side lot line, alley line, or easement line for any accessory building provided that such building is separated from the main building by a minimum distance of fifteen (15) feet. In the case of an accessory building being closer than fifteen (15) feet to the main building, the minimum side yard requirements for the main dwelling unit shall be observed.

4. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen (15) feet.
5. Garages located and arranged so as to be entered from the side yard shall have a minimum distance of twenty (20) feet from the side lot line, alley line, or easement line.

6. A carport is not a permitted use.

6.15.5 Special Height Regulations

A. In the districts where the height of the buildings is restricted to thirty (30) feet or less, cooling towers, roof gables, chimneys and vent stacks may extend for an additional five (5) feet in height and not to exceed forty (40) feet above the average grade line of the building.

B. Water stand pipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed forty (40) feet.

C. Amateur radio antennas and other transmitting and receiving devices of microwave or electromagnetic waves for broadcasting use, shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no case shall the height of such antennas exceed forty (40) feet and use of proper guy wire shall be followed.

D. Roof-mounted satellite dishes in excess of fifty (50) pounds shall be approved by a registered architect or engineer by written letter to the building official, prior to installation, stating the antenna’s stability and support.

6.15.6 Railroad Access

For structures requiring railroad access, setback requirements from the centerline of the railroad right-of-way shall be in accordance with applicable state law.

SECTION 16 CLASSIFICATION OF NEW AND UNLISTED USES

6.16.1 Procedure for Classification

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 and the possible change in intensity of use for a listed use may occur. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use, or modification for listing of a use of land, shall be made as follows:

A. The Administrative Official shall refer the question concerning any new or unlisted use to the Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, 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.

B. The Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine
the zoning district or districts within which such use is most similar and should be per-
mitted.

C. The Commission shall transmit its findings and recommendations to the City Council as
to the classification proposed for any new or unlisted use. The City Council shall by
resolution approve the recommendation of the Commission or make such determination
concerning the classification of such use as is determined appropriate based upon its
findings.

D. Standards for new and unlisted uses may be interpreted as those of a similar use.
When determination of the minimum requirements cannot be readily ascertained, the
same process outlined in paragraphs A, B, and C above shall be followed for
determination of the new standards and amendment of this Ordinance should the
Council desire to permit a new use.

SECTION 17  HISTORIC OVERLAY DISTRICT

6.17.1 Purpose

The purpose of this section is to promote the public health, safety and general welfare; and:

A. to protect, enhance and perpetuate places and areas which represent distinctive and
important elements of the City’s historical, cultural, social, economic, and architectural
history;

B. to strengthen the economy of the City;

C. to increase public knowledge and appreciation of the City’s historic past and unique
sense of place;

D. to foster civic and neighborhood pride and a sense of identity;

E. to promote the enjoyment and use of historic and downtown resources by the people of
the City;

F. to preserve architectural styles, patterns of development, and design preferences
reflecting phases of the City’s history;

G. to create a more livable urban environment;

H. to enhance property values;

I. to protect and enhance the City’s attraction to tourists and visitors;

J. to resolve conflicts between the preservation of historic resources and alternative land
uses;

K. to integrate historic preservation and pride into public and private land use planning;

L. to conserve valuable resources through use of the existing building environment;

M. to increase public awareness of the benefits of the rich history of the City;
N. to maintain a harmony between new and historic structures so that they will be compatible in scale, form, color, proportion, texture and material; and

O. to encourage public participation in identifying and preserving historic resources.

6.17.2 Historic Overlay District Designation

The historic overlay district includes all properties which are located in the downtown "C-1" Zoning District as of December 21, 2005. The City Manager may erect suitable plaques appropriately identifying each of the boundaries of this historic overlay district.

6.17.3 Application of Historic Overlay District Regulations

A. The historic overlay district is a zoning overlay which supplements the primary underlying zoning district classification. The historic overlay district is subject to the regulations of the underlying zoning district and the additional regulations set forth herein.

B. In the event of a conflict, the regulations contained in this section control over the regulations of the underlying zoning district.

6.17.4 Special Development Standards

The following standards shall apply to all development in the Historic Overlay District:

A. Each exterior side of a structure shall be seventy-five percent (75%) masonry construction below top plate, but excluding garage doors. Glass may be used in place of masonry. Alternate exterior materials may by approved by the City Council upon receiving a recommendation from the Commission. To approve an alternate material, the City must find that the proposed structure will be weatherproof and compatible with the surrounding development.

B. The maximum height of a structure shall be three (3) stories or sixty (60) feet whichever is greater; except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms may project not to exceed six (6) feet beyond maximum building height.

SECTION 18 TEMPORARY USES

6.18.1 Where permitted, the temporary uses described in this section are permitted in the zoning districts as shown in Table 5.4.
<table>
<thead>
<tr>
<th>Temporary Use</th>
<th>Residential</th>
<th>C1</th>
<th>HO</th>
<th>PD - Res</th>
<th>PD - Com</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yard or Garage Sales*</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fundraising/Sales*</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mass Gathering Events*</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Circuses, Carnivals*</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Weekend/Evening Seasonal Sales*</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Temporary Outside Retail Sales*</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Mobile Food Concession Trailers*</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

* Subject to conditions of this Section 18.

6.18.2 Yard or Garage Sales are permitted, subject to the following requirements:

A. No more than three garage sales within any twelve-month period at a premises are permitted.

B. The duration of the sale may not exceed 72 hours.

C. The sponsor of the garage sale must register the dates and place of the proposed sale at the City's Public Works office prior to the sale.

6.18.2 Fundraising Sales are permitted, subject to the following conditions:

A. The organization must submit proof to the Public Works Department that the fundraising activity is actually supporting a community service cause.

B. The sales must occur on privately owned land and be restricted to an area that will not impede the normal flow of vehicular and customer traffic so as to create a traffic or other hazard to the public.

C. The organization must have written permission from the landowner or the landowner's agent.

D. The duration of the sales event shall not exceed seven days.

E. Signs must conform to the Sign Ordinance.

6.18.3 Mass Gathering Events are permitted provided they do not exceed seven days and all safety and fire codes are met and a permit.

6.18.4 Circus/Carnivals are permitted provided they do not exceed seven days and all safety and fire codes are met and a permit.

6.18.5 Weekend/Evening Seasonal Sales vendors must have permission from the property owner and have sufficient concrete parking for the sales.

6.18.6 Temporary Outside Retail Sales are permitted for a period not to exceed three days if located outside an existing permanent business. A permit must be issued, which is
renewable four times. If more time is needed for the sale, a specific use permit is required.

6.18.7 Mobile Food Concession Trailers must be on wheels (truly mobile) and cannot remain in one place more than one hour. A health inspection and food permit are required.

SECTION 19 REFUSE FACILITIES

6.19.1 Screening of Refuse Facilities

A. This Section shall apply to Apartment, Office, Commercial 1 and 2, Highway Oriented, and Industrial zoning districts only.

B. Each refuse facility shall be screened from view on three (3) sides by a masonry wall not less than six (6) feet in height, with the forth side enclosed by metal doors of equivalent height. Metal door specifications shall be subject to the approval of the Building Official.

C. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

D. Pipe bollards shall be installed around the refuse facility in a manner that will protect the masonry walls and metal doors from vehicle impact or collision.

ARTICLE 7 SUPPLEMENTARY USE REGULATIONS

SECTION 1 SPECIFIC USE PERMITS

7.1.1 Specific Uses

The City Council, after public hearing and proper notice to all parties affected, and after receipt of a recommendation from the Commission, may authorize the issuance of a Specific Use Permit for uses indicated by "S" in Table 6.2, Permitted Uses. The Commission, in considering and determining its recommendations to the City Council on any request for a Specific Use Permit, shall require from the applicant plans, information, operating data, and evaluation concerning the location, function and characteristics of any use proposed is in general conformance with the Comprehensive Plan and zoning requirements of the City and containing such requirements and safeguards as are necessary to protect adjoining property.

7.1.2 Applicant Procedures

A. A site plan is required with the application, drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the use to be permitted; location and instruction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200') feet. The applicant shall submit an application for approval on forms provided by the Administrative Official.

B. The application shall be processed as a change in zoning classification with notices and public hearings required as provided in Local Gov't Code, Chapter 211.
7.1.3 Specific Use Permit Regulations

A. In recommending that a Specific Use Permit for the premises under consideration be granted, the Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting 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 ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of buildings.

B. In granting a Specific Use Permit, Commission may recommend and/or the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such Specific Use Permit; and such conditions precedent to the granting of the certificate of occupancy. The Council may also impose conditions to the use.

C. No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit accepts and agrees to be bound by and comply with the written requirements of the Special Use Permit, as attached to the site plan drawing (or drawings) considered by the Commission and approved by the City Council.

D. A building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, the City Council may authorize an extension of this time upon recommendation by the Commission. If six (6) months from the date of approval has elapsed and no building permit has been issued for the use specified in the permit, the Commission and City Council may require a new the site plan or terminate the permit without the necessity of a hearing.

E. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change.

F. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to a Specific Use Permit.

G. When the City Council authorizes 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, and said amendment is to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.

H. The district regulations of the base zoning district shall apply unless specifically revised on the site plan or attached written documentation.

I. Upon discontinuance or abandonment of the use as granted by the specific use permit, the property use shall be governed by those uses and requirements in the base zoning district. The base zoning district is the district designation of the property, prior to and during the period of the specific use.
## SECTION 2 ACCESSORY BUILDINGS AND USES

### 7.2.1 Permitted Accessory Uses

A. Permitted Accessory Uses are as shown on Table 7.1:

<table>
<thead>
<tr>
<th>Accessory buildings in accordance with regulations in Article 7, Section 2 of this Ordinance.</th>
<th>Residential Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antennas and satellite dishes - residential districts shall be allowed one antenna per lot, not to exceed 35 ft. in height and a maximum of two satellite dishes per lot, not to exceed 3 feet in diameter per dish. Antennas shall be permitted in commercial districts with planned development approval only.</td>
<td>All Districts</td>
</tr>
<tr>
<td>Home Occupations, such as dressmaking, baby-sitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family.</td>
<td>Residential Districts</td>
</tr>
<tr>
<td>Detached or attached private garage having a capacity for not more than four (4) automobiles provided other requirements of this Ordinance are met.</td>
<td>AG, All Residential Districts</td>
</tr>
<tr>
<td>Farm, nursery, greenhouse or garden, agricultural operations, including field crops, orchards, horticulture, animal husbandry, subject to the rules and regulations of the State Health Department, but not including feed lots, poultry farms, and kennels.</td>
<td>AG, RAE</td>
</tr>
<tr>
<td>Game courts without lighting.</td>
<td>Residential Districts</td>
</tr>
<tr>
<td>Game courts with lighting requires SUP.</td>
<td>Residential Districts</td>
</tr>
<tr>
<td>Lanais, gazebos, greenhouses, garden and patio shelters, sun decks, and children’s playhouses.</td>
<td>Residential Districts</td>
</tr>
<tr>
<td>Model and/or sample homes for the purpose of promoting sales shall be permitted, provided these structures are located on and within the same tract or subdivision of land being developed for sale.</td>
<td>Residential Districts</td>
</tr>
<tr>
<td>One temporary construction facility and/or one temporary sales facility permitted for no longer than one year in accordance with Article 9, Section 7, this Ordinance.</td>
<td>Residential Districts</td>
</tr>
</tbody>
</table>
| Outside display or retail sales subject to the following conditions:  
  a. The business displaying the merchandise must have a valid certificate of occupancy;  
  b. The merchandise must be new and traditionally marketed outdoors;  
  c. The merchandise must not be left outdoors overnight;  
  d. Total outside display must not exceed 10% of the indoor floor area of the business;  
  e. Outside display of items not for sale or for the purpose of manufacturing or assembly is not permitted; and  
  f. The merchandise must not utilize required parking. | Commercial Districts |
<p>| Outside storage in accordance with the requirements of Section 6.15.2 of this Ordinance | All |
| Private swimming pool in accordance with all City ordinances and State laws. | Residential Districts |
| Public, semi-public and private parks; recreation and open space including playgrounds, parkways, greenbelts, ponds and lakes, botanical gardens, pedestrian paths, bicycle paths, equestrian bridle trails, nature centers, bird and wildlife sanctuaries. | All Districts |
| Real estate sales offices during the development of residential subdivisions, but not exceed two (2) years. | Residential Districts |</p>
<table>
<thead>
<tr>
<th>Recreation areas operated by charitable or religious organizations.</th>
<th>AG, RAE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Servant's quarters and quarters used by bona fide farm workers, or other accessory buildings such as barns, sheds, and other structures necessary for farming operations may be permitted, provided however, that no such accessory building or quarters to be used by servants or farm workers shall be occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker and actually and regularly employed by the land owner or occupant of the main building.</td>
<td>AG, RAE</td>
</tr>
<tr>
<td>Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.</td>
<td>Residential Districts</td>
</tr>
<tr>
<td>Temporary bulletin board or sign appertaining to the lease or sale of land or acreage.</td>
<td>AG, RAE</td>
</tr>
<tr>
<td>Temporary concrete batching plant or transient mix plant utilized in construction of public streets to be issued by SUP only for a maximum of 120 days or until project completion, whichever is first.</td>
<td>All Districts</td>
</tr>
<tr>
<td>Tennis courts, health clubs, and related recreation facilities provided they are for the primary use of guests, customers or person associated with the principal use.</td>
<td>Commercial Districts</td>
</tr>
</tbody>
</table>

B. Temporary Accessory Uses as defined in Table 6.4 of this Ordinance are permitted in accordance with the provisions of Section 18.

### 7.2.2 Special Requirements

A. An accessory use must be located on the same lot as the main use.

B. A person shall not place, store or maintain outside an item which is not customarily used or stored outside.

C. A person shall not use more than five (5) percent of the lot area of a premise for accessory outside storage.

D. The area occupied by an operable motor vehicle with valid state registration is not counted when calculating the area occupied by accessory outside storage.

E. Except as otherwise provided in this Article, outside storage is considered to be a separate main use if it occupies more than five (5) percent of the lot.

### 7.2.3 Large Accessory Buildings

A. An accessory building in excess of two hundred (200) square feet must meet the following standards:

1. It must be designed and constructed so that they are in keeping with the general architecture of the adjoining residential development;

2. It must be constructed of similar material to the main structure;

3. It must be constructed to the rear of the main building;

4. It may not exceed one (1) story in height; and

5. It must be underpinned or attached to a concrete slab.

B. A person may have a maximum number of three (3) accessory buildings per lot, each separated by a minimum of ten (10) feet.
C. An accessory building shall not exceed six hundred and fifty (650) feet in size.

7.2.3.1 Specific Use Permit Required

In districts other than residential or apartment districts, an accessory building is a subordinate building or use which is prohibited unless a Specific Use Permit is granted.

7.2.3.2 Accessory Dwelling Units

Accessory dwelling units in the single-family districts may be allowed by Specific Use Permit as an incidental residential use on the same lot as the main dwelling unit meets the following standards:

A. Occupancy shall be only for blood relatives of the main household.

B. An accessory dwelling unit must be designed and constructed so that they are in keeping with the general architecture of the adjoining residential development.

C. The structure shall be constructed of similar material to main structure.

D. The accessory dwelling unit must be constructed to the rear of the main dwelling.

E. Each lot must have a minimum of seven thousand two hundred (7,200) square feet and the total lot coverage including the main building and all accessory dwelling units shall not exceed fifty percent (50%) of the lot area.

F. An accessory dwelling unit shall not exceed six hundred fifty (650) square feet.

G. The accessory dwelling unit may be constructed only with the issuance of a Specific Use Permit.

H. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented or leased to others than blood relative to the family occupying the main building.

I. An accessory dwelling unit shall be at least five (5) feet from any side property line and ten (10) feet from rear property line.

7.2.3.3 Automobile Accessory Uses

A. A new car sales lot or new motorcycle sales lot may offer for sale less than 25% used vehicles as a permitted accessory use.

B. A new car sales lot or new motorcycles sales lot may utilize less than 25% of the total square footage of the footprints for all buildings for service uses.

SECTION 3 FP – FLOOD PLAIN PREFIX

7.3.1 General Purpose and Description

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 that are designated with a Flood Plain Prefix, FP. The FP prefix shall be attached only to the basic zoning districts in this Ordinance for the...
purpose of informing property owners of potential flood prone areas as designated by FEMA mapping. Areas designated on the Zoning District Map by an FP Prefix shall be subject to the following provisions:

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

1. agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry;
2. off-street parking incidental to any adjacent main use permitted in the District;
3. electrical substation;
4. all types of local utilities including those requiring a Specific Use Permit;
5. parks, community centers, playgrounds, public golf courses (no structures) and other recreational areas;
6. private open space as part of a Planned Development;
7. heliport approved by a Specific Use Permit; and
8. uses approved by a Specific Use Permit.

B. No building or structure shall be erected in that portion of any district designated with a Flood Plain, FP, prefix until and unless (engineering studies have been made to comply with FEMA requirements) and such building or structure has been approved by the Administrative Official to be in compliance with City ordinances. After determination that an area designated “FP” on the Zoning Map is not in the flood plain, and has been properly removed from the flood plain, the Administrative Official may authorize an adjustment of the “FP” prefix line but not a change in the base zoning district.

C. Any dump, excavation, storage, filling, or mining operation within that portion of a district having a Flood Plain (FP) prefix shall be approved in writing by the Administrative Official before such operation is begun and after compliance with FEMA requirements.

D. The City Council may remove an area from the Flood Plain, FP, prefix designation when, by the provision of FEMA approved drainage works, grading, flood protection, and specific drainage study, it is determined and recommended by the Administrative Official that the flood hazard has been alleviated.

E. The fact that land is not within a district having a Flood Plain, FP, prefix shall not be interpreted as assurance that such land or area is not subject to periodic local flooding. It is suggested that land owners also refer to FEMA regulations and maps for additional requirements and information.

SECTION 4 PD – PLANNED DEVELOPMENT DISTRICT

7.4.1 Generally

A. It is intended that the flexibility permitted by this zoning category extends to discretionary approval, in conjunction with site plan or concept plan review, not limited to, but including such items as those relating to parking space requirements, building
line setbacks, square footage of buildings and structures, architectural design, landscaping, open space, sign placement and specifications and protective screening in order to achieve conformance with good planning practices.

B. The purpose of a Planned Development District is to accomplish the following:

1. to protect and provide for public health, safety and general welfare of the citizens;

2. to guide the future development of the City;

3. to accommodate innovation by modifying regulations to better accomplish the City’s development goals;

4. to mitigate developmental impacts, especially those related to the environment, traffic, public services and facilities and adjacent land uses; and

5. to protect and enhance the aesthetic and visual quality of development.

7.4.2 Planned Development Requirements

A. Development requirements for each PD District shall be set forth in this Ordinance establishing the PD District and may include, but 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, project phasing or scheduling, management associations and other requirements as the City Council and Commission may deem appropriate.

B. In making a determination to establish a planned development for residential uses, the City Council shall consider whether the following design features are to be incorporated in the development:

1. Minimum 7/12th roof pitch;

2. Minimum 1,650 square feet living/dwelling area for each dwelling unit;

3. 100% masonry construction on the front elevation of home, excluding roof dormers; and 80% minimum masonry construction on each other elevation;

4. Matching masonry mailbox (or post office requirements);

5. Landscaping of a minimum of two (2) trees planted in the front yard;

6. Dimensional roof shingles, 30-year rating;

7. Traditional side, rear (from alley) or j-entry garages (no front entry);

8. Fences of wood, wrought iron or masonry construction (no chain link);

9. Perimeter hike/bike/walking trails and open/green space;

10. For exterior perimeter streets, a masonry wall and five (5) foot serpentine sidewalks with trees and park benches. Masonry entryways must include landscaping and irrigation;
11. Varying front home elevations other than just the type of windows used. No two homes should have the same front elevation if located directly or diagonally across the street from each other or locate on either side of a home on the same side of the street;

12. Subdivision entryways with pavers or a stamped concrete design;

13. If detention ponds are built, the landscape plan must be approved by the City Council. The landscape plan shall include native plants, trees, park benches, trails or sidewalks and appropriate plantings at the base of the pond. The City Engineer may also require a water aerating system; and

14. Covenants or site restrictions establishing a plan for permanent care, replacement, and maintenance of any living buffer, plants on any common areas or commonly owned facilities, walls and entryway features, and plants within any landscape setback zone or other land use controls.

C. The ordinance establishing the PD district shall contain standards for development and specify permitted uses. If the ordinance does not contain standards for one or more of the specified permitted uses, the use shall conform to the standards and regulations of the zoning district to which it is most similar.

D. The ordinance establishing a PD District shall include a statement as to the purpose and intent of the PD.

E. Even if not stated in the ordinance establishing the PD District, the District shall be subject to all other provisions of this Ordinance and specifically, this Article.

7.4.3 Plans Required

In establishing a Planned Development District, the City Council shall approve and attach to the ordinance standards for the District and Concept Plan and, if applicable, a Development Plan. To facilitate understanding of the request during the review and public hearing process, the Commission and City Council shall require a Concept Plan and/or a Development Plan, as required by this Section.

7.4.4 Concept Plan

A. The applicant for a Planned Development District for nonresidential uses shall submit an application for approval of a Concept Plan at the time of the request for approval of a Planned Development District unless the applicant desires to submit a Development Plan. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner.

B. An applicant for approval of a Concept Plan shall submit the following information relating to the proposed development:

1. Existing and proposed site conditions.

2. Site boundaries and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street.

3. Location map, north arrow, scale, title block, and site/development summary table.
4. Most recent, available topographic information from NCTCOG.

5. Natural features, including tree groupings, flood plains, drainage ways, and creeks.

6. Land use on site and on adjacent properties, including assignment of use to specific locations within the plan.

7. Maximum allowable building coverage, density, and height.

8. Minimum building setbacks and use.

9. The type, approximate shape and placement of buildings and their proposed uses.

10. If known, existing and proposed public streets, including ROW widths, any other rights of way (including easements), median openings, turn lanes (including storage and transition space), and other driveways (including those on adjacent property) showing the access to and general circulation of the development.

11. If known, proposed dedications and reservations of land for public use including but not limited to rights of way, easements, trails, park land, open space, drainage ways, flood plains, and public facility sites.

12. If known, a description of phases of development, including delineation of areas, building sites, land use and improvements to be constructed in independent phases. Also a summary of the anticipated timing and sequencing of development phases.

13. Any existing covenants or site restrictions.

C. The Concept Plan application shall be submitted in such form and number of copies as the Administrative Official may require in order for sufficient review of the application.

D. For a residential planned development which does not propose platted lots, the concept plan shall set forth the size, type and location of buildings and building sites.

E. For a planned development of residential platted lots, no Concept Plan is required.

7.4.5 Development Plan

The Development 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 Concept Plan. Approval of the Development Plan shall be required for issuance of a building permit, but does not release the applicant of the responsibility to submit plans to the building official for 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 Concept Plan. The Development Plan must be approved by the Commission and City Council.

7.4.6 Development Plan Submittal

The applicant shall submit a Development Plan, which shall include the following:
A. 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.

B. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playground, 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, the location and width for all curb cuts.

C. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between building and property lines, street lines, and alley lines.

D. Supplemental data describing standards, regulations or other data pertinent to the development of the Planned Development District is to be included in the text of the amending Ordinance. The Development Plan should be separate from the platting process. In that event, should anything change during the construction process, the developer need only amend the plat.

E. Other information required:

1. Existing and proposed site conditions.

2. Proposed name of business and and/or development.

3. Proposed building locations, dimensions, size, density and finished floor elevations of structures referenced to sea level datum if adjacent to the 100 year flood plain.

4. All building setbacks, including front, side, rear and sidewalk.

5. Location of site, computed acreage or square footage, current names and addresses of developer, owners of record, and abutting land owners and project name if applicable.

6. Name and address of person or firm preparing the plat/site plan (which must be prepared and stamped by a registered land surveyor or registered professional engineer), name and address of persons or firm preparing other data and information if different from preparer of the map.

7. Abutting properties with approximate location of the structures thereof including access roads.

8. The shape, size, height and location showing the zoning classification thereof of existing structures located on the site if they are to remain as part of the project, otherwise not needed.

9. The location and approximate size of structures within 200 feet of the site, including all driveways.

10. Parking areas and structures, street names and widths, medians, alleys, off-street parking spaces (include # of spaces), handicap parking spaces (include #
of), ramps, crosswalks, and loading areas. All shown with dimensions and radii.

11. Access easements and off site parking.

12. Building service, dumpster, and trash compactor locations and screening.

13. Location and design of screening walls, fences, living screens, retaining walls, headlight screens, service area screens, including height, type of construction and planting specifications.

14. Landscaping plan prepared by a registered landscaper, architect showing turf areas, site landscaping, parking lot landscaping, landscape setback landscaping, open spaces, green areas, and any other required or offered landscape improvements, including planting specifications and irrigation.

15. Water and sanitary sewer mains and service lines with sizes, valves, fire hydrants, manholes, and other structures on site or immediately adjacent to the site specified.

16. An accurate survey with topographic information with a maximum five feet in contour showing grading, drainage, and storm sewer lines.

17. Water and sewer connections, meter locations, size, and meter and/or detector check valve vaults indicated, together with a table of number of water meters by size and noting if they exist or are proposed.

18. Inlet, culverts, and other drainage structures on-site and immediately adjacent to the site.

19. Traffic impact analysis which meets the requirements established by the City Engineer.

20. Building elevations, roof plans and building envelope, description of proposed exterior building materials and general color scheme of the building exterior, except for single family dwelling units.

21. Sidewalks, walkways and gathering spaces, including dimensions.

22. Sign elevations and specifications.

23. Monument signs.

24. Proposed covenants or site restrictions establishing a plan for permanent care, replacement, and maintenance of any living buffer, plants on any common areas or commonly owned facility, and plants within any landscape setback zone or other land use controls.

25. Location map, north arrow, scale, title block and site/development summary table.

26. One disk that contains all the above information in AutoCAD format.

27. A record of any modifications to the Planned Development District Design Standards in Section 7.4.2 approved by the City Council.
F. For a planned development consisting solely of single family detached dwellings, the final plat shall serve as the Development Plan.

7.4.7 Waiver and Deferral

The applicant may request that the Administrative Official waive or defer any of the above requirements of the Concept Plan that are not necessary or are not applicable for the review of a specific development. If a waiver or deferral is granted, the Administrative Official shall note that fact on a cover sheet attached to the Concept Plan and if a deferral is granted, shall specify thereon the date at which the items are to be submitted.

7.4.8 Procedures for Approval of Concept Plan and Development Plan

A. An application for approval of a Concept Plan or a Development Plan in a Planned Development District shall be processed as an amendment to the Zoning Ordinance. Property owners shall be notified, public hearings shall be conducted, and notice and publication shall be made in accordance with the requirements of Texas Local Government Code Chapter 211, as amended.

B. An applicant may submit an application for approval of a Development Plan without first obtaining approval of a Concept Plan.

C. The Commission and City Council may approve the Concept Plan and the Development Plan or any section of the Development Plan, separately or jointly in public hearings, unless such requirement is expanded when it is determined a public hearing is needed for both the Concept Plan and final Development Plan. A single public hearing is adequate when the applicant submits adequate data with the request for the Planned Development District to fulfill the requirement for a Development Plan.

D. The Ordinance establishing the Planned Development District shall not be approved until a Concept and/or Development Plan for the district is approved.

E. A Development Plan shall be submitted for approval within six (6) months from the approval of the Concept Plan for some portion of the Concept Plan. If a partial Development Plan for at least the first phase of the development is not submitted within six (6) months, the Concept Plan is subject to review by the Commission and City Council. If construction on a development is not started within two (2) years from the date of establishment of the Planned District Development, the Commission and City Council may review the Concept Plan to ensure its continued validity. If the City determines the concept is not valid, a new Plan must be approved.

7.4.9 Recommendations

When a PD District is being proposed, the Administrative Official may provide a report of the impact of the proposed district on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic with written comments from the applicable public school district, and from private utilities may be submitted to the Commission prior to the Commission making any recommendations to the City Council. In the event written comments are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council.

7.4.10 Accessory Buildings

Unless permitted in the ordinance establishing a Planned Development District, a
Development Plan is required before a person may cause to be placed or erected more than two buildings on one lot.

7.4.11 Amendments to a Concept Plan or Development Plan

A. A property owner may request an amendment to an approved Concept Plan or Development Plan at any time. Amendments are classified as major or minor and each has a separate process.

B. The Administrative Official may approve or disapprove a minor amendment to plans adopted by ordinance provided the amendment does not:

1. change the basic relationship of the proposed development to adjacent property;
2. increase the intensity or density of development;
3. substantially alter the arrangement of buildings or change the use of building space designated on the original building plan;
4. increase the number of residential units; provided however, the Administrative Official may approve the rearrangement of lots so long as the number of units does not increase;
5. increase the height of buildings;
6. substantially alter vehicular circulation or the placement/arrangement of parking areas;
7. reduce or lessen the effectiveness of open space, landscape buffers, and edges;
8. substantially alter or change the design elevation, roof pitch, materials, or massing of the buildings;
9. increase the ratio of the gross floor areas in structures to the area of any lot;
10. change access to streets;
11. increase the size, lighting, or orientation of signs; or
12. conflict with regulations specified within the ordinance establishing the district.

C. Any amendment other than specified above, or any amendment that the Administrative Official, in his discretion, determines should be forwarded to the City Council, shall be considered as a major amendment and shall be considered by the Planning and Zoning Commission and Council at public meetings in accordance with the same procedures and requirements for approval of a Development Plan.

7.4.12 Coordination with Subdivision Regulations

A. A developer may submit an application for approval of a preliminary or final plat simultaneously with an application for approval of a Development Plan. The City may process the application simultaneously with the review of an application for approval of a Development Plan for a development in the Planned Development District.
B. The Development Plan required for a development in the Planned Development District may be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plats required under those regulations.

7.4.13 Other applicable regulations

If not otherwise specified in the ordinance establishing the planned development district, the height, setback, area, floor space, and other development regulations for permissible uses in a planned development district shall conform to the development regulations which would be applicable to such uses if the same were situated in the most restrictive district in which such uses are permitted.

7.4.14 Approval

Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment to the Zoning Ordinance. In carrying out the development of a Planned Development District, the development conditions shall be complied with and such conditions are as specified for the development of a Planned Development District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

7.4.15 Procedures for Rezoning a Portion of a Planned Development

If the City receives an application to rezone only a portion of the property within the District and the request substantially changes the approved Concept Plan or Development Plan, unless the Ordinance establishing the District states otherwise, the City shall process the request for rezoning as a request to rezone the entire District and shall process the same as a request to amend the entire district, and send notices to all property owners within 200 feet of the District.

7.4.16 Zoning Map and Planned Development Districts

A. Prior to adoption of this Ordinance, the City Council has established various Planned Development Districts, which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Code shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development Districts shown on the Zoning Map and are set forth in Appendix A.

B. All future Planned Development Districts approved in accordance with the provisions of this Ordinance 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 as part of this Ordinance in Appendix A.

7.4.17 No Variance

The Board of Adjustment is not authorized to grant a variance from the requirements of an ordinance establishing a Planned Development District.
SECTION 5 HOME OCCUPATIONS

7.5.1 General Purpose

Standards for home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

7.5.2 Special Provisions

A. A home occupation shall be a permitted accessory use in single-family residential zoning districts provided that it complies with all restrictions set forth herein.

B. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street.

C. The home occupation shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty-five percent (25%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation. In no case shall the combined floor area utilized for a home occupation exceed seven hundred and fifty (750) square feet.

D. Not more than two (2) patron or business-related vehicles shall be present at one time.

E. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities.

F. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification.

G. There shall be no outside storage, including trailers, or outside display related to the home occupation use.

H. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain.

I. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district.

J. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.

K. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means.
L. The occupation shall not offer a ready inventory of any commodity for sale on the premises (e.g. arts and crafts items, handmade clothing, etc.).

M. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

7.5.3 Applicability of Other Regulations

A home occupation shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

7.5.4 Uses Allowed as Home Occupations

Subject to other provisions of this Ordinance, home occupations may include the following uses:

A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;

B. Author, artist or sculptor;

C. Dressmaker, seamstress or tailor;

D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than two (2) pupils at a time;

E. Individual tutoring and home schooling;

F. Millinery;

G. Office facility of a minister, rabbi, priest or other clergyman;

H. Home crafts, such as rug weaving, model making, etc.;

I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;

J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;

L. Family homes in compliance with applicable State laws;

M. Barber shop/ beauty salon or manicure studio; and

N. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time.
7.5.5  Home Occupation Uses Not Classified

Any use that is not expressly allowed by this Section is prohibited unless and until such use is classified by amendment to this Ordinance.

ARTICLE 8  FIRE LANE, OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 1  PURPOSE

8.1.1  The following minimum off-street parking and loading standards are adopted to lessen congestion in the streets, facilitate the adequate provisions of transportation, conserve the value of buildings and encourage the most appropriate use of land.

SECTION 2  SPECIAL OFF-STREET PARKING PROVISIONS - RESIDENTIAL DISTRICTS

8.2.1  Special Off-Street Parking Provisions for Residential Districts

A. All required off-street parking spaces shall be located behind all front building lines in any Agriculture, Single-Family or Apartment District. All required parking spaces shall be located behind the required front setback line in the District.

B. Off-street parking shall be provided on the same site as the use it is to serve.

C. Parking shall only be allowed on a paved concrete surface. Driveways must be concrete except for homes set back two hundred (200) feet or more in an RAE District.

D. Maximum coverage of concrete in the front yard for driveways and parking shall not exceed fifty (50) percent coverage of the front yard area.

E. No driveways or parking areas allowed in the front yard of homes with rear entry garages from an alley.

F. In residential, family and family districts, the parking, storage or display of vehicles with a load capacity in excess of two (2) tons is prohibited.

8.2.2  Planned Development Districts

In a residential area of a Planned Development District, the regulations of Section 8.2.1 shall apply unless otherwise stated in the Ordinance establishing the District.

SECTION 3  SPECIAL OFF-STREET PARKING PROVISIONS-NONRESIDENTIAL DISTRICTS AND APARTMENT DISTRICTS

8.3.1  Special Off-Street Parking Provisions for Nonresidential Districts and Apartment Districts

A. All parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties.

B. For safety and fire-fighting purposes, free access through to adjacent parking areas shall be provided where practical.
C. In nonresidential zoning districts, all required parking shall be provided on paved concrete meeting the specifications of the Public Works Department. If a parking lot is reconstructed after the date of this Ordinance, it shall comply with this requirement. If an existing parking lot is expanded, only the portion that is expanding must comply with this requirement.

D. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

E. The owner of any off-street parking area shall keep the maneuvering area and parking surface free of potholes; maintain wheel guards and barriers; and maintain non-permanent parking space markings, such as paint, so that clear identification of each parking space is apparent.

F. All parking lots and spaces shall be maintained in good condition and repair.

G. Each 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 length may be reduced to eighteen (18) feet.

H. The design and dimensions of off-street parking areas shall be in accordance with the following requirements.

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*All dimensions are stated in feet

I. All parking, loading spaces and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent any parked vehicle from overhanging a public right-of-way line or public sidewalk.

J. Parking shall not be permitted to encroach upon the public right-of-way.

K. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be maintained so as to comply
with all public health and sanitary regulations. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and shall be screened.

L. For properties located in a non-residential or apartment zoning district, parking aisles shall maintain a minimum width of twenty-four (24) feet for two-way traffic and eighteen (18) feet for one-way traffic.

8.3.2 Planned Development Districts

In a non-residential area of a Planned Development District, the regulations of this section shall apply unless otherwise stated in the Ordinance establishing the District.

SECTION 4 OFF-STREET LOADING SPACE – ALL DISTRICTS

8.4.1 Off-Street Loading Space for All Districts

A. Any structures having a non-residential use with five thousand (5,000) square feet or more of gross floor area shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for the first twenty thousand (20,000) square feet of floor area and one (1) space for each additional twenty thousand (20,000) square feet of gross floor area or fraction thereof.

B. A loading space shall consist of an area of a minimum of twelve (12) by thirty (30) feet. All drives and approaches shall provide adequate space and clearance to allow for the maneuvering of trucks off-street. Each site shall provide a designated maneuvering area for trucks.

C. Kindergartens, elementary schools, day schools and similar child training and care establishments shall provide one (1) paved off-street loading and unloading space for an automobile on a through or "circular" drive for each ten (10) students.

SECTION 5 PARKING ACCESS FROM A PUBLIC STREET

8.5.1 Parking Access from a Public Street for All Districts:

A. For a development in any district except a Single-Family District, building plans shall provide for an entrance/exit drive(s) designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets, as approved by the Administrative Official.

B. When requested, the applicant shall submit a traffic analysis performed by a traffic engineer for the purpose of determining how the impact of projected volumes of traffic entering or leaving the proposed development are likely to interfere with the projected peak traffic flow volumes on adjoining streets. Additional right-of-way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the developer in order to reduce such interference.

C. In the approval of a Development Plan, the Administrative Official or City Council may require the construction of one or more entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site. Such drives shall have curbs or other barriers to prohibit access from parking areas and other drives.
D. The radius of all drive approaches shall be constructed so that the curb return shall not extend beyond any projection of the property line which the drive does not cross, except by written agreement of both property owners filed for record with the County Clerk with proof supplied to the City Council.

E. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas except for multi-family uses.

SECTION 6 PARKING REQUIREMENTS BASED ON USE

8.6.1 At the time any building or structure is erected or structurally altered, off-street parking spaces shall be provided in accordance with Table 8.2, Parking Spaces by Use Category, and Table 8.1, Parking Requirements Based on Use.

SECTION 7 RULES FOR COMPUTING NUMBER OF PARKING SPACES

8.7.1 In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

A. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.

B. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

C. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall comply with the parking requirements set forth herein.

D. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Up to sixty percent (60%) of the parking spaces required for a theater or other place of evening entertainment, or for a church, may be provided and used jointly by banks, offices and similar uses not normally open, used or operated during evening hours, if specifically approved by the Commission. The City Council may rescind such approval and required the owners to obtain additional parking in the event that the City Council determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety or welfare.

SECTION 8 LOCATION OF PARKING SPACES

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

A. 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 uses jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three
hundred (300) feet from an institutional building served and not to exceed six hundred (600) feet from any other nonresidential building served.

B. 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 shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit and filed with the county real property records.

SECTION 9 USE OF PARKING SPACES – ALL DISTRICTS

8.9.1 Generally

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.

8.9.2 Offense

A. A person commits an offense if the person parks, stores or displays, in any zoning district other than an Industrial zoning district, a semi-tractor/trailer (2-ton or more load capacity), or any part thereof.

B. It is an affirmative defense to prosecution to a violation of Subsection A hereof that the semi-tractor/trailer was making a delivery to the property at which it is parked.

SECTION 10 FIRE LANES

8.10.1 Where adequate access for fire fighting purposes is not otherwise provided, easements for fire lanes may be required. Fire lane easements shall meet the following requirements:

A. be paved with either asphalt or concrete material of such strength to support fire vehicles;

B. be a minimum of twenty feet (20') in width; shall generally be within fifty feet (50') of all exposed building wells;

C. be maintained by the property owner;

D. be marked as such on the ground; and

E. shall be kept free and clear at all times, or have such obstacles that can easily be traversed by a fire truck (i.e. breakable chains, low level plant material), unless otherwise approved by the Planning and Zoning Commission.

ARTICLE 9 SPECIAL ZONING REGULATIONS

SECTION 1 GENERAL

9.1.1 Special Zoning Regulations

The regulations in this Article shall apply to the specific circumstances and use of property governed by this Ordinance.
SECTION 2  TEMPORARY ZONING – ANNEXED TERRITORY

9.2.1 Temporary Classification

All territory hereinafter annexed to the City shall be temporarily classified as "AG", Agricultural District, until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedures set forth in this Ordinance and Chapter 211 of the Texas Local Gov't Code.

9.2.2 Restrictions

In an area temporarily classified as "AG", Agricultural District, the following requirements apply:

A. No person shall erect, construct, 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 without first applying for and obtaining a building permit or certificate of occupancy from the Building Official as may be required.

B. 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 or use permitted in the "AG", Agricultural District, unless and until such territory has been zoned with a classification other than the "AG", Agricultural District, by the City Council in the manner prescribed by law.

SECTION 3  CERTIFICATE OF OCCUPANCY

A person commits an offense if a person uses or occupies a building erected, converted or structurally altered unless a Certificate of Occupancy has been issued by the Building Official which signifies compliance with the regulations of the zoning district in which the building is located.

SECTION 4  PLATTING PROPERTY NOT PERMANENTLY ZONED

9.4.1 Zoning Required

The Commission shall not approve any plat of any subdivision within the City until the area covered by the proposed plat is zoned and conforms to the regulations of the district in which it is situated.

9.4.2 Public Hearing

Zoning may not be placed on any property until the annexation ordinance is effective.

SECTION 5  VISUAL OBSTRUCTION REGULATIONS

9.5.1 Visibility Triangle

A person commits an offense if the person erects, places or maintains a structure, berm, plant life, shrub, wall, fence or any other item within a visibility triangle if the item is between two and one-half (2 1/2) feet and eight (8) feet in height measured from top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.
SECTION 6 MOBILE HOMES & HUD-CODE MANUFACTURED HOMES

9.6.1 Offense

A person commits an offense if the person locates or occupies a mobile home for residential purposes and includes an accessory use of a mobile home for residential purposes.

9.6.2 Nonconforming Homes

All mobile homes in use prior to May 12, 2004 are hereby declared legal nonconforming uses and subject to the provisions of this Code governing legal nonconforming uses; provided, however, a legal nonconforming mobile home may be replaced with a HUD-Code manufactured home without the loss of legal nonconforming status.

9.6.3 Manufactured Homes

HUD-code manufactured homes shall not be permitted in any zoning district in the City except an approved planned development zoning district.

9.6.4 Industrialized Homes

A. Single-family or duplex industrialized housing must comply with all local permit and license requirements applicable to other single-family or duplex dwellings.

B. Any industrialized housing shall meet the following requirements:

1. have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified county tax appraisal roll;

2. comply with all applicable zoning standards, including, but not limited to, all aesthetic standards, building setbacks, side and rear yard offsets, square footage, and other site requirements applicable to single-family dwellings; and

3. be securely fixed to a permanent foundation.

C. Any person who intends to construct, erect, install, or move any industrialized housing into the City shall first submit all required applications to the building official and obtain all required permits.

D. The building official shall inspect all construction involving industrialized housing and buildings to be located in the City to ensure compliance with designs, plans, and specifications, including inspection of:

1. the construction of the foundation system; and

2. the erection and installation of the modules or modular components/units on the foundation.

9.6.5 Modular Homes

A. A modular home is a permitted use in any single-family or apartment zoning district
provided that the following requirements are met:

1. The dwelling meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction; and

2. Conforms to all applicable zoning standards for the respective zoning district; and

3. Is affixed to a permanent foundation.

B. The Building Official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Tex. Occupations Code Chapter 1201).

SECTION 7 CONSTRUCTION YARDS, FIELD OFFICES AND OTHER TEMPORARY BUILDINGS

9.7.1 Temporary Certificate

A. A temporary certificate of occupancy may be issued for establishment of a temporary field office, which may be a mobile home or HUD-Code manufactured home, for office, professional and general administrative use only. The temporary certificate shall be issued for a temporary structure during construction or renovation of a principal structure and shall be valid for one year or until completion of construction or renovation, whichever shall come first.

B. This Section does not create an exemption to the applicable provisions of the City's technical construction codes.

9.7.2 Renovation

A temporary certificate of occupancy may be revoked if construction or renovation of the principal structure ceases for more than six consecutive months.

SECTION 8 SEXUALLY ORIENTED BUSINESSES

9.8.1 Adoption of Preamble

The findings contained in the preamble of Ordinance No. 04-08 are determined to be true and correct and are adopted as a part thereof. The studies, reports, and findings conducted by the cities of Austin, Los Angeles, Las Vegas, Houston, Amarillo, Kennedale and Beaumont regarding the harmful effects of sexually oriented businesses on surrounding land uses are on file with the office of the City Secretary.

9.8.2 Location of Sexually Oriented Businesses

A. A person commits an offense if he establishes, operates or causes to be operated, or expands a sexually oriented business within eight hundred (800) feet of any of the following uses or locations within the city limits or extraterritorial jurisdiction of the City of Red Oak:

1. church or synagogue;
2. A public or private elementary or secondary school or licensed day-care center;
3. A boundary of a residential district;
4. A public park;
5. A public library;
6. The property line of a lot devoted to a residential use as defined in this section; or
7. Another sexually oriented business.

B. A person commits an offense if he establishes, operates or causes to be operated, a sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

C. For the purposes of subsection A 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 part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsections A1-7 of this section.

9.8.3 Additional Regulations

A sexually oriented business shall be subject to the provisions of Ordinance 04-08.

ARTICLE 10 REQUIRED PLANS AND PERMITS

SECTION 1 GENERAL

10.1.1 Permits are required to ensure safety and compliance of City regulations. A permit must be issued before any work is started. If work is started prior to obtaining a permit, the permit fee will be increased. A permit is required for any new or reconstruction projects, stationary or mobile selling of a product or service, or any scheduled event in the City.

ARTICLE 11 LANDSCAPE, DEVELOPMENT AND SCREENING REGULATIONS

SECTION 1 SCREENING AND FENCING REGULATIONS

11.1.1 Screening: The property owner shall construct screening which meets the requirements of this section in the event the owner causes to be constructed a building in a non-residential or apartment zoning district which abuts a residential district. In the event the Commission approves a plat for a single family residential subdivision for land which abuts property zoned for non-residential or apartment uses, a plat for a residential subdivision shall cause to be constructed screening along the perimeter of the entire subdivision which meets the requirements:

A. The screening shall be of masonry construction unless otherwise approved by the City Council.

B. The screening must be a minimum of six (6) feet in height but no greater than eight (8) feet in height.

C. The screening must allow and maintain clear vision at least twenty-five (25) feet from all intersections or outside the visibility triangle at an intersection.

D. The construction plans for the screening must be prepared by a structural professional engineer registered in the State of Texas.

11.1.2 Fencing: The following regulations shall apply to fencing:
A. On a lot platted for residential use, a fence cannot extend beyond the front building line, except in a Single-Family Residential Estates (RE) zoning district or on a lot of at least one (1) acre, in which event a masonry, brick or wrought iron fence may extend to the front property line.

B. A fence can extend into the front yard on a lot or parcel located in a non-residential zoning or Agricultural District or on an undeveloped lot where an agricultural activity is taking place.

C. A fence cannot obstruct any public right-of-way.

D. The maximum height of a fence shall be eight (8) feet.

E. A fence shall be constructed of wood, masonry, brick, wrought iron, wire or woven wire mesh or other compatible materials.

F. The property owner shall maintain the fence in such a manner that it is not dilapidated or unsafe.

SECTION 2  LANDSCAPE DEVELOPMENT REGULATIONS

11.2.1 Generally.

The landscape development regulations of this Section (a restatement of Ordinance No. 96-09 and Ordinance 01-30) shall apply to development in Planned Development (PD), all common areas in all residential districts, Apartment (A), Commercial-1 (C-1), Highway Oriented (HO), Commercial-2 (C-2) and Industrial (I) zoning districts. The regulations are as follows:

A. Landscaping regulations apply to all new construction, reconstruction and where a Certificate of Occupancy is requested to be issued. Plans must be submitted and approved before a building permit or a Certificate of Occupancy can be issued.

B. Fifteen percent (15%) of the total land area must be landscaped with trees, shrubs and ground vegetation including grasses. Fifty percent (50%) of this landscaping must be located in the front yard. Special landscape designs, which are appropriate for the building design (i.e. southwestern and Spanish styles or xeriscape design) may be approved if a landscape architect or certified landscape designer approves the submitted landscape plan.

C. Landscaping must be irrigated or located within seventy-five (75) feet of a water source for proper maintenance and care.

D. Trees shall be planted along property frontage at a rate of one, three (3) inch caliper tree for every forty (40) feet of frontage.

E. A screening row of shrubs/plantings is required along at least (50%) of any street frontage. Such plants shall grow to at least thirty-six (36) inches at maturity.

F. Curbed island areas and parking lot islands shall be landscaped with materials or plantings other than exclusively lawn grass. In lieu of shrubs, vegetation and trees decorative concrete, paving stones, paving bricks or decorative stones may be used for at least 50% of the island areas.
G. Shrub and tree plantings in appropriate areas are also required along side perimeters of developed lots.

H. In parking lots, for every twelve (12) parking spaces, ninety (90) square feet of landscaping (trees, shrubs and/or ground vegetation, including grasses, or decorative concrete, paving stones, paving bricks or decorative stones) in island areas is required.

I. The owner commits an offense if he does not maintain the required landscaping with plantings properly watered and pruned. All dead trees, shrubs, vegetation and grasses must be replaced within a reasonable period of time and no later than thirty (30) days. In the event of a drought or emergency, the Building Official shall grant a reasonable extension of time for the replacement of dead trees, shrubs, vegetation and grasses.

11.2.2 Recommended Tree List

All trees used to satisfy the requirements of this Ordinance shall be of a species common or adaptable to this area of Texas. The following is a list of acceptable trees:

<table>
<thead>
<tr>
<th>American Elm</th>
<th>Lacebark Elm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bald Cypress</td>
<td>Lacey Oak</td>
</tr>
<tr>
<td>Black Hickory</td>
<td>Live Oak</td>
</tr>
<tr>
<td>Black Oak</td>
<td>Pecan</td>
</tr>
<tr>
<td>Black Walnut</td>
<td>Post Oak</td>
</tr>
<tr>
<td>Bur Oak</td>
<td>Rusty Blackhaw</td>
</tr>
<tr>
<td>Cedar Elm</td>
<td>River Birch</td>
</tr>
<tr>
<td>Chinese Pistachio</td>
<td>Shumard Red Oak</td>
</tr>
<tr>
<td>Chincuapin Oak</td>
<td>Southern Magnolia</td>
</tr>
<tr>
<td>Dawn Redwood</td>
<td>Sweet Gum</td>
</tr>
<tr>
<td>Durand Oak</td>
<td>Green Ash</td>
</tr>
<tr>
<td>Eastern Red Cedar</td>
<td>Texas Ash</td>
</tr>
<tr>
<td>Big Tooth Maple</td>
<td>Texas Oak</td>
</tr>
<tr>
<td>Gingko</td>
<td>Texas Walnut</td>
</tr>
<tr>
<td>Gum Burnelia</td>
<td>Texas Walnut</td>
</tr>
</tbody>
</table>

ARTICLE 12 SIGN REGULATIONS

SECTION 1 PURPOSE

12.1.1 Purpose and Intent

Signs use private land and the sight lines created by the public right-of-way to inform and persuade the general public by publishing a message. This Article provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare convenience, and enjoyment of the public, and in part to achieve the following:

A. Safety

To promote the safety to persons and property by providing that signs:

1. do not create a hazard due to collapse, fire, collision, decay or abandonment;
2. do not obstruct fire fighting or police surveillance; and
3. do not create traffic hazards by confusing or distracting motorists, or by impairing the driver’s ability to see pedestrians, obstacles, or read traffic signs.

B. Communication Efficiency

To promote the efficient transfer of information in sign messages by providing that:

1. those signs which provide messages and information most needed and sought by the public are given priorities;
2. businesses and services may identify themselves;
3. customers and other persons may locate a business or service;
4. no person or group is arbitrarily denied the use of the sight lines from public right-of-way for communication purposes; and
5. person(s) exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore said messages, according to the observer’s purpose.

C. Landscape Quality and Preservation

To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

1. do not interfere with scenic views;
2. do not create a nuisance to person(s) using the public right-of-way;
3. do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; and
4. are not detrimental to land or property values; and areas of districts within the City and orient himself with it.

SECTION 2 PROCEDURES

12.2.1 Permit Required

A. A person commits an offense if the person erects, repairs, alters or relocates a sign without first obtaining a building permit from the Building Official and making a payment of the required fee.

B. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required hereunder.

C. All signs located within the “Highway Control Zone” shall be subject to the provisions of the Texas Highway Beautification Act-Outdoor Advertising Signs and a Highway Department License shall be required.
12.2.2 Application for Permit

An application for a sign permit shall be made upon forms provided by the Building Official and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant;

2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;

3. Two (2) sets of plans showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences and sidewalks;

4. Two (2) blueprints or ink drawings of the plans and specifications showing method of construction, and attachment to the building or ground, size, type, height, construction materials and such other information as the Building Official may require;

5. Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City. Plans shall include a registered engineer's seal for foot-mounted signs or free-standing signs of fifty (50) square feet or larger and ten (10) feet or more in height;

6. Name of person, firm, corporation or association erecting structure;

7. Written consent of the owner of the building, structure or land to which or on which the structure is to be erected;

8. Any electrical permit required and issued for said sign;

9. Insurance policy or bond as required by Section 12.3.13, this Article;

10. Zoning classification carried by the property;

11. Such other information as the Building Official shall require to show full compliance with this and all other laws and ordinances of the City; and

12. Highway Department License for all signs located within the “Highway Control Zone” (Texas Highway Beautification Act-Outdoor Advertising Signs).

B. The Building Official may require plans to be prepared by a registered professional engineer or architect.

12.2.3 Illuminated Sign: Approval by Electrical Inspector

A. The application for a permit for erection of a sign in which electrical wiring and connections are to be used shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the Electrical Code of the City.

B. All illuminated signs shall bear the Underwriter's requirements or the application shall be disapproved. This action of the Electrical Inspector shall be taken prior to
submission of the application to the Building Official for final approval or disapproval of the building permit.

C. All electrical service to free standing signs shall be underground.

12.2.4 Issuance of Permit

Upon receipt of an application for a permit the Building Official shall examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure is in compliance with all the requirements of this section, the Building Code and all other laws and ordinances of the City, he shall then issue the building permit. If the work authorized under a building permit has not been completed within sixty (60) days after issuance, the said permit shall become null and void.

12.2.5 Inspection

The permit holder shall notify the Building Official shall be notified by the permit holder when erection of the sign is complete and he shall make an inspection to determine if the sign conforms to the City ordinances and codes. The Building Official shall inspect at such times as he deems necessary, each sign regulated by this section for the purpose of ascertaining whether the same is secure or insure whether it still serves as useful purpose and whether it is in need of removal or repair.

12.2.6 Unsafe Signs

If the Building Official shall find any sign regulated herein unsafe or insecure, or is a menace to the public, he shall give written notice to the permit holder thereof. If the permit holder fails to remove or repair the structure within ten (10) days after such notice, the Building Official at the expense of the permit holder or owner of the property upon which it is located. The Building Official shall refuse to issue a permit to any permit holder or owner who refuses to pay costs so assessed. The Building Official may cause any sign which is an immediate peril to persons or property to be removed without notice.

12.2.7 Assessment of Expenses; Lien

A. The City assesses the expenses incurred pursuant to Section 12.3.6 and Section 9 of this article against the real estate on which the nuisance is abated, and charges the owner of the property for the same.

B. The City shall send the owner of the property upon which the work was done a notice. The notice shall include:

1. an identification of the property;
2. a description of the violation;
3. a statement that the City abated the condition;
4. a statement of the City's charges and expenses in abating the condition;
5. an explanation of the property owner's right to request a hearing within ten days; and
6. a statement that in the event the owner fails or refuses to pay the expense within thirty days after the first day of the month following the one in which the work was done, the mayor or his/her designee shall obtain a lien against the property by filing with the county clerk of the appropriate county a statement of the expenses so incurred.

C. The lien is security for the expenditures made and interest accruing at the rate of ten percent per year from the date of payment by the City.

D. The City Manager will conduct a hearing if the property owner submits a written request within 10 days of the date of the notice. The City Manager may find if a preponderance of the evidence presented so shows, that the charges are erroneous and may adjust the charges.

E. When the statement is filed, the City shall have a privileged lien on that property, second only to tax liens and liens for street improvements.

F. For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the City. The statement of expenses or a certified copy therefore, is prima facie proof of the expenses incurred by the City in doing the work or making the improvements, all as more particularly specified in Texas Health and Safety Code annotated, §342.007, as amended, which is adopted and incorporated in this article by reference.

12.2.8 Number, Date and Voltage to be on Sign

Every sign or other advertising structure hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one (1) inch high in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

12.2.9 Maintenance Required

The sign permit holder shall maintain all parts and support of said sign in good condition to prevent deterioration, oxidation, rust and other unsightly conditions.

12.2.10 Wind Pressure and Dead Load Requirements

A. All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the City.

B. Plans shall be sealed by a registered engineer on all roof mounted signs and on all free standing signs of fifty (50) square feet or larger and ten (10) feet or more in height.

12.2.11 Exemptions

The provisions and regulations of this section shall not apply to the following signs provided, however, said signs shall not obstruct visibility as determined by the Building Official and shall be subject to the provisions of Section 3, 12.3.6, Unsafe and Unlawful Signs:
A. Signs not exceeding eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are located.

B. Signs not exceeding thirty-two (32) square feet which advertise the sale of residential tracts larger than five (5) acres; or commercial tracts which advertise the sale, rental or lease of the premises upon which said signs are located.

C. Name plates not exceeding one (1) square feet in area.

D. Bulletin boards not over sixteen (16) square feet in area for public, charitable or religious institutions when the same are located on the premises of the institution.

E. One temporary construction sign denoting only the architect, engineer or contractor when placed upon work under construction; sign must not exceed sixteen (16) square feet in area.

F. Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building and not exceeding two (2) square feet in area.

G. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

H. Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.

I. On-site directional signs not exceeding two (2) square feet, provided such directional signs do not contain advertising and are not used as such. Placement of such directional signs must have the approval of the Building Official and conform to visibility standards.

J. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such emergency, temporary or non-advertising signs as may be approved by the Administrative Official.

K. Political signs which meet the following restrictions:
   1. The sign shall not exceed eight (8) feet in height;
   2. The sign shall not have an effective area greater than thirty-six (36) feet;
   3. The sign shall not be illuminated or have any moving elements; and
   4. The sign shall not contain primarily a political message on a temporary basis and be generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

12.2.12 Bond or Insurance Requirements

An applicant for a permit to erect a sign shall, before the permit is granted, file with the Building Official a continuing bond in the penal sum of five thousand ($5,000) dollars executed by the applicant and an approved surety company and conditioned for the faithful observance of the provisions of this section, and all amendments thereto, and all
of the laws and ordinances relating to signs which shall indemnify and save harmless the City from any and all damages, judgments, costs or expenses which the said City may incur or suffer by reason of the granting of said permit. A liability insurance policy issued by an approved insurance company authorized to do business in the State of Texas conforming to this subsection may be permitted in lieu of a bond.

12.2.13 Signs not to Constitute Traffic Hazard

A. No sign shall be erected or maintained in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, color, degree, manner or intensity of illumination, it may interfere with vehicular or pedestrian traffic.

B. No sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

C. No sign shall make use of the words, “stop”, “go”, “look”, “slow”, “danger” or any other similar word, phrase symbol or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to interfere with, mislead or confuse traffic.

12.2.14 Lighting

A. Goose neck reflectors and lights shall be permitted on ground signs and wall signs provided, however, the reflectors shall be provided with proper shielding or lenses to concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

B. Any spotlight or other illumination of a sign shall be so directed or shielded that the light source is not directly visible from any street, sidewalk or adjacent property.

SECTION 3 PROHIBITED SIGNS

12.3.1 Offense to Maintain Prohibited Sign

A. A person commits an offense if the person:

1. illuminates a sign to an intensity more than 200 lamberts, as measured from the right-of-way, or in such a manner so as to cause glare or brightness to a degree that could constitute a hazard or nuisance or is constructed or contains material capable of reflecting light images, sound waves or mirrored images;

2. displays on a sign gestures or words which are obscene as defined in this article;

3. paints a sign, other than a nameplate and address showing street number, to a fence, railing or wall which is not a structural part of the building in or facing a residential zoning district, whether or not on the property line;

4. displays or erects a billboard; or

5. unless authorized by the City Council, attaches a sign, paper or material, or paint, stencil or write any name or number (except house or street address numbers) or otherwise marks on any public sidewalk, curb, gutter or street.
B. Unless authorized by the City Council, a person commits an offense if the person attaches, erects or maintains any sign, including a political sign:

1. upon any public utility pole, or structure, nor on any tree that is located on public land or in a public right-of-way; or

2. over or in public rights-of-way. No sign shall be erected in the right-of-way except movement control, traffic control devices, street signs or directional signs placed by the city or state.

C. A person commits an offense if the person erects or displays a sign in such a manner as to:

1. prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape;

2. obstruct free and clear vision, or at any location whereby reason of position, shape, color, degree, manner or intensity of illumination it may interfere with vehicular or pedestrian traffic;

3. interfere with, obstruct the view of, or be confused with any authorized traffic control device; or

4. encroach upon the visibility triangle of any street intersection.

12.3.2 Special Restrictions

A. No advertising sign of any type shall be erected within fifty (50) feet of an adjoining residential district except by special permit of the City Council, subject to appropriate conditions and safeguards.

B. Signs attached to a motorized vehicle, where the primary use of such vehicle is for sign purposes are prohibited. Signs attached to or upon any motorized vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for the purpose of advertising. Vehicles operating under a city franchise shall be excluded from this provision. This provision does not restrict the identification signing on vehicles used for delivery service, interstate commerce or any bona-fide transportation activity.

SECTION 4 PERMITTED SIGNS

12.4.1 Signs advertising each legally zoned activity within any district shall be allowed subject to the following conditions and regulations:

A. Signs shall pertain only to the identification of a building, business, or products and services manufactured, sold, or offered on the premises where the sign is located, except as otherwise provided.

B. In the event two (2) or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, provided that each sign or panel has no relationship to the others, except the combined footage of such signs cannot exceed the total square footage allowed for the sign.
C. Except as otherwise provided, all signs shall conform to the following requirements relative to type of sign allowed, maximum area, surfaces, heights, location, setback, and other provisions as set forth below by zoning district:

1. **Residential Districts** (AG, RE, R-1, R-2, R-3, and R-4).
   No signs shall be permitted in a Residential Zoning District except as follows:
   
   a. Those signs allowed under Section 3, 12.3.12, Exemptions; and
   
   b. Such temporary signs that may be allowed by Section 7, Temporary Signs.

2. **Non-residential Uses in a Residential District.** A property used for a non-residential use such as a church, school or park located in a Residential District (AG, RE, R-1, R-2, R-3, AND R-4). No signs shall be permitted in these areas except as follows:
   
   a. Those signs allowed under Section 3, 12.3.12, Exemptions;
   
   b. One attached or detached sign subject to the following restrictions:
      
      (1) Maximum size shall be forty (40) square feet;
      
      (2) Construction design and material shall match main building;
      
      (3) Entire sign must be located inside private property; and
   
   c. Such temporary signs that may be allowed by Section 7, Temporary Signs.

3. **Apartment District:** No signs shall be permitted in an Apartment District except the following:
   
   a. Those allowed under Section 3, 12.3.12, Exemptions;
   
   b. Such temporary signs that may be allowed by Section 7, Temporary Signs; and
   
   c. One sign per street front, subject to the following restrictions:
      
      (1) The sign may be attached to the building or set back one-half (1/2) the distance from the building line to the property line;
      
      (2) The sign shall not exceed forty (40) square feet;
      
      (3) The sign height shall not exceed twelve (12) feet;
      
      (4) Construction design and sign material shall match the main building; and
      
      (5) The entire sign must be located inside private property.

4. **Business District Signs:** (O, C-1, C-2, C-3, I, HO, and PD). No signs shall be permitted in the O, C-1, C-2, C-3, I, HO, and non-residential areas of a PD zoning district except for the following:
   
   a. Those signs allowed under Section 3, 12.3.12, Exemptions;
b. Such temporary signs that may be allowed by Section 7, Temporary Signs;

c. Permanent signs which comply with the following restrictions:

(1) Monument signs shall not exceed one hundred twenty (120) square feet total surface area.

(2) Multi-tenant Monument signs shall not exceed two hundred (200) square feet total surface area.

(3) Attached signs shall not exceed seventy-five (75) percent of the width of the building or store frontage.

(4) No sign shall be allowed on a roof.

(5) Each sign shall provide a minimum of ten (10) feet vertical clearance from sidewalk or ground level.

(6) Monument and Multi-tenant Monument Signs with an effective area of fifty (50) feet or less may be located as near as five (5) feet to the public right-of-way or at the building line if this requires lesser setback provided that said sign is a premise or directional sign and does not occupy the space between two (2) feet and ten (10) feet above grade within fifteen (15) feet of the public right-of-way except for supports, which may not exceed a total cross section area of two (2) square feet;

(7) Monument and Multi-Tenant Monument Signs with an effective area of one hundred-twenty (120) square feet or less may be located as near as fifteen (15) feet to the right-of-way provided that said sign is a premise or directional sign; and

d. Such signs as allowed by Section 6, Off-Premise Detached Signs.

5. Interstate Signage for property within an HO, C1, PD Zoning District.
Interstate signs on property within an HO, C1 or PD zoning district shall comply with the following:

a. Signs shall be subject to the Texas Highway Beautification Act-Outdoor Advertising Signs.

b. Permanent signs shall be subject to the following restrictions:

(1) Monument signs shall not exceed forty (40) feet in height and ten (10) feet in width. Overall surface area shall not exceed one hundred fifty (150) square feet.

(2) Multi-Tenant Monument Signs shall not exceed forty (40) feet in height. Overall surface area shall not exceed three hundred (300) square feet;

(3) Attached signs shall not exceed seventy-five (75) percent of the building frontage per elevation. Signs shall not exceed roof line;

(4) Pole signs shall not exceed fifty (50) feet in height; must be mounted on one or more freestanding columns, on braces in or upon the ground and
not a part of the building. The overall surface area shall not exceed three hundred (300) square feet;

(5) A Monument, Multi-Tenant Monument, or Pole sign with an effective area of fifty (50) square feet or less may be located as near as five (5) feet to the public right-of-way or at the building line, if this requires a lesser setback, provided that said sign is a premise or directional sign, does not exceed fifty (50) feet in height and does not occupy the space between two (2) feet and ten (10) feet above grade within fifteen (15) feet of the public right-of-way except for supports, which may not exceed a total cross-sectional area of two (2) square feet;

(6) A Monument, Multi-Tenant Monument, or Pole sign with an effective area of one hundred-fifty (150) square feet or less may be located as near as fifteen (15) feet to the right-of-way, provided that said sign is a premise of directional sign and does not exceed fifty (50) feet in height;

(7) A Monument, Multi-Tenant Monument, or Pole sign with an effective area of three hundred (300) square feet or less may be located as near as twenty-five (25) feet to the right-of-way or as near as the building setback line specified by the Comprehensive Zoning Ordinance, whichever is further, provided that it does not exceed a height of fifty (50) feet; and

(8) The sign must be within five hundred (500) feet from or adjacent to the interstate.

TABLE 12.1
PERMANENT SIGNS IN NON-RESIDENTIAL ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Signage</th>
<th>Zoning</th>
<th>Height</th>
<th>Width</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interstate</td>
<td>HO, C1, and non-residential areas of a PD district</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monument</td>
<td>40 feet</td>
<td>10 feet</td>
<td>150 sq feet</td>
<td></td>
</tr>
<tr>
<td>Multi-tenant</td>
<td>40 feet</td>
<td></td>
<td>300 sq feet</td>
<td></td>
</tr>
<tr>
<td>Attached</td>
<td>not exceeding roof line</td>
<td>75% of building frontage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pole</td>
<td>50 feet</td>
<td></td>
<td>300 sq feet</td>
<td></td>
</tr>
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</table>

SECTION 5 OFF-PREMISE DETACHED SIGNS

12.5.1 A Special Use Permit is required for all Off-Premise signs.
SECTION 6  TEMPORARY SIGNS

12.6.1 Subdivision Development Signs and “For Sale” or “For Lease” Signs

A. Subdivision development signs and “for sale” or “for lease” signs may be erected upon approval of the Administrative Official provided such sign(s) relate only to the property on which they are located or have a letter of permission from the property owner. No such sign(s) shall be erected unless a permit has been secured.

B. The sign shall not exceed ninety-six (96) square feet in surface area.

C. The sign shall not exceed fifteen (15) feet in height.

D. Not more than one (1) such sign shall be erected for each thirty (30) acres in the area under current development.

E. Placement of such signs shall be subject to approval of the Building Official and shall not constitute a visibility hazard.

F. The sign shall be removed when ninety-five (95%) percent of the available lots have been sold to owner/occupants.

G. A letter of permission from the property owner of the land where the sign is erected is required.

12.6.2 Signs Advertising Occasional Sales (including garage sales, patio and porch sales)

Signs Advertising Occasional Sales (including garage sales, patio and porch sales) shall be limited to two (2) signs not to exceed four (4) square feet and shall meet the following requirements.

A. The sign will be removed within seven (7) days of the sale.

B. The sign may be internally or indirectly lighted; however, such light or lights shall not be of a flashing, intermittent moving or similarly lighted type. Any such sign located within a residential zoning district shall not be lighted.

C. No sign shall be erected or maintained in such a manner as to obstruct free and clear vision.

D. The sign must be located on private property with permission from the property owner.

12.6.3 Seasonal Signs for the Purpose of Advertising Seasonal Events.

Seasonal signs for the purpose of advertising events may be erected within the following guidelines:

A. Each organization shall register with Building Inspection Department prior to the erection of any such sign.

B. The maximum size sign shall be thirty-two (32) square feet.

C. Each sign shall be located on private property.
D. Such signs shall be erected for a maximum of thirty (30) days.

E. No sign shall be erected or maintained in such a manner as to obstruct free and clear vision.

12.6.4 Portable/Promotional Signs.

Portable/promotional signs are subject to the following restrictions:

A. No such sign shall be erected unless a permit therefore is first procured from the Administrative Official.

B. No permit fee is required for a temporary sign under this section for public, religious, school, or charitable institution.

C. The sign shall not exceed thirty-two (32) square feet in size.

D. The sign permit may be issued for a maximum of thirty (30) days. Upon expiration of a permit, the sign must be removed from the premises and a new permit shall not be issued for thirty (30) days.

E. No more than six (6) permits per property will be issued each year.

F. The sign shall be set back a minimum of fifteen (15) feet from the curb or edge of pavement, completely out of City right-of-way.

G. The sign shall not be located within the intersection visibility triangle area and shall not obstruct visibility of motorists or pedestrians.

H. Such sign may be internally or indirectly lighted; however, such light or lights shall not be of a flashing, intermittent moving or similarly lighted type. Any such sign located within a residential zoning district shall not be lighted.

I. The sign must be located on private property.

12.6.5 New Homebuilder Directional Signs.

New homebuilder directional signs are subject to the following restrictions:

A. Signs may be erected after 4:00 p.m. on Friday evenings and must be removed by 8:00 a.m. on Monday mornings; and

B. The sign shall be set back a minimum of fifteen (15) feet from the curb or edge of pavement, completely out of City right-of-way.

C. The sign shall not be located within the intersection visibility triangle area and shall not obstruct visibility of motorists or pedestrians.
TABLE 12.2
TEMPORARY SIGNS

<table>
<thead>
<tr>
<th>Sign</th>
<th>Zoning District</th>
<th>Expiration</th>
<th>Maximum Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portable/Promotional</td>
<td>Commercial</td>
<td>30 days</td>
<td>32 sq. feet</td>
</tr>
<tr>
<td>Seasonal</td>
<td>Non-residential</td>
<td>30 days</td>
<td>32 sq. feet</td>
</tr>
<tr>
<td>Subdivision Development</td>
<td>Non-residential</td>
<td>95% of lots sold</td>
<td>96 sq. feet</td>
</tr>
<tr>
<td>Garage Sale</td>
<td>All</td>
<td>7 days</td>
<td>4 sq. feet</td>
</tr>
<tr>
<td>New Homebuilder Direction</td>
<td>All</td>
<td>Friday 4:00pm till Monday 8:00am</td>
<td>4 sq. feet</td>
</tr>
<tr>
<td>Non-Exempt Political Signs</td>
<td>All</td>
<td>Ten days after election</td>
<td>96 sq. feet</td>
</tr>
</tbody>
</table>

12.6.6 Non-Exempt Political Signs

A. A person commits an offense if the person erects or displays a political sign other than a sign identified in Section 12.3.11.K more than two (2) weeks before the commencement of early voting for an election or more than ten (10) days after the election and the sign:

1. is more than eight feet in height; or
2. has an effective area of greater than 36 square feet; or
3. is illuminated; or
4. has any moving elements; or
5. is located within the visibility triangle.

B. A person who erects or maintains a sign which contains primarily a political message on a temporary basis on a sign generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political shall comply with the regulations applicable to that type of sign.

12.6.7 Enforcement

The Code Enforcement Department shall give notice of a violation of this Article by one of the following methods:

A. The sign permit shall show the expiration date of the temporary sign permit; or
B. A notice shall be attached to the sign in violation of this section; or
C. Verbal notification by telephone or in person shall be given to the owner or occupant of the property upon which there is located a temporary sign in violation of this Article, or the owner or lessee of the temporary sign in violation of this section by the Code Enforcement Department; or
D. Written notification by the Code Enforcement Department to the permittee.

12.6.8 Removal and Storage of Temporary Signs

A. If the owner, lessee or lessee fails to acquire a permit for a temporary sign, the Code
Enforcement Department may remove the sign without notice at the expense of the sign owner or the person erecting, leasing, using or maintaining it.

B. Any temporary sign so removed shall be subject to a fee of fifty dollars ($50.00) for hauling the sign to the storage area plus a ten dollar ($10.00) per day storage fee for each day the sign is stored by the City.

C. Any temporary sign so removed from public or private property shall be stored or impounded by the City until all applicable charges have been paid or until thirty (30) days have passed.

D. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within such thirty (30) day period, the City may destroy, sell or otherwise dispose of the sign.

E. In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be considered day number one (1); thereafter all days, including weekends and holidays, shall be counted.

F. To the extent permitted by law, the Code Enforcement Department or any duly authorized agent may enter upon private property which is accessible to the public for the purposes specified in this Article to examine signs or their location, obtain information as to the ownership of such signs and to remove or cause the removal of a sign declared to be a nuisance pursuant to this Article.

G. If the City determines that the owner or occupant of the property upon which there is located a temporary sign in violation of this Article, or if the owner or lessee of the temporary sign in violation of this Article has had three (3) sign violations without reasonable cause, the City shall withhold issuing further sign permits to such property owner, lessee, sign owner, or sign lessee.

SECTION 7 NONCONFORMING SIGNS

12.7.1 Removal of Nonconforming Sign

A. A sign lawfully existing or under construction on the effective date of this Ordinance which does not conform to one or more of the provisions of this article may be continued in operation and maintained as a legal nonconforming sign. A nonconforming sign shall be allowed to remain until such time as:

1. The sign is abandoned; or

2. The property owner or tenant changes or alters the sign in any manner other than by normal maintenance to the configuration existing at the time of enactment of this article; or

3. It is determined by the building official or his designee that the sign is a threat to health, safety, or welfare of the citizens and/or a public nuisance.

B. A nonconforming sign which has been blown down or otherwise destroyed by wind, fire or damages from any other source may be repaired if the sign is not abandoned, provided that the cost of repairing the sign is sixty (60) percent of the cost of erecting a new sign of the same type at the same location, or less. If the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the
same location, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this article.

SECTION 8 NUISANCE SIGNS

12.8.1 Deteriorated Signs

Pursuant to Texas Health and Safety Code, Article 342, as amended, a sign that is visible from a public place and that is dilapidated, deteriorated, unsafe, abandoned, or is a hazard to the health or safety of the public, is declared a public nuisance.

12.8.2 Offense

A person commits an offense if the person maintains an abandoned sign or a sign in dilapidated or deteriorated condition on property he owns or controls.

12.8.3 Abandoned Signs

Pursuant to Texas Health and Safety Code, Chapter 342, as amended, a sign that is abandoned and is visible from a public place is declared a public nuisance.

12.8.4 Permit Hold

A person who has refused to pay costs for removal of a nuisance sign shall not be issued further permits until the costs are paid.

12.8.5 Removal

If the Building Official shall determine that any sign is dilapidated, deteriorated, unsafe, insecure, or is a hazard to the public, he shall give written notice to the property owner, lessee, or sign erector to repair, replace or remove such sign. If the property owner, lessee, or sign erector fails to remove or repair the sign within ten days after such notice, the building official shall remove the sign at the expense of the owner of the property upon which the sign is located. The building official shall cause any sign, which is an immediate hazard to persons to be removed without notice, and the cost of same shall be paid by the property owner.

12.8.6 Storage and Impoundment

A. Any sign which is removed by the building official pursuant to this section shall be impounded and stored. Records of where such signs are located and when removed shall be kept. The Building Official shall send a letter to the owner of such sign, if known, or, if not known, to the owner or person in control of the premises where such sign was located, giving notice of such impoundment.

B. The Building Official shall hold the sign in storage for at least 30 days after notice of impoundment has been mailed. Any sign may be redeemed by the owner upon payment of the costs of removal of and hauling the sign to storage, as determined by the building official, plus a per day storage fee, as established by the City Council.

12.8.7 Disposal

Any sign not reclaimed by the owner thereof within ten days of the mailing of the notice of impoundment shall be disposed of in accordance with applicable law.
SECTION 9  BOARD OF APPEAL

The Board of Adjustment shall be empowered to vary the provisions of this Article if it appears that the provisions would work a manifest injustice, considering such factors as the sign, location, and other pertinent factors. Such decision of the Board shall not conflict with the spirit of this Article, which is one of safety, provision of adequate light, open space and air, conservation of land and building values and to encourage the most appropriate use of land.

SECTION 10  RESPONSIBILITY FOR VIOLATION

The owner of the sign, the owner of the land or structure or the person in charge of erecting the sign or structure are all subject to the provisions of this Article and therefore subject to the penalty hereinafter provided.

SECTION 11  SIGN MESSAGE

12.11.1  Noncommercial Message

A. Notwithstanding any other provision of this article, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with the other requirements of this article and other City ordinances.

B. Notwithstanding any other provisions of this article, or other ordinance, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with the other requirements of this article and other City ordinances.

ARTICLE 13  CERTIFICATE OF OCCUPANCY AND COMPLIANCE

SECTION 1  CREATION OF BUILDING SITE

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

A. The lot or tract is part of a plat of record, property approved by the Planning and Zoning Commission, and filed in the Plat Records of Ellis County, Texas; or

B. The plat or tract is all or part of the 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; or

C. The plat 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.
SECTION 2  CERTIFICATE OF OCCUPANCY

13.2.1 Requirements

A. Certificate of Occupancy shall be required for any of the following:

1. Occupancy and use of a new residential building;

2. Change in use of an existing nonresidential building;

3. Occupancy and/or use of a nonresidential building hereafter erected or structurally altered;

4. Any change in the occupancy of a nonconforming use;

5. Change in ownership and/or name of an existing business.

B. No such use, or change of use, shall take place until a Certificate of Occupancy thereof shall have been issued by the Building Official. All required construction inspections must be completed before anything is allowed to be moved into the building.

SECTION 3  PROCEDURE FOR OCCUPANCY OF NEW RESIDENTIAL BUILDINGS

13.3.1 A Certificate of Occupancy for a new residential building shall be issued when such building has been completed in conformity with the provisions of this Ordinance and all required construction inspections have been passed. A certificate shall be issued within ten (10) days after final inspection is complete and all fees owed to City have been paid.

SECTION 4  PROCEDURE FOR CHANGE IN USE OF AN EXISTING NON-RESIDENTIAL BUILDING

13.4.1 Written application for a Certificate of Occupancy for a change in the use of an existing building shall be made to the Building Official. All required inspections for a Certificate of Occupancy are separate from any construction inspections, and are required to be successfully completed before certificate will be issued. Parking and landscaping requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within ten (10) days after the application for same has been made provided that all requirements are met.

SECTION 5  PROCEDURE FOR OCCUPANCY AND/OR USE OF A NON-RESIDENTIAL BUILDING HEREAFTER ERECTED OR STRUCTURALLY ALTERED

13.5.1 Written application for a Certificate of Occupancy and/or use of a nonresidential building hereafter erected or structurally altered shall be made to the Building Official. All required inspections for a Certificate of Occupancy are separate from any construction inspections, and are required to pass before certificate will be issued. Parking and landscaping requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within ten (10) days after the application for same has been made provided that all requirements are met.
SECTION 6  PROCEDURE FOR ANY CHANGE IN THE OCCUPANCY OF A NON-CONFORMING USE

13.6.1 Applications

Written application for a Certificate of Occupancy for any change in the occupancy of a nonconforming use shall be made to the Building Official. All required inspections for a Certificate of Occupancy are separate from any construction inspections, and are required to pass before certificate will be issued. Any change in the use of a nonconforming use must be a proposed use and conform to the provisions of this Ordinance, provided that a use identical to the previous use is permitted within ninety (90) days of the closing of the previous business. Parking and landscaping requirements must be met, provided that any use nonconforming use is not required to concrete any parking area.

13.6.2 Issuance

If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within ten (10) days after the application for same has been made provided that all requirements are met.

SECTION 7  PROCEDURE FOR CHANGE IN OWNERSHIP AND/OR NAME OF AN EXISTING BUILDING

13.7.1 Written application for a Certificate of Occupancy for any change in ownership and/or name of an existing building shall be made to the Building Official. All required inspections for a Certificate of Occupancy are separate from any construction inspections, and a passing score is required before a certificate will be issued. Parking and landscaping requirements must be met, as herein provided. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued within ten (10) days after the application for same has been made.

SECTION 8  CONTENTS

13.8.1 Every Certificate of Occupancy shall state that the building, or the proposed use of a building, complies with all provisions of the building and fire codes and Ordinances.

13.8.2 A record of all Certificates of Occupancy shall be kept in file in the office of the Building Official, or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected.

SECTION 9  TEMPORARY CERTIFICATE

13.9.1 Pending the issuance of a regular Certificate of Occupancy, the Building Official may issue a Temporary Certificate of Occupancy for a period of time not exceeding 120 days, during the completion or alterations or during partial occupancy of a building pending its completion. A temporary certificate will be issued only for incomplete landscaping and concrete parking as otherwise provided by the building code. It is required that the cost of the total project completion be submitted to the City in the form of a written contract or quote good for 120 days, from the contractor prepared to complete work. This total amount will be escrowed to the City for completion of the project. All required inspections for a Certificate of Occupancy are separate from any construction inspections and are required to pass before a temporary certificate will be issued. Such temporary certificates
shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Ordinance.

SECTION 10 CERTIFICATES FOR NONCONFORMING USES

13.10.1 A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the Building Official by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this Ordinance or any amendment thereto which results in a nonconforming use.

ARTICLE 14 BASIC DEFINITIONS AND INTERPRETATIONS

SECTION 1 GENERAL DEFINITIONS

14.1.1 For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

14.1.2 SPECIFIC DEFINITIONS

1. **ACCESSORY BUILDING** – a subordinate or incidental building, attached to or detached from the main building, without separate bath or kitchen facilities, and not used for commercial purposes or rented or used as a dwelling unit.

2. **ACCESSORY DWELLING UNIT** – an accessory building attached or detached from the main dwelling unit intended to be used as a residence for blood relatives of the residents of the main dwelling unit located on the lot.

3. **ACCESSORY USE** – a use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot herewith.

4. **ADMINISTRATIVE OFFICIAL** – the City Manager, or the Manager’s designated representative, responsible for enforcing and administering the terms of this ordinance.

5. **AGRICULTURAL OR UTILITY TRAILER SALES** – an establishment that offers for sale or display agricultural and/or utility trailers.

6. **AIRPORT** – a place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

7. **ALLEY** – a minor right-of-way dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

8. **AMUSEMENT ARCADE (ALSO VIDEO ARCADE)** – any building, room, place or establishment of any nature or kind and by whatever name called, where more than two (2) amusement devices are operated for a profit, whether the same be
operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. Provided, however, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines designed exclusively for children and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

9. **ANIMAL, LARGE** — any animal that attains a weight of one hundred twenty-five (125) pounds or greater at maturity. Dogs are not considered large animals.

10. **ANIMAL POUND WITH RUNS** — a facility that provides temporary homes for stray, surrendered or abandoned pet animals, in an enclosed building and in outside pens or runs enclosed by a permanent type of fencing.

11. **ANTENNA** — an instrument or device designed for transmitting or receiving any portion of the radio or microwave spectrum by residential uses and for noncommercial purposes.

12. **ANTENNA (CB RADIO OR AMATEUR RADIO)** — antennae not exceeding 35 feet (40') in height above the ground elevation at the base of the tower, pole, structure or support.

13. **ANTENNA (COMMERCIAL OR MICROWAVE TOWER)** — an antenna in excess of 35 feet in height from the base primarily used for commercial broadcasting. Also referred to as a microwave tower.

14. **ANTIQUE SHOP (INDOOR ONLY)** — 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.

15. **ATHLETIC FIELD** — a field(s) and/or structure used for sporting events with associated spectator seating, either permanent or temporary.

16. **AUTO RENTAL** — storage, leasing or renting of automobiles, motorcycles and light load vehicles.

17. **AUTO PARKING LOT OR GARAGE** — an area or structure designed for the parking of motor vehicles.

18. **AUTO PARTS OR ACCESSORY SALES (RETAIL)** — an establishment used for indoor display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

19. **AUTO PARTS, SALES IN OPEN** — the outside display of new or used parts for automobiles, panel trucks or vans, trailers, or recreational vehicles offered for sale.

20. **AUTO STORAGE** — the storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution or storage.

21. **AUTOMOBILE** — a self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, the following: passenger cars, trucks, buses, motor scooters and motorcycles.
22. **AUTOMOBILE REPAIR GARAGE** – an establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

23. **AUTOMOBILE REPAIR (MAJOR)** – the general repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

24. **AUTOMOBILE REPAIR, (MINOR)** – the 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 inspections; normal servicing of air-conditioning systems and other similar minor services for motor vehicles, except heavy load vehicles, but not including any work or repair included under the definition of the term, "Automobile, Major", engine degreasing or similar automobile cleaning services or any other similar use. This term also includes a facility which provides automobile-related services such as applying paint protectors, interior and exterior cleaning and polishing, as well as installation of after-market accessories such as window tinting, auto alarms, stereos, speakers, spoilers, sunroofs, headlight covers and similar "bolt on" or applied items or services.

25. **BANK, SAVINGS AND LOAN, OR CREDIT UNION** – an establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

26. **BANK, SAVINGS AND LOAN, OR CREDIT UNION – DRIVE IN ONLY** – a drive-in only establishment for the custody, loan, exchange or issue of money and/or facilitating the transmission of funds.

27. **BAKERY OR CONFECTIONERY SHOP, RETAIL** – an establishment engaged in selling of baked goods and confectioneries to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

28. **BAKERY OR CONFECTIONERY WHOLESALE** – a manufacturing facility for the production and distribution of baked goods and confectioneries.

29. **BASEMENT (OR CELLAR)** – a building story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

30. **BED AND BREAKFAST** – a dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

31. **BEAUTY OR BARBER SHOP** – an establishment primarily engaged in providing services involving the care of the person including, but not limited to, the cutting and trimming of hair, hair color, waxing, and nail manicures.
32. **BLOCK** – a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines of waterways, or boundary lines of municipalities.

33. **BOARD OF ADJUSTMENT** – a board appointed by the City Council, authorized to hear and decide any special exception which the Board is authorized by ordinance or law to grant. The Board shall also have the power to authorize variances from the Zoning Ordinance and render determinations on appeals from certain decisions of the Administrative Official and such other powers as the City Council may grant.

34. **BOARDING HOUSE** – a dwelling other than a hotel, wherefore compensation, and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) persons or more, but not exceeding twenty (20) persons on a weekly or monthly basis.

35. **BOOK STORE, RETAIL** – an establishment engaged in the selling of books, magazines, newspapers and other literary items to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

36. **BOTTLE WORKS FACILITY, WHOLESALE** – a facility where soda, water, etc. is bottled and packaged for the wholesale market rather than for direct sales.

37. **BUILDING** – any structure built for the support, shelter or enclosure of persons, animals, chattels or moveable 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.

38. **BUILDING HEIGHT** – the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or a decline of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

39. **BUILDING LINE** – a line parallel or approximately parallel to the street line established a distance away from ROW or any lot line beyond which no part of a building shall project, except as otherwise provided in the Zoning Ordinance.

40. **BUILDING, MAIN OR PRIMARY** – a building in which the principal use of the lot on which it is situated is conducted. In a residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

41. **BUILDING MATERIAL/LUMBER YARD** – an establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

42. **BUILDING OFFICIAL** – the Public Works Director, charged with the administration and enforcement of issuing permits and enforcing the Zoning Ordinance and the Building Code.

43. **BUSINESS SERVICE** – an establishment primarily engaged in providing services, not elsewhere classified, to business enterprises on a fee contract basis, and including but not limited to, advertising agencies, computer programming and software services, and office equipment rental or leasing.
44. **BUTANE STORAGE AND SALES** – a facility used for the bulk storage and sale of butane to the general public and rendering services incidental to the sale of such goods.

45. **CABINET MAKING SHOP** – an establishment for the production, display and sale of cabinets.

46. **CAMERA AND PHOTOGRAPHY SUPPLY** – an establishment engaged in the selling of camera and photography supplies and equipment to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

47. **CARPORT** – an open-sided shelter used primarily to house vehicles and which may be attached or detached from the main structure and which has less than four of its sides enclosed.

48. **CAR WASH** – a drive-through only stand-alone facility where a customer can have a motorcycle, automobile, and light load vehicle washed in exchange for financial consideration.

49. **CAR WASH, AS ACCESSORY USE** – a drive-through only facility, incidental to the primary use, where a customer can have a motorcycle, automobile, and light load vehicle washed in exchange for financial consideration.

50. **CAR WASH, DETAIL** – a facility that offers a full service center for the cleaning, detailing, and waxing of a motorcycle, automobile or light load vehicle in exchange for financial consideration.

51. **CAR WASH, SELF-SERVE** – a facility, typically coin-operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

52. **CATERING SERVICE** – an establishment that serves and supplies food to be consumed off premises; a service that provides meals and/or refreshments for public or private entertainment for a fee, provides food and incidental service for a social affair or for a private dwelling, but does not use commercial vehicles that are equipped in any manner for purposes of transporting food to be sold directly from such vehicles.

53. **CEMETERY** – land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories and mausoleums.

54. **CERTIFICATE OF OCCUPANCY** – an official certificate issued by the City through the Building Official, which indicates conformance with or approved conditional waiver from the zoning regulations and other applicable City regulations and ordinances and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

55. **CHARITABLE ORGANIZATION (OTHER THAN A CHURCH)** – a trust, company or unincorporated association established for charitable purposes only (also known as a charity or foundation). This term also includes other organizations granted tax exempt status by the United States Internal Revenue Service.
56. **CHEMICAL PRODUCTS, BULK STORAGE** – a facility used for the bulk storage of chemical products to be sold to the wholesale market, rather than for direct sales to the domestic consumer.

57. **CHURCH OR RECTORY** – a building for regular assembly for religious worship which is used primarily and is designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, or rabbis on the premises.

58. **CITY** – the City of Red Oak, Texas.

59. **CITY COUNCIL** – the governing body of the City of Red Oak, Texas.

60. **CITY ENGINEER** – the duly authorized person in charge of engineering for the City, or his designated representative.

61. **CLEANING PLANT (OTHER THAN CLOTHING AND LINEN)** – an establishment engaged in the cleaning of products other than clothing and linen, characterized by power driven machines and material handling equipment. Cleaning is usually carried on for the wholesale market rather than for the domestic consumer.

62. **CLOTHING MANUFACTURING OR LIGHT FABRICATION AND ASSEMBLY** – manufacturing of finished products or parts, predominately 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.

63. **CLOTHING OR APPAREL STORE** – an establishment engaged in the selling of clothing or apparel to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

64. **COLLEGE OR UNIVERSITY** – an academic institution of higher learning, accredited or recognized by the State and offering programs of academic study.

65. **COMMERCIAL AMUSEMENT, INDOOR ONLY** – an amusement or entertainment enterprise wholly enclosed and operated within a building, including, but not limited to a bowling alley, skating rink, health club, racquetball club, bingo parlor, indoor tennis court, swimming pool or nautilus facility.

66. **COMMERCIAL AMUSEMENT, INCLUDING OUTDOOR USES** – 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, water slides and carnivals.

67. **COMMERCIAL MESSAGE** - a message which refers to the offer for sale or existence for sale of products, property, accommodations, services or attractions or attracts attention to a business or to products, property, accommodations, services, or activities that are offered or exist for hire.

68. **COMMISSION** – same as Planning and Zoning Commission.

69. **COMMON AREA** – a privately owned open space set aside within a development for recreational or other use by residents or occupants of the development in which
the area is established, owned and maintained by the home owners or property owners association.

70. **COMMUNITY CENTER** – a building or complex of buildings that house cultural, recreational, athletic, offices, or entertainment facilities owned and/or operated by a governmental agency, private non-profit agency or private agency.

71. **COMPREHENSIVE PLAN, MASTER PLAN** – shall mean a series of planning documents intended to guide the growth and development of the City and its adjoining areas, including, but not limited to, the City's Comprehensive Land Use Plan, Future Land Use plan, Parks, Open Space and Trails Master Plan, Thoroughfare Plan, Storm Water Management Plans, and Master Utility Plans.

72. **COMPUTER AND/OR DATA PROCESSING SERVICES** – a facility that offers sales and service of computer equipment and software.

73. **CONCEPT PLAN** - The drawings and documents which establish the basic development intent for one or more tracts of land and sets up the conditions for more detailed planning and regulations of development.

74. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** – a permanent manufacturing facility for the production of concrete or asphalt.

75. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** – a temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

76. **CONSTRUCTION YARD TEMPORARY** – a storage yard or assembly yard for building materials and equipment directly related to a specific construction project and subject to removal at completion of construction.

77. **CONTRACTOR'S SHOP AND STORAGE YARD, OUTSIDE** – a building, part of a building, or land area for the construction or storage of materials, equipment, tools, products and vehicles.

78. **CONVENIENCE STORE WITH GAS PUMPS** – a retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This term also includes the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

79. **CONVENIENCE STORE WITHOUT GAS PUMPS** – a retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

80. **COUNTRY CLUB (PRIVATE)** – a land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

81. **COURT** – an open, unobstructed space, bounded on more than two sides by the wall of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one open side to a street, alley, yard, or other permanent open space.
82. **COVERAGE** – the area physically covered by all buildings located on a lot or parcel, including the area covered by all overhanging roofs.

83. **CUL-DE-SAC** – that street or part of a street having one common entry and exit and no other entry and/or exit.

84. **CURVILINEAR IN DESIGN** – any street segment which is designed with a degree of curvature not less than 3° 30' and not greater than 22° 55', and which shall offset a minimum distance of thirty (30) feet, said offset being measured perpendicular to the initial tangent line of the curve. Computation of percentage of curvilinear streets shall utilize the centerline of all interior streets.

85. **DAY CARE CENTER, CHILD** – a commercial facility designed for the care of four (4) or more children during the hours of 6:00 a.m. to 10:00 p.m. The term "day care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services or a school. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

86. **DAY CARE CENTER, IN-HOME** – a home occupation that provides care for less than 24 hours a day to no more than six children under the age of fourteen, plus no more than six additional elementary school-age children (age five to thirteen). The total number of children, including the caretaker's own children, is no more than twelve at any time. The term "day care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services or a school. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

87. **DEAD END STREET** – a street other than a cul-de-sac with only one outlet.

88. **DEVELOPER** – the owner of land proposed to be developed or the developer's representative.

89. **DEVELOPMENT PLAN** - Several documents, which together, contain the details of development of one or more tracts of land, the public and private improvements to be constructed on the land, and the specific conditions for development.

90. **DISCOUNT, VARIETY OR DEPARTMENT STORE** – an establishment engaged in the selling of goods and services to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

91. **DISTRICT, ZONING** – any section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

92. **DRIVING RANGE** – an area equipped with distance markers, clubs, balls and tees for practicing golf shots.

93. **DRUG STORE OR PHARMACY** – an establishment engaged in the selling of over-the-counter and prescription medications and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

94. **DWELLING** – any building or portion thereof, designed or used as living quarters for one or more families, but not including a mobile home. (See Mobile Home)
95. **DWELLING, SINGLE FAMILY** – a detached dwelling designed to be occupied by not more than one family.

96. **DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE)** – a dwelling that is part of a structure containing three or more units, each designed for occupancy by one family.

97. **DWELLING, TWO FAMILY, "DUPLEX"** – a detached dwelling designed to be occupied by two families living independently of each other.

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

99. **DWELLING, MULTIPLE-FAMILY** – a building or portion thereof arranged, intended to be occupied as dwellings by three or more families living independently of one another, and not a hotel or motel.

100. **DYE PLANT** – a facility engaged in the chemical transformation of materials or substances through the process of dyeing the product to be distributed or sold to the wholesale market.

101. **EASEMENT** – a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

102. **ELECTRICAL SUBSTATION** – a subsidiary station in which electric current is transformed.

103. **ENGINEER** – a person who has been licensed and registered by the Texas State Board of Registration for Professional Engineers to engage in the practice of engineering in this state and listed in State Records as “Civil”.

104. **EQUIPMENT RENTAL, INDOOR ONLY** – a building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, lawn mowers, tools, and other small machinery.

105. **EQUIPMENT RENTAL, OUTSIDE STORAGE** – a building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.

106. **ERECT** – to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

107. **EXTRATERRITORIAL JURISDICTION (ETJ)** – the unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer boundaries of which are measured from the extremities of the corporate limits outward for such distances as prescribed in Chapter 42 of the Texas Local Government Code, as amended, according to the total population of the City and by interlocal agreements with surrounding cities.

108. **FACING OR SURFACE** – the surface of the sign, upon, against or through which the message is displayed or illustrated on the sign.
109. **FAIRGROUND OR EXHIBITION AREA** – an area where outdoor fairs, circuses, or exhibitions are held.

110. **FAMILY** - One or more persons who are related by blood, marriage, adoption, or foster assignment, or a group of persons, including not more than three adults, living together as a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

111. **FAMILY HOME or COMMUNITY HOME** - A community based residential home or assisted living facility which qualifies as a community home under Section 123.004 of the Texas Human Resources Code, as amended, and which houses not more than six persons with disabilities and two supervisors. A community home is considered a single family residential use.

112. **FARM, RANCH, GARDEN OR ORCHARD** – an area of five (5) acres or more which is used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including 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.

113. **FEDERAL OR STATE FACILITY (THE INDOOR)** – any building or facility owned, used, leased or operated by Federal or State Government, not to include any area around the building or facility.

114. **FEDERAL OR STATE FACILITY (THE OUTDOOR)** – any area or land owned, used, leased, or operated by Federal or State Government, not to include any building or facility located on the area or land.

116. **FEED STORE, NO OUTSIDE STORAGE** – an establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery and with no outside storage.

117. **FEMA** – the Federal Emergency Management Agency or its successor agency.

118. **FIELD CONSTRUCTION OFFICE** – a building or structure, of either permanent or temporary construction, used in connection with a development or construction project 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.

119. **FLOOD PLAIN** – an area of land along a stream course subject to periodic inundation.

120. **FLOOR AREA** – the total square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages and breezeways.

121. **FLORIST, RETAIL** – an establishment for the display and retail sale of flowers, small plants and accessories.
122. **FRATERNAL ORGANIZATION, LODGE OR CIVIC CLUB** – an organized group having a restricted membership and specific purposes related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus or a labor union.

123. **FUNDRAISING EVENT** – an event to raise funds for disaster relief, a bake sale, ticket sale, car wash or similar event conducted for the sole purpose of raising funds to support a non-profit organization or charitable organization.

124. **FURNITURE, HOME FURNISHINGS OR APPLIANCE STORE** – a retail store selling goods 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.

125. **GARAGE APARTMENT** – a dwelling unit for one family erected in conjunction with a garage.

126. **GARAGE, PARKING** – any building or portion thereof used for the storage of four (4) or more automobiles in which any servicing provided is incidental to the primary storage use, and where repair facilities are not provided.

127. **GARAGE, PRIVATE** – an enclosed (on at least three [3] sides) accessory building or a part of a main building used for storage of automobiles and used solely by the occupants and their guests.

128. **GARAGE SALE** – an occasional sale by a person who does not hold himself out as engaging in, or does not habitually engage in, the business of selling the goods at retail, and which is confined to the garage and/or patio of the premises.

129. **GENERAL COMMERCIAL PLANT** – an establishment other than personal service shops for the treatment and/or processing of products as a service on a "for" profit basis, including, but not limited to, newspaper printing, laundry plant or cleaning and dyeing plants.

130. **GENERAL MANUFACTURING** – see Industrial, General.

131. **GENERAL RETAIL STORE** – a retail store which sells several lines of merchandise, including, but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware and food, such as a department store, variety store, general merchandise store, general store, etc.

132. **GIFT, NOVELTY OR SOUVENIR SHOP** – an establishment engaged in the selling of gifts, novelty items and souvenirs to the general public for personal use and rendering services incidental to the sale of such goods.

133. **GOLF COURSE** – an area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

134. **GREENHOUSE, COMMERCIAL** – an establishment for the cultivation and propagation, display, storage of live trees, shrubs or plants for sale to the wholesale market rather than for direct sales.
135. **GROCERY STORE** – an establishment engaged in selling food and beverage merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

136. **GROSS SURFACE AREA OF SIGN** – the entire area within a single continuous perimeter enclosing the extreme limits of a sign.

137. **GYMNASTIC OR DANCE STUDIO** – a building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

138. **HANDICRAFT OR ART OBJECT SALES STORE** – an establishment engaged in the selling of arts and crafts to the general public for personal use and rendering services incidental to the sale of such goods.

139. **HARDWARE STORE (NO OUTSIDE STORAGE)** – a facility for the inside display, sale or storage of home improvement products including carpentry, household, hand and power tools, and do it yourself supplies.

140. **HEALTH OR EXERCISE CENTER** – an establishment operated to promote physical health and fitness, activities including exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses of facilities would typically include, but are not limited to: game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

141. **HEAVY LOAD VEHICLE** – a self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as a large recreational vehicle, tractor-trailer, bus, van, or other similar vehicle. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

142. **HEAVY MACHINERY SALES, SERVICE OR STORAGE** – a building or open area, other than a right-of-way or public parking area, used for the display, sale, service or storage of heavy machinery, either machines in general or a group of machines which function together as a unit.

143. **HELIPORT** – an area of land or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

144. **HELISTOP** – the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

145. **HIGHWAY CONTROL ZONE** – all zoned and un-zoned commercial and industrial areas within six hundred sixty (660) feet of the nearest edge of the right-of-way of all portions of the interstate or primary highway systems within the State of Texas, as further defined in the Highway Beautification Act.

146. **HOBBY, TOY OR GAME SHOP** – an establishment engaged in the selling of toys, games and items of interest for those who engage in hobbies to the general public for personal use and rendering services incidental to the sale of such goods.
147. **HOME IMPROVEMENT STORE (WITH LESS THAN 25% OUTSIDE STORAGE)**—an establishment engaged in the selling of materials customarily used in the remodeling and construction of buildings, homes, and other structures with less than 25% of outside storage of materials or merchandise, including plants and landscaping supplies.

148. **HOME OCCUPATION**—an occupation that is carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises only, which is clearly incidental and secondary to the use of the premises for residential purposes, and which can be conducted without any significantly adverse impact on the surrounding neighborhood.

149. **HOSPITAL**—an institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, x-ray, and the prolonged care of bed patients.

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

151. **HOUSEHOLD APPLIANCE SERVICE AND REPAIR**—the maintenance and rehabilitation of appliances customarily used in the home, including but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens, ranges, countertop kitchen appliances, vacuum cleaners and hair dryers.

152. **INCOMBUSTIBLE MATERIAL**—any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

153. **INDUSTRIAL, GENERAL**—an establishment engaged in the manufacturing or transformation of materials into new products such as a plant or factory and which characteristically uses power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sales to the domestic consumer.

154. **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.

155. **JANITORIAL SUPPLY/SERVICE SHOP**—a building, part of a building or area used for the tools, products, materials, vehicle fleets or services related to a janitorial supply/service shop.

156. **JEWELRY STORE**—an establishment engaged in the selling of jewelry to the general public for personal use and rendering services incidental to the sale of such goods.

157. **KENNELS (INDOOR PENS)**—an establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.
158. **KENNELS (OUTDOOR PENS)** – an establishment with outdoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

159. **KEY SHOP** – an establishment primarily engaged in providing, installing, and repairing keys and locks.

160. **KIOSK** – a small free-standing, one story structure having a maximum floor area of 350 square feet and used for commercial purposes or the posting of temporary information and/or posters, notices and announcements.

161. **LANDSCAPING** – material such as grass, ground covers, shrubs, vines, trees or palms, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving and weeds.

162. **LAUNDRY/DRY CLEANING PLANT, COMMERCIAL** – a facility of 5,000 square feet or more equipped for commercial laundry and dry cleaning operations and storing solvents and cleaning compounds on the premises.

163. **LAUNDRY/DRY CLEANING – PICK-UP ONLY** – a facility used for picking up individual consumer's laundry and/or dry cleaning without dry cleaning equipment located on the premises.

164. **LAUNDRY/DRY CLEANING PLANT, RETAIL WITH PICK-UP FACILITIES** – a facility of less than 5,000 square feet in gross floor area offering retail services to the public, equipped for commercial laundry and dry cleaning operations, and storing solvents and cleaning compounds on the premises.

165. **LAUNDRY, SELF-SERVICE** – an unattended facility with coin-operated washing machines and/or dryers available for the use of the general public. This does not include laundry facilities provided as an accessory use for the benefit of the residents or tenants of multi-family dwelling units.

166. **LIGHT LOAD VEHICLES** – a self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than eleven (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.

167. **LIGHT MANUFACTURING** – the manufacturing of finished products or parts, predominately from parts, predominately 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.

168. **LOAD CAPACITY** – the load capacity of any vehicle shall be the weight of the heaviest net load to be carried on the vehicle, provided said net load capacity shall in no case be less than the manufacturer's rated load capacity.

169. **LOADING SPACE** – an off-street space or berth used for the delivery and loading or unloading of vehicles.
170. **LOT, OR LOT OF RECORD** — any tract or parcel or a part of a recorded subdivision which is occupied or intended to be occupied by one main building, or a group of main buildings, and accessory building and uses, including such open spaces as are required by this Ordinance and other laws or ordinances, A lot shall be a part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Ellis County.

171. **LOT, AREA** — the total area, measured on a horizontal plane, included within lot lines.

172. **LOT, CORNER** — a lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135°).

173. **LOT, DEPTH** — the mean horizontal distance between the front and rear lot lines.

174. **LOT, DOUBLE FRONTAGE** — a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

175. **LOT, FLAG OR PANHANDLE** — a lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twelve (12) feet.

176. **LOT FRONTAGE** — that dimension, line or side of a lot or portion of a lot abutting on a street excluding the side dimension, line or side of a corner lot.

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

178. **LOT, INTERIOR** — a lot other than a corner lot.

179. **LOT, KEY** — a corner lot that is so designated that the lots located directly behind it face the side street of the corner lot and are not separated by an alley, shall be considered a key lot.

180. **LOT LINE, REAR** — the lot line farthest from and most parallel to the front line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero (See illustration 15).

181. **LOT LINE, SIDE** — any lot line not the front or rear lot line (See illustration 15).

182. **LOT LINES** — the lines bounding a lot as defined herein.

183. **LOT WIDTH** — the horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line (See illustration 15).

184. **LUGGAGE OR LEATHER GOODS STORE** — an establishment engaged in the selling of luggage and/or leather goods for personal use and rendering services incidental to the sale of such goods.
185. **MACHINE OR WELDING SHOP** – a workshop where metal fabrication tools or welding tools and equipment are used for making, finishing or repairing machines or products related to a machine or welding shop.

186. **MAIN BUILDING OR PRINCIPAL BUILDING** – the building or buildings on a lot which are occupied by the primary use.

187. **MAINTENANCE OR REPAIR SERVICES OF BUILDINGS** – a building, part of a building used for the tools, products, materials or service related to a maintenance or repair service shop of buildings.

188. **MASONRY CONSTRUCTION** – exterior construction materials including brick, stone, stucco, granite, marble, concrete and other built up/lift panels, and excluding wood, metal, hardiplank or cement fiber board.

189. **MASS GATHERING EVENT** – a group of 100 or more persons assembled together for a meeting, festival, social gathering, entertainment, scheduled event or other similar event in a mass gathering area.

190. **MASS GATHERING AREA** – any place maintained, operated, or used for a mass gathering or assemblage, except where the mass gathering is to occur within an established permanent stadium, arena, auditorium or other similar permanent building and has sufficient existing permanent sanitary facilities and parking to handle the expected number of persons.

191. **MASSAGE ESTABLISHMENT** – any place of business in which massage therapy is practiced by a massage therapist, as defined by State Law. “Massage therapy” as a health care service, means manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), Compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for massage and “therapeutic” do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or osteopathy is required by law.

192. **MAUSOLEUM** – property used for the interring of the dead and where bodies are interred above ground in staked vaults.

193. **MEDICAL OR DENTAL LABORATORY** – a facility which performs procedures of tissues including blood, secretions, excretions of the human body to obtain information in diagnosing, preventing or treating disease, a facility where technicians make and repair dental restorations and appliances such as crowns and bridges, orthodontic appliances, dentures and other dental appliances.

194. **MINI-WAREHOUSE/STORAGE** – a building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

195. **MISCELLANEOUS RETAIL STORE** – an establishment engaged in the retail sale of specialized lines of merchandise not elsewhere classified, including but not limited to drug, apparel and accessories, handcraft and pastries.
196. **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 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, or as the term is amended under Chapter 1201 of the Texas Occupations Code.

197. **MOBILE HOME DISPLAY AND SALES** – the offering for sale, storage or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings, either on a temporary or permanent basis.

198. **MODULAR HOME (OR INDUSTRIALIZED HOUSING)** – a structure or building module as defined under the jurisdiction and control of the Texas Highway Department of Labor Standards and that is installed and used as a residence by a consumer, transportable in one 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, nor does it include building modules incorporating concrete or masonry as the primary structural component.

199. **MORTUARY OR FUNERAL PARLOR** – a place used for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

200. **MOTEL** – a building or group of buildings used composed of multiple dwelling rooms as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside and financial consideration for motel room units is generally calculated on a nightly basis.

201. **MOTORCYCLE** – a two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds and similar vehicles are classified as motorcycles.

202. **MOTORCYCLE SALES SERVICE** – the display, sale and servicing, including repair work of motorcycles.

203. **MOTOR FREIGHT TERMINAL** – a facility or area in which freight is brought by motor truck, assembled and is stored for interstate or intrastate shipment by motor truck. A motor freight terminal is a truck terminal.

204. **MOTOR VEHICLE** – any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as an automobile, truck, motorcycle or bus.

205. **MUSEUM, LIBRARY OR ART GALLERY** – a building for the collection, display and distribution of books, natural, scientific, artistic, or literary objects of interest,
and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

206. **MULTI–FAMILY RESIDENTIAL IN DOWNTOWN HISTORIC DISTRICT ONLY** – attached dwelling units designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels, in the Historic District.

207. **MULTI–FAMILY LOFT APARTMENTS** – a room or suite of rooms arranged, designed or occupied as a place of residence by a single family, individual or group of individuals that are located above the lower level with the lower level being a commercial use permitted by this Ordinance.

208. **MULTIPLE–FAMILY BUILDING** – same as Dwelling, Multiple–Family.

209. **MULTIPLE–FAMILY RESIDENCE** – same as Dwelling, Multiple–Family.

210. **MUNICIPAL FACILITY** – any area, land, building, structure, and/or facility owned, used, leased, or operated by the City, including but not limited to: administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, park, heliport, helistop, and golf course.

211. **NEW CAR SALES LOT** – retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and automobile service.

212. **NEW HOME BUILDER DIRECTIONAL SIGN** – shall mean a sign designed for new homebuilders to direct traffic toward homes that are for sale.

213. **NEW MOTORCYCLE SALES** – the display and sales of new motorcycles, including as a minor part of the business, the repair work of motorcycles and the sale of used motorcycles.

214. **NON-COMMERCIAL MESSAGE** - any message other than a commercial message.

215. **NONCONFORMING USE** – a building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

216. **NON–RESIDENTIAL USE** – a use other than a residential use.

217. **NURSERY OR GARDEN SHOP, RETAIL (INDOOR ONLY)** – a retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display; on which does not include cultivation and propagation activities outside a building.

218. **NURSERY OR GARDEN SHOP, RETAIL (WITH OUTSIDE STORAGE OR SALES)** – an establishment for the cultivation and propagation, display, storage and sale (retail and wholesale) of large plants, shrubs, trees and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use, it includes Outdoor display and storage of merchandise.
219. **NURSING OR PERSONAL CARE FACILITY** – a health facility used for or customarily occupied by persons recovering from illness or suffering from infirmities of age, and furnished meals or continuing nursing care for compensation.

220. **OCCUPANCY** – the use or intended use of the land or buildings proprietors or tenants.

221. **OFFICE, PROFESSIONAL OR ADMINISTRATION** – a room or group of rooms used for the provision of executive, management or administration 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 associates; but excluding medical offices.

222. **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.

223. **OFFICE, PHYSICIAN, DENTAL OR OTHER HEALTH PRACTITIONER** – an office or group of offices for one or more physicians, dentists or other health practitioners for the examination and treatment of ill and afflicted out-patients.

224. **OFFICE-SHOWROOM/WAREHOUSE** – an establishment with a minimum of seventy-five percent (75%) of its local floor area devoted to storage and warehousing but not accessible to the general 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.

225. **OPEN SPACE** – a lot or portion thereof left in a natural state or receiving permeable vegetative landscape treatment, such as ponds, lakes, either natural or manmade, grass, shrubs, flowers, trees, and ground cover.

226. **OPEN STORAGE (ALSO OUTSIDE STORAGE)** – the keeping or storing, outside a building, of any goods, material, merchandise, or equipment on a lot or tract for more than twenty-four (24) hours.

227. **OUTDOOR RV OR BOAT STORAGE** – an area containing separate, individual storage lots for lease or rent. The lots are designed for the outdoor storage of recreational vehicles and boats. The conduct of sales, business or any activity other than storage shall be prohibited within any storage area.

228. **OUTSIDE STORAGE** – storage or display of items outside of a building for more than twelve (12) consecutive hours.

229. **PAINT SHOP OR PAINT MIXING, WHOLESALE OR WAREHOUSE** – a commercial establishment where painting services are performed.

230. **PAINT STORE** – an establishment engaged in the selling of paint and related paint products to the general public and rendering services incidental to the sale of such goods.
231. **PARK OR PLAYGROUND** – the recreation facility, recreation center, or park owned or operated by a public agency such as a city or independent school district and available to the general public.

232. **PARKING LOT** – an off-street, ground level area, considered a structure, usually surfaced and improved, for the temporary storage of motor vehicles.

233. **PARKING SPACE** – a permanent surfaced asphalt or concrete area, enclosed or unenclosed, with a minimum space of 9' times 18' per vehicle, and a permanently surfaced driveway connecting the parking space with a street or alley, permitting ingress or egress of an automobile.

234. **PATIO HOME** – (see Zero Lot Line).

235. **PAWN SHOP** – an establishment where money is loaned on the security of personal property pledged in the keeping of the owner or proprietor. Also includes the retail sales of used items.

236. **PERIMETER STREET** – a street located along the boundary of an existing or proposed subdivision.

237. **PERMITTEE OR PERMIT HOLDER** – the person, persons, firm, corporation, or association filing an application for paying fees and receiving a sign building permit.

238. **PERSON** – any individual or group of individuals, general or limited partnership, joint venture, unincorporated association, corporation, limited liability company, trust, governmental or quasi-governmental entity, or other legal entity similar to the foregoing.

239. **PERSONAL SERVICE SHOP** – establishment primarily engaged in providing services generally involving the care of the person or his or her apparel including but not limited to barber and beauty shops, tailor, dressmaker, health or exercise center, shoe shop or similar shop offering custom service.

240. **PERSONNEL SERVICE** – a facility that provides assistance to employers looking to fill positions by screening, interviewing, and providing reference checks on possible job candidates.

241. **PEST CONTROL SERVICE** – a commercial enterprise licensed by the State to engage in the eradication of insects and vermin.

242. **PET GROOMING** – a facility that specializes in bathing, styling, cutting and combing of domestic household pets.

243. **PET SHOP** – a retail establishment offering small animals, fish or birds for sale as pets where all such creatures are housed within the building.

244. **PHOTO DEVELOPING OR PHOTO PRINTING** – operations consist of developing film and printing photos.

245. **PLANNING & ZONING COMMISSION OR COMMISSION** – the board appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council.
246. **PLAT** – a plan or map of a subdivision or development of land showing all the essential dimensions and other information to comply with the standards of the City’s Subdivision Ordinance and which is subject to approval by the Planning & Zoning Commission and City Council and filed in the plat records of Ellis County.

247. **PLAT, FINAL** – A plat of a subdivision which has been approved by the Commission and is to be recorded.

248. **PLAT, PRELIMINARY** – a plat consisting of a preliminary drawing or drawings, described in the City’s Subdivision Ordinance, indicating the proposed manner or layout of the subdivision.

249. **PLOT** – a single unit parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

250. **PLUMBING, ELECTRICAL OR AIR CONDITIONING SALES & SERVICE** – a building, part of a building, or land area used for the storage of materials, tools, products, and vehicle fleets and service related to plumbing, electrical or air conditioning sales and service.

251. **PORTE-COCHERE** – a roofed structure covering a driveway at the entrance of a building to provide shelter while entering or leaving a vehicle with no permanent parking allowed. The term does not include a carport.

252. **PREMISES** – land together with any buildings or structures situated thereon.

253. **PRIMARY USE** – the principal or predominant use of any lot or building.

254. **PRINCIPAL BUILDING** – same as Main Building.

255. **PRINT SHOP, MAJOR** – an establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermograph processes.

256. **PRINT SHOP, MINOR** – an establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating and blue printing processes. This definition shall include mailing and shipping services, but exclude the on-site storage of heavy load fleet vehicles.

257. **PRIVATE UTILITY, OTHER THAN LISTED** – a non-public utility requiring special facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or public utilities.

258. **PRO RATA AGREEMENT** – a contract for reimbursement of cost based upon a distribution of use or service.

259. **PUBLIC BUILDING** – any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the City or by any public or quasi-public utility.
260. **PUBLIC UTILITY SHOP OR STORAGE (OTHER THAN MUNICIPALLY OPERATED)** – a facility, such as a maintenance yard or shop, required by a private utility or a branch of Federal or State Government for service to an area.

261. **PUBLIC WORKS DIRECTOR** – the City official responsible for the City's engineering department and activities. In the absence of the Public Works Director, the City Manager or his appointed representative shall have the engineering responsibility.

262. **RAILROAD OR BUS PASSENGER STATION** – any premises for the transient housing or parking of motor driven, buses and trains and the loading and unloading of passengers.

263. **RECREATION CENTER** – a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

264. **RECREATIONAL VEHICLE** – are vehicles that are currently registered as recreational vehicles with the Vehicle Title and Registration Division of the Texas Department of Transportation, having no foundation other than wheels, jacks, blocks or skirting. This definition shall include "trailer coach, motor home, recreational vehicle" which by definition are similar to "camping or travel trailer" but are designed to be driven and contain their own power plant, drive train and steering device.

265. **RECYCLING COLLECTION CENTER (DROP-OFF BINS ONLY)** – an incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility could generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

266. **REPLATTING** – the subdivision of any part or all of any lot or block of a previously platted subdivision, addition, lot or tract.

267. **RESIDENCE** – same as a dwelling; also, when used with District, an area of residential regulations.

268. **RESIDENTIAL DISTRICT** – district where the primary purpose is residential use.

269. **RESIDENTIAL STREET** – a street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

270. **RESIDENTIAL USE** – the use of land for single family dwelling purposes.

271. **RESTAURANT WITH DRIVE-IN SERVICES** – an eating establishment where primarily food or drink is 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.

272. **RESTAURANT WITHOUT DRIVE-IN SERVICES; DRIVE-THROUGH ALLOWED** – an establishment serving food to the general public with designated areas and allowing carry-out window(s) serving a lane (s) of automobiles for the purpose of serving food to go where food consumption is not allowed in automobiles on the premises.
273. RESTAURANT WITH PRIVATE CLUB FOR ON-SITE ALCOHOL CONSUMPTION – an eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises. The sale and consumption of alcohol is permitted.

274. RETAIL OR SERVICE, INCIDENTAL – the rendering of retailing or services incidental to the primary use. In the Office District, such uses include a barber or beauty shop, smoke shop, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy or other incidental activity secondary to the primary office occupancy, and which has no separate outside entrance and no outside signage.

275. RETAIL STORE AND/OR SHOP – an establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

276. RIDING ACADEMY OR OTHER EQUESTRIAN ACTIVITY – a paddock, stable and related riding and quartering facilities for horses which is privately owned and maintained for the exclusive use of students, members and guests.

277. RIGHT-OF-WAY (ABBREVIATED ROW) – a strip of land, other than a drainage or utility easement, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

278. RODEO ARENA – a facility with an enclosed area, often circular or oval-shaped, designed to showcase events such as rough stock (i.e. bull, bareback and saddle bronco riding), timed events (i.e. wrestling, calf-roping and barrel racing) and competition events.

279. 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.

280. ROOMING HOUSE – see Boarding House.

281. SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD) – the reclamation and storage of used products or materials.

282. SAND, GRAVEL, STONE OR PETROLEUM EXTRACTION – the process of extracting sand, gravel, stone or petroleum from the earth.

283. SATELLITE DISH ANTENNA – an antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna or satellite earth station antenna.

284. SCHOOL, PRIVATE, (HIGH SCHOOL) – a school under the sponsorship of a private agency or corporation other than a public or religious agency having a curriculum generally equivalent to public high schools.

285. SCHOOL, PRIVATE (LOWER THAN HIGH SCHOOL LEVEL) – a school under the sponsorship of a private agency or corporation other than a public or religious
agency having a curriculum generally equivalent to public schools that are elementary level.

286. **SCHOOL, PUBLIC, (HIGH SCHOOL)** – a school operated by an independent school district and providing high school curriculum.

287. **SCHOOL, PUBLIC (LOWER THAN HIGH SCHOOL LEVEL)** – a school operated by an independent school district and providing elementary curriculum.

288. **SCIENTIFIC OR RESEARCH LABORATORIES** – a facility for research including laboratories and experimental equipment for medical testing, prototype design and development, and product testing.

289. **SERVANT’S QUARTERS** – an accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help, such as a maid, yard man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.

290. **SEWAGE OR WATER TREATMENT PLANT** – a facility owned and/or operated by a private entity that is used to alter the physical, chemical or biological quality of water.

291. **SEXUALLY ORIENTED BUSINESS** – an adult arcade, adult bookstore, adult cabaret, adult novelty store, adult motel, adult movie theater, adult service establishment, adult video store, sex parlor, sexual encounter center, nude modeling studio or other commercial enterprise, or any combination thereof, a principal business of which the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or whose employees or customers appear in a state of nudity. The term sexually oriented business shall not be construed to include:

   a. Any business operated by or employing licenses psychologists, licensed physical therapists, registered massage therapists, registered nurses, or licensed athletic trainers engaged in practicing such licensed professions;

   b. Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts;

   c. 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

   d. Any activity conducted or sponsored by any Texas independent school district, licensed or accredited private school, or public or private college or university.

292. **SHOE REPAIR OR SHOE SHINE PARLOR** – an establishment engaged in providing repairs to shoes and/or offering cleaning and shining of shoes.
293. **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 appropriate design and protection from the elements.

294. **SIGN** – every sign, name, number, identification, description, and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, window, or outdoor structure or approved sign poles, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization, or business.

295. **SIGN, ABANDONED** – A sign which: (a) for at least 12 continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product or activity on the premises on which the sign is located; or (b) if the premises is leased, relates to a tenant and at least two years have elapsed since the date the most recent tenant ceased to operate on the premises.

296. **SIGN, ATTACHED** – a sign permanently attached to the building that it identifies.

297. **SIGN, BILLBOARD** – an off-site sign containing at least one hundred square feet face area per face.

298. **SIGN, GARAGE SALE** – a directional sign designed to advertise occasional sales of used items on residential property.

299. **SIGN, ILLUMINATED** – a sign which has characters, letters, figures, designs or outline illuminated by electric lights, luminous tubes or other means.

300. **SIGN, INTERSTATE** – a sign that is located on interstate highway frontage, in a Planned Development (where the sign is approved in the ordinance establishing the district or the approved site plan, HO or C-1 District., including a pole, monument, multi-tenant monument and attached sign.

301. **SIGN, MONUMENT** – a solid sign, with no gaps, supported by its own foundation, constructed of stone and/or brick or other masonry, excluding the synthetic stucco Exterior Insulating Finishing System (E.F.I.S.), and that is not part of a building.

302. **SIGN, MULTI-TEANNT MONUMENT** – a monument sign designed for multiple advertising for buildings with more than one suite.

303. **SIGN, NEW HOMEBuilder DIRECTIONAL SIGN** – a temporary sign designed for new homebuilders to direct traffic toward homes that are for sale.

304. **SIGN, OFF-SITE** – a sign that is not located on the same property of the building or use that it is identifying.

305. **SIGN, ON-SITE DIRECTIONAL** – a sign designed to direct traffic on premises and does not contain advertising.

306. **SIGN, POLE** – a sign mounted on one or more freestanding columns, poles, uprights or braces in or upon the ground and is not part of a building.
307. **SIGN, POLITICAL** — a sign relating to the election of a person to public office relating to a political part or relating to a political issue.

308. **SIGN, PORTABLE / PROMOTIONAL** — a temporary sign designed and constructed to be easily moved from one location to another frequently, including, but not limited to, A-Frame, sandwich boards, banners and signs displaying changeable copy.

309. **SIGN, SEASONAL** — a sign designed to promote seasonal event.

310. **SIGN, SUBDIVISION DEVELOPMENT** — a sign/advertising the sale of property that currently is being developed.

311. **SIGN, UNDER CANOPY** — a sign suspended from a building and which is located under a permanent canopy projecting from a building.

312. **SMALL ENGINE REPAIR SHOP** — a shop for repair of lawnmower, chain saws, lawn equipment and other machines with one-cylinder engines.

313. **SPORTING GOODS STORE** — an establishment engaged in the selling of sporting goods and related equipment to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

314. **SPECIFIC USE PERMIT** — a permit authorized by the City Council, after receipt of a recommendation from the Planning and Zoning Commission, for the use of land or structures in accordance with the provisions of Article VII of this Ordinance.

315. **STABLE, COMMERCIAL** — a stable used for the rental of stall space or for the sale or rental of horses or mules.

316. **STABLE, PRIVATE** — a building, incidental to an existing residential, principal use, that shelters horses, mules or ponies for the exclusive use of the occupants of the premises and not kept for remuneration excluding garages and porches.

317. **STABLE, PUBLIC** — a building or land where horses, mules or ponies are kept for breeding, remuneration, hire, sale, boarding, riding or show.

318. **STADIUM** — a facility that provides a broad space for sports and other related outdoor events and has tiers of seats for a large number of spectators.

319. **STORAGE OR WHOLESALE WAREHOUSE** — a building used primarily for the storage of goods and materials.

320. **STORY** — that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as twelve (12) feet.

321. **STORY, HALF** — a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.
322. **STREET** – all property which is contained within fixed boundaries commonly referred to as right-of-way (ROW) lines, for the primary purpose of vehicular movement and circulation, and in which traveled roadways exist, along with various service utilities and sidewalks for pedestrian circulation.

323. **STREET, INTERSECTION** – any street which joins another street at an angle, whether or not it crosses the other.

324. **STREET WIDTH** – the shortest distance between the lines which delineates the right-of-way of a street.

325. **STRUCTURE** – anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of Building).

326. **STRUCTURAL TRIM** – the molding, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure.

327. **STRUCTURAL ALTERATIONS** – any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls.

328. **STUDIO FOR PHOTOGRAPHER, MUSICIAN OR ARTIST** – a building or portion of a building used as a place of work by a photographer, musician or artist.

329. **STUDIO FOR RADIO AND TELEVISION** – a building or portion of a building used as a place for radio or television broadcasting.

330. **SUBDIVISION** – The division of a tract situated within the City or the City's extraterritorial jurisdiction into two or more parts for the purpose of sale, lease or development. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method, and shall include a replat and a one-lot plat.

331. **SURVEYOR** – a person registered as a registered public surveyor or licensed state land surveyor by the Texas Board of Land Surveying.

332. **SWIMMING POOL – PRIVATE** – a swimming pool located in a single-family or multi-family zoning district intended and solely used for the enjoyment of the occupants of the main building of the property on which it is located and their guests.

333. **SWIMMING POOL – COMMERCIAL AND SEMI-PRIVATE** – a swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment residents and club members.

334. **TAILOR OR DRESSMAKER** – an establishment engaged in providing services involving the care of a person's apparel such as alterations, construction and repair of clothing.

335. **TELEPHONE LINE AND EXCHANGE** – a line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage or repair yards.
336. **TEMPORARY STORAGE** – the outside storage and display of items for sale on private property for less than twelve (12) hours.

337. **THEATER, DRIVE-IN** – an open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission to patrons seated in automobiles.

338. **THEATER, INDOOR** – a building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performance.

339. **TIRE DEALER, NO OPEN STORAGE** – a retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

340. **TIRE DEALER, WITH OPEN STORAGE** – a retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

341. **TIRE RETREADING AND CAPPING** – the process by which tires are treated with a new tread.

342. **TRADE, BUSINESS AND PROFESSIONAL SCHOOL** – establishment, other than a public or private school, primary or secondary school, or colleges, offering training or instruction in a trade, art or occupation.

343. **TRAILER COURT OR MOBILE HOME PARK** – a tract or tracts of land designed or improved or intended to be used or rented for occupancy by one or more trailer houses or mobile homes.

344. **TRAILER, HAULING** – a vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

345. **TRAILER HOME** – see Mobile Home.

346. **TRAILER OR MOBILE HOME SPACE** – a plot or lot of ground within a trailer court designed for the accommodation of one mobile home.

347. **TRAILER, TRAVEL OR CAMPING** – a portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

348. **TRANSFER STORAGE AND BAGGAGE TERMINAL** – a facility for the storage of baggage and other items in transit.

349. **TRANSPORTATION AND UTILITY STRUCTURE/FACILITY** – a permanent facility and/or structure operated by one or more companies engaged in providing transportation and utility services including, but not limited to, railroad track right-of-ways, sewage pumping stations, telephone exchanges, transit station turn-a-rounds, water reservoirs and water pumping stations.

350. **TRANSIT STATION OR TURNAROUND** – a passenger terminal or loading facilities for a privately or publicly owned transit system.

351. **TRUCK** – a light or heavy load vehicle (see definition for light and heavy load vehicles.)
352. **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.

353. **TRUCK PARKING LOT** – an area for parking heavy load vehicles.

354. **TRUCK SALES (HEAVY TRUCKS)** – the display, sale or rental of new or used heavy load vehicles in operable condition.

355. **UPHOLSTERY/FURNITURE RESTORATION** – an establishment for the repair and reconditioning of furniture and soft coverings for furniture.

356. **USED CAR ONLY SALES LOT** – an establishment offering for sale used automobiles or light load vehicles.

357. **USED MERCHANDISE STORE (INDOOR ONLY)** – a retail store offering for sale used materials, goods, and/or merchandise of less than twenty (20) years of age, and merchandise over twenty (20) years of age which does not derive a value from their age with all sales and storage occurring inside a building.

358. **UTILITY DISTRIBUTION/TRANSMISSION LINES** – facilities which serve to distribute and transmit electrical power, gas, water, including but not limited to electrical transmission lines, gas transmission lines, and metering stations.

359. **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 of hardship peculiar to the 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.

360. **VETERINARIAN CLINIC (OFFICE ONLY)** – an establishment for the care and medical veterinary practice on or for domestic household animals, conducted completely within an enclosed, soundproofed structure and not using any setback or open space for the permitted activities.

361. **VETERINARIAN HOSPITAL (WITH OUTSIDE ANIMAL RUNS OR PENS)** – an establishment for the care and medical treatment of large animals and domestic household pets having treatment and boarding facilities both in an enclosed building and outside pens or runs enclosed by a permanent type of fencing.

362. **VISIBILITY TRIANGLE** – the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines twenty (20) feet minimum from the intersection.

363. **WEEKEND/EVENING/SEASONAL SALES** – a temporary use on private property for the sale of seasonal merchandise such as firewood, Christmas trees and snow cones.

364. **WOODWORKING SHOP** – a facility where wood products are built, repaired or reconditioned.
365. **WRECKING, JUNK OR AUTO SALVAGE YARD** – a yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed metal.

366. **YARD** – an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring the yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

367. **YARD, FRONT** – a yard located in front of the main building from elevation of the main building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

368. **YARD, REAR** – a yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall be at the opposite end of the lot from the front yard.

369. **YARD, SIDE** – a yard between the building and side line of the lot extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

370. **ZERO LOT LINE DWELLING (PATIO HOME)** – a lot permitted pursuant to a Specific Use Permit and which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private use of the side yard, and permits construction of a detached single family dwelling placed on the side property line.

371. **ZONING DISTRICT CLASSIFICATIONS** – shall mean the zoning districts found in the Zoning Ordinance.

372. **ZONING DISTRICT MAP** – the official map upon which the boundaries of the various Zoning Districts are drawn.

373. **ZONING ORDINANCE** - Ordinance No. 07-05 of the City, as the same may be amended from time to time.

374. **ZOO** – a garden or park establishment where wild animals are kept for exhibition that is open to the public and may or may not charge a fee.
## Minimum Residential Requirements

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<tr>
<td>Minimum Lot Size</td>
<td>1 acre</td>
<td>32,670 sq ft</td>
<td>22,000 sq ft</td>
<td>12,000 sq ft</td>
<td>10,000 sq ft</td>
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<td>Minimum Lot Width</td>
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<td>Minimum Lot Depth</td>
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<td>Including Accessory</td>
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<td>40%</td>
<td>60%</td>
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<td>45%</td>
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<tr>
<td>Minimum Living Area</td>
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<td>2,000 sq ft</td>
<td>1,800 sq ft</td>
<td>1,700 sq ft</td>
<td>1,650 sq ft</td>
<td>1,250 sq ft</td>
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<tr>
<td>Minimum Front Set Back</td>
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<tr>
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<tr>
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<tr>
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<td>Interior Side Yard</td>
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<td>- Between Buildings</td>
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<tr>
<td>Maximum Height</td>
<td>40 ft</td>
<td>40 ft</td>
<td>35 ft/2.5 Stories</td>
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<td>Minimum Garage Size</td>
<td>2 Car</td>
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<tr>
<td>Minimum Additional Parking</td>
<td>2 Car/360 sq ft</td>
<td>2 Car/360 sq ft</td>
<td>2 Car/360 sq ft</td>
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<td>Minimum Driveway Width</td>
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<td>10 ft</td>
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<td>MINIMUM REQUIREMENTS - H.O., C-1, C-2 and I</td>
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<td>Lot and Area Regulations</td>
<td>H.O.</td>
<td>C-1</td>
<td>C-2</td>
<td>I</td>
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<tr>
<td>Minimum Lot Area</td>
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<td>Minimum Lot Depth</td>
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<tr>
<td>Maximum Lot Coverage</td>
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<tr>
<td>Front Yard Setback</td>
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<td>25'</td>
<td>35'</td>
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</tr>
<tr>
<td>Rear Yard Setback</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Side Yard Setback Adjacent to Street or Separate Uses on a Platted Lot or when a Lot is adjacent to a Lot that is in a different Zoning District</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Maximum Height</td>
<td>140' *</td>
<td>40' or 2 stories **</td>
<td>40' or 2 stories **</td>
<td>50'</td>
<td></td>
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</tr>
</tbody>
</table>

* But shall not exceed 60' on any portion of a site within 100' of property zoned or developed for residential use.  
** Except cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms may project, not to exceed 6' beyond maximum building height.
## Permitted Uses

### Commercial and Warehouse Uses

<table>
<thead>
<tr>
<th>Number</th>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>C-1</td>
<td>Agricultural or Utility Trailer Sales</td>
</tr>
<tr>
<td>2</td>
<td>C-1</td>
<td>Auto Parts or Accessory Sales, Retail</td>
</tr>
<tr>
<td>3</td>
<td>C-2</td>
<td>Auto Repair, Major</td>
</tr>
<tr>
<td>4</td>
<td>C-2</td>
<td>Auto Repair, Minor</td>
</tr>
<tr>
<td>5</td>
<td>C-1</td>
<td>Convenience Store with Gas Pumps</td>
</tr>
<tr>
<td>6</td>
<td>I</td>
<td>New Car Sales Lot</td>
</tr>
<tr>
<td>7</td>
<td>R</td>
<td>New Motorcycle Sales</td>
</tr>
<tr>
<td>8</td>
<td>R-1</td>
<td>Used Car Only Sales Lot</td>
</tr>
<tr>
<td>9</td>
<td>R-1</td>
<td>Used Car Only Sales Lot</td>
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### Commercial and Warehouse Uses

<table>
<thead>
<tr>
<th>Number</th>
<th>Category</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>C-1</td>
<td>Bakery or Confectionary Wholesale</td>
</tr>
<tr>
<td>2</td>
<td>C-1</td>
<td>Bottle Works Wholesale</td>
</tr>
<tr>
<td>3</td>
<td>C-1</td>
<td>Building Material/Lumber Yard</td>
</tr>
<tr>
<td>4</td>
<td>C-2</td>
<td>Cabinet Making</td>
</tr>
<tr>
<td>5</td>
<td>C-2</td>
<td>Chemical Products (Bulk Storage)</td>
</tr>
<tr>
<td>6</td>
<td>C-2</td>
<td>Cleaning Plant (other than clothing and linen)</td>
</tr>
<tr>
<td>7</td>
<td>C-2</td>
<td>Clothing Manufacturing or Light Fabrication and Assembly</td>
</tr>
<tr>
<td>8</td>
<td>C-2</td>
<td>Contractor Shop and Storage Yard (Outside)</td>
</tr>
<tr>
<td>9</td>
<td>C-2</td>
<td>Dye Plant</td>
</tr>
<tr>
<td>10</td>
<td>A</td>
<td>Equipment Rental (Indoor Only)</td>
</tr>
<tr>
<td>11</td>
<td>A</td>
<td>Equipment Rental Outside Storage</td>
</tr>
<tr>
<td>12</td>
<td>A</td>
<td>Feed Store (No Outside Storage)</td>
</tr>
<tr>
<td>13</td>
<td>A</td>
<td>Heavy Machinery Sales, Service or Storage</td>
</tr>
<tr>
<td>14</td>
<td>C</td>
<td>Janitorial Supply/Service</td>
</tr>
<tr>
<td>15</td>
<td>C</td>
<td>Laundry/Dry Cleaning Plant, Commercial</td>
</tr>
<tr>
<td>16</td>
<td>C</td>
<td>Maintenance or Repair Services Shop</td>
</tr>
<tr>
<td>17</td>
<td>C</td>
<td>Maintenance of Repair Services Shop for Buildings</td>
</tr>
<tr>
<td>18</td>
<td>C</td>
<td>Multi-Warehouse/Storage</td>
</tr>
<tr>
<td>19</td>
<td>C</td>
<td>Outdoor RV or RV Storage</td>
</tr>
<tr>
<td>20</td>
<td>C</td>
<td>Paper Shop or Paper Mailing, Wholesale or Warehouse</td>
</tr>
<tr>
<td>21</td>
<td>C</td>
<td>Pest Control Service</td>
</tr>
<tr>
<td>22</td>
<td>C</td>
<td>Plumbing, Electrical or Air Conditioning Sales and Service</td>
</tr>
<tr>
<td>23</td>
<td>C</td>
<td>Print Shop, Major</td>
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<tr>
<td>24</td>
<td>C</td>
<td>Printing/Offset Printing (Other than File)</td>
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<tr>
<td>25</td>
<td>C</td>
<td>Printing/Offset Printing (Other than File)</td>
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<td>26</td>
<td>C</td>
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<tr>
<td>27</td>
<td>C</td>
<td>Printing/Offset Printing (Other than File)</td>
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<td>Woodworking Shop</td>
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### General Retail Uses

<table>
<thead>
<tr>
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<th>Category</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>C</td>
<td>Bakery or Confectionary Shop, Retail</td>
</tr>
<tr>
<td>2</td>
<td>C</td>
<td>Book Store, Retail</td>
</tr>
<tr>
<td>3</td>
<td>C</td>
<td>Camera and Photography Supply</td>
</tr>
<tr>
<td>4</td>
<td>C</td>
<td>Clothing or Apparel Store</td>
</tr>
<tr>
<td>5</td>
<td>C</td>
<td>Commercial Amusement, Including Outdoor Uses</td>
</tr>
<tr>
<td>6</td>
<td>C</td>
<td>Commercial Amusement, Indoor Only</td>
</tr>
<tr>
<td>7</td>
<td>C</td>
<td>Convenience Store without Facade Pumps</td>
</tr>
<tr>
<td>8</td>
<td>C</td>
<td>Convenience Store without Facade Pumps</td>
</tr>
<tr>
<td>9</td>
<td>C</td>
<td>Distillery, Warehouse, Distillery</td>
</tr>
<tr>
<td>10</td>
<td>C</td>
<td>Drug Store or Pharmacy</td>
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<tr>
<td>11</td>
<td>C</td>
<td>Furniture, Home Furnishings or Appliance Store</td>
</tr>
<tr>
<td>12</td>
<td>C</td>
<td>Gift, Novelty or Souvenir Shop</td>
</tr>
<tr>
<td>13</td>
<td>C</td>
<td>Grocery Store</td>
</tr>
<tr>
<td>14</td>
<td>C</td>
<td>Hardware or Art Repair Sales Store</td>
</tr>
<tr>
<td>15</td>
<td>C</td>
<td>Hardware Store (no outside storage)</td>
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<tr>
<td>16</td>
<td>C</td>
<td>Hobby Shop or Hobby Shop</td>
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<tr>
<td>17</td>
<td>C</td>
<td>Home Improvement Store (with less than 25% outside storage)</td>
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<tr>
<td>18</td>
<td>C</td>
<td>Jewelry Store</td>
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<tr>
<td>19</td>
<td>C</td>
<td>Laundry/Dry Cleaning Plant, Retail with POS-10 Facilities</td>
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<td>20</td>
<td>C</td>
<td>License of Carry-On Goods Store</td>
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<td>Nursery or Garden Shop, Retail (Indoor Only)</td>
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<td>22</td>
<td>C</td>
<td>Nursery or Garden Shop, Retail with outside storage and/or sales</td>
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<td>C</td>
<td>Pawn Shop</td>
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<tr>
<td>24</td>
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<tr>
<td>25</td>
<td>C</td>
<td>Pawn Shop</td>
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<td>26</td>
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<td>Pawn Shop</td>
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<tr>
<td>27</td>
<td>C</td>
<td>Sexually Oriented Business</td>
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<tr>
<td>28</td>
<td>C</td>
<td>Sporting Goods Store</td>
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<tr>
<td>29</td>
<td>C</td>
<td>Sundries Store</td>
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<tr>
<td>30</td>
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### General Retail Uses

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<td>C</td>
<td>Bakery or Confectionary Shop, Retail</td>
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<td>13</td>
<td>C</td>
<td>Hardware or Art Repair Sales Store</td>
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<td>C</td>
<td>Jewelry Store</td>
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<td>18</td>
<td>C</td>
<td>Laundry/Dry Cleaning Plant, Retail with POS-10 Facilities</td>
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<td>C</td>
<td>License of Carry-On Goods Store</td>
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<td>C</td>
<td>Nursery or Garden Shop, Retail (Indoor Only)</td>
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<td>21</td>
<td>C</td>
<td>Nursery or Garden Shop, Retail with outside storage and/or sales</td>
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<td>22</td>
<td>C</td>
<td>Pawn Shop</td>
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<tr>
<td>23</td>
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<td>25</td>
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<td>Pawn Shop</td>
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<td>28</td>
<td>C</td>
<td>Sundries Store</td>
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<td>29</td>
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### Permitted Primary Uses

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<tr>
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<td>Agricultural or Utility Trailer Sales</td>
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<tr>
<td>C-1</td>
<td>Auto Parts or Accessory Sales, Retail</td>
</tr>
<tr>
<td>C-2</td>
<td>Auto Repair, Major</td>
</tr>
<tr>
<td>C-2</td>
<td>Auto Repair, Minor</td>
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<td>C-1</td>
<td>Convenience Store with Gas Pumps</td>
</tr>
<tr>
<td>I</td>
<td>New Car Sales Lot</td>
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<tr>
<td>R</td>
<td>New Motorcycle Sales</td>
</tr>
<tr>
<td>R-1</td>
<td>Used Car Only Sales Lot</td>
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<tr>
<td>C-2</td>
<td>Bakery or Confectionary Wholesale</td>
</tr>
<tr>
<td>C-1</td>
<td>Bottle Works Wholesale</td>
</tr>
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<td>Building Material/Lumber Yard</td>
</tr>
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<td>C-2</td>
<td>Cabinet Making</td>
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<td>C-2</td>
<td>Chemical Products (Bulk Storage)</td>
</tr>
<tr>
<td>C-2</td>
<td>Cleaning Plant (other than clothing and linen)</td>
</tr>
<tr>
<td>C-2</td>
<td>Clothing Manufacturing or Light Fabrication and Assembly</td>
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<td>Contractor Shop and Storage Yard (Outside)</td>
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<td>C-2</td>
<td>Dye Plant</td>
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<tr>
<td>A</td>
<td>Equipment Rental (Indoor Only)</td>
</tr>
<tr>
<td>A</td>
<td>Equipment Rental Outside Storage</td>
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<tr>
<td>C-1</td>
<td>Feed Store (No Outside Storage)</td>
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<td>C-1</td>
<td>Heavy Machinery Sales, Service or Storage</td>
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<tr>
<td>C-1</td>
<td>Laundry/Dry Cleaning Plant, Commercial</td>
</tr>
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<td>C-1</td>
<td>Maintenance or Repair Services Shop</td>
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<tr>
<td>C-1</td>
<td>Maintenance of Repair Services Shop for Buildings</td>
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<tr>
<td>C-1</td>
<td>Multi-Warehouse/Storage</td>
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<td>C-1</td>
<td>Outdoor RV or RV Storage</td>
</tr>
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<td>C-1</td>
<td>Paper Shop or Paper Mailing, Wholesale or Warehouse</td>
</tr>
<tr>
<td>C-1</td>
<td>Pest Control Service</td>
</tr>
<tr>
<td>C-1</td>
<td>Plumbing, Electrical or Air Conditioning Sales and Service</td>
</tr>
<tr>
<td>C-1</td>
<td>Print Shop, Major</td>
</tr>
<tr>
<td>C-1</td>
<td>Printing/Offset Printing (Other than File)</td>
</tr>
<tr>
<td>C-1</td>
<td>Printing/Offset Printing (Other than File)</td>
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<tr>
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<td>Printing/Offset Printing (Other than File)</td>
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<td>Printing/Offset Printing (Other than File)</td>
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<tr>
<td>C-1</td>
<td>Woodworking Shop</td>
</tr>
<tr>
<td>C</td>
<td>Bakery or Confectionary Shop, Retail</td>
</tr>
<tr>
<td>C</td>
<td>Book Store, Retail</td>
</tr>
<tr>
<td>C</td>
<td>Camera and Photography Supply</td>
</tr>
<tr>
<td>C</td>
<td>Clothing or Apparel Store</td>
</tr>
<tr>
<td>C</td>
<td>Commercial Amusement, Including Outdoor Uses</td>
</tr>
<tr>
<td>C</td>
<td>Commercial Amusement, Indoor Only</td>
</tr>
<tr>
<td>C</td>
<td>Convenience Store without Facade Pumps</td>
</tr>
<tr>
<td>C</td>
<td>Distillery, Warehouse, Distillery</td>
</tr>
<tr>
<td>C</td>
<td>Drug Store or Pharmacy</td>
</tr>
<tr>
<td>C</td>
<td>Furniture, Home Furnishings or Appliance Store</td>
</tr>
<tr>
<td>C</td>
<td>Gift, Novelty or Souvenir Shop</td>
</tr>
<tr>
<td>C</td>
<td>Grocery Store</td>
</tr>
<tr>
<td>C</td>
<td>Hardware or Art Repair Sales Store</td>
</tr>
<tr>
<td>C</td>
<td>Hardware Store (no outside storage)</td>
</tr>
<tr>
<td>C</td>
<td>Hobby Shop or Hobby Shop</td>
</tr>
<tr>
<td>C</td>
<td>Home Improvement Store (with less than 25% outside storage)</td>
</tr>
<tr>
<td>C</td>
<td>Jewelry Store</td>
</tr>
<tr>
<td>C</td>
<td>Laundry/Dry Cleaning Plant, Retail with POS-10 Facilities</td>
</tr>
<tr>
<td>C</td>
<td>License of Carry-On Goods Store</td>
</tr>
<tr>
<td>C</td>
<td>Nursery or Garden Shop, Retail (Indoor Only)</td>
</tr>
<tr>
<td>C</td>
<td>Nursery or Garden Shop, Retail with outside storage and/or sales</td>
</tr>
<tr>
<td>C</td>
<td>Pawn Shop</td>
</tr>
<tr>
<td>C</td>
<td>Pawn Shop</td>
</tr>
<tr>
<td>C</td>
<td>Sexually Oriented Business</td>
</tr>
<tr>
<td>C</td>
<td>Sporting Goods Store</td>
</tr>
<tr>
<td>C</td>
<td>Sundries Store</td>
</tr>
<tr>
<td>C</td>
<td>Upholstery/Furniture Restoration</td>
</tr>
<tr>
<td>C</td>
<td>Vegetable or Fruit Shop</td>
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</table>
### Permitted Primary Uses

#### Table 6.1

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>PARING</th>
<th>Zoning District</th>
</tr>
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<tbody>
<tr>
<td><strong>Educational, Institutional and Special Uses</strong></td>
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</tr>
<tr>
<td>1. Cemetery, Mausoleum or Crematory</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>2. Church or Rectory</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>3. College, University, Business, Trade or Professional School</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>4. Day Care Center, Child Care</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>5. Fairground or Exhibition Area</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>6. Hospital</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>7. School, Private (Higher Than High School Level)</td>
<td>Variable</td>
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</tr>
<tr>
<td>8. School, Private (Lower Than High School Level)</td>
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</tr>
<tr>
<td>9. School, Public (Higher Than High School Level)</td>
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<tr>
<td>10. School, Public (Lower Than High School Level)</td>
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<tr>
<td><strong>General Service and Office Type Uses</strong></td>
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<tr>
<td>1. Bank, Savings and Loan or Credit Union Facility - Drive In Only</td>
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</tr>
<tr>
<td>2. Bank, Savings and Loan or Credit Union Facility Drive In Only</td>
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<td><strong>C-1</strong></td>
</tr>
<tr>
<td>3. Beauty or Barber Shop</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>4. Car Wash</td>
<td>Variable</td>
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</tr>
<tr>
<td>5. Car Wash, Detail</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>6. Car Wash, Self Serve</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>7. Catering Service</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td><strong>Government Uses</strong></td>
<td>Variable</td>
<td><strong>C-1</strong></td>
</tr>
<tr>
<td>1. Federal or State Facilities (Indoor)</td>
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</tr>
<tr>
<td>2. Federal or State Facilities (Outdoor)</td>
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</tr>
<tr>
<td>3. Municipal Facilities</td>
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<tr>
<td><strong>H. Residential Uses</strong></td>
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</tr>
<tr>
<td>1. Single Family Residential</td>
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</tr>
<tr>
<td>2. Multi-Family Residential (Apartment)</td>
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<tr>
<td>3. Multi-Family Residential (Loft Above Commercial Uses)</td>
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<tr>
<td>4. Multi-Family Residential (Other Than Multifamily)</td>
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<tr>
<td><strong>I. General and Other Lodging Places</strong></td>
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<td>1. Federal or State Facilities (Indoor)</td>
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<tr>
<td>3. Municipal Facilities</td>
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<td><strong>C-1</strong></td>
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<tr>
<td><strong>J. Residential Uses</strong></td>
<td>Variable</td>
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<td><strong>C-1</strong></td>
</tr>
<tr>
<td>2. Multi-Family Residential (Apartment)</td>
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<tr>
<td>3. Multi-Family Residential (Loft Above Commercial Uses)</td>
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</tr>
<tr>
<td>4. Multi-Family Residential (Other Than Multifamily)</td>
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<td><strong>K. General and Other Lodging Places</strong></td>
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</tr>
<tr>
<td>3. Municipal Facilities</td>
<td>Variable</td>
<td><strong>C-1</strong></td>
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<tr>
<td>Permitted Primary Uses</td>
<td>PARCING</td>
<td>Zoning District</td>
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<td>------------------------</td>
<td>---------</td>
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<tr>
<td>Accessory Bldg. not part of main bldg.</td>
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<td>S C-1 C-2 I RAE R-1 R-2 R-3 R-4 A AG FP</td>
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<td>E</td>
<td>X X X X X X</td>
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<tr>
<td>Antenna, Microwave Tower or Commercial</td>
<td>Variable</td>
<td>A X X X S S S S S</td>
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<tr>
<td>Athletic Fields</td>
<td>Variable</td>
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<tr>
<td>Bowling Alley</td>
<td>Variable</td>
<td>X X X X X X</td>
</tr>
<tr>
<td>Cemetary, Crematory, other than church</td>
<td>I</td>
<td>S S X X S S S S S S S</td>
</tr>
<tr>
<td>Church Club, Golf Course, Driving Range</td>
<td>Variable</td>
<td>J S S X X S S X X X X S</td>
</tr>
<tr>
<td>Greenhouse, Commercial</td>
<td>Variable</td>
<td>A X X X S S S S S</td>
</tr>
<tr>
<td>Railroad</td>
<td>Variable</td>
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<tr>
<td>Storage, Bulk Liquids</td>
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<tr>
<td>Storage, Bulk Liquids</td>
<td>Variable</td>
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<td>Stadium, Commercial or Private</td>
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<td>Warehouse</td>
<td>Variable</td>
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<td>Sewage or Water Treatment Plant</td>
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<tr>
<td>Stable, Commercial or Private</td>
<td>Variable</td>
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<td>Stable, Public</td>
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<td>Auditorium, Gymnasium, Theater, Auditorium, Theatre</td>
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<tr>
<td>Auditorium, Gymnasium, Theater</td>
<td>Variable</td>
<td>R S S S S S S S S S S</td>
</tr>
<tr>
<td>Tennis Courts, Athletic Fields, Tennis Courts</td>
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<tr>
<td>Golf Course</td>
<td>Variable</td>
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<td>Driving Range</td>
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</table>

**P** Denotes use is allowed by right.

**S** Denotes use is allowed only by Specific Use Permit.

**X** Denotes use is not allowed.
### USE SUMMARY

**HIGHWAY ORIENTED**

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Uses Allowed by SUP Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakery or Confectionery Shop, Retail</td>
<td>School, Private (High School)</td>
</tr>
<tr>
<td>Bank, Savings and Loan or Credit Union Facility</td>
<td>School, Private (lower than High School Level)</td>
</tr>
<tr>
<td>Beauty or Barber Shop</td>
<td>School, Public (High School)</td>
</tr>
<tr>
<td>Boot Store, Retail</td>
<td>School, Public (lower than High School Level)</td>
</tr>
<tr>
<td>Camera and Photography Supply</td>
<td>Savorage or Water Treatment Plant</td>
</tr>
<tr>
<td>Car Wash, As Accessory Use</td>
<td>Stadium (public or private)</td>
</tr>
<tr>
<td>Church or Rectory</td>
<td>Studio for Photographer, Musician or Artist</td>
</tr>
<tr>
<td>Clothing or Apparel Store</td>
<td>Studio for Radio and Television</td>
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<tr>
<td>Convenience Store with Gas Pumps</td>
<td>Water supply reservoirs, Towers</td>
</tr>
<tr>
<td>Convenience Store without Gas Pumps</td>
<td>Zoo (public)</td>
</tr>
<tr>
<td>Discount, Variety, Department Store</td>
<td></td>
</tr>
<tr>
<td>Drug Store or Pharmacy</td>
<td></td>
</tr>
<tr>
<td>Federal or State Facilities (Indoor)</td>
<td></td>
</tr>
<tr>
<td>Finance, Retail</td>
<td></td>
</tr>
<tr>
<td>Furniture, Home Furnishings or Appliance Store</td>
<td></td>
</tr>
<tr>
<td>Gift, Novelty or Souvenir Shop</td>
<td></td>
</tr>
<tr>
<td>Grocery Store</td>
<td></td>
</tr>
<tr>
<td>Handicraft or Art Object Sales Store</td>
<td></td>
</tr>
<tr>
<td>Hardware Store (no outside storage)</td>
<td></td>
</tr>
<tr>
<td>Hobby, Toy or Game Shop</td>
<td></td>
</tr>
<tr>
<td>Home Improvement Store (with less than 25% outside storage)</td>
<td></td>
</tr>
<tr>
<td>Hotel or Motel</td>
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</tr>
<tr>
<td>Jewelry Store</td>
<td></td>
</tr>
<tr>
<td>Laundry/Dry Cleaning Plant, Retail with Pick-Up Facilities</td>
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</tr>
<tr>
<td>Laundry/Dry Cleaning-Pick-Up Only</td>
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<tr>
<td>Luggage or Leather Goods Store</td>
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<tr>
<td>Municipal Facilities</td>
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<tr>
<td>Nursery or Garden Shop, Retail (Indoor Only)</td>
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</tr>
<tr>
<td>Office Showrooms/Warehouse</td>
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<tr>
<td>Office, Physician, Dentist or Other Health Practitioners</td>
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<tr>
<td>Office, Professional or Administration</td>
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<tr>
<td>Paint Store (Retail)</td>
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<tr>
<td>Personnel Service</td>
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</tr>
<tr>
<td>Pet Shop</td>
<td></td>
</tr>
<tr>
<td>Photo Developing or Photo Printing</td>
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</tr>
<tr>
<td>Print Shop, Minor</td>
<td></td>
</tr>
<tr>
<td>Restaurant without Drive-In Services (Drive-Through Allowed)</td>
<td></td>
</tr>
<tr>
<td>Sporting Goods Store</td>
<td></td>
</tr>
<tr>
<td>Theater (Indoor)</td>
<td></td>
</tr>
<tr>
<td>Used Merchandise Store/Antiques (indoor only)</td>
<td></td>
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<tr>
<td><strong>Uses Allowed by SUP Only</strong></td>
<td></td>
</tr>
<tr>
<td>Accessory Bldg., larger than 650 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Accessory Bldg., not part of main bldg.</td>
<td></td>
</tr>
<tr>
<td><strong>Auto Rental</strong></td>
<td></td>
</tr>
<tr>
<td>Bank, Savings and Loan or Credit Union Facility-Drive-In Only</td>
<td></td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td></td>
</tr>
<tr>
<td>Catering Service</td>
<td></td>
</tr>
<tr>
<td>Cemetery, Mausoleum or Crematory</td>
<td></td>
</tr>
<tr>
<td>Charitable Organization (other than church)</td>
<td></td>
</tr>
<tr>
<td>College, University, Business, Trade or Professional School</td>
<td></td>
</tr>
<tr>
<td>Commercial Amusement, including Outdoor Uses</td>
<td></td>
</tr>
<tr>
<td>Commercial Amusement, interior Only</td>
<td></td>
</tr>
<tr>
<td>Concrete or Asphalt Batch Plant, Temp</td>
<td></td>
</tr>
<tr>
<td>Country Club, Golf Course, Driving Range</td>
<td></td>
</tr>
<tr>
<td>Electric Substation, Transmission Line</td>
<td></td>
</tr>
<tr>
<td>Equipment Rental (Indoor Only)</td>
<td></td>
</tr>
<tr>
<td>Fairground or Exhibition Area</td>
<td></td>
</tr>
<tr>
<td>Federal or State Facilities (Outdoor)</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
</tr>
<tr>
<td>Medical or Dental Laboratory</td>
<td></td>
</tr>
<tr>
<td>Museum, Library or Art Gallery</td>
<td></td>
</tr>
<tr>
<td>New Car Sales Lot</td>
<td></td>
</tr>
<tr>
<td>New Motorcycle Sales</td>
<td></td>
</tr>
<tr>
<td>Nursing or Personal Care Facility</td>
<td></td>
</tr>
<tr>
<td>Print Shop, Major</td>
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<tr>
<td>Private Utility, Other Than Listed</td>
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<tr>
<td>Public Utility Shop or Storage (Other than Municipally Operated)</td>
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</tr>
<tr>
<td>Recycling Collection Center (Drop Off Only)</td>
<td></td>
</tr>
<tr>
<td>Restaurant with Private Club for Onsite Alcohol Consumption</td>
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</table>
# USE SUMMARY

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Uses Allowed by SUP Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Parts or Accessory Sales, Retail</td>
<td>Accessory Bldg., larger than 650 sq. ft.</td>
</tr>
<tr>
<td>Auto Repair, Minor</td>
<td>Accessory Bldg., not part of main bldg.</td>
</tr>
<tr>
<td>Bakery or Confectionery Shop, Retail</td>
<td>Auto Rental</td>
</tr>
<tr>
<td>Ban, Savings and Loan or Credit Union Facility</td>
<td>Bed &amp; Breakfast</td>
</tr>
<tr>
<td>Bank, Savings and Loan or Credit Union Facility—Drive In Only</td>
<td>Building Material, lumber, yard</td>
</tr>
<tr>
<td>Beauty or Barber Shop</td>
<td>Cemetery, Mausoleum or Crematory</td>
</tr>
<tr>
<td>Book Store, Retail</td>
<td>Charitable Organization (other than church)</td>
</tr>
<tr>
<td>Camera and Photography Supply</td>
<td>College, University, Business, Trade or Professional School</td>
</tr>
<tr>
<td>Car Wash</td>
<td>Commercial Amusement, including Outdoor Uses</td>
</tr>
<tr>
<td>Car Wash, As Accessory Use</td>
<td>Concrete or Asphalt Batch Plant, Temp</td>
</tr>
<tr>
<td>Car Wash, Detail</td>
<td>Country Club, Golf Course, Driving Range</td>
</tr>
<tr>
<td>Catering Service</td>
<td>Electric Substation, Transmission Line</td>
</tr>
<tr>
<td>Church or Rectory</td>
<td>Fairground or Exhibition Area</td>
</tr>
<tr>
<td>Clothing or Apparel Store</td>
<td>Federal or State Facilities (Outdoor)</td>
</tr>
<tr>
<td>Commercial Amusement, Indoor Only</td>
<td>Feed Store (No Outside Storage)</td>
</tr>
<tr>
<td>Computer and/or Data Processing Service</td>
<td>Fraternal Organization, Lodge, Civic Club or Community Center</td>
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<tr>
<td>Convenience Store with Gas Pumps</td>
<td>Household Appliance Service and Repair</td>
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<tr>
<td>Convenience Store without Gas Pumps</td>
<td>Janitorial Supply/Service</td>
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<tr>
<td>Day Care Center, Child</td>
<td>Laundry, Self-Service</td>
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<tr>
<td>Discount, Variety, Department Store</td>
<td>Multi-Family Residential (Lofts Above Commercial Uses)</td>
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<td>Drug Store or Pharmacy</td>
<td>Multifamily Residential in Downtown Historic District Only</td>
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<td>New Car Sales Lot</td>
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<td>Federal or State Facilities (Indoor)</td>
<td>New Motorcycle Sales</td>
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<tr>
<td>Paint, Retail</td>
<td>Nursery or Garden Shop, Retail (with outside storage and/or sales)</td>
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<tr>
<td>Furniture, Home Furnishings or Appliance Store</td>
<td>Paint Shop or Paint Mixing, Wholesale or Warehouse</td>
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<tr>
<td>Gift, Novelty or Souvenir Shop</td>
<td>Pest Control Service</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>Print Shop, Major</td>
</tr>
<tr>
<td>Hardware Store (no outside storage)</td>
<td>Private Utility, Other Than Listed</td>
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<tr>
<td>Health or Exercise Center</td>
<td>Public Utility Shop or Storage (Other than Municipally Operated)</td>
</tr>
<tr>
<td>Hobby, Toy or Game Shop</td>
<td>Recycling Collection Center (Drop Off Only)</td>
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<tr>
<td>Home Improvement Store (with less than 25% outside storage)</td>
<td>Restaurant with Private Club for onsite alcohol consumption</td>
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<tr>
<td>Hospital</td>
<td>School, Private (lower than High School Level)</td>
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<tr>
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<td>School, Public (High School)</td>
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<tr>
<td>Jewelry Store</td>
<td>School, Public (lower than High School Level)</td>
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<tr>
<td>Key Shop</td>
<td>Scientific or Research Laboratories</td>
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<tr>
<td>Laundry/Dry Cleaning Plant, Retail with Pick-Up Facilities</td>
<td>Sewage or Water Treatment Plant</td>
</tr>
<tr>
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<td>Stockholm (public or private)</td>
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<tr>
<td>Luggage or Leather Goods Store</td>
<td>Upholstery/Furniture Restoration</td>
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<tr>
<td>Medical or Dental Laboratory</td>
<td>Veterinarian Hospital with Outside Animal Runs or Pens</td>
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<tr>
<td>Mortuary or Funeral Parlor</td>
<td>Water supply reservoirs, Towers</td>
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<tr>
<td>Municipal Facilities</td>
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<tr>
<td>Museum, Library or Art Gallery</td>
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<tr>
<td>Nursery or Garden Shop, Retail (Indoor Only)</td>
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<tr>
<td>Nursing or Personal Care Facility</td>
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<tr>
<td>Office, Physician, Dentist or Other Health Practitioners</td>
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<tr>
<td>Office, Professional or Administration</td>
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<tr>
<td>Paint Store (Retail)</td>
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<td>Personal Service</td>
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<td>Pot Grooming</td>
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<td>Pot Shop</td>
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<td>Photo Developing or Photo Frilisting</td>
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<tr>
<td>Plumbing, Electrical or Air Conditioning Sales and Service</td>
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<td>Print Shop, Minor</td>
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<tr>
<td>Restaurant with Drive-In Service</td>
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</tr>
<tr>
<td>Restaurant without Drive-In Services (Drive-Through Allowed)</td>
<td></td>
</tr>
<tr>
<td>Shoe Repair Shop or Shoe Shine Parlor</td>
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<tr>
<td>Sporting Goods Store</td>
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</tr>
<tr>
<td>Studio for Photographer, Musician or Artist</td>
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</tr>
<tr>
<td>Studio for Radio and Television</td>
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<tr>
<td>Tailor or Dressmaker</td>
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</tr>
<tr>
<td>Theater (Indoor)</td>
<td></td>
</tr>
<tr>
<td>Used Merchandise Store/Antiques (Indoor only)</td>
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</tr>
<tr>
<td>Veterinarian Clinic—Office Only</td>
<td></td>
</tr>
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</table>

**Article 6**

Table 6.1

Permitted Uses
# USE SUMMARY

## C-2

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<td>Pet Shop</td>
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<td>Auto Repair, Major</td>
<td>Photo Developing or Photo Printing</td>
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<tr>
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<td>Plumbing, Electrical or Air Conditioning Sales and Service</td>
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<tr>
<td>Bank, Savings and Loan or Credit Union Facility, Drive-In Only</td>
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<td>Restaurant without Drive-in Services (Drive-Through Allowed)</td>
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<td>Book Store, Retail</td>
<td>Scientific or Research Laboratories</td>
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<tr>
<td>Building Material/Lumber Yard</td>
<td>Shoe Repair Shop or Shoe Shine Parlor</td>
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<tr>
<td>Cabinet Making</td>
<td>Sporting Goods Store</td>
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<td>Camera and Photography Supply</td>
<td>Studio for Photographer, Musician or Artist</td>
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<td>Car Wash</td>
<td>Studio for Radio and Television</td>
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<td>Car Wash, As Accessory Use</td>
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<td>Upholstery/Furniture Restoration</td>
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<td>Used Car Only Sales Lot</td>
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<td>Catering Service</td>
<td>Used Merchandise Store/Antiques (Indoor only)</td>
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<td>Handicraft or Art Object Sales Store</td>
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<td>Key Shop</td>
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<td>Theater, Drive-In</td>
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<tr>
<td>Maintenance or Repair Services Shop for Buildings</td>
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<td>Mortuary or Funeral Parlor</td>
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<td>Museum, Library or Art Gallery</td>
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<td>Nursery or Garden Shop, Retail (with outside storage and/or sales)</td>
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<td>Office Showroom/Warehouse</td>
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<td>Office, Physician, Dentist or Other Health Practitioners</td>
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<td>Office, Professional or Administration</td>
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<tr>
<td>Outdoor RV or Boat Storage</td>
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<td>Paint Shop or Paint Mixing, Wholesale or Warehouse</td>
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<td>Paint Store (Retail)</td>
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<tr>
<td>Pawn Shop</td>
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<td>Personal Service</td>
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Article 6

Table 6.1

Permitted Uses
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<td>INDUSTRIAL</td>
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<table>
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<td>Agricultural or Utility Trailer Sales</td>
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<td>Auto Parts or Accessory Sales, Retail</td>
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<td>Auto Repair, Major</td>
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<td>Auto Repair, Minor</td>
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<tr>
<td>Bank or Confectionery Wholesale</td>
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<tr>
<td>Bank or Savings and Loan or Credit Union Facility</td>
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<td>Bank, Savings and Loan or Credit Union Facility Drive-In Only</td>
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<td>Beauty or Barber Shop</td>
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<td>Book Store, Retail</td>
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<tr>
<td>Bottle Works Wholesale</td>
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<tr>
<td>Building Material/Lumber Yard</td>
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<td>Cabinet Making</td>
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<tr>
<td>Camera and Photographic Supply</td>
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<tr>
<td>Catering Service</td>
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<tr>
<td>Chemical Products (Bulk Storage)</td>
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<tr>
<td>Church or Rectory</td>
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<td>Cleaning Plant (other than clothing and linen)</td>
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<tr>
<td>Clothing Manufacturing or Light Fabrication and Assembly</td>
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<td>Clothing or Apparel Store</td>
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<tr>
<td>Computer and/or Data Processing Service</td>
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<td>Convenience Store with Gas Pumps</td>
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<tr>
<td>Convenience Store without Gas Pumps</td>
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<tr>
<td>Discount Variety, Department Store</td>
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<td>Dye Plant</td>
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<td>Facilities for the Manufacturing, Fabrication, Processing, or Assembly of Products</td>
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<td>Federal or State Facilities (Indoor)</td>
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<td>Florist, Retail</td>
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<td>Furniture, Home Furnishings or Appliance Store</td>
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<tr>
<td>Gift, Novelty or Souvenir Shop</td>
</tr>
<tr>
<td>Grocery Store</td>
</tr>
<tr>
<td>Handicraft or Art Object Sales Store</td>
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<tr>
<td>Hardware Store (no outside storage)</td>
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<tr>
<td>Heavy Machinery Sales, Service or Storage</td>
</tr>
<tr>
<td>Hobby, Toy or Game Shop</td>
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<tr>
<td>Home Improvement Store (with less than 25% outside storage)</td>
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<tr>
<td>Hotel or Motel</td>
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<tr>
<td>Janitorial Supply/Service</td>
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<tr>
<td>Jewelry Store</td>
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<tr>
<td>Key Shop</td>
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<tr>
<td>Laundry/Dry Cleaning Plant, Commercial</td>
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<tr>
<td>Laundry/Dry Cleaning Plant, Retail with Pick-Up Facilities</td>
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<td>Laundry/Dry Cleaning-Pick-Up Only</td>
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<tr>
<td>Luggage or Leather Goods Store</td>
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<tr>
<td>Machine or Welding Shop</td>
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<tr>
<td>Maintenance or Repair Services Shop for Buildings</td>
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<tr>
<td>Medical or Dental Laboratory</td>
</tr>
<tr>
<td>Meat-Warehouse/Storage</td>
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<tr>
<td>Municipal Facilities</td>
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<tr>
<td>New Car Sales Lot</td>
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<tr>
<td>New Motorcycle Sales</td>
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<tr>
<td>Nursery or Garden Shop, Retail (indoor Only)</td>
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<tr>
<td>Office Showroom/Warehouse</td>
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<tr>
<td>Office, Physician, Dentist or Other Health Practitioners</td>
</tr>
<tr>
<td>Office, Professional or Administration</td>
</tr>
<tr>
<td>Outdoor RV or Boat Storage</td>
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</table>

Paint Shop or Paint Mixing, Wholesale or Warehouse |
Pawn Shop |
Personnel Service |
Pest Control Service |
Pet Grooming |
Pet Shop |
Photo Developing or Photo Printing |
Plumbing, Electrical or Air Conditioning Sales and Service |
Print Shop, Major |
Print Shop, Minor |
Restaurant with Drive-In Service |
Scientific or Research Laboratories |
Shoe Repair Shop or Shoe Shine Parlor |
Sporting Goods Store |
Studio for Photographer, Musician or Artist |
Studio for Radio and Television |
Tailor or Dressmaker |
Upholstery/Furniture Restoration |
Veterinarian Clinic – Office Only |
Veterinarian Hospital with Outside Animal Runs or Pens |
Woodworking Shop |
Uses Allowed by SUP Only |
Accessory Bldg. larger than 650 sq. ft. |
Accessory Bldg. not part of main bldg. |
Airport |
Animal Pound Runs |
Antenna, CB or Amateur Radio |
Antenna, Microwave Tower or Commercial |
Athletic Fields |
Butane Storage and Sales |
Cemetery, Mausoleum or Crematory |
College, University, Business, Trade or Professional School |
Concrete or Asphalt Batting Plant, Temp |
Contractor Shop and Storage Yard (Outside) |
Electric Substation, Transmission Line |
Fairground or Exhibition Area |
Federal or State Facilities (Outdoor) |
Hospital |
Motor Freight Terminal |
Private Utility, Other Than Listed |
Public Utility Shop or Storage (Other than Municipally Operated) |
Recycling Collection Center (Drop Off Bins Only) |
School, Private (High School) |
School, Private (lower than High School Level) |
School, Public (High School) |
School, Public (lower than High School Level) |
Sewage or Water Treatment Plant |
Sexually Oriented Business |
Water supply reservoirs, Towers |

Article 6
Table 6.1
Permitted Uses
## USE SUMMARY

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Uses Allowed by SUP Only</th>
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<tr>
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<td>Accessory Bldg, larger than 650 sq. ft.</td>
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</tr>
<tr>
<td>Concrete or Asphalt Batching Plant, Temp</td>
<td></td>
</tr>
<tr>
<td>Country Club, Golf Course, Driving Range</td>
<td></td>
</tr>
<tr>
<td>Electric Substation, Transmission Line</td>
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</tr>
<tr>
<td>Federal or State Facilities (Indoor)</td>
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</tr>
<tr>
<td>Federal or State Facilities (Outdoor)</td>
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<tr>
<td>Private Utility, Other Than Listed</td>
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<tr>
<td>Public Utility Shop or Storage (Other than Municipally Operated)</td>
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</tr>
<tr>
<td>Riding Academy or Other Equestrian Activ.</td>
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</tr>
<tr>
<td>Rodeo Arena</td>
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</tr>
<tr>
<td>School, Private (High School)</td>
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<tr>
<td>School, Private (lower than High School Level)</td>
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<tr>
<td>School, Public (High School)</td>
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<td>School, Public (lower than High School Level)</td>
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<tr>
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<tr>
<td>Water supply reservoirs, Towers</td>
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### USE SUMMARY

#### Permitted Uses
- Municipal Facilities
- Single Family Residential

#### Uses Allowed by SUP Only
- Accessory Bldg, larger than 650 sq. ft.
- Accessory Bldg, not part of main bldg.
- Antenna, CB or Amateur Radio
- Charitable Organization (other than church)
- Concrete or Asphalt Batching Plant, Temp
- Country Club, Golf Course, Driving Range
- Electric Substation, Transmission Line
- Federal or State Facilities (indoor)
- Federal or State Facilities (outdoor)
- Private Utility, Other Than Listed
- Public Utility Shop or Storage (Other than Municipally Operated)
- Riding Academy or Other Equestrian Activ.
- Rodeo Arena
- School, Private (High School)
- School, Private (Lower than High School Level)
- School, Public (High School)
- School, Public (Lower than High School Level)
- Sewage or Water Treatment Plant
- Stable, Commercial or Private
- Stable, Public
- Water supply reservoirs, Towers
## USE SUMMARY

**R-1**

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<tr>
<td>Single Family Residential</td>
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**Uses Allowed by SUP Only**

- Accessory Bldg, larger than 850 sq. ft.
- Accessory Bldg, not part of main bldg.
- Antenna, CB or Amateur Radio
- Antenna, Microwave Tower or Commercial
- Charitable Organization (other than church)
- Concrete or Asphalt Batch Plant, Temp
- Electric Substation, Transmission Line
- Federal or State Facilities (Indoor)
- Federal or State Facilities (Outdoor)
- Private Utility, Other Than Listed
- Public Utility Shop or Storage (Other than Municipally Operated)
- School, Private (High School)
- School, Private (lower than High School Level)
- School, Public (High School)
- School, Public (lower than High School Level)
- Sewage or Water Treatment Plant
- Water supply reservoirs, Towers
# USE SUMMARY

## R-2

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<th>Uses Allowed by SUP Only</th>
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<tr>
<td>Accessory Bldg, larger than 650 sq. ft.</td>
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<td>Accessory Bldg, not part of main bldg.</td>
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<tr>
<td>Antenna, CB or Amateur Radio</td>
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<td>Electric Substation, Transmission Line</td>
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## USE SUMMARY

**R-3**

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<tbody>
<tr>
<td>Municipal Facilities</td>
</tr>
<tr>
<td>Single Family Residential</td>
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</table>

<table>
<thead>
<tr>
<th>Uses Allowed by SUP Only</th>
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</thead>
<tbody>
<tr>
<td>Accessory Bldg. larger than 650 sq. ft.</td>
</tr>
<tr>
<td>Accessory Bldg. not part of main bldg.</td>
</tr>
<tr>
<td>Antenna, CB or Amateur Radio</td>
</tr>
<tr>
<td>Antenna, Microwave Tower or Commercial</td>
</tr>
<tr>
<td>Charitable Organization (other than church)</td>
</tr>
<tr>
<td>Concrete or Asphalt Batching Plant, Temp</td>
</tr>
<tr>
<td>Electric Substation, Transmission Line</td>
</tr>
<tr>
<td>Federal or State Facilities (indoor)</td>
</tr>
<tr>
<td>Federal or State Facilities (Outdoor)</td>
</tr>
<tr>
<td>Private Utility, Other Than Listed</td>
</tr>
<tr>
<td>Public Utility Shop or Storage (Other than Municipally Operated)</td>
</tr>
<tr>
<td>School, Private (High School)</td>
</tr>
<tr>
<td>School, Private (lower than High School Level)</td>
</tr>
<tr>
<td>School, Public (High School)</td>
</tr>
<tr>
<td>School, Public (lower than High School Level)</td>
</tr>
<tr>
<td>Sewage or Water Treatment Plant</td>
</tr>
<tr>
<td>Water supply reservoirs, Towers</td>
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</tbody>
</table>
## USE SUMMARY

### R-4

**Permitted Uses**
- Municipal Facilities
- Single Family Residential

**Uses Allowed by SUP Only**
- Accessory Bldg, larger than 600 sq. ft.
- Accessory Bldg, not part of main bldg.
- Antenna, CB or Amateur Radio
- Antenna, Microwave Tower or Commercial
- Charitable Organization (other than church)
- Concrete or Asphalt Batch Plant, Temp
- Electric Substation, Transmission Line
- Federal or State Facilities (Indoor)
- Federal or State Facilities (Outdoor)
- Private Utility, Other Than Listed
- Public Utility Shop or Storage (Other than Municipally Operated)
- School, Private (High School)
- School, Private (lower than High School Level)
- School, Public (High School)
- School, Public (lower than High School Level)
- Sewage or Water Treatment Plant
- Water supply reservoirs, Towers
### USE SUMMARY

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<th>Permitted Uses</th>
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<tbody>
<tr>
<td>Multi-Family Residential (Apartments)</td>
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<tr>
<td>Multifamily Residential in Downtown Historic District Only</td>
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<td>Municipal Facilities</td>
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<td><strong>Uses Allowed by SUP Only</strong></td>
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<tr>
<td>Concrete or Asphalt Batching Plant, Temp</td>
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<tr>
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<tr>
<td>Federal or State Facilities ( Indoor)</td>
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<tr>
<td>Public Utility Shop or Storage (Other than Municipally Operated)</td>
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<td>Sewage or Water Treatment Plant</td>
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<td>Water supply reservoirs, Towers</td>
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# USE SUMMARY

## AG

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<td>Water supply reservoirs, Towers</td>
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<tr>
<td>Riding Academy or Other Equestrian Actv.</td>
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<td>Rodeo Arena</td>
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## USE SUMMARY

**Permitted Uses - In Progress**

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<td>Concrete or Asphalt Batching Plant, Temp</td>
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<tr>
<td>Country Club, Golf Course, Driving Range</td>
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<td>Greenhouse, Commercial</td>
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<td>Heliport</td>
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<tr>
<td>Public Utility Shop or Storage (Other than Municipally Operated)</td>
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<td>Riding Academy or Other Equestrian Activ.</td>
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<td>Rodeo Arena</td>
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## Parking Spaces by Use Category Table

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<tr>
<td>Antenna, Microwave Tower or Commercial</td>
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<td>Athletic Fields</td>
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<td>Auto Parts or Accessory Sales, Retail</td>
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<tr>
<td>Auto Rental</td>
<td>AA</td>
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<tr>
<td>Auto Repair, Major</td>
<td>HH</td>
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<tr>
<td>Auto Repair, Minor</td>
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<tr>
<td>Bakery or Confectionery Shop, Retail</td>
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<tr>
<td>Bakery or Confectionery Wholesale</td>
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<tr>
<td>Bank, Savings and Loan or Credit Union Facility</td>
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<tr>
<td>Bank, Savings and Loan or Credit Union Facility-Drive In Only</td>
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<tr>
<td>Beauty or Barber Shop</td>
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<tr>
<td>Bed &amp; Breakfast</td>
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<td>Book Store, Retail</td>
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<tr>
<td>Bottle Works Wholesale</td>
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<tr>
<td>Building Material/Lumber Yard</td>
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<tr>
<td>Butane Storage and Sales</td>
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<tr>
<td>Cabinet Making</td>
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<td>Camera and Photography Supply</td>
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<td>Car Wash</td>
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<td>Car Wash, As Accessory Use</td>
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<td>Car Wash, Detail</td>
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<td>Car Wash, Self Serve</td>
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<td>Catering Service</td>
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<td>Cemetery, Mausoleum or Crematory</td>
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<tr>
<td>Chemical Products (Bulk Storage)</td>
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<td>Church or Rectory</td>
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<tr>
<td>Cleaning Plant (other than clothing and linen)</td>
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<td>Clothing Manufacturing or Light Fabrication and Assembly</td>
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<td>Commercial Amusement, Including Outdoor Uses</td>
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<td>Computer and/or Data Processing Service</td>
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<td>Convenience Store with Gas Pumps</td>
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<td>Convenience Store without Gas Pumps</td>
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<tr>
<td>Country Club; Golf Course, Driving Range</td>
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<tr>
<td>Day Care Center, Child</td>
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<tr>
<td>Discount, Variety, Department Store</td>
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<tr>
<td>Drug Store or Pharmacy</td>
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<td>Dye Plant</td>
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<tr>
<td>Equipment Rental (Indoor Only)</td>
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<tr>
<td>Equipment Rental (Outside Storage)</td>
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<tr>
<td>Facilities for the manufacturing, fabrication, processing, or assembly of</td>
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<tr>
<td>products provided that such facilities are completely enclosed and provided</td>
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</tr>
<tr>
<td>that no effects from noise, smoke, glare, vibration, fumes or other</td>
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</tr>
<tr>
<td>environmental factors are measurable at the property line</td>
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<td>Fairground or Exhibition Area</td>
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</tr>
<tr>
<td>Federal or State Facilities (Outdoor)</td>
<td>Variable</td>
</tr>
<tr>
<td>Feed Store (No Outside Storage)</td>
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<tr>
<td>Florist, Retail</td>
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<tr>
<td>Fraternal Organization, Lodge, Civic Club or Community Center</td>
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</tr>
<tr>
<td>Furniture, Home Furnishings or Appliance Store</td>
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</tr>
<tr>
<td>Gift, Novelty or Souvenir Shop</td>
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<td>Greenhouse, Commercial</td>
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<td>Grocery Store</td>
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<td>Handicraft or Art Object Sales Store</td>
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<tr>
<td>Hardware Store (no outside storage)</td>
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<tr>
<td>Health or Exercise Center</td>
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<tr>
<td>Heavy Machinery Sales, Service or Storage</td>
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<td>Heliport</td>
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<tr>
<td>Hobby, Toy or Game Shop</td>
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<tr>
<td>Home Improvement Store (with less than 25% outside storage)</td>
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<tr>
<td>Hospital</td>
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<tr>
<td>Hotel or Motel</td>
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<td>Household Appliance Service and Repair</td>
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<td>Use Category</td>
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<td>Janitorial Supply/Service</td>
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<td>Jewelry Store</td>
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<td>Key Shop</td>
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<td>Laundry, Self-Service</td>
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<tr>
<td>Laundry/Dry Cleaning Plant, Commercial</td>
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<td>Laundry/Dry Cleaning Plant, Retail with Pick-Up Facilities</td>
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<td>Laundry/Dry Cleaning-Pick-Up Only</td>
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<tr>
<td>Luggage or Leather Goods Store</td>
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<tr>
<td>Machine or Welding Shop</td>
<td>F</td>
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<tr>
<td>Maintenance or Repair Services Shop for Buildings</td>
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<tr>
<td>Medical or Dental Laboratory</td>
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<tr>
<td>Mini-Warehouse/Storage</td>
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<td>Mortuary or Funeral Parlor</td>
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<td>Multifamily (Duplex)</td>
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<td>Multi-Family Residential (Lofts Above Commercial Uses)</td>
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<td>Museum, Library or Art Gallery</td>
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<tr>
<td>New Car Sales Lot (Less than 25% used and 25% service)</td>
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<tr>
<td>New Motorcycle Sales (Less than 25% used and 25% service)</td>
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<tr>
<td>Nursery or Garden Shop, Retail (with outside storage or sales)</td>
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<td>Nursing or Personal Care Facility</td>
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<tr>
<td>Office Showroom/Warehouse</td>
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<tr>
<td>Office, Physician, Dentist or Other Health Practitioners</td>
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<td>Office, Professional or Administration</td>
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<td>Outdoor RV or Boat Storage</td>
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<tr>
<td>Paint Shop or Paint Mixing, Wholesale or Warehouse</td>
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<td>Paint Store (Retail)</td>
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<td>Pawn Shop</td>
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<td>Personnel Service</td>
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<td>Pest Control Service</td>
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<td>Pet Grooming</td>
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<td>Pet Shop</td>
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<td>Photo Developing or Photo Printing</td>
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<tr>
<td>Plumbing, Electrical or Air Conditioning Sales and Service</td>
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<td>Print Shop, Major</td>
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<td>Print Shop, Minor</td>
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<td>Private Utility, Other Than Listed</td>
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<td>Public Utility Shop or Storage (Other than Municipally Operated)</td>
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<td>Recycling Collection Center (Drop Off Bins Only)</td>
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<tr>
<td>Restaurant with Drive-in Service</td>
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<tr>
<td>Restaurant with Private Club for Onsite Alcohol Consumption</td>
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<td>Restaurant without Drive-in Services (Drive-Through Allowed)</td>
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<td>Riding Academy or Other Equestrian Activ.</td>
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<td>Rodeo Arena</td>
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<td>Scientific or Research Laboratories</td>
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<td>Sewage or Water Treatment Plant</td>
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<td>Sexually Oriented Business</td>
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<td>Shoe Repair Shop or Shoe Shine Parlor</td>
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<td>Stable, Public</td>
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</tr>
<tr>
<td>Stadium (public or private)</td>
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<tr>
<td>Studio for Photographer, Musician or Artist</td>
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<tr>
<td>Studio for Radio and Television</td>
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<tr>
<td>Tailor or Dressmaker</td>
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<tr>
<td>Theater (Indoor)</td>
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<td>Theater, Drive-In</td>
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<td>Upholstery/Furniture Restoration</td>
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<td>Used Car Only Sales Lot</td>
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<td>Used Merchandise Store/Antiques (Indoor only)</td>
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<td>Veterinarian Clinic–Office Only</td>
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<td>Veterinarian Hospital with Outside Animal Runs or Pens</td>
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<td>Water supply reservoirs, Towers</td>
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<td>Woodworking Shop</td>
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## Parking Requirements Based on Use

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<th># of Parking Spaces</th>
<th>Required for Each</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATEGORY A</td>
<td>1</td>
<td>75 sf</td>
<td>of floor area</td>
</tr>
<tr>
<td>CATEGORY B</td>
<td>1</td>
<td>100 sf</td>
<td>of floor area</td>
</tr>
<tr>
<td>CATEGORY C</td>
<td>1</td>
<td>175 sf</td>
<td>of floor area</td>
</tr>
<tr>
<td>CATEGORY D</td>
<td>1</td>
<td>200 sf</td>
<td>of floor area</td>
</tr>
<tr>
<td>CATEGORY E</td>
<td>1</td>
<td>300 sf</td>
<td>of floor area</td>
</tr>
<tr>
<td>CATEGORY F</td>
<td>1</td>
<td>500 sf</td>
<td>of floor area</td>
</tr>
<tr>
<td>CATEGORY G</td>
<td>6</td>
<td>1</td>
<td>Alley or Lane</td>
</tr>
<tr>
<td>CATEGORY H</td>
<td>1</td>
<td>3 Seats</td>
<td>in the auditorium</td>
</tr>
<tr>
<td>CATEGORY I</td>
<td>1</td>
<td>1</td>
<td>day student</td>
</tr>
<tr>
<td>CATEGORY J</td>
<td>10</td>
<td>1</td>
<td>300 sf in excess of two thousand (2,000) square feet</td>
</tr>
<tr>
<td>CATEGORY K</td>
<td>1</td>
<td>100 sf</td>
<td>of floor area</td>
</tr>
<tr>
<td>CATEGORY L</td>
<td>1</td>
<td>8</td>
<td>Pupils plus 1 space per teacher.</td>
</tr>
<tr>
<td>CATEGORY M</td>
<td>2</td>
<td>each</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>CATEGORY N</td>
<td>2</td>
<td>each</td>
<td>1 &amp; 2 bedroom unit</td>
</tr>
<tr>
<td>CATEGORY O</td>
<td>1</td>
<td>2</td>
<td>beds</td>
</tr>
<tr>
<td>CATEGORY Q</td>
<td>1</td>
<td>300 sf</td>
<td>of floor area over 1,000sf plus 2 parking spaces</td>
</tr>
<tr>
<td>CATEGORY R</td>
<td>1</td>
<td>200 sf</td>
<td>of floor space plus Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.</td>
</tr>
<tr>
<td>CATEGORY T</td>
<td>3</td>
<td>each</td>
<td>hole</td>
</tr>
<tr>
<td>CATEGORY U</td>
<td>2</td>
<td>each</td>
<td>bed plus 1 space per employee on the largest shift</td>
</tr>
<tr>
<td>CATEGORY V</td>
<td>1</td>
<td>each</td>
<td>sleeping room plus 1 space for each 200sf of commercial floor area contained therein</td>
</tr>
<tr>
<td>CATEGORY W</td>
<td>1</td>
<td>500 sf</td>
<td>of storage area plus 4 spaces per complex</td>
</tr>
<tr>
<td>CATEGORY Y</td>
<td>2</td>
<td>each</td>
<td>home plus additional spaces as required herein for accessory uses</td>
</tr>
<tr>
<td>CATEGORY Z</td>
<td>1</td>
<td>50 sf</td>
<td>of floor space in slumber rooms, parlors or individual funeral service rooms</td>
</tr>
<tr>
<td>CATEGORY AA</td>
<td>1</td>
<td>500 sf</td>
<td>of floor space or 1 parking space for each 1,000sf of lot area for outdoor uses. Parking must also be provided for all vehicles for sale, lease or rent.</td>
</tr>
<tr>
<td>CATEGORY BB</td>
<td>1</td>
<td>5</td>
<td>beds plus 1 parking space for each employee on the maximum working shift</td>
</tr>
<tr>
<td>CATEGORY CC</td>
<td>1</td>
<td>150 sf</td>
<td>of floor space or for every 5 members, whichever is greater</td>
</tr>
<tr>
<td>CATEGORY DD</td>
<td>1</td>
<td>each</td>
<td>sleeping room</td>
</tr>
<tr>
<td>CATEGORY EE</td>
<td>1</td>
<td>14</td>
<td>students design capacity</td>
</tr>
<tr>
<td>CATEGORY FF</td>
<td>1</td>
<td>1</td>
<td>students, faculty &amp; staff design capacity</td>
</tr>
<tr>
<td>CATEGORY GG</td>
<td>1</td>
<td>200 sf</td>
<td>of floor area plus 1 space for each vehicle under repair.</td>
</tr>
<tr>
<td>CATEGORY HH</td>
<td>2</td>
<td>300 sf</td>
<td>of floor area plus 1 space for each vehicle under repair.</td>
</tr>
<tr>
<td>CATEGORY II</td>
<td>1</td>
<td>200 sf</td>
<td>of floor area plus 1 space for each 500sf of outside storage area.</td>
</tr>
<tr>
<td>CATEGORY JJ</td>
<td>1</td>
<td>200 sf</td>
<td>of floor area plus 2 spaces for each driving tee. Minimum 30 spaces.</td>
</tr>
<tr>
<td>CATEGORY KK</td>
<td>1</td>
<td>each employee</td>
<td>per shift plus a minimum of 5 off-street staking spaces</td>
</tr>
<tr>
<td>CATEGORY MM</td>
<td>1</td>
<td>14</td>
<td>space per bin</td>
</tr>
<tr>
<td>CATEGORY NN</td>
<td>0</td>
<td>space</td>
<td>plus a minimum of 3 off-street staking spaces</td>
</tr>
<tr>
<td>CATEGORY OO</td>
<td>1</td>
<td>space per bay</td>
<td></td>
</tr>
<tr>
<td>CATEGORY PP</td>
<td>1</td>
<td>space per</td>
<td>500sf total usable area (inside &amp; outside uses)</td>
</tr>
<tr>
<td>CATEGORY QQ</td>
<td>1</td>
<td>space per</td>
<td>drive in area plus 1 space for each employee on the maximum working shift.</td>
</tr>
<tr>
<td>CATEGORY RR</td>
<td>1</td>
<td>space per field (other than football)</td>
<td>or 125 spaces per football field.</td>
</tr>
</tbody>
</table>