

CHAPTER 18

ZONING

***Cross References:** Building, Ch. 5; Licenses and Business Regulations, Ch. 8; Manufactured Homes, Ch. 9; Planning and Development, Ch. 14; Signs, Ch. 15.1.; Telecommunication Towers, Ch. 16.5; Subdivisions, App. A.

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ARTICLE I. GENERAL PROVISIONS

SEC. 18-1. SHORT TITLE.

This chapter shall be known and may be cited as "**The City of Dickinson Zoning Regulations.**"

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-2. AUTHORITY AND JURISDICTION.

This chapter is adopted pursuant to the authority granted by the Constitution and laws of the State of Texas, including but not limited to, that contained in Title 7, Chapter 211, of the Texas Local Government Code, and the City of Dickinson Charter, as they may be amended. The zoning regulations shall be effective throughout the corporate limits of the city.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-3. SEVERABILITY.

If any section, paragraph, subdivision, clause, phrase, or provision of this chapter shall be adjudged invalid, or held unconstitutional the same shall not affect the validity of this chapter as a whole or any part of provisions thereof, other than the part so decided to be invalid or unconstitutional.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-4. EFFECTIVE DATE.

This chapter shall become effective from and after the date of its approval and adoption as provided by law.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-5. PURPOSE.

This chapter is adopted for the purpose of protecting the health, safety, and general welfare of the residents, citizens, and inhabitants of the City of Dickinson, Texas. These regulations are designed to:

- (1) Lessen congestion in the streets;
- (2) Secure safety from fire, panic, and other dangers;
- (3) Promote health and general welfare;
- (4) Provide adequate light and air;
- (5) Prevent the overcrowding of land;
- (6) Avoid undue concentration of population; and,
- (7) Facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements for the benefit of the citizens of Dickinson.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-6. RELATIONSHIP TO CITY REGULATIONS.

If any provision of these regulations imposes a higher standard than that required by any other city regulation not contained in these zoning regulations, the provisions of this chapter control. If any provision of any city regulation not contained in these zoning regulations imposes a higher standard than regulation controls.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-7. RELATIONSHIP TO LAND USE AND DEVELOPMENT POLICIES.

It is the intention of the city that these regulations are adopted in accordance with and to implement the policies adopted for the city, as reflected in the Dickinson Land Use and Development Policies. All zoning district amendments shall conform to the city's land use and development policies.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-8. RELATIONSHIP TO PRIVATE RESTRICTIONS.

The provisions of this chapter are not intended to abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. Provided that where the provisions of this chapter are more restrictive or impose higher standards than a private restriction, the requirements of this chapter shall control. Private restrictions shall not be enforced by the city.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-9. VIOLATIONS AND PENALTIES.

- (A) It is unlawful for any person to violate any provision or requirement of these zoning regulations.
- (B) If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a building, other structure or land is used in violation of this chapter, the city may institute appropriate action to:
 - (1) Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
 - (2) Restrain, correct, or abate the violation;
 - (3) Prevent the occupancy of the building, structure, or land; or
 - (4) Prevent any illegal act, conduct, business, or use on or about the premises.

A violation of any provision of these zoning regulations is unlawful, a misdemeanor, and may be punished by a fine in accordance with chapter 1, General Provisions, Code of Ordinances, section 1-4 "general penalty" continuing violations; nuisances; other remedies.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-10. EFFECT ON EXISTING PERMITS AND LITIGATION.

Existing permits. This chapter is not intended to abrogate or annul any permits issued before the effective date of the provisions of this chapter.

Preserving rights in pending litigation and violations under existing ordinances. By the passage of this chapter, no presently illegal use shall be deemed to have been legalized unless such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this chapter that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this chapter; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending may proceed in all respects.

Completion of existing buildings. Nothing in these regulations nor in any amendments hereto shall require any change in the plans, construction or designated use of a building which shall be completed in its entirety within one (1) year from the effective date of the provisions of this chapter, provided such building either was legally under construction at the time of the effective date of the provisions of this chapter or was authorized by building permit before the effective date of the provisions of this chapter, and further provided construction shall have been started within ninety (90) days from the effective date of the provisions of this chapter. (Ord. No. 420-2001, § 1, 7-24-01)

ARTICLE II. DEFINITIONS

SEC. 18-11. DEFINITIONS OF TERMS AND PHRASES.

This section contains definitions of words in the zoning regulations. Words not defined herein shall have the meaning as defined elsewhere in the Code of Ordinances. When a word is defined herein and elsewhere in the Code of Ordinances, the definition used herein shall govern over any conflicting definition.

Abandonment means to cease or discontinue a use or activity without the intent to resume, but excluding temporary or short-term interruptions of a use, e.g. the change of tenancy or ownership, or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. A use is considered abandoned if the facts show the owner's intent to discontinue the use or activity and the discontinuance of the use continues for six (6) months or more.

Accessory Building means a subordinate building having a use customarily incident to and located on the lot occupied by the principal building. A building housing an accessory use is considered to be an integral part of the principal building when it has any part of a wall in common with the principal building, or is under an extension of the main roof and designed as an integral part of the principal building.

Accessory Use means a use of a building or land, which serves an incidental function to the principal use of a building or land. An accessory use is a subordinate use customarily incident to and located on the same lot occupied by the main use.

Agricultural Use refers to the use of land where such land is devoted to the production of plants, animals, or horticulture products, including but not limited to forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle; sheep; swine and horses; bees and apiary products; trees and forest products; fruits; nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products.

Alley means a minor public right-of-way not intended to provide for through traffic or as the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting a street. An alley affords only a secondary means of access to property abutting thereon.

All-weather Surface means a covering for driveways and parking spaces that is dust free and not adversely affected by inclement weather.

Alteration, Structural means any change or rearrangement in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, as well as any change in doors or windows, or any enlargement or diminution of a building or structure, whether horizontally or vertically, or moving a building or structure from one (1) location to another; provided, however, that applying exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Apartment means a room or suite of rooms, with toilet and culinary accommodations, intended, designed, or used as a residence by a single family, located in a building containing three (3) or more such rooms or suites.

Area Regulations means the regulations controlling lot area, lot width, lot depth, front yard, side yard, rear yard, lot coverage and floor-area ratio.

Bed and Breakfast refers to a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of said residence shall reside on the premises or in adjacent premises.

Block means an area enclosed by streets, or if said word is used as a term of measurement, it shall mean the distance along a side of a street between two (2) intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest intersecting street and the end of such dead-end street.

Boarding House means a building other than a hotel where, for compensation and by arrangement, meals or lodging are provided for three (3) or more persons, but not exceeding twenty (20) persons.

Boat: Any watercraft used or capable of being used for transportation on water.

Boat Storage: The use of a lot for the purpose of the storage of three (3) or more boats.

Building is any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind. When separated by a firewall, each portion of such structure so separated shall be deemed a separate building. This definition shall include structures wholly or partly enclosed with an exterior wall.

Building Line refers to a line parallel or approximately parallel to the street right-of-way at a specified distance there from, marking the minimum distance from the street right-of-way that a building may be erected. For existing buildings, the building line shall be the exterior wall or omitted wall line, which is closest to the street.

Building Setback means that area between a lot line and the respective setback line, which shall remain unobstructed by buildings or structures from the ground to the sky, except as may be specifically permitted by other provisions of these regulations.

Caliper shall mean the width of the trunk of a tree and shall be measured at four (4) to six (6) inches above grade. This measurement is used for measuring nursery stock and is only used for trees that are to be planted, relocated, or measure less than seven (7) inches in diameter at four (4) feet six (6) inches above grade.

Carport refers to a roof-covered structure intended for the purpose of storing vehicles and remaining substantially open on at least two (2) of its sides.

Centerline, Street or Alley means a line designated midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline shall be determined by the zoning official.

Certificate of Occupancy shall mean a certificate issued by the city for the use of a building, structure, or land, when it is determined by it that such building, structure or land complies with the provisions of all applicable City Codes, ordinances, and regulations.

Certified Arborist shall mean any person who is currently licensed as such by the International Society of Arboriculture (ISA).

Church or Place of Worship means an institution where people regularly attend or participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings adequately capable of assembly occupancy in which religious services of any denomination are held.

Circumference shall mean the outermost measurement of a tree trunk and shall be measured four (4) feet six (6) inches above grade, using an ordinary tape measure. For multiple-trunk trees, the trunk circumference is deemed to equal the circumference of the largest trunk, plus one-half (1/2) the sum of all additional trunks at four (4) feet six (6) inch above grade. Measurements should be accurate to the nearest one-half (1/2) inch. To convert to diameter inches, divide circumference inches by 3.142.

Clinic refers to a building designed and used for diagnosis and treatment of human patients, which does not include overnight care facilities.

Clinic, Veterinary means a building designed and used for the prevention, cure, or alleviation of injury in domestic and other animals that may require overnight care.

Commercial Districts refer to zoning districts "NC" neighborhood commercial and "GC" general commercial.

Commercial Use refers to an occupation, employment, or enterprise carried on for profit by an owner, lessee, or licensee.

Condominium Apartment Structure means a structure containing four (4) or more apartments wherein the airspace within the apartment is individually owned by the occupant, together with the right of access and required automobile parking space, and where the lot upon which the building is located is under one (1) ownership.

Convalescent Home/Nursing and Convalescent Hospital refers to any place or institution which provides twenty-four (24) hour care for one (1) or more chronic or convalescent patients, who, by reason of illness or physical infirmity, are unable to properly or adequately care for themselves.

Deadwood shall mean limbs, branches, or a portion of a tree that contains no live foliage or living tissue during a period of the year when such foliage or tissue should be present.

Density means the relationship of dwelling units or rooms to the area of the lot or tract upon which a residential structure is located or erected.

Detached means that a building does not have a wall in common or in contact with another building.

Development means the division of land into two (2) or more parcels; construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance.

Display Area means an off-street area designated for the advertisement or display of customary passenger cars, motor vehicles, recreational vehicles, boats, tractors, and other motorized or non-motorized machinery or accessory equipment.

Drip Line shall mean the outermost edge of a tree's canopy.

Drive-In/Drive-Through Facility means any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during business transaction(s), to include, but are not limited to, the following:

(1) *Restaurant, drive-in* means a retail outlet where food or beverages are sold for consumption by customers in parked motor vehicles.

(2) *Restaurant, fast food* means any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carryout.

Dwelling means a building designed exclusively for residential occupancy, including single-family (attached or detached), two-family, and multiple family dwellings, but not including motels or hotels, to include the following:

(1) *Dwelling, single-family* shall mean a building designed exclusively for residential occupancy, which is constructed on a permanent foundation, not manufactured off-site, and not designed to be transportable.

(2) *Dwelling, single-family, attached* refers to one (1) of two (2) or more residential buildings having a common or party wall separating the individual dwelling units.

(3) *Dwelling, single-family, detached* means a residential building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot.

(4) *Dwelling, two-family (duplex)* means a building arranged, intended, or designed for two (2) dwelling units, commonly referred to as a duplex.

(5) *Dwelling, multiple-family* means a building arranged, intended, or designed for three (3) or more dwelling units, and commonly referred to as a triplex, four-plex, townhouse, or apartment building.

Dwelling Unit means an enclosure containing sleeping, kitchen, and bathroom facilities and used or held ready for use as a permanent residence by one (1) family.

Family means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly authorized custodial relationship; (2) two (2) unrelated people; (3) two (2) unrelated people and any children related to either of them; (4) not more than eight (8) people who are: (a) residents of a "family home" or "family group home" as defined by state law; or (b) "handicapped" as defined in the Federal Fair Housing Act. This definition does not include persons currently illegally using or addicted to a "controlled substance". Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, or like organization; any group of individuals whose association is temporary or seasonable in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Fence, 80% Fence shall mean a fence constructed in such a manner that any portion of the fence that exceeds three feet in height contains at least eighty (80) percent unobstructed, open views, comprised of uniformly spaced gaps separated by visually solid materials not less than one-half (1/2) inch in width, and supports for such fence are of visually solid construction uniformly spaced, and such fence contains no wire or chain-link portions.

Flea Market refers to an outdoor market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open facilities or temporary structures.

Floor Area refers to the sum of the gross horizontal area of all floors of a building measured from the exterior face of the exterior walls, or from the centerline of walls separating two (2) buildings. The floor area of a building shall include basement floor area, but not cellar areas, penthouses for mechanical equipment, or attic space having headroom of seven (7) feet or less.

Frontage, Lot means the length of street frontage between property lines or lease lines.

Frontage, Street refers to all property on one (1) side of a street between intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

Gameroom: A business or commercial establishment or building or location wherein five (5) or more machines or apparatus that may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

Garage refers to a building for private use of the owner or occupant of a principal building (situated on the same lot as the principal building) for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Governmental Facilities means facilities used for fire safety, police protection, public works, water, sewer, or drainage purposes by the city or Galveston County Water Control and Improvement District #1.

Grade means the average elevation of the highest and lowest elevations measured at the finished surface of the ground at any of the exterior corners of the building or structure.

Group Home refers to a dwelling unit occupied as a single housekeeping unit in a family-like environment, providing food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment. This may include residents with disabilities, or elderly persons with support staff, and includes those facilities defined in the Texas Health and Safety Code Chapter 247, and the Texas Human Resources Code Chapter 123. State licenses shall be required for such facilities prior to issuance of a certificate of occupancy.

Height of a Building or Structure means the vertical distance from the average ground level abutting a building or structure to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitched or hipped roof. Height, where not regulated in feet, shall be regulated in stories, which shall equal twelve (12) feet for purposes of measuring structures. The height of structures within the federal emergency management agency's (FEMA's) 100-year flood plain shall be measured from the 100-year flood elevation, as certified by a licensed professional engineer or professional land surveyor.

Home Occupation means an occupation, which is an accessory use of a dwelling unit, which is customarily carried on in a home by a resident, incidental to the primary occupancy of the home as a dwelling.

Hotel or Motel means a building or group of buildings used primarily for lodging, and secondarily, for meeting areas, meals, entertainment, and personal services, offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, or an apartment, which are herein separately defined.

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

Industrial Districts refer to the "GI" general industrial zoning district.

Kennel shall mean any building, establishment, place, or premises wherein any person engages in the boarding, breeding, buying, selling, letting for hire, or training for a fee, any canine or feline animal or animals, or wherein any person keeps, harbors, possesses, or maintains more than four (4) dogs or four (4) cats, or a combination of said animals, with the total number exceeding four (4) over three (3) months old.

Licensed Day Care Centers and Homes include group day care homes that provide care for less than twenty-four (24) hours per day for seven (7) to twelve (12) children under fourteen (14) years old and day care centers, which are any facility that cares for thirteen (13) or more children under fourteen (14) years old for less than twenty-four (24) hours. Day care centers include drop-in care centers and kindergarten and nursery schools.

Loading Space refers to a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Lot shall mean a lot, tract, or parcel of land designated on a subdivision plat duly filed with the County Clerk of Galveston County, or any lot, tract, or parcel of land held in separate ownership and described by metes and bounds upon a deed duly recorded or registered with the County Clerk of Galveston County that existed prior to the date of adoption of applicable subdivision regulations of the city.

Lot Area means the total horizontal area within the lot lines of a lot.

Lot, Corner is a lot abutting upon two (2) or more streets at their intersection.

Lot Coverage refers to the percent of lot area, which is covered by a roof, floor or other structure and is not open to the sky. Roof eaves to the extent of thirty (30) inches and the ordinary projections from the building not exceeding twelve (12) inches shall not be counted in computing coverage.

Lot, Double Frontage means a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Lot, Reversed Corner means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first interior lot to its rear.

Lot Depth means the mean horizontal distance from the front lot line to the rear lot line.

Lot line, Front means the line separating the lot from the street right-of-way in the case of an interior lot, and the line separating the narrowest street frontage of the lot from the street right-of-way in the case of a corner lot.

Lot line, Rear means the lot line which is opposite and most distant from the front line and in case of an irregular or triangular-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, Side means any lot line not a front lot line or a rear lot line.

Lot Width means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Manufactured Home shall mean a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Manufactured Home Community shall mean a parcel of land under single entity ownership which has been platted and approved by the city and where lots are planned to be leased for the placement of manufactured homes, accessory uses and service facilities, meeting all requirements of the Code of Ordinances, the city's subdivision ordinance, and applicable state laws.

Manufactured Home Subdivision shall mean a subdivision of land approved by the city as a manufactured home subdivision under applicable subdivision regulations of the city and duly filed with the County Clerk of Galveston County, containing lots for single family residential use, and upon each lot not more than one (1) manufactured home may be placed and occupied.

Membership Organization refers to buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service customarily carried on as a business.

Mobile Home shall mean a structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis 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.

Nonconforming Structure shall mean a building or structure lawfully existing at the time the provisions of this chapter became effective and any portion of which does not comply with the provisions of this chapter for the zoning district in which it is located.

Nonconforming Use shall mean a use lawfully occupying a building, structure or land at the time the provisions of this chapter became effective and which does not conform to the use regulations of the zoning district in which it is located.

Official Zoning District Map refers to the zoning map adopted by this chapter, as amended, which defines zoning districts and designations in accordance with the zoning district classifications established within these zoning regulations.

Outdoor Sales refers to the display outside of a permanent structure, for the purpose of purchase by consumers, whether immediately or by placing of orders, of any merchandise, services, products, or goods irrespective of whether payment for such is made outdoors or in a permanent structure.

Owner shall mean, as to a particular property, any person, agent, firm, association, or corporation having a legal or equitable interest therein.

Parking Area means any portion of a lot used for parking or storage of operable motor vehicles on a temporary (less than twenty-four (24) hours) basis which is connected with a street or alley by a paved driveway which affords ingress and egress for motor vehicles.

Patio Home refers to a single family detached dwelling unit, which may have a zero building setback requirement on one (1) side while maintaining the normal required setback on the other. Patio homes are often constructed on smaller lots and have a higher building coverage ratio than the traditional single family dwelling.

Planning Commission refers to the body, appointed by the city council that is responsible for administering these zoning regulations. The commission may also be referred to as the planning and zoning commission or commission.

Principal Building means a building in which the primary use of the lot on which the building is located is conducted.

Principal Use means the primary use and chief purpose of a lot or structure.

Qualifying Trees shall mean trees having a trunk diameter of at least eight (8) inches and of a type listed on the qualified tree list adopted by the city. A qualifying tree may not be diseased, dying, or dead, as determined by an urban forester or ISA Certified Arborist.

Recreational Vehicle means a vehicular-type unit, excluding manufactured homes and mobile homes, built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation, or travel use and which has its own motive power or is mounted or drawn by another vehicle. A recreational vehicle includes, but is not limited to, travel trailers, campers, pick up coaches, and motor homes.

Recreational Vehicle Park refers to any lot upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Registered Family Homes means a home in which a caregiver provides care for up to six (6) children under age fourteen (14) and no more than an additional six (6) school-age children, but no more than twelve (12) children, including children of the caregiver, at any time.

Residential Districts refers to zoning districts "RR" rural residential, "CR" conventional residential, "SR" small lot residential district, "HR" high density residential, and "MH" manufactured home community.

Restaurant means a building where food is prepared and served in ready-to-eat form to the public for human consumption. Restaurant includes, but is not limited to cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak or seafood house.

Retirement Home, Center, or Hospice refers to a facility for the transitional residency of elderly and disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility.

RV Storage: The use of a lot for the purpose of the storage of two (2) or more recreational vehicles.

School, Private means an institution of learning whose primary purpose is to provide a general education, owned and operated by a an entity other than a governmental agency.

School, Public means an institution of learning owned and operated by a governmental agency, including an independent school district.

Setback refers to the required minimum horizontal distance between the building line and the front, side, corner, or rear property line. Required setback dimensions shall be measured from the property line to the outside wall of the structure, not to include normal eave projections of thirty (30) inches or less.

Sexually Oriented Business means: (a) a sex parlor, nude studio, modeling studio, love parlor, adult video arcade, adult movie arcade, adult cabaret, or similar enterprise, which engages in the business of offering a service or selling, renting, or exhibiting devices or any other item designed or intended to provide sexual stimulation or sexual gratification to the customer; (b) any business enterprise whose business includes exhibiting live performances that are intended to provide sexual stimulation or gratification to the consumer, regardless of whether exhibiting such performances is its primary business; or (c) an adult bookstore, adult movie theater, adult theater, adult video store, adult motel, or other enterprise, the primary business of which is offering of a service or the selling, renting, or exhibiting of devices or any other items designed or intended to provide sexual stimulation or sexual gratification to the customer. The term "sexually oriented business" shall not be construed to include: (1) a business operated by or employing a licensed psychologist, licensed physical therapist, licensed athletic trainer, licensed cosmetologist, or licensed barber engaged in performing functions authorized under the license held; or (2) a business operated by or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts.

Sign shall have the meaning defined in section 15.1-2 of article I of chapter 15.1 of the Code of Ordinances of the city.

Significant Tree(s) shall mean any qualifying tree or trees having a trunk diameter of nineteen (19) inches or greater, and that is not diseased, dying, or dead, as determined by an urban forester or ISA certified arborist.

Site Plan shall mean a graphic presentation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property. Scale shall be at least one (1) inch to one hundred (100) for sites under thirty (30) acres, and at least one (1) inch to two hundred (200) feet for sites greater than thirty (30) acres.

Special Event means a temporary outdoor use on private property that extends beyond the normal uses and standards allowed by the zoning regulations of the city and which runs not longer than four (4) days. Special events include, but are not limited to, art shows, garage sales, sidewalk sales, festivals, craft shows, and church bazaars.

Storage Facility refers to a building consisting of individual, self-contained and fully enclosed units, which the contents contained therein are not viewable from outside the unit, and are leased or owned for the storage of business and household goods or contractors' supplies

Story shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street, Private shall mean any private roadway right-of-way, which has not been dedicated for public use and which affords interior circulation and/or access to abutting property. A private driveway, which provides only secondary vehicular access to a lot or to an accessory parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance of a building, shall not be considered a private street.

Street, Public shall mean any public roadway right-of-way, which has been dedicated to the public for public use and which affords primary access to abutting property.

Structure shall mean anything constructed or erected below, at, or above grade, which requires location on the ground or is attached to something having a permanent location on the ground, and which, out of necessity or precaution, includes support, bracing, tying, anchoring, or other protection against the pressure of the elements.

Temporary use refers to a use, intended for limited duration, which does not create or continue a nonconforming use or building.

Townhouse means a structure on an individual lot, which is one of a series of dwelling units designated for single-family occupancy, which dwelling units are structurally connected or immediately adjacent to and abutting each other, without side yards between individual dwelling units.

Trees shall mean woody plants having well-defined trunks, defined crowns, and a height at maturity of a minimum of twenty (20) feet.

Trunk Diameter shall be measured at four (4) feet six (6) inches above grade using a diameter tape. Measurement shall be taken just above or below any unusual swells in the trunk, as closely as possible to the four-foot six-inch level. For multiple-trunk trees, the trunk diameter shall be deemed to equal the diameter of the largest trunk, plus one-half (1/2) the sum of all additional trunks at the four-foot six-inch level. Measurements should be accurate to the nearest one-half (1/2) inch.

Use means the purpose or activity for which the land, or building is designed, arranged or intended, or for which it is occupied or maintained.

Variance means a departure from any provision of the zoning regulations for a specific parcel of property, except use, without changing the zoning ordinance or the underlying zoning of the parcel of property.

Vehicle shall mean an instrument of conveyance, such as an automobile, bus, truck, or motor driven cycle, for carrying or transporting persons or goods on land. The term shall also include, for the purposes of regulating parking herein provided, camper trailers, travel trailers, truck campers, water craft trailers, and utility trailers.

Visibility Triangle shall mean all of that portion of land lying within a triangular shaped area on each street corner, beginning at the corner of the intersection point of the curb or edge of pavement of each of the two (2) streets forming said corner, and extending a distance of twenty (20) feet along each such curb line or pavement edge from the intersection point, and the third side being determined by drawing a straight line from the ends of the twenty-foot extensions, regardless of whether the land is publicly or privately owned.

Yard means an open space at grade between a building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard or depth of a front or rear yard, the least horizontal distance between a lot line and the building shall be used.

GRAPHIC LINK: Yards

- (1) *Required Front Yard* means a yard extending across the front of a lot between the side lot lines, and being the required minimum horizontal distance between the street right-of-way and the main building or any projections thereof, other than the projections of the usual uncovered steps. The required front yard line represents the line in front of which no building or structure may be erected. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- (2) *Required Rear Yard* means a yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.
- (3) *Required Side Yard* means a yard between any building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the building.
- (4) *Required Corner Yard* means that portion of a yard, which abuts street right-of-way along the side of the lot extending from the front lot line to the rear lot line.

Zoning Official shall mean the official of the city appointed by the city administrator as such, and whose duties include administration and enforcement of these zoning regulations.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 1, 1-13-04)

ARTICLE III. ADMINISTRATION AND PROCEDURES

SEC. 18-12. RESPONSIBILITIES.

The city's decision-making bodies and officials described in this article, without limitation upon the authority each possesses by law, have responsibility for implementing and administering this chapter in the manner described in this article or allowed by law.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-13. ADMINISTRATIVE AND ENFORCEMENT OFFICIAL.

The city administrator shall appoint a zoning official, or designee, whose duties and responsibilities shall include, but are not limited to:

- (1) Accept and process all submitted applications for specific use permits, text amendments to the zoning regulations, and amendments to the official zoning district map;
- (2) Prepare staff comments for review by the commission, city council, and the board of adjustment;
- (3) Represent the city at all public hearings;
- (4) Maintain all records, minutes, and the official zoning district map, related to the enforcement and procedures of this chapter;
- (5) Serve as the enforcement officer to ensure compliance with this chapter;
- (6) Serve as liaison between the commission and city council; and,
- (7) Perform other duties as necessary and appropriate to uphold the provisions of this chapter.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-14. PLANNING AND ZONING COMMISSION.

(A) In addition to the stated responsibilities and duties in the City's Charter, the planning and zoning commission (hereinafter referred to as the "commission") shall be responsible for the following:

- (1) Hear testimony on behalf of applicants and consider the facts, findings, and recommendation of the zoning official;
- (2) Consider the interests of the public related to the public health, safety, morals and general welfare;
- (3) Identify the appropriateness of requested map and text amendments considering conformance with the adopted zoning regulations, official zoning district map, and land use policies;
- (4) Make recommendations to the city council, in the form of a final report, related to approval or denial of an application;
- (5) Perform other such duties and be vested with such powers as the city council shall from time to time prescribe.

- (B) **Composition, Appointment.** The commission shall consist of seven (7) regular members and two (2) alternate members, to be appointed by the mayor, and which appointment shall be approved by a majority of the city council members present.
- (1) The seven (7) regular members shall be composed of a chairperson, vice chairperson, and five (5) members.
 - (2) The chairperson, or in her/her absence, the vice chairperson, shall conduct and preside over the meetings.
 - (3) An alternate member shall serve in the absence of one or more regular members when requested to do so by the mayor or city administrator. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.
- (C) **Terms, Filling Vacancies.** Each appointment of a member of the commission shall be for a two-year term. The appointments shall be made at the first regular December meeting of the city council and extend from that date until the regular December meeting two (2) years later. Four (4) members of the commission will serve terms beginning on odd-numbered years, and three (3) members will serve terms beginning on even-numbered years. Any vacancy due to death, resignation, or other reason shall be replaced by an appointee selected in the manner provided herein as soon as practical after such vacancy. Such appointment shall be for the unexpired term of office.
- (D) **Meetings.** The commission shall hold regular monthly meetings and may call any special meetings necessary to conduct business. The meetings shall be held in accordance with the state open meeting law and proper notice of meetings posted as required.
- (E) **Officers.** The chairperson and vice chairperson of the commission shall be elected from the commission by a majority vote of a quorum of the commission once every year at the regular January meeting. Should a vacancy occur, for whatever reason, in either the position of chairperson or vice chairperson of the commission, such vacancy shall be filled by a majority vote of a quorum of the commission at the next meeting immediately following such vacancy. Such term shall be for the remainder of the unexpired term.
- (F) **Attendance At Meetings.** The members are required to attend all regular and special called meetings of the commission. Should any member miss three (3) consecutive regular meetings, such member may be removed, at the discretion of the mayor.
- (G) **Public Hearings.** The commission shall hold public hearings as required by law and at the request of the city council. The chairperson of the commission shall conduct and preside over such meetings. The meeting shall be conducted in a public place and with members of the commission present.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 440-2002, § 2, 1-22-02; Ord. No. 557-2005, § 1, 8-9-05)

SEC. 18-15. CITY COUNCIL.

In addition to the responsibilities and duties referenced in article III, city council, of the Municipal Charter and in chapter 2, administration, of the Municipal Code of Ordinances, the city council shall have the powers and duties to perform the following:

- (1) Amend the zoning regulations of the city, in accordance with state law;
- (2) Initiate, on behalf of the city, any amendment in the zoning classification of any land within the city; and
- (3) Hear and decide on recommendations of the commission, after receipt of a final report, for applications related to rezoning requests and text amendments.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-16. APPLICATION FOR ZONING TEXT OR MAP AMENDMENT.

An application for an amendment to the text of this chapter or the official zoning district map may be initiated by the commission, city council, or by a landowner filing a complete application with the zoning official.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-17. SUBMISSION OF APPLICATION.

A complete application for amendment of the text of this chapter or the official zoning district map shall be submitted to the zoning official in a form established by the city. No application shall be processed until the established fee has been paid and the application has been deemed complete by the zoning official. No application or fee shall be required when the amendment is proposed by the commission or city council.

If a landowner application for a zoning change is not submitted by the owner of the property under consideration, a notarized letter from the landowner authorizing said applicant to act as the agent on behalf of the landowner is required. A landowner application shall include, but is not limited to, the following information:

- (1) Name, address, and telephone number of applicant(s), owner(s), and agent(s);
- (2) A statement of the reasons why the amendment is being requested;
- (3) Legal description of the property that is the subject of the proposed amendment;
- (4) Filing fee, as established by the city council; and
- (5) Other information or documentation necessary to process the application, as required by the zoning official, commission, and/or city council.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-18. SUBMISSION OF TECHNICAL STUDIES.

The zoning official, commission, or city council may require an applicant for map amendments to submit such technical studies as may be necessary to enable the commission or city council to evaluate the application. Required studies may include, but are not limited to, traffic studies, engineering studies, noise studies or economic impact reports. The costs of all studies shall be borne by the applicant. The person or firms preparing the studies shall be subject to the approval of the city.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-19. APPLICATION AND SUBMISSION DEADLINES.

The zoning official or the commission may establish submission deadlines for materials required in support of any application submitted under this chapter. Compliance with such deadlines shall be required in order to have the application placed on the commission's agenda.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-20. PROPERTY OWNER NOTIFICATION.

Public notice of hearings held before the commission or board of adjustment, unless otherwise required by law, shall be given as follows:

(1) **Mailing.** Before the 10th day before the date of the public hearing, written notice of the time and place of a public hearing for a change in district boundary shall be sent by the applicant to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which a change in classification is proposed. The mailed notice shall be given by certified mail, return receipt requested, and shall be in letter form stating the time and place of the hearing, a general description of the proposal, the legal description and general street location of the property subject to the proposed change, and a statement explaining that the public may be heard at the public hearing. When notice has been properly addressed and mailed by the applicant, failure to receive mailed notice shall not invalidate any action taken on the application. Prior to the public hearing, the applicant shall file with the zoning official the returned receipts from the certified mailings and an affidavit stating the names and addresses of the persons to whom notice was sent; failure to submit the affidavit prior to the hearing may result in a continuance of the hearing.

(2) **Posting of Signs.** Notice of required public hearings on landowner applications for a zoning reclassification, a specific use permit, or a variance shall also be provided by way of a sign posted at least ten (10) days before the date of the public hearing on the land that is the subject of the application. One sign shall be posted by the applicant for each two hundred (200) feet of frontage along a public street, with a maximum of three (3) signs required per frontage. Signs shall be located so that the lettering is visible from the street. Where land does not have frontage on a public street, signs shall be posted on the nearest public street with a notation indicating the location of the land subject to the application. The sign shall be furnished by the city to the applicant, and the applicant shall maintain the sign for least ten (10) days immediately preceding the date of the public hearing. The applicant shall file an affidavit, on a form provided by the city, with the zoning official at the time of the public hearing verifying that the sign was

posted as required by this section. The provisions of this paragraph shall not apply to any application initiated by the commission or the city council. (Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-21. COMMISSION PUBLIC HEARING.

The commission shall, after due notice in accordance with section 18-20, conduct a public hearing on the proposed amendment. At the public hearing the commission shall consider the application, the relevant supporting materials, and all comments and written materials submitted at the public hearing.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-22. COMMISSION CONSIDERATION.

The commission may give consideration to the following criteria, to the extent pertinent to the application. In addition, other factors may be considered which may be relevant to the application.

- (1) Conformance of the proposed zoning classification with the city's land use policies.
- (2) The character of the neighborhood.
- (3) The zoning and use of nearby properties, and the extent to which the proposed zoning and use would be compatible.
- (4) The suitability of the property for the uses permitted by right in the proposed zoning district.
- (5) The extent to which approval of the application would detrimentally affect nearby properties.
- (6) The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property.
- (7) The extent to which approval of the application would harm the value of nearby properties.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-23. COMMISSION REPORT.

After the public hearing, the commission shall adopt and transmit a final report to the city council recommending approval or denial of the request. A tie vote on a request for an amendment to the official zoning district map is deemed to be a recommendation for denial.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-24. CITY COUNCIL HEARING AND ACTION.

After receiving the final report of the commission, the city council shall hold a public hearing on the amendment request, for which notice of the time and place of the hearing has been published in the official newspaper before the 15th day before the date of the hearing date. After the close of the public hearing, the city council may approve or deny the request, return it to the commission for further consideration, or take whatever other action the city council deems appropriate. (Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-25. PROTEST PROCEDURES.

If a proposed change in a zoning regulation or classification is protested in accordance with the provisions below, such change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the city council. A protest filed under this section must be written and signed by the owners of at least twenty (20) percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area. In computing the percentage of land, the area of streets and alleys shall be included.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-26. JOINT HEARINGS.

The city council may call and hold a joint public hearing with the commission on a request for a text or official zoning district map amendment as provided by state law. In case of a joint hearing, the city council shall not act on the request until it receives the final report of the commission on the matter. A two-thirds (2/3) majority of city council may prescribe the type of notice to be given of the time and place of a joint public hearing.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-27. BOARD OF ADJUSTMENT.

(A) **Established.** The board of adjustment (hereinafter referred to as the "board") is established in accordance with the provisions of Texas Local Government Code, Section 211.008, Board of Adjustment. Under this chapter, the board shall perform the following functions:

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section;
- (2) Hear and decide appeals of any interpretation of the text of this chapter made by the zoning official;
- (3) Authorize in specific cases such variances from the terms of this section as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done; and,
- (4) Hear and decide special exceptions to the terms of the zoning ordinance when this chapter requires the board to do so.

(B) **Authority.** In exercising its authority as prescribed in this section, the board may reverse or affirm, in whole or in part, or modify the zoning official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the zoning official. The concurring vote of seventy-five (75) percent of the members of the board is necessary to:

- (1) Reverse an order, requirement, decision, or determination of the zoning official;
- (2) Decide in favor of an applicant on a matter on which the board is required to pass under this section; or
- (3) Authorize a variation from the terms of this chapter. (Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-28. ESTABLISHMENT OF BOARD.

The city council shall appoint a board of adjustment consisting of five (5) regular members and two (2) alternate members, to be appointed for terms of two (2) years. The appointments shall be made at the first regular December meeting of the city council and extend for a term from that date until the regular December meeting two (2) years later. Three (3) members and one (1) alternate member of the commission will serve terms beginning on odd-numbered years, and two (2) members and one (1) alternate member will serve terms beginning on even-numbered years. The city council may remove a board member for cause, as found by the city council, on a written charge after a public hearing. Vacancies shall be filled for the unexpired term. The alternate board members may serve in the absence of one (1) or more regular members.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 557-2005, § 2, 8-9-05)

SEC. 18-29. RULES OF THE BOARD.

The board by majority vote shall adopt rules to carry out the duties conferred by this chapter. Meetings of the board shall be held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately with the city secretary and are public records.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-30. VARIANCES.

Variations are deviations from the property development standards for the applicable district where development is proposed. The board shall have authority to grant variances upon such terms and conditions, as it deems necessary and appropriate, in accordance with section 18-34.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-31. APPLICATION FOR A VARIANCE.

A complete application for a variance shall be submitted by a landowner, or an agent acting on behalf of the landowner, to the zoning official, on a form prescribed by the city, along with a nonrefundable fee, which may be established from time to time by the city council. No application shall be processed until the application fee has been paid and the application has been determined to be complete by the zoning official. The zoning official may require that the applicant submit additional information necessary to undertake a complete analysis and evaluation of the variance request and to determine whether the circumstances prescribed for granting the variance exists. (Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-32. REVIEW AND RECOMMENDATION BY ZONING OFFICIAL.

After determining that the application for a variance is complete, the zoning official shall review the application and prepare a report, which may include a recommendation of approval, approval with conditions, or disapproval based upon the criteria in section 18-34.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-33. PUBLIC HEARING.

After due notice, the board shall hold a public hearing on an application for a variance. At the public hearing, the board shall consider the application, the report of the zoning official, the relevant supporting materials and the public testimony given at the public hearing. After the close of the public hearing, the board shall vote to approve, approve with conditions, or disapprove the application for a variance.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-34. CONDITIONS FOR CONSIDERING VARIANCES.

To approve an application for a variance, the board shall make an affirmative finding that each of the following criteria is met:

- (1) Special circumstances exist that are peculiar to the land or structure.
- (2) These special circumstances are not self-imposed or the result of the actions of the applicant.
- (3) Literal interpretation and enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship.
- (4) Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice.
- (5) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
- (6) Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
- (7) The variance will not adversely affect the health, safety or welfare of the public.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-35. CONDITIONS FOR APPROVAL.

The zoning official may recommend and the board may impose such conditions on a variance as are necessary to accomplish the purposes of this chapter, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include, but are not limited to limitations on size, bulk, location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; other on-site improvements; and limitations on the duration of the permit.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-36. EFFECT OF VARIANCE.

(A) **Generally.** Issuance of a variance shall authorize only the particular variation which is approved in the variance request and shall not constitute a precedent. A variance shall run with the land.

(B) **Time limit.** Unless otherwise stated in the variance, an application to commence construction of the improvements that are the subject of the variance must be applied for and approved within six (6) months of the date of approval of the variance; otherwise the variance shall automatically become null and void. Upon written request, and for good cause shown, one extension of the six-month timeframe may be granted by the board.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-37. APPEAL TO BOARD.

As specified in Section 211.010 of the Texas Local Government Code, any person aggrieved by, or any officer, department, board, or bureau of the city affected by the decision of the zoning official on matters contained within this section may appeal such decision to the board. The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. On receiving the notice, the official from whom the appeal is taken shall transmit to the board all the papers constituting the record of the action that is appealed.

An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.

The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within a reasonable time.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-38. CONDITIONS FOR CONSIDERING APPEALS.

(A) The board shall apply the following standards in deciding the appeal:

- (1) That there is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map.
- (2) That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.
- (3) The decision of the board must be such as will be in the best interest of the community and consistent with the spirit and intent of the city's zoning regulations.

(B) An appeal that involves an interpretation of a term contained in this chapter, and that is decided contrary to the zoning or administrative official's decision shall be kept on file with the zoning official and shall constitute the official meaning of the term until such may be amended by council. (Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-39. SPECIAL EXCEPTIONS.

Special exceptions are deviations from otherwise applicable performance standards where development is proposed that would be compatible with surrounding land uses, in keeping with the public interest, and consistent with the purposes of this chapter. They must be specifically authorized by this chapter in order for the board to consider an application.

To approve a special exception, the board shall make an affirmative finding that granting the special exception will:

- (1) Ensure the same general level of land use compatibility as the otherwise applicable standards;
- (2) Not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development;
- (3) Not adversely affect property values in any material way; and
- (4) Be generally consistent with the purposes and intent of this chapter.

The board, upon application for a special exception, shall set a reasonable time for a hearing, and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the hearing in person or by agent or attorney.

A special exception applies only to the property which is applied for and approved, shall not constitute a precedent, and shall run with the land.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-40. DEVELOPMENT PROCEDURES.

After the effective date of this chapter, no multiple family residential property zoned "HR", commercial property zoned "NC" or "GC", or industrial property zoned "GI" may be developed or redeveloped without a site development plan first having been submitted to and approved by the commission. For the purposes of this section, the term redeveloped refers to any site improvement that increases the value of the building or property by fifty (50) percent or more. If a permit for development, in accordance with the approved plan, is not issued within one (1) year after approval of such plan, such approval shall expire and be of no force or effect. Time extensions may be granted up to one (1) additional year by the commission.

Review of Plans. When the application and plans are complete, a meeting will be scheduled before the commission. The commission will review the complete application and all plans and, upon approval by the commission, the applicant may submit final development plans for issuance of a building permit. Upon review and approval, the zoning official shall notify the applicant in writing of its approval, disapproval, or the conditions or modifications necessary before approval on subsequent submission.

(1) **Master Development Plan.** A master plan must be provided for all business and commercial developments to be developed in phases or sections. The master plan shall be prepared and approved in accordance with the site development plan requirements stated herein. The master plan shall be submitted prior to or with the first section of development of the site and with all sections thereafter. All properties within a single site must be contiguous and immediately adjacent to one another or be the subject of additional development plans and filing fees.

The master development plan shall consist of the following:

- a. Overall map of the total site indicating lots, blocks, reserves and other parcel lines.
- b. Storm water drainage overlay or plans with topographic contours and drainage areas outlined.
- c. Wastewater collection main overlay or plans and profile as required by Galveston County Water Control and Improvement District No. 1.
- d. Water distribution main overlay or plans and profile as required by Galveston County Water Control and Improvement District No. 1.
- e. Landscaping plan, in accordance with the requirements of article VIII, tree protection, landscaping and screening.

(2) **Site Development Plan.** Site development plans are required for all developments within the "HR", "NC", "GC" and "GI" zoning districts, which requires submission and approval by the Commission. Seven (7) copies of the site development plan(s), accompanied by the master development plan, shall be submitted in support of the application to the zoning official for review and consideration by the commission. Disapproval of a site development plan by the commission may be appealed to the city council by the property owner by filing a notice of appeal with a fee to the city secretary and the zoning official within ten (10) days following the commission's decision.

(3) **Site Development Plan Graphic Requirements.** Each site development plan shall contain the following information:

- a. North arrow, scale and date.
- b. Key map showing orientation of the area being developed in relation to adjacent areas and public streets.
- c. Proposed name of the development.
- d. Name and address of the landowner(s), architect, engineer, planners, surveyor, agent or other person involved in the preparation of the plan.
- e. An accurate boundary survey of the property, prepared by a registered public surveyor, with bearing and distances, referenced to section/original survey corners, and showing the lines of adjacent lands and streets and their names and widths.
- f. The location, right-of-way width, driving surface width of existing and proposed streets within the development and immediately adjacent to it, and the proposed method of street surfacing.
- g. The alignment of proposed streets with the existing street network. Dependent upon the location of the proposed development, the commission may require designation of arterial roadways and/or stub-outs for arterial or collector streets to be platted to provide for adequate ingress and egress to both present and future adjacent developments.
- h. The width, depth and location of all lots.
- i. The location of all building lines.
- j. The names, locations, widths and purposes of all existing and proposed easements.

- k. Existing and proposed utilities on and adjacent to the site, including the sizes of existing utilities and the location of proposed junctions with the existing system.
- l. Surrounding activities, uses, and influences of the site within two hundred (200) feet, including adjacent property owners, streets, alleys, watercourses, pipelines, easements, buildings and other improvements.
- m. One (1) foot elevation contours on both existing and planned facilities based upon the latest United States Contour and Geodetic (USC&G) survey.
- n. Any land areas within the one hundred (100) year flood plain.
- o. Street design dimensions or a reference to the minimum standards for tangents, arcs, radii.
- p. Locations of fire hydrants, storm drainage system improvements, street lights, and other facilities or improvements.
- q. Location, massing and pattern of existing vegetation.
- r. A certification of review from the building official of the landscaping plan, in accordance with the requirements of this chapter and chapter 16.10.
- s. Building setback lines.
- t. Traverse lines along streams and easements to be shown adjacent to high banks of streams and waterways.
- u. Lot, block and section numbers placed consecutively.
- v. A schedule including total floor area, dwelling units, land area, parking spaces, land use intensity and other quantities relative to the submitted plan.
- w. Accompanying documentation, as required and necessary, including an original copy of the current title commitment letter; an affidavit from the property owner of record stating no additional easements are required (as appropriate); letters of review/receipt by the water district, fire official, postal service; affidavit that all existing and proposed pipelines crossing the property have been satisfactorily provided for to the requirements of the pipeline operator and that such pipeline operator agrees to all pipelines crossing by proposed streets and other development features; utility companies' affidavits of review; statements by a registered engineer, upon request, shall be accompanied by drainage calculations of the impact of water runoff based upon acceptable design criteria; an engineered plan for mitigation of flooding issues approved by the governmental authority having jurisdiction; and, a statement by the property owner dedicating facilities intended for public use.

(4) Manufactured Home Community Site Development Plan Graphic Requirements. A site plan shall be prepared for each manufactured home community and shall provide the following information:

- a. The name and address of the fee owner of, and the applicant for, the proposed or existing manufactured home community;
- b. Location and legal description of the proposed or existing manufactured home community;
- c. Name as shown on the plat of the manufactured home community;
- d. Names of adjacent public or private streets and roads, adjacent subdivisions, and property owners of unplatted land;
- e. Contour lines at one (1) foot intervals;
- f. Locations and dimensions of all manufactured home lots, points of ingress and egress, utility easements, drives, recreation areas, greenbelts, fencing, signage, streets, and sidewalks. Each manufactured home lot and common facility area shall be sequentially numbered;
- g. Landscaping plan, in accordance with the requirements of article VIII, tree protection, landscaping and screening.
- h. Scale of site plan and complete dimensions for each lot, street, and open area;
- i. Density in units per gross acre;
- j. Area and dimensions of entire site;

- k. Areas defined for waste containers and the proposed method of disposal;
- l. Dimension, description, and location of common facilities;
- m. Water and sewer plans must be submitted, on separate sheets if necessary, and must show sewer line locations, grades and sizes, and water line locations, sizes and source of water supply.
- n. Paving and drainage plans must be submitted, on a separate sheet if necessary, and must show the directions and calculated quantities of runoff and the proposed specifications for streets in accordance with the city's ordinances.

(5) Parking site development plan. A site development plan shall be required for the construction of any off-street parking lot required by these regulations. In addition, a site plan shall be required for the surfacing of an existing, unpaved parking lot, or the expansion of an existing parking lot. No site plan is required for the resurfacing of an existing, paved parking lot, provided that the area of the parking lot is not being increased and no new driveways are being added.

(6) When a site plan is required by this section, it shall be drawn on sheets twenty-four (24) by thirty-six (36) inches, to a minimum scale of one (1) inch to fifty (50) feet. The site plan shall consist of the following:

- a. The name, location, owner and designer of the proposed development, including the owner's address and telephone number;
- b. Date, north arrow and scale;
- c. The locations and dimensions of all property lines, rights-of-way, and easements;
- d. The existing and proposed topographic characteristics of the site;
- e. The locations and dimensions of all existing and proposed driveways, parking facilities, maneuvering areas, loading areas, commercial garbage dumpster pads and related screening, sidewalks, curbs, gutters, buildings, structures, screening fences and other walls or fences, and exterior lighting;
- f. Information and calculations necessary to verify compliance with the off-street parking and loading regulations, including land use, gross floor area, gross leasable area, number of dwelling units, seating capacity, projected number of employees and other appropriate data;
- g. All existing and proposed utilities;
- h. Existing drainage facilities and plans for proposed drainage improvements and surface materials;
- i. Landscaping, in accordance with the requirements of article VIII, tree protection, landscaping and screening; and
- j. Fire lane plan approved by the fire official.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 2, 1-13-04)

ARTICLE IV. ZONING DISTRICTS

SEC. 18-41. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES.

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, altering, moving, or use of buildings and structures, the corporate area of the City of Dickinson is divided into zoning districts, as follows:

TABLE INSET:

Residential Districts:	
"RR"	Rural Residential District
"CR"	Conventional Residential District
"SR"	Small Lot Residential District
"HR"	High Density Residential District
"MH"	Manufactured Home District
Commercial Districts:	
"NC"	Neighborhood Commercial District
"GC"	General Commercial District
Industrial Districts:	
"GI"	General Industrial District
Other Districts:	
"DOS"	Designated Open Space District
"PD"	Planned Development District

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 615-2007, § 2, 7-10-07)

SEC. 18-42. OFFICIAL ZONING DISTRICT MAP.

The location and boundaries of the various zoning districts are shown on the official zoning district map. The zoning official is responsible for custody of the map and will promptly make any changes approved by the city council. The provisions of a chapter establishing a district, amending a district classification, or amending a district boundary controls over any conflicting information shown on the official zoning district map. The official zoning district map, together with all notations, references and other information shown thereon and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described herein. The official zoning district map, properly attested, is on file in the office of the zoning official and is fully accessible to the public during normal business hours.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-43. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts shown on the official zoning district map, the following rules apply:

- (1) Where district boundaries are so indicated that they approximately follow the center lines of streets or highways, the street center lines or highway rights-of-way lines are construed to be the boundaries;
- (2) Where district boundaries are so indicated that they approximately follow lot lines, the lot lines are construed to be the boundaries;
- (3) Where district boundaries are so indicated that they are approximately parallel to street center lines or street right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale on said zoning map or by the ordinance establishing the district boundaries;
- (4) On unsubdivided land or when a district boundary follows no identifiable feature, the location of district boundaries shall be determined by the ordinance establishing the district boundaries or by using the map scale appearing on the official map, unless the district line is indicated by dimensions printed on the official map, in which case the printed dimensions shall control;
- (5) Where streets or alleys on the ground differ from streets or alleys shown on the zoning map, the streets or alleys on the ground control; and
- (6) The zoning official shall interpret the district boundaries in cases of conflict or question.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-44. COMPLIANCE WITH DISTRICT REGULATIONS.

No building or structure shall be erected, constructed, enlarged, reconstructed or altered for use nor shall any building, structure or land be used or changed in such a way that it does not comply with all the district regulations established by this chapter for the district in which the building or structure or land is located.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-45. NEW AND UNLISTED USES.

If the zoning official determines that a proposed use is not listed, or if there is ambiguity as to its proper classification within the respective zoning districts, the zoning official shall make an official determination as to the appropriate district or districts for the use. This decision may be appealed by an applicant to the board of adjustment for a final determination as to the appropriate district for the use to be located. In the event the determination requires a text amendment, the proposed use must be sent to the commission and city council for their consideration and action in accordance with the procedures for amending the text of these zoning regulations. (Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-46. CLASSIFICATION OF ANNEXED AREAS.

Within sixty (60) days following the annexation of territory into the corporate limits of the city, the commission shall initiate proceedings to establish permanent zoning classifications for all of the area annexed. Pending completion of such proceedings, the annexed territory shall be classified as "CR" conventional residential district. Such temporary zoning classification shall remain in effect only until the city council establishes the permanent zoning classification. The procedure for establishing the permanent zoning classification of annexed territory shall be as prescribed by Chapter 211, Texas Local Government Code, and this chapter. The zoning classification or classifications assigned to newly annexed territory shall be appropriate to its existing use and consistent with the city's land use and development policies.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-47. DISTRICT AND USE MATRIX.

Land and structures in each zoning district may only be used for the listed uses specified as a permitted use in that district as shown in Attachment 1--District and Use Matrix*. In interpreting the District-Use Matrix:

- (1) A blank rectangle below a zoning district designation indicates that the corresponding listed land use is prohibited in that district.
- (2) An "X" in a rectangle below a zoning district designation indicates that the corresponding listed land use is permitted in that district.
- (3) Except as specifically provided herein, all governmental facilities shall be permitted as matter of right in all districts.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 3, 1-13-04)

*Note--Attachment 1 is not set out herein, but is on file as an attachment to Ord. No. 420-2001.

SEC. 18-48. HEIGHT AND AREA MATRIX.

The height of structures, lot areas, dimensions and coverage, and yards and setbacks are regulated for each zoning district. Except as provided in article VI, the permitted minimum and/or maximum measures are specified in Attachment 2--Height and Area Matrix*.

(Ord. No. 420-2001, § 1, 7-24-01)

*Note--Attachment 2 is not set out herein, but is on file as an attachment to Ord. No. 420-2001.

SEC. 18-48.1. DESIGNATED OPEN SPACE "DOS" DISTRICT.

The zoning of property as "DOS," designated open space, is intended to provide open space for outdoor recreational activities. The purpose of the "DOS" district is to create an aesthetically pleasing environment that may improve the quality of life for the citizens, enhance property values, provide adequate light and air space, prevent overcrowding of land, provide visual buffering between roadways and structures, and promote the beautification of the city.

(A) **Permitted Uses.** No building, structure or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) Playgrounds;
- (2) Meditation areas;
- (3) Gardens;
- (4) Walking trails made of porous material;
- (5) Picnic tables;
- (6) Park benches;
- (7) Lighting for security purposes;
- (8) Specific use permitted pursuant to article V hereof.

(B) **Height and Area Regulations.** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots, and the minimum lot area per dwelling unit shall be as follows, except as otherwise provided in article VI, supplemental regulations:

- (1) Minimum lot area: No minimum.
- (2) Minimum lot width: No minimum.

(Ord. No. 557-2005, § 3, 8-9-05)

SEC. 18-49. RURAL RESIDENTIAL "RR" DISTRICT.

The zoning of property as "RR" rural residential, is intended to provide for conventional detached single-family dwellings at a density not exceeding one dwelling unit per acre. Property zoned "RR" should include existing large lots, unplatted tracts of land, areas where adequate public facilities are not available to support higher density urban development, and areas that are appropriate for large lot development given the surrounding land use and zoning.

(A) **Permitted Uses.** No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) Accessory residential uses, as provided in article VII, accessory and temporary uses.

- (2) Agricultural use and accessory agricultural uses, subject to all provisions of chapter 4, animals, of the city's Code of Ordinances.
- (3) Churches and other religious organizations, including accessory facilities.
- (4) Conventional detached single-family residences.
- (5) Home occupations incidental to a residential permitted use.
- (6) Private recreational facilities owned and operated by or on behalf of a residential subdivision or development.
- (7) Specific uses permitted pursuant to article V hereof.

(B) ***Height and Area Regulations.*** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots, and the minimum lot area per dwelling unit shall be as follows, except as otherwise provided in article VI, supplemental regulations:

- (1) Minimum lot area: One (1) acre.
- (2) Maximum height of structures: Two and one-half (2 1/2) stories, maximum thirty-five (35) feet from finished grade, subject to development and performance standards.
- (3) Minimum yards:
 - a. *Front:* Fifty (50) feet.
 - b. *Side:* Twenty-five (25) feet.
 - c. *Corner:* Thirty (30) feet.
 - d. *Rear:* Fifty (50) feet.
- (4) Minimum lot width: One hundred twenty-five (125) feet.

(C) **Development and Performance Standards.**

- (1) No off-street parking area or driveway for permitted nonresidential uses shall be within twenty (20) feet of a lot line of property zoned "RR".
- (2) Permitted nonresidential structures located at least twenty-five (25) feet from a residential property line may increase height at a ratio of one (1) foot for each additional two (2) feet of setback.
- (3) Uses that are proposed for the benefit of or as an amenity to a rural subdivision and not for use by the general public, such as neighborhood pools and clubhouses, shall be located adjacent to a collector street.
- (4) Each dwelling, at the time of issuance of a certificate of occupancy, shall have permanent screening around its perimeter to screen from view any openings in the foundation, e.g. pier and beams. All screening materials shall be of durable quality, shall be compatible in appearance with the dwelling, and shall allow for adequate ventilation and drainage.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-50. CONVENTIONAL RESIDENTIAL "CR" DISTRICT.

The zoning of property as "CR" conventional residential, is intended to provide for conventional detached single-family dwellings. The purpose of the "CR" district is to provide for development of standard low-density residential developments, in areas where adequate public facilities exist, and residential development is appropriate given the surrounding land uses and neighborhood.

(A) **Permitted Uses.** No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) Accessory residential uses, as provided in article VII, accessory and temporary uses.
- (2) Agricultural use or accessory agricultural uses on lots of one-acre or more.
- (3) Conventional detached single-family residences.
- (4) Home occupations incidental to a residential permitted use.
- (5) Private recreational facilities owned and operated by or on behalf of a residential subdivision or development.
- (6) Specific use permitted pursuant to article V hereof.

(B) **Height and Area Regulations.** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots, and the minimum lot area per dwelling unit shall be as follows, except as otherwise provided in article VI, supplemental regulations:

- (1) Minimum lot area--Six thousand (6,000) square feet per dwelling unit.
- (2) Maximum height of structures--Two and one-half (2 1/2) stories, maximum thirty-five (35) feet from finished grade, subject to development and performance standards.
- (3) Minimum yards:
 - a. *Front:* Twenty-five (25) feet from street right-of-way; Twenty (20) feet from right-of-way for cul-de-sac lots.
 - b. *Side:* Five (5) feet.
 - c. *Corner:* Ten (10) feet.
 - d. *Rear:* Fifteen (15) feet.
- (4) Minimum lot width: Sixty (60) feet, except fifty (50) feet for a lot or lots platted before July 24, 2001.
- (5) Minimum lot depth: One hundred (100) feet.

(C) **Accessory Buildings.**

- (1) Front setback. Attached accessory buildings shall have a front setback that is not less than the principal structure. Detached accessory buildings shall be located to the rear or to the

side of the principal structure and in no case shall any part of an accessory building be located within the required front yard setback.

- (2) Side setbacks. Except for corner lots, detached accessory buildings shall not be less than five (5) feet from any side lot line when the accessory building is located in the rear yard; otherwise, a detached accessory building shall observe the same side setbacks as specified for the principal structure.
 - (3) Rear setback. Accessory buildings shall not be less than eight (8) feet as measured from the rear lot line to the accessory building provided that the required setback may be reduced to five (5) feet when adjacent to an alley.
 - (4) Easements. Accessory buildings shall not be placed within any easement on the property.
 - (5) Height. Accessory buildings shall not exceed a maximum height of twenty (20) feet.
 - (6) Coverage. Accessory buildings shall not occupy more than thirty (30) percent of a required rear yard.
- (D) ***Development and Performance Standards.***
- (1) Where a lot within the "CR" district abuts railroad rights-of-way, a high pressure oil or gas line, an arterial street or highway, or a nonresidential district or use, the minimum lot depth shall be one hundred fifty (150) feet. The commission may require a lot depth not to exceed one hundred seventy-five (175) feet, and in the case of a side yard abutting the above features may require a lot width not to exceed two hundred (200) feet.
 - (2) Agricultural accessory structures shall be located no closer than fifty (50) feet from any lot line.
 - (3) No off-street parking area or driveway for permitted nonresidential uses shall be within twenty (20) feet of a lot line of property zoned "CR".
 - (4) Permitted nonresidential structures located at least twenty-five (25) feet from a residential property line may increase height at a ratio of one (1) foot for each additional two (2) feet of setback.
 - (5) Uses that are proposed for the benefit of or as an amenity to a standard low-density subdivision and not for use by the general public, such as neighborhood pools and clubhouses, shall be located adjacent to a collector roadway and within the interior of the subdivision.
 - (6) Each residential dwelling unit is hereby required to have a garage. Such garage shall be permanently affixed to the land. The minimum floor space for the garage is two hundred fifty (250) square feet.
 - (7) Each dwelling, at the time of issuance of a certificate of occupancy, shall have permanent screening around its perimeter to screen its foundation, e.g. pier and beams, from view. All screening materials shall be of durable quality, shall be compatible in appearance with the dwelling, and shall allow for adequate ventilation and drainage. (Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 4, 1-13-04; Ord. No. 570-2006, § 1, 1-10-06)

SEC. 18-51. SMALL LOT RESIDENTIAL "SR" DISTRICT.

The zoning of property as "SR" small lot residential, is intended to provide for conventional detached single-family dwellings on small lots and patio homes with zero lot lines. Zero lot line development allows homes on one side lot line to consolidate yard space and enhance privacy in exchange for an increase in lot coverage. The purpose of the "SR" district is to allow efficient utilization of land, encourage affordable housing opportunities, and allow traditional neighborhood developments.

(A) **Permitted Uses.** No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) Accessory residential uses, as provided in article VII, accessory and temporary uses.
- (2) Conventional detached single-family residences.
- (3) Home occupations incidental to a residential permitted use.
- (4) Private recreational facilities owned and operated by or on behalf of a residential subdivision or development.
- (5) Patio homes.
- (6) Specific use permitted pursuant to article V hereof.

(B) **Height and Area Regulations.** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots, and the minimum lot area per dwelling unit shall be as follows, except as otherwise provided in article VI, supplemental regulations:

- (1) Minimum lot area. Five thousand (5,000) square feet per dwelling unit.
- (2) Maximum height of structures. Two and one-half (2 1/2) stories, maximum thirty-five (35) feet from finished grade, subject to development and performance standards.
- (3) Minimum yards:
 - a. *Front:* Twenty (20) feet from street right-of-way.
 - b. *Side:* Five (5) feet for conventional residences.
Zero (0) feet on one side and six (6) feet on the other side for patio homes.
 - c. *Corner:* Ten (10) feet.
 - d. *Rear:* Fifteen (15) feet.
- (4) Minimum lot width: Fifty (50) feet.
Fifty five (55) feet corner lot.
- (5) Minimum lot depth: One hundred (100) feet.
- (6) Lot coverage: Sixty five (65) percent of lot area, including principal and accessory buildings.

(C) ***Accessory Buildings.***

- (1) Front setback. Attached accessory buildings shall have a front setback that is not less than the principal structure. Detached accessory buildings shall be located to the rear or to the side of the principal structure and in no case shall any part of an accessory building be located within the required front yard setback.
- (2) Side setbacks. Except for corner lots, detached accessory buildings shall not be less than five (5) feet from any side lot line when the accessory building is located in the rear yard; otherwise, a detached accessory building shall observe the same side setbacks as specified for the principal structure.
- (3) Rear setback. Accessory buildings shall not be less than eight (8) feet as measured from the rear lot line to the accessory building provided that the required setback may be reduced to five (5) feet when adjacent to an alley.
- (4) Easements. Accessory buildings shall not be placed within any easement on the property.
- (5) Height. Accessory buildings shall not exceed a maximum height of twenty (20) feet.
- (6) Coverage. Accessory buildings shall not occupy more than thirty (30) percent of a required rear yard.

(D) ***Development and Performance Standards.***

- (1) Where a lot within the "SR" district abuts railroad rights-of-way, high-pressure oil or gas line, an arterial street or highway, or a nonresidential district, the minimum lot depth shall be one hundred fifty (150) feet. The Commission may require a lot depth not to exceed one hundred seventy-five (175) feet, and in the case of a side yard abutting the above features may require a lot width not to exceed two hundred (200) feet.
- (2) No off-street parking area or driveway for permitted nonresidential uses shall be within twenty (20) feet of a lot line of property zoned "SR".
- (3) Permitted nonresidential structures located at least twenty-five (25) feet from a residential property line may increase height at a ratio of one (1) foot for each additional two (2) feet of setback.
- (4) Uses that are proposed for the benefit of or as an amenity to a standard low-density subdivision and not for use by the general public, such as neighborhood pools and clubhouses, shall be located adjacent to a collector roadway and within the interior of the subdivision.
- (5) Each residential dwelling is required to have a garage. Such garage shall be permanently affixed to the land. The minimum floor space for the garage shall be two hundred fifty (250) square feet.
- (6) Each dwelling, at the time of issuance of a certificate of occupancy, shall have permanent screening around its perimeter to screen from view openings in the foundation, e.g. pier and beams. All screening materials shall be of durable quality, shall be compatible in appearance with the dwelling, and shall allow for adequate ventilation and drainage.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 5, 1-13-04)

SEC. 18-52. HIGH DENSITY RESIDENTIAL "HR" DISTRICT.

The zoning of property as "HR" high density residential, is intended for various types of residential development, including conventional single- and two-family residences and multiple family dwellings such as duplexes, triplexes, town homes, condominiums, and apartments. The purpose of the "HR" district is to provide for development of quality apartments in a high density setting, while ensuring livability, property values, open space, design quality and landscaping, safety and the general welfare of its residents. This district allows development up to eighteen (18) units per acre.

(A) **Permitted Uses.** No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) Accessory residential uses, as provided in article VII, accessory and temporary uses.
- (2) Conventional detached single-family residences.
- (3) [Reserved].
- (4) Multiple family dwellings such as triplexes, townhouses, condominiums, and apartments.
- (5) Private recreational facilities owned and operated by or on behalf of a residential subdivision or development.
- (6) Two-family dwellings.
- (7) Specific use permitted pursuant to article V hereof.

(B) **Conventional Detached Single-Family Residence.** The height, area, and accessory building regulations and standards for development and performance applicable to conventional detached single-family residences shall be as set forth in section 18-50, conventional residential "CR"

(C) **Height and Area Regulations.** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots, and the minimum lot area per dwelling unit for two-family dwellings, condominiums, and multi-family dwellings shall be as follows, except as otherwise provided in article VI, supplemental regulations:

- (1) Minimum lot area: Two thousand four hundred twenty (2,420) square feet per dwelling unit.
Single-family dwelling unit: Six thousand (6,000) square feet per dwelling unit.
Duplexes: Three thousand six hundred (3,600) square feet per dwelling unit.
- (2) Maximum height of structures: Three (3) stories, maximum forty-five (45) feet from finished grade, subject to development and performance standards.

Single- and two-family dwellings: Two and one-half (2 1/2) stories, maximum thirty-five (35) feet from finished grade.

- (3) Minimum yards:
 - a. Front: Twenty-five (25) feet.
 - b. Side: Ten (10) feet.
 - c. Corner: Twenty (20) feet.
 - d. Rear: Twenty-five (25) feet.
- (4) Lot coverage: Sixty (60) percent of lot area, including principal and accessory buildings.
- (5) Minimum separation between principal buildings: Fifteen (15) feet.
- (D) **Accessory Buildings.** Two-family dwelling, condominiums, and multi-family dwellings.
 - (1) Front setback. Attached accessory buildings shall have a front setback that is not less than the principal structure. Detached accessory buildings shall be located to the rear or to the side of the principal structure and in no case shall any part of an accessory building be located within the required front yard setback.
 - (2) Side setbacks. Detached accessory buildings shall observe the same side setbacks as specified for the principal structure.
 - (3) Rear setback. Accessory buildings shall observe the same rear yard setback as specified for the principal structure.
 - (4) Easements. Accessory buildings shall not be placed within any easement on the property.
 - (5) Height. Accessory buildings shall not exceed a maximum height of thirty (30) feet.
 - (6) Coverage. Accessory buildings shall not occupy more than thirty (30) percent of a required rear yard.
- (E) **General Development and Performance Standards**
 - (1) Where a lot within the "HR" district abuts railroad rights-of-way, a high pressure oil or gas line, an arterial street or highway, or a nonresidential district, the minimum lot depth shall be one hundred fifty (150) feet. The commission may require a lot depth not to exceed one hundred seventy-five (175) feet, and in the case of a side yard abutting the above features may require a lot width not to exceed two hundred (200) feet.
 - (2) Multiple family dwellings with more than ten (10) units shall have an on-site manager or post and maintain in a conspicuous place in such dwelling a legible sign identifying the owner and managing agent, together with the residence and business addresses and telephone numbers of the owner and managing agent. Where the owner is a corporation, the sign shall contain the business telephone numbers of the corporation.
 - (3) The minimum living area of apartments shall be six hundred fifty (650) square feet for single story apartment units plus two hundred fifty (250) square feet for each additional story.
 - (4) High-density residential developments shall have frontage and main access directly on an arterial or a collector street.

- (5) High-density residential developments shall have a minimum of 10 percent of the net site area as common area such as a playground, tennis court, swimming pool, exercise path, or natural preserve area, for use by all persons who reside on the premises.
- (6) Uses that are proposed for the benefit of or as an amenity to a high density residential development and not for use by the general public, such as common areas, pools and club houses, shall be located within the interior of the development.
- (7) Pedestrian circulation systems (sidewalks and walkways) within high-density residential developments shall be located and designed to provide adequate pedestrian access within the development and to adjacent parcels.
- (8) No off-street parking area or driveway shall be within twenty (20) feet of a lot line of property zoned "RR", "CR" or "SR".
- (9) All multi-family dwellings shall provide an opaque screen fence or wall of wood or masonry construction not less than six (6) feet in height along all rear and side property lines that are common to property zoned "RR", "CR" or "SR". Screening shall not be required where similar screening exists on the abutting residential property. Off-street parking areas shall be screened in accordance with article VIII, tree protection, landscaping and screening.
- (10) All buildings shall be designed and constructed in accordance with the building design standards provided for in article VI, supplemental regulations.
- (11) Each residential dwelling unit is hereby required to have some enclosed, lockable area for outdoor storage of bicycles and other storage items. Such enclosed storage area shall be roofed and sided to match the main structure.
- (12) Each dwelling, at the time of issuance of a certificate of occupancy, shall have permanent screening around its perimeter to screen from view any openings in its foundation. All screening materials shall be of durable quality, shall be compatible in appearance with the dwelling, and shall allow for adequate ventilation and drainage.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-53. MANUFACTURED HOME "MH" DISTRICT.

The zoning of property as "MH" manufactured home, is intended for the development of a manufactured home subdivision or manufactured home community meeting all requirements of this chapter and the city's Code of Ordinances, and any applicable state law. The purpose of the "MH" district is to allow for a means of affordable housing within a well-managed, compatible and cohesive manufactured home environment.

(A) ***Permitted Uses.*** No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) Accessory residential uses, as provided in article VII, accessory and temporary uses.
- (2) Home occupations incidental to a residential permitted use.

- (3) Manufactured homes
- (4) Private recreational facilities owned and operated by or on behalf of a manufactured home subdivision or manufactured home community.
- (5) Specific use permitted pursuant to article V hereof.

(B) ***Height and Area Regulations.*** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots, and the minimum lot area per dwelling unit manufactured homes shall be as follows, except as otherwise provided in article VI, supplemental regulations:

- (1) Minimum area for a manufactured home subdivision or manufactured home community: Four (4) acres, with not less than four (4) manufactured home lots.
- (2) Minimum lot area: Four thousand six hundred (4,600) square feet per manufactured home unit.
- (3) Minimum lot width: Forty (40) feet.
- (4) Minimum lot depth: One hundred fifteen (115) feet.
- (5) Maximum height of structures: Two and one-half (2 1/2) stories, maximum thirty-five (35) feet from finished grade.
- (6) Spacing: Manufactured homes shall be located not less than twenty (20) feet from any exterior wall to the closest exterior wall of the nearest manufactured home. The distance from a manufactured home to a common area or street shall be not less than twenty-five (25) feet.
- (7) Minimum yards:
 - a. Front: Fifteen (15) feet.
 - b. Side: Ten (10) feet.
 - c. Corner: Fifteen (15) feet.
 - d. Rear: Ten (10) feet.

(C) ***General Development and Performance Standards.***

- (1) Each manufactured home, at the time of issuance of a certificate of occupancy, shall have permanent skirting around its perimeter to screen its wheels and undercarriage from view. All skirting materials shall be of durable quality, shall be compatible in appearance with the home, and shall allow for adequate ventilation and drainage.
- (2) The average height of a manufactured home frame above ground elevation, measured at ninety (90) degrees to the frame, shall not exceed four (4) feet from the top of the foundation pad.
- (3) All manufactured homes shall be served with sanitary sewer, water, and electrical power.

- (4) All manufactured homes shall be provided with a foundation pad, which shall provide for the placement and tie-down of one (1) single-family manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. The requirement for a foundation pad shall not apply to the placement of a manufactured home on a lot within a manufactured home community lawfully existing on the date of adoption of this provision or the authorized replacement of a manufactured home with another manufactured home. The foundation pad shall:
 - a. Be constructed of material which shall adequately support the weight of the manufactured home;
 - b. Provide anchors and tie-downs such as cast-in-place concrete "dead men," eyelets embedded in concrete foundations, runway screw augers, arrowhead anchors, or other devices which secure the stability of the manufactured home, and shall be placed at least at each corner of the manufactured home; and
 - c. Cover an area of at least two hundred forty (240) square feet or at least one-third (1/3) the area of the largest manufactured home to be placed on the lot, whichever is greater. No surface provided for a purpose other than the foundation of a manufactured home shall be considered a part of the foundation pad.
- (5) Each manufactured home subdivision or manufactured home community may have a sign at its entrances, bearing its name. The signs shall be of a monument style, shall not exceed five (5) feet in height, and shall not exceed forty (40) square feet in area. Such signs shall not be electrical; provided, however, lighting from the base of the sign shall be allowed. Illumination shall not cause glare or other nuisance on any adjacent property.
- (6) Each residential dwelling unit is hereby required to have a garage or some enclosed, lockable area for outdoor storage of lawn equipment, bicycles, and other storage items. Such garage or enclosed storage area shall be permanently affixed to the land. The minimum floor space for a storage area which is not designed to enclose or house an automobile shall be eighty (80) square feet.

(D) ***Screening Requirements.***

- (1) Greenbelt. A greenbelt/landscape buffer of not less than twenty-five (25) feet in width shall be located along all manufactured home community or manufactured home subdivision boundary lines. Such greenbelt/landscape buffer shall be continuously maintained and shall be devoted exclusively for common open space and landscaping, as provided in article VIII, tree protection, landscaping and screening.
- (2) Fencing. A solid fence of wood or masonry construction, at least six (6) feet in height and of a uniform size, shall be constructed and maintained along the boundaries of the manufactured home subdivision or manufactured home community. Such fencing shall be constructed of materials such as wood, brick, stone, split-face concrete block, or other similar material. In no instance will plain concrete block, fiberglass, or metal sheeting be allowed.

(E) **Recreational Areas.** All manufactured home subdivisions or manufactured home communities shall have at least one (1) recreational area, as follows:

- (1) Recreational areas may include space for community buildings and community use facilities, such as indoor recreational areas, swimming pools, and service buildings. Playground areas shall be so designated and must be protected from traffic, thoroughfares and parking areas. Such areas shall be maintained in a sanitary condition and free of safety hazards. A four (4) foot fence, to restrict the movement of children, shall be installed around the area and shall have self-closing gates.
- (2) Manufactured home subdivisions or manufactured home communities with less than twelve (12) manufactured home lots shall have not less than five (5) percent of the gross site area devoted to recreational facilities, provided in a central location. Manufactured home subdivisions or manufactured home communities with twelve (12) or more manufactured home lots shall provide a recreational area of not less than four thousand six hundred (4,600) square feet, plus two hundred seventy (270) square feet per lot.
- (3) Lots for common facilities shall be of such size to meet the minimum setbacks established in this section, and such that no more than fifty (50) percent of the common lot is covered by building area, exclusive of parking.

(Ord. No. 420-2001, § 1, 7-24-01)

SEC. 18-54. NEIGHBORHOOD COMMERCIAL "NC" DISTRICT.

The zoning of property as "NC" neighborhood commercial, is intended to provide for small-scale, limited impact retail and office businesses. The uses permitted within the "NC" district are meant to be compatible with nearby residential areas and serve the retail and personal service needs of nearby residents. The nature of the permitted uses and scale of buildings are intended to blend with adjacent and nearby properties without causing adverse impacts.

(A) **Permitted Uses.** No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) Antique, camera and book stores.
- (2) Bakeries.
- (3) Barber and beauty shops.
- (4) Coin operated laundries.
- (5) Dry cleaning shops, customer pick-up and delivery only.
- (6) Florist shops.
- (7) Libraries.
- (8) Membership organizations.
- (9) Museums and galleries.
- (10) Offices, including medical, legal, professional and other similar office uses.
- (11) Post offices.

- (12) Restaurants, not including drive-through or drive-in service or the sale of alcoholic beverages for consumption on the premises.
- (13) Shoe repair shops.
- (14) Studios--Art, teaching, dance, music, drama, photography.
- (15) The above uses are not intended to be all-inclusive. Additional commercial and noncommercial uses may be permitted, which are similar, have comparable impact on adjacent property, and correspond with the purpose and restrictions of this district.
- (16) Specific uses permitted pursuant to article V hereof.

(B) ***Height and Area Regulations.*** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots shall be as follows, except as otherwise provided in article VI, supplemental regulations:

- (1) Minimum lot area. Nine thousand (9,000) square feet.
- (2) Maximum height of structures. Two (2) stories, maximum thirty-five (35) feet from finished grade.
- (3) Minimum yards:
 - a. *Front:* Twenty-five (25) feet.
 - b. *Side:* Ten (10) feet or ten (10) percent of the lot width, whichever is greater, but not more than twenty five (25) feet.
 - c. *Corner:* Twenty (20) feet.
 - d. *Rear:* Ten (10) feet.
Twenty-five (25) feet when adjacent to a residential district.
- (4) Minimum lot width: Seventy-five (75) feet.
Eighty-five (85) feet corner lot.
- (5) Minimum lot depth: One hundred (100) feet.
- (6) Minimum parking lot setback. Ten (10) feet from street right-of-way
Ten (10) feet from property lines of any commercial or industrial district.
Fifteen (15) feet when adjacent to a residential district.

(C) ***Development and Performance Standards.***

- (1) Official lighting used to illuminate the premises and/or signage shall be directed away from adjacent residential properties.
- (2) No merchandise shall be stored or displayed outside a building, and no equipment or vehicles, other than passenger vehicles, shall be stored outside a building.
- (3) A development allowable in this district shall provide and maintain an opaque screen fence or wall of wood or masonry construction not less than six (6) feet in height along all rear and side property lines that are common to property zoned "RR," "CR," "SR," "HR," and "MH". Screening shall not be required where similar screening exists on the abutting

residential property. Off-street parking areas shall be screened in accordance with article VIII, tree protection, landscaping and screening adjacent to a residential district.

- (4) All buildings shall be designed and constructed in accordance with the building design standards provided for in article VI, supplemental regulations.
- (5) Sidewalks, located in the platted street right-of-way, shall be provided adjacent to all public and private streets and service roads. Sidewalks shall be no less than four (4) feet in width, shall comply with the specifications of the city, and shall comply with the requirements and specifications of the American's with Disabilities Act (ADA).

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 6, 1-13-04; Ord. No. 557-2005, § 5, 8-9-05)

SEC. 18-55. GENERAL COMMERCIAL "GC" DISTRICT.

The zoning of property as "GC" general commercial is intended to provide for a variety of commercial uses including wholesale sales and services, general retail and service businesses, and office uses. This district is primarily intended for use in high traffic areas adjacent to arterial streets and highways and is appropriate for high volume commercial centers.

The zoning of property as "GC" general commercial is intended to provide for a variety of commercial uses including wholesale sales and services, general retail and service businesses, and office uses. This district is primarily intended for use in high traffic areas adjacent to arterial streets and highways and is appropriate for high volume commercial centers.

(A) ***Permitted Uses.*** No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) All uses permitted in the "NC" district.
- (2) Appliance and home furnishing stores.
- (3) Parts supply stores.
- (4) Banks, credit unions, and other depository institutions.
- (5) Bowling alleys and other entertainment centers.
- (6) Reserved.
- (7) Cemeteries, funeral homes, mortuaries, and crematories.
- (8) Child day care services.
- (9) Commercial printing shops.
- (10) Computer stores and related services.
- (11) Convenience stores (with or without gasoline sales).
- (12) Dry cleaning services.
- (13) Equipment rental and leasing establishments.
- (14) Reserved.
- (15) Food stores, all types.

- (16) Gasoline service stations, including mechanical repair.
- (17) General merchandise stores, including department and variety stores.
- (18) Golf courses, including miniature courses and golf driving ranges.
- (19) Hardware stores.
- (20) Hospitals, clinics, or sanitariums.
- (21) Hotels, motels, rooming and boarding houses, and other lodging places.
- (22) Liquor stores.
- (23) Lumber and building material dealers-retail.
- (24) Office buildings, all types.
- (25) Commercial and nonprofit recreation facilities, including assembly facilities and sports and recreation clubs.
- (26) Pawn shops, in accordance with the Texas Pawnshop Act (article 5069-51.01, et seq. Vernon's Texas Civil Statutes).
- (27) Plumbing shops.
- (28) Private schools.
- (29) Radio and television broadcasting stations or studios.
- (30) Repair shops, miscellaneous.
- (31) Restaurants, including drive-through or drive-in service and the sale of alcoholic beverages for consumption on the premises.
- (32) Retail nurseries.
- (33) Retail stores, not elsewhere classified.
- (34) Reserved.
- (35) Taxidermies.
- (36) Theaters.
- (37) Upholstery shops, not including furniture manufacturing facilities.
- (38) Veterinary clinics and kennels, excluding outdoor runs and provided that no building or kennel shall be closer than fifty (50) feet to any residential district.
- (39) Video stores.
- (40) Water bottling operations.
- (41) Wholesaling and warehousing establishments, limited to uses that are similar and no more objectionable than the uses enumerated in this district.
- (42) The above uses are not intended to be all-inclusive. Additional commercial and noncommercial uses may be permitted, which are similar, have comparable impact on adjacent property, and correspond with the purpose and restrictions of this district.

(43) Specific uses permitted pursuant to article V hereof.

(B) **Height and Area Regulations.** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots shall be as follows, except as otherwise provided in article VI, supplemental regulations:

- (1) Minimum lot area. Nine thousand (9,000) square feet.
- (2) Maximum height of structures. Three (3) stories, maximum forty-five (45) feet from finished grade, subject to development and performance standards.
- (3) Minimum yards:
 - a. *Front:* Twenty-five (25) feet.
Fifty (50) feet from I.H. 45 right-of-way.
 - b. *Side:* Ten (10) feet or ten (10) percent of the lot width, whichever is greater, "but not more than twenty five (25) feet."
Twenty (20) feet when adjacent to a residential district. Buildings over twenty (20) feet in height shall set back an additional one (1) foot for each additional two (2) feet in height.
 - c. *Corner:* Twenty-five (25) feet.
Fifty (50) feet from I.H. 45 right-of-way.
 - d. *Rear:* Ten (10) feet.
Twenty-five (25) feet when adjacent to a residential district. Buildings over twenty (20) feet in height shall set back an additional one (1) foot for each additional two (2) feet in height.
- (4) Lot coverage: Forty (40) percent of lot area, including principal and accessory buildings.
- (5) Minimum lot width: Seventy-five (75) feet.
Eighty-five (85) feet corner lot.
- (6) Minimum lot depth: One hundred (100) feet.
- (7) Minimum parking lot setback: Fifteen (15) feet from street right-of-way.
Ten (10) feet from property lines of districts zoned "NC" through "GI", inclusive.
Twenty (20) feet when adjacent to a residential district.

(C) **Development and Performance Standards:**

- (1) Hotels and motels shall not contain less than two hundred (200) square feet of floor area in each living unit and shall have at least one (1) complete bathroom for each room or suite of rooms.
- (2) Except as authorized by sections 18-76 through 18-78, no merchandise shall be stored or displayed outside a building, and no equipment or vehicles, other than passenger vehicles, shall be stored outside a building.
- (3) Artificial lighting used to illuminate the premises and/or signage shall be directed away from adjacent residential properties.

- (4) Customary passenger vehicles, trailers, recreational vehicles, motor vehicles and other motorized machinery and equipment for sale or lease may be displayed on an unlimited basis outside a building on a paved display area or lot, provided that the display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by this chapter for the use.
- (5) A development allowable in this district shall provide and maintain an opaque screen fence or wall of wood or masonry construction not less than six (6) feet in height along all rear and side property lines that are common to property zoned "RR", "CR", "SR" and "MH". Screening shall not be required where similar screening exists on the abutting residential property. Off-street parking areas shall be screened in accordance with article VIII, tree protection, landscaping and screening.
- (6) Order boxes for drive-up and drive-through service associated with a restaurant shall be located a minimum of thirty (30) feet from property zoned "RR", "CR", "SR" and "MH".
- (7) All buildings shall be designed and constructed in accordance with the building design standards provided for in article VI, supplemental regulations.
- (8) Sidewalks, located in the platted street right-of-way, shall be provided adjacent to all public and private streets and service roads. Sidewalks shall be no less than four (4) feet in width, shall comply with the specifications of the city, and shall comply with the requirements and specifications of the American's with Disabilities Act (ADA).

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 7, 1-13-04; Ord. No. 557-2005, §§ 6, 9, 8-9-05)

SEC. 18-56. GENERAL INDUSTRIAL "GI" DISTRICT.

The zoning of property as "GI" general industrial is intended to provide for a wide variety of light and heavy industrial uses including office warehousing, manufacturing, and product assembly. Most activities shall occur inside a building, however, outside storage of materials and displays may be permitted subject to performance standards.

(A) ***Permitted Uses.*** No building, structure, or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses identified below, subject to all applicable provisions of these zoning regulations.

- (1) Agricultural related mill products, manufacturing.
- (2) Apparel and other finished products, manufacturing.
- (3) Boat/RV storage, sales, leasing and service.
- (4) Bottling operations.
- (5) Chemical and allied products.
- (6) Drugs and pharmaceutical products manufacturing.
- (7) Electrical appliances and equipment manufacturing.
- (8) Electronic components and accessories, manufacturing.
- (9) Equipment sales, leasing and service.

- (10) Food and kindred product manufacturing.
- (11) Furniture and fixtures manufacturing.
- (12) General building contractors, including heavy construction contractors.
- (13) General warehousing and storage.
- (14) Industrial machinery and equipment, including transportation.
- (15) Laboratories, medical and dental.
- (16) Leather product manufacturing.
- (17) Linen suppliers.
- (18) Lumber and building materials yards.
- (19) Lumber and wood products manufacturing.
- (20) Machinery, equipment and supplies--Wholesale distribution.
- (21) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks-- Manufacturing.
- (22) Motor freight transportation and warehousing facilities.
- (23) Oil field equipment storage and sales.
- (24) Paper and allied paper products.
- (25) Petroleum products, (bulk) storage and dispensing.
- (26) Printing and publishing industries.
- (27) [Reserved].
- (28) Research and testing services.
- (29) Stone, clay, and glass products--Manufacturing, storage and distribution.
- (30) Storage facilities.
- (31) Textile mill products, manufacturing.
- (32) Tobacco products, manufacturing.
- (33) Trucking and other courier services.
- (34) Veterinary clinics and kennels with outdoor runs, provided that no kennel or building shall be closer than fifty (50) feet to any residential district.
- (35) Welding and machine shops.
- (36) Wholesale and warehouse distribution centers.
- (37) Wholesale trade, durable goods: furniture, lumber and construction materials, commercial equipment and supplies, electrical goods, hardware, and miscellaneous durable goods.
- (38) Wholesale trade, non-durable goods: paper products; drugs; apparel; groceries and related products; beer, wine, and distilled alcoholic beverages; and miscellaneous non-durable goods.

(39) The above uses are not intended to be all-inclusive. Additional industrial uses may be permitted, which are similar, have comparable impact on adjacent property, and correspond with the purpose and restrictions of this district.

(40) Specific use permitted pursuant to article V hereof.

(B) ***Height and Area Regulations.*** The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots shall be as follows, except as otherwise provided in article VI, supplemental regulations:

(1) Minimum lot area. Twenty thousand (20,000) square feet.

(2) Maximum height of structures. Three (3) stories, maximum forty-five (45) feet from finished grade, subject to development and performance standards.

(3) Minimum yards:

a. *Front:* Forty (40) feet.

Fifty (50) feet from I.H. 45 right-of-way.

b. *Side:* Twenty (20) feet or ten (10) percent of the lot width, whichever is greater, but not more than twenty-five feet except as otherwise provided herein.

Thirty (30) feet when adjacent to a residential district. Buildings over twenty (20) feet in height shall set back an additional one (1) foot for each additional two (2) feet in height.

c. *Corner:* Twenty-five (25) feet.

Fifty (50) feet from I.H. 45 right-of-way.

d. *Rear:* Twenty-five (25) feet.

Forty (40) feet when adjacent to a residential district. Buildings over twenty (20) feet in height shall set back an additional one (1) foot for each additional two (2) feet in height.

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4) Lot coverage: Fifty (50) percent of lot area, including principal and accessory buildings.

(5) Minimum lot width: One hundred (100) feet.

(6) Minimum lot depth: Two hundred (200) feet.

(7) Minimum parking lot setback. Fifteen (15) feet from street right-of-way. Ten (10) feet from property lines of any commercial or industrial district.

Twenty-five (25) feet when adjacent to a residential district.

(C) ***Development and Performance Standards:***

(1) Artificial lighting used to illuminate the premises and/or signage shall be directed away from adjacent residential properties.

(2) Materials and equipment not offered for sale or rent may be stored outside if they are within an area that is one hundred (100) percent screened on all sides from public view.

(3) Customary passenger vehicles, trailers, recreational vehicles, motor vehicles and other motorized machinery and equipment for sale or lease may be displayed on an unlimited

basis outside a building on a paved display area or lot, provided that the display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by this chapter for the use.

- (4) A development allowable in this district shall provide and maintain an opaque screen fence or wall of wood or masonry construction not less than six (6) feet in height along all rear and side property lines that are common to property zoned "RR," "CR," "SR," "HR," "MH," "NC," and "GC". Screening shall not be required where similar screening exists on the abutting residential property. Off-street parking areas shall be screened in accordance with article VIII, tree protection, landscaping and screening.
- (5) All uses and activities permitted in this district shall conform to the environmental standards of noise, vibration, smoke emissions, odors, toxic or noxious matter, nuclear radiation, electromagnetic radiation and interference, and heat or glare, as provided in article VI, supplemental regulations.
- (6) All buildings shall be designed and constructed in accordance with the building design standards provided for in article VI, supplemental regulations.
- (7) Sidewalks, located in the platted street right-of-way, shall be provided adjacent to all public and private streets and service roads. Sidewalks shall be no less than four (4) feet in width, shall comply with the specifications of the city, and shall comply with the requirements and specifications of the American's with Disabilities Act (ADA).

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 8, 1-13-04; Ord. No. 557-2005, § 7, 8-9-05)

SEC. 18-56.1. PLANNED DEVELOPMENT ("PD") DISTRICT.

(A) **Intent.** The planned development ("PD") district is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit growth flexibility in the use and design of land and buildings in situations where modification of specific provisions of this chapter is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood. A PD district may be used to permit new and innovative concepts in land utilization.

While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of the increased flexibility.

(B) **Permitted Uses.** Any use shall be permitted if such use is specified in the ordinance granting a planned development district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this chapter.

(C) **Development Requirements.**

- (1) Development requirements for each separate PD district shall be set forth in the ordinance granting the PD district and may include, but not be limited to, uses, density, lot area, lot width, lot depth, yard depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings,

signs, lighting, management associations, and other requirements as the city council and planning and zoning commission may deem appropriate.

- (2) If uses in the PD district conform to the standards and regulations of the zoning district to which it is most similar, the particular district must be stated in the application. All applications to the city shall list all requested variances from the standard requirements set forth throughout this chapter. Applications without this list will be considered incomplete.
 - (3) The PD district shall conform to all other sections of the zoning ordinance, unless specifically excluded in the granting ordinance.
 - (4) The minimum acreage for a PD district request shall be five (5) acres for non-residential development and ten (10) acres for residential development.
 - (5) For high-density residential uses, a common open space shall be designated for the leisure and recreational use of the occupants. The open space shall be a minimum of twenty (20) percent of the total land area devoted to the high-density residential use. This requirement may be varied downward by the city council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.
 - (6) For non-residential uses, a common open space shall be designated for the use of the occupants. The open space shall be a minimum of ten (10) percent of the total land area devoted to the non-residential use. This requirement may be varied downward by the city council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.
- (D) **Approval Process.** In establishing a PD district in accordance with this section, the city council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each PD district. During the review and public hearing process, the planning and zoning commission and city council shall require a conceptual plan and/or a detailed site plan.
- (1) **Conceptual Plan.** This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed PD district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
 - a. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.
 - b. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the planning and zoning commission or city council, may include, but is not limited to, the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking

ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final detailed site plan.

- (2) *Detailed Site Plan.* This plan shall set forth the final plans for development of the PD district and shall conform to the data presented and approved on the conceptual plan. Approval of the detailed site plan shall be the basis for issuance of a building permit. The detailed site plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The detailed site plan must be submitted to the city council upon recommendation of the planning and zoning commission. The detailed site plan shall include:

- a. A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, 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, playgrounds, utility easements, school sites, street widening and street changes, the points of ingress and egress from existing streets, general location and description of existing and proposed utility services including size of water and sewer mains, the location of all fire hydrants, the location and width for all curb cuts, and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract.
- c. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
- d. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
- e. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the planning and zoning commission or city council, if deemed appropriate.
- f. Any or all of the required information may be incorporated on a single drawing if one (1) drawing is clear and can be evaluated by the city manager or her designated representatives.

- (3) *Supplemental Data.* All concept or detailed site plans may have supplemental data describing standards, schedules, or other data pertinent to the development of the PD district which is to be included in the text of the amending ordinance. Additional information needed to adequately analyze the development may be required by city staff, the planning and zoning commission or the city council.

(E) ***Establishment of District.*** The procedure for establishing a PD district shall follow the procedure for zoning amendments as set forth in this Code. This procedure is further expanded as follows for approval of conceptual and development plans:

- (1) Separate public hearings shall be held by the planning and zoning commission and city council for the approval of the conceptual plan and the detailed plan or any section of the detailed plan unless such requirement is waived by the city council when it is determined a single public hearing is adequate. A single public hearing is adequate when:
 - a. The applicant submits adequate data with the request for the PD district to fulfill the requirements for both plans.

- b. Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from this plan.
 - c. The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
- (2) The ordinance establishing the PD district shall not be approved until the conceptual plan is approved unless the conceptual plan step is bypassed by affirmative action by the planning and zoning commission and/or the city council.
- The detailed site plan may be approved in phases. When the detailed site plan is approved in phases, then separate approvals by the planning and zoning commission and city council for the initial and subsequent phases will be required. If the detailed site plan is approved in phases, a conceptual plan for the entire site shall be submitted to the city council upon recommendation of the planning and zoning commission.

(F) **Staff Report.** When a PD district is being considered, a written staff report shall be submitted to the planning and zoning commission and city council discussing the impact on planning, engineering, water utilities, the environment, sanitation, building inspection, tax, police, fire, and traffic.

(G) **Zoning Map.** All PD districts approved in accordance with the provisions of this chapter in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such PD districts shall be maintained in the appendix of this chapter.

(H) **Minor Amendments to a Detailed Plan.** Upon request of the applicant, the city administrator, or his or her designee, may authorize minor amendments to a detailed site plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved detailed site plan. For purposes of this provision, a "substantial change" shall mean a change that will increase the number of proposed dwelling units, increase the floor-to-area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, yard, or space size, decrease the amount of required off-street parking spaces, change types of buildings, setback, street access points, or lots, or increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The city administrator or his or her designee shall make such authorization only in writing, and such document shall be placed in the ordinance file governing the specific plan.

(Ord. No. 615-2007, § 3, 7-10-07)

ARTICLE V. SPECIFIC USES

SEC. 18-57. GENERALLY.

Certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. It is the intent of this article to allow for such uses by the granting of a specific use permit as stated herein.

The city council, after receiving the recommendation of the commission, may by ordinance, grant a specific use permit for the following uses, as herein qualified, in locations and zoning districts where they are not otherwise permitted by this chapter, and may impose appropriate conditions and safeguards to protect property and property values.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-58. Uses Requiring Specific Use Permit.

In addition to the certificates of zoning compliance called for in this chapter, a specific use permit shall be required before the following specific use can be permitted within the district specified:

Use	Permitted Districts
Airport, landing field, or landing strip for aircraft, including helipads and landing areas for other types of aircraft.	All Districts
Automotive sales, new or used, leasing, service and repair shops, including auto bodywork shops	GC
Bed and breakfasts	RR, CR
Boat/RV storage, sales, leasing and service establishments.	GC, GI
Car, Truck and RV Washing facilities	GC
Cement/concrete plant	GI
Child day care centers	NC
Churches	All Districts
Circus or carnival grounds, but not within three hundred feet (300') of any residential district or use.	NC, GC, GI
Community Center	DOS
Correctional institutions or facilities (public or private)	GC, GI
Flea Market	GC
Gamerooms	GC
Schools, public or private	All Districts

Golf courses	RR, CR, SR, HR, MH
Group day care homes	RR, CR
Group homes, as defined in Article II, Definitions	RR, CR, SR, HR, MH
Livestock facilities and operations	RR, GI
Miniwarehouses	GC, GI
Nonprofit recreational facilities (other than the private recreational facilities permitted by use in RR, CR, SR, HR, AND MH)	RR, CR, SR, HR, MH
Parking Lot	DOS
Radio, television, telephone or communication broadcasting tower or station of any type, subject to Chapter 16.5, Telecommunication Towers, of the Dickinson Code of Ordinances	RR, GC, GI
Restaurants that serve alcohol	NC
Recreational vehicle parks	GC
Registered family homes	CR
Salvage yards, junk yards, vehicle storage facilities, or similar operations	GI
Sexually oriented businesses	GC
Slaughterhouses, rendering operations, or other similar operations	GI
Swimming Pool	DOS

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 9, 1-13-04; Ord. No. 557-2005, § 8, 8-9-05)

Sec. 18-59. Criteria for Considering Specific Use.

In considering any application for a specific use permit, the commission and city council shall hold public hearings as with any amendment request and consider the criteria stated in article III, administration, but shall not be precluded from consideration of other factors which may be relevant to a particular application.

Where a specific use of a commercial or industrial nature is proposed to be located within or immediately adjacent to any residential district, the specific use permit shall not be approved unless it is determined that the proposed use would be compatible with the existing and proposed uses in the area.

The approval of a specific use shall not be construed as a precedent for any subsequent specific use permit request. Each specific use permit request shall be considered on its merits and with regard to its specific location, the adjacent land uses, and such other factors as may be relevant to a particular application, as noted above.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-60. Time Limits for Specific Use.

- (A) Use of property permitted by a specific use permit must commence within one (1) year from the date of approval, unless extended by action of the city council.
- (B) Commencement of a specific use occurs upon the issuance of a building permit.
- (C) A specific use permit may be extended one (1) time, not to exceed six (6) months. The extension shall be requested prior to the expiration of the specific use permit.
- (D) The zoning official shall review a requested time extension to determine if any modifications have been made to the site, and if changes have occurred to the zoning ordinance or other development regulations that would affect the extension request. The extension may be approved by city council, subject to conditions, if any.

(Ord. No. 420-2001, § 1, 7-24-01)S

Sec. 18-61. Development and Performance standards.

- (A) Licensed day care centers in the "NC" district and registered family homes and group day care homes in the "CR" district are permitted by a specific use permit.
 - (1) The licensee shall submit to the city, on an annual basis, a copy of their most recent state license, proof of insurance, and all other documentation required by the city or state.
 - (2) Licensed day care facilities shall be operated in accordance with the State of Texas Department of Protective and Regulatory Services regulations and guidelines.

(Ord. No. 420-2001, § 1, 7-24-01)

ARTICLE VI. SUPPLEMENTAL REGULATIONS

Sec. 18-62. Height.

- (A) Chimneys, church steeples or spires, monuments, tanks, stage towers or scenery lofts, cooling towers, ornamental towers and spires, elevator bulkheads, stacks, conveyors, flag poles, and mechanical equipment may extend for an additional height not to exceed fifteen (15) feet above the maximum permissible height allowed for a structure within the applicable district.
- (B) Sports lighting facilities owned by or under the control of a governmental entity and utility poles and towers owned by a public utility and used for the transmission and distribution of electricity may be erected to any height in any zoning district, unless prohibited by airport height hazard zoning regulations.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-63. Yards, Generally.

- (A) The depth of the required front and rear yards are determined by measuring along the side lot lines, beginning at the respective front and rear lot lines and extending to the required minimum distances. The depth of the required side and corner yards are determined by measuring along the front and rear yards, beginning at the respective side and corner lot lines and extending to the required minimum distances.
- (B) Except as otherwise provided in this chapter, a building must not be erected, established, altered, converted, or relocated so as to be located or extend within the required front, side, corner or rear yard.
- (C) A developed lot shall not be in violation of the yard requirements if the yard is reduced below the required minimum because of an increase in the street right-of-way.
- (D) In applying these zoning regulations, the front yard of a corner lot shall be considered as parallel to the street upon which the lot has its least dimension.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-64. Front Yards.

- (A) When forty (40) percent or greater of the frontage on one side of the street in a block (between two (2) intersecting streets) is improved with buildings that have a front yard that is greater or less than the required front yard in the zoning district, no building shall project beyond the average front yard of the improved lots as determined by the zoning official.
- (B) On lots having double frontage the required front yard shall be provided on both streets.
- (C) Off-street parking facilities may be located within the required front yard of any nonresidential establishment in a nonresidential district, but shall conform to the height and area regulations and development and performance standards of the applicable district.

- (D) Every part of a required front yard must be open and unobstructed of structures from ground level of the graded lot to the sky, except as follows:
 - (1) Bay windows projecting not more than three (3) feet, and not within five (5) feet of a lot line.
 - (2) Chimneys projecting not more than three (3) feet, and not within five (5) feet of a lot line.
 - (3) Steps four (4) feet or less above grade, which are necessary for access to a permitted building or for access to a lot from a street or public way.
 - (4) Awnings and canopies attached to a principal building and projecting not more than three (3) feet, and located at least eight (8) feet above adjoining walkways and driveways.
 - (5) Open entrances, stoops, and porches, when not covered, may project not more than ten (10) feet from a principal building, but not more than eighteen (18) inches above grade.
 - (6) Access ramps for the disabled.
 - (7) Landscaping, fountains, sculptures, lighting fixtures, flagpoles and mailboxes, which are situated and constructed in compliance with all other provisions, provided it does not obstruct the view of traffic.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-65. Side and Corner Yards.

- (A) On platted lots that are fifty (50) feet or less in width, which are platted at the time of the adoption of this chapter, the minimum corner side yard setback may be reduced to not less than five (5) feet, so that the width of the lot available for construction of the principal building is at least thirty (30) feet.
- (B) No accessory building shall project beyond a required yard setback along any street.
- (C) Where dwelling units are erected above a commercial establishment no side yard is required except that required for the commercial building.
- (D) For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one (1) building occupying one (1) lot.
- (E) Every part of a required side yard must be open and unobstructed of structures from ground level of the graded lot to the sky, except as follows:
 - (1) Central air conditioning units, heat pumps and solar collecting equipment, extending not more than ten (10) feet from the principal structure.
 - (2) Balconies and chimneys not projecting more than three (3) feet.
 - (3) Off-street parking spaces and loading areas.
 - (4) Open entrances, stoops, and porches, when not covered, may project not more than ten (10) feet from a principal building, but not more than eighteen (18) inches above grade.

- (5) Awnings and canopies attached to a principal building and projecting not more than three feet from the side of the building, and located at least eight (8) feet above adjoining walkways and driveways.
- (6) Landscaping, fountains, sculptures, lighting fixtures, flagpoles and mailboxes, which are situated and constructed in compliance with all other ordinances, provided it does not obstruct the view of traffic.
- (7) The projections of roof eaves, not to exceed thirty (30) inches, provided such projection shall be no closer than three (3) feet to any side lot line.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-66. Rear Yards.

- (A) If a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal building shall not be closer than twenty-five (25) feet to the water's edge.
- (B) Swimming pools shall not be located within six (6) feet of a lot line, fifteen (15) feet from any water edge, nor within any easement.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 614-2007, § 2, 7-10-07)

Sec. 18-67. Dwellings Per Lot.

No more than one (1) single-family detached dwelling or one (1) two-family dwelling (duplex) shall be permitted on a lot.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-68. Occupancy of Dwelling Unit.

A dwelling unit may only be occupied by a family and no dwelling unit shall be permanently occupied by more than one (1) family at any one (1) time. For the purposes of this section, a family is permanently occupying the dwelling unit if it continuously occupies the unit for more than thirty (30) days.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-69. Fences; Site Distance Requirements.

- (A) No fence or freestanding fence-type wall shall be permitted in any required yard except as specifically authorized below:
 - (1) *Fences, front yard.* Fences and freestanding fence type walls may be constructed within a required front yard if not exceeding three (3) feet in height; however, a fence not exceeding six (6) feet in height above the natural grade of the lot at the lot line adjacent to such fence may be constructed within a required front yard if the fence is set back at least three (3) feet from the adjacent front lot line, and the fence is an eighty (80) percent fence.

- (2) *Fences, side and rear yard not adjacent to a street.* Fences and freestanding fence-type walls not exceeding eight (8) feet in height are permitted in and along the edge of any required yard other than a front yard or a side or rear yard adjacent to a street.
 - (3) *Fences, rear yard adjacent to a street.* Fences may be constructed within a required side or rear yard adjacent to a street if such fence does not exceed seven feet in height above the natural grade of the lot at the lot line adjacent to such fence, and the fence is an eighty (80) percent fence. Any fence constructed between the main building and an adjacent street, but not within a required yard, shall have the finished exterior side facing the adjacent street, and shall have no posts or rails visible from such adjacent street, irrespective of the distance from the fence and the adjacent lot line or street.
 - (4) *Fences, side yard adjacent to a street:* Fences may be constructed within a required side yard adjacent to a street if such fence does not exceed six (6) feet in height above the natural grade of the lot at the lot line adjacent to such fence and the fence does not obstruct the visibility triangle described in provision (b) below.
 - (5) *Fences, new construction.* In the event of the construction of any dwelling (or remodeling in excess of at least fifty (50) percent of value of any dwelling) subsequent to adoption of this article, all fences shall be replaced so as to conform to the other provisions (1), (2) and (3) above.
 - (6) *Replacement of nonconforming fences.* At such time as there is construction of any building or remodeling of any existing building on the lot in excess of at least fifty (50) percent of the value of said structures on the lot, all fences on the lot shall be replaced so as to conform to all the regulations and articles of the city, including the provisions of (5) above.
- (B) Within the visibility triangle, the triangular area formed by the right-of-way lines of intersecting streets and a line connecting points twenty-five (25) feet on either side of such intersecting rights-of-way, including triangles formed from centerlines of driveways, there shall be clear space and no obstruction to vision. Fences, walls, plantings and signs shall be restricted to a height of thirty (30) inches or less above the average grade of each street as measured at the centerlines of the streets.
- (C) Fences obstructing access to property are subject to fire marshal approval.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 508-2003, § 10, 1-13-04)

Sec. 18-70. Building design standards.

Criteria to be used in designing and constructing single-family residences, multiple family residential, institutional, commercial and industrial buildings, including those allowed by a specific use permit within residential districts, within three hundred (300) feet of public street right-of-way or within fifty (50) feet of a property line adjacent to a residential district include:

- (1) A minimum of seventy-five (75) percent of the exterior wall area of the side of the building facing a public street right-of-way or property line within or adjacent to a residential district shall be constructed of decorative materials, which include, but are not limited to, clay brick, tinted concrete block (up to four (4) inches in height), textured concrete block (split face, fluted, etc.), stucco, glass, wood, tinted or textured pre-cast concrete panels (four (4) feet x

eight (8) feet), rock, exposed aggregate panels, "Dry-vit," or comparable or similar type materials.

- (2) Decorative materials shall be used on all separate identifiable portions of the exterior wall of the side of the building facing a public street right-of-way or property line within or adjacent to a residential district in order to preclude portions of the wall from being constructed solely with metal panels from roof to ground.
- (3) Decorative materials, canopies, fascia, patio walls, varied roof pitches, various materials, texture, or other architectural design elements used on the exterior wall of the side of the building facing a public street right-of-way shall be continued or "wrapped" around the ends of the building a minimum of twenty (20) percent of the surface area of the ends of the building.
- (4) Additional landscaping shall be placed along the side or end of a building, more than seventy-five (75) feet in length, that is perpendicular to a public street right-of-way. The landscaping shall be planted in such a manner as to "break up" a long expanse of a side or end wall.
- (5) The exterior wall in the rear of buildings, if not visible from a public street right-of-way or within or adjacent to residential areas, may be constructed entirely with decorative, non-decorative, or metal panels.

These provisions apply to all new development and building enlargements, alterations, or extensions that are greater than fifty (50) percent of the gross floor area.

(Ord. No. 420-2001, § 1, 7-24-01; Ord. No. 557-2005, § 4, 8-9-05)

Sec. 18-71. Environmental performance standards.

All uses and activities permitted within the city shall conform to the following performance measures and standards:

- (1) *Noise*. All uses and activities permitted shall conform to the city's noise regulations, as provided in the Code of Ordinances.
- (2) *Vibration*. No use shall be permitted which produces ground vibrations noticeable without instruments at the lot line of the premise on which the use is located.
- (3) *Smoke emissions*. All uses shall comply with state and county regulations pertaining to the emission of smoke.
- (4) *Odors*. No use shall be permitted to produce the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. Table III, Chapter 5, "Air Pollution Abatement Manual," of the Manufacturing Chemist's Association, Inc., whichever is more stringent, is hereby adopted as the guide in determining the quantities of offensive odors as are the guides and standards contained in the prohibitions against air pollution of the state air control board.

- (5) *Toxic or noxious matter.* No use shall for any period of time, discharge across boundaries of a lot line on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to persons, property, or the use of property or land, or render unclean the waters of the state to the extent of being harmful or inimical to public health, animal or aquatic life, or the use of such waters for domestic water supply, recreation, or other legitimate and necessary uses. Disposal of toxic or hazardous waste within the city is specifically prohibited.
- (6) *Nuclear radiation.* Any operation involving radiation, i.e. the use of gamma rays, x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other atomic or nuclear particles, shall be permitted only in accordance with state and federal laws, rules, and regulations, or any other applicable regulation.

(7) *Electromagnetic radiation and interference:*

Radiation. No person shall operate or cause to be operated for any purpose a planned or unplanned source of electromagnetic radiation, which does not comply with the current regulations for the Federal Communications Commission (FCC) regarding such sources of electromagnetic radiation.

Interference. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception.

Heat or glare. Any activity producing heat or glare shall be carried on in such a manner that such heat or glare is not perceptible at any lot line. Exposed sources of light, including bare bulbs and tubes and immediately adjacent reflecting surfaces, shall be shielded to avoid creating a nuisance across lot lines. The light intensity from illumination of any kind shall not exceed fifty-foot lamberts at any point along the line of the lot containing the light source.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-72. Underground Utilities.

- (a) From and after the effective date of this chapter, it shall be unlawful, except as specifically provided in the section, for any person or utility to erect or construct poles, overhead wires and associated overhead structures to supply electric, communication or other similar or associated services to any area, platted or unplatted, within the corporate limits of the city.
- (b) The subdivider, developer or owner of any area shall make the necessary arrangements for the installation of underground facilities, including circuits for street lights and traffic signals that may be required by the city. Such arrangements shall be made with each of the companies or persons supplying the electrical and communications service therein, in accordance with the established charges of the company or person. Letters from each of the companies or persons, indicating that arrangements have been made, shall be submitted to the city at the time a site development plan is submitted.
- (c) Exceptions. The provisions of this section shall not apply to any of the following uses:

- (1) All electric power lines rated at or above "feeder" line class. For purposes of this section, "feeder" line is defined as that portion of an electrical circuit which provides power from a power substation, and which has a rated capacity of three thousand (3,000) KVA or more.
- (2) The construction of poles, overhead wires and associated overhead structures, when part of a continuous line, to extend services to individual properties from an existing overhead line.
- (3) Nothing in this section shall prevent the replacement of poles, overhead wires and associated overhead structures on existing lines when necessary for the purpose of maintaining the line or upgrading the capacity thereof.
- (4) Radio and television antennas.
- (5) Structures on corner lots, in streets and alleys, and on easements, in cases where electrical and communication wires cross a street or other district boundary from an area where overhead wires are not prohibited, may be connected to the overhead wires, and hereby are excepted from the provisions of this section.
- (6) Existing overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building without crossing a property line.
- (7) Poles used exclusively for street or area lighting or for traffic control facilities.
- (8) Service terminals, transformers, regulators, meters, or other on-an-above-ground facilities normally used with a as part of an underground distribution system.
- (9) Electric substations and the accompanying equipment and apparatus necessary to provide adequate electric service.
- (10) Poles, overhead wires and associated overhead structures erected by the City, Galveston County Water Control Improvement District No. 1, or Dickinson Independent School District (DISD).

(Ord. No. 420-2001, § 1, 7-24-01)

ARTICLE VII. ACCESSORY AND TEMPORARY USES

Sec. 18-73. General Provisions.

(A) Principal uses authorized as permitted uses are deemed to include accessory uses. Accessory uses are subject to the same regulations as apply to principal uses in each district, except as otherwise specified in these regulations.

(B) An accessory use must not be established prior to the establishment of the principal use.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-74. Accessory Dwelling Units.

Accessory dwelling units may be permitted within the "RR" rural residential and "CR" conventional residential districts provided the following conditions are met:

(1) The coverage of the accessory residential dwelling and other accessory buildings does not occupy more than thirty (30) percent of the required rear yard.

(2) The accessory dwelling unit does not exceed six hundred (600) square feet in size.

(3) The appearance of the accessory dwelling is compatible and consistent with the appearance and character of the principal residence.

(4) There is one (1) additional parking space provided for the accessory dwelling unit, in accordance with article IX, parking regulations.

(5) The maximum height of the structure does not exceed two and one-half (2 1/2) stories, maximum thirty-five (35) feet from finished grade.

(6) There is no more than one (1) residential electric, water and gas meter per lot.

(7) The address is the same as the principal residence.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-75. Commercial Activities.

(A) *Permanent structure required.* Except as herein provided, every business within the city must be operated out of a permanent, stationary, site-built building. Temporary buildings used for educational purposes by the school district are, however, permissible.

(B) *Temporary construction structures.* Temporary buildings and building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the zoning official for a period not exceeding the period of construction. Upon completion or abandonment of construction, such field offices and buildings shall be removed at the owner's expense.

- (C) *Temporary sales structures.* Temporary buildings for temporary sales offices, and temporary off-street parking areas, may be permitted in conjunction with new home sales. Such uses may not be placed on-site until public improvements are accepted by the city council, or in the case of developed sites where improvements exist, until a permit is issued. Such structures and parking areas shall be removed when the subdivision is sold out. One temporary sales office is permitted per builder in a subdivision.
- (D) *Used car sales.* It shall be prohibited to place on lots any vehicles, including automobiles, boats, lawn equipment, all-terrain vehicles, or other similar items, for sale or lease, unless the sale of such items are permitted within the district and the current certificate of occupancy for the location. Provided however, that this prohibition shall not apply to the sale, by owner, of a private vehicle, boat, trailer, or recreational vehicle, provided such is in operating condition, and when parked, is parked on a paved surface on the owner's residential property.
- (E) *Portable buildings or structures.* Portable buildings or structures, including but not limited to cargo boxes or tractor-trailers, are not permitted for use as commercial or business operations. Provided, however, that such may be used as accessory structures for storage for a main business. The number and location of such structures are subject to a site development plan review and approval. Manufactured homes or recreational vehicles are not permitted to be used as accessory buildings.
- (F) *Restroom facilities.* Every business within the city must provide permanent restroom facilities on-site available for use by the customers of that particular business. These facilities shall be located within the same building as the business. Restroom facilities shall be in compliance with all applicable state, county and city building and health code provisions, including restroom facilities for handicapped individuals, for the size and type of business to be conducted at that location.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-76. Outdoor Sales.

Outdoor sales, unless otherwise authorized by this chapter, shall be permitted in "GC" district for commercial or business purposes, accessory to the principal use, only under the following conditions and procedures:

- (1) *Permit required.* No person shall conduct outdoor sales either in the open or under a tent or other temporary cover for commercial or business purposes without first obtaining a permit under this section.
- (2) *Application for permit.* Any person desiring to conduct outdoor sales shall apply to the zoning official for a permit. The application shall state: the name of the person conducting the activity; the proposed location; the name of the owner of the property where the sales are to be located; the nature of the intended activity; and the proposed dates of use; and other pertinent information on the form. A copy of the activity's sales tax certificate shall also be submitted prior to issuance of a permit. A site development plan shall also be submitted to the zoning official containing all information required by the zoning ordinance for administrative review. The city reserves the right to require additional information or

verifications, such as health permits, depending upon the type of business and regulatory oversight by other governmental entities.

- (3) *Fee.* The zoning official shall charge and collect a fee before issuance of a permit, in an amount set by the city council. If the activity ceases, closes, or is terminated for any reason prior to the expiration of the permit, there shall be no refund of the required fee.
- (4) *Zoning compliance required.* Outdoor sales will be allowed for commercial or business purposes only at locations which are properly zoned for the nature of commercial or business activity to be conducted at that location. Further, all outdoor sales activities must comply with the setback requirements, parking requirements and other standards in city ordinances.
- (5) *Number of permits.* There shall not be more than three (3) permits issued to a person or business, or for a location, within a calendar year, nor shall the aggregate period of outdoor sales within a calendar year exceed seventy-five (75) days.
- (6) *Removal.* The permittee must remove all items, tents, and materials used for the conduct of the outdoor sales from the location on or before the final day of the permit period.
- (7) *Compliance with all codes.* All tents or other coverings and materials used for commercial and business purposes must otherwise comply with all applicable fire, safety, and other codes in effect during the dates of the permitted activity.
- (8) *Posting.* A copy of the permit shall be conspicuously posted at or upon the entrance to the outdoor sales activity at all hours during the approved dates of the activity.
- (9) *Operating without a permit; false information.* Any person or entity conducting outdoor sales for commercial or business purposes without complying with this article, or who gives false, misleading, or incomplete information on an application, shall within one (1) day of notice of violation obtain the required permit for a fee in an amount which shall be triple the normal fee, or immediately cease and desist from all activity covered by this article, and remove the outdoor sales activity from the premises before midnight of that day.
- (10) *Existing outdoor sales.* Any person conducting outdoor sales on the effective date of this provision is required to be permitted pursuant to this section and must either apply for and receive a permit, or cease the use and remove the activity no later than 5:00 p.m. one hundred eighty (180) calendar days after the effective date of this section.
- (11) *Outdoor sales in parking areas.* Outdoor sales activities within any parking lot shall not be permitted if the proposed area is not within an enclosed and well-defined area, is within a required parking/paving setback area, reduces the capacity of the parking area below that required by this chapter, or occupies an area greater than twenty (20) percent of the ground floor area of the building or tenant space.
- (12) *Exceptions.* This article shall not apply to conducting of outdoor sales or commercial activity by a governmental entity, public utility, or tax exempt not-for-profit organization formed for education, philanthropic, scientific, or religious purposes, where any proceeds and profits are designed to be contributed to such entity conducting the activity, or where the activity occurs on property owned by a governmental entity. However, such entities

and organizations shall comply with all other ordinances and laws applicable to their activity, and no such activities shall be allowed on the public rights-of-way.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-77. Outdoor Displays of Merchandise.

Outdoor displays of merchandise by retail businesses shall be allowed, if the display involves items for sale by a commercial retailer located within a permanent structure. Such displays may not cover more than half of the width of the pedestrian walkway between the storefront and the curb, unless other accommodations for pedestrian travel satisfactory to the zoning official are made.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-78. Special Events.

Special events shall be exempt from the provisions of sections 18-76 and 18-77, when emergency access and adequate parking is provided.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-79. Home Occupations.

A home occupation is subject to the following:

- (1) A home occupation is only permitted as an accessory use in a residential dwelling if it meets the following conditions:
 - a. The home occupation use does not exceed more than fifty (50) percent of the gross floor area of the principal building;
 - b. It does not depend on the employment of a person who does not reside in the residence;
 - c. An entrance is not specifically dedicated for the home occupation;
 - d. An alteration is not made that changes the character or appearance of the dwelling;
 - e. It does not require or use outdoor storage or the display of materials, merchandise, goods or equipment;
 - f. No sign or signage advertising the home occupation shall be permitted on the premises;
 - g. It does not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one (1) ton step-up van or similar sized trucks;
 - h. It does not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations to emanate from the premises;
 - i. It is conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence; and
 - j. The occupation shall be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.

(2) Home occupations may include, but are not limited to, the following:

- a. Accountant;
- b. Architect;
- c. Author;
- d. Childcare (twelve (12) children or less);
- e. Clergy;
- f. Computer programmer or analyst;
- g. Consultant;
- h. Craftsmen, including artists;
- i. Lawyer;
- j. Photographer;
- k. Real estate broker;
- l. Salesperson;
- m. Seamstress or tailor;
- n. Secretary or bookkeeper;
- o. Teacher.

(Ord. No. 420-2001, § 1, 7-24-01)

ARTICLE VIII. RESERVED*

***Editor's note:** Ord. No. 508-2003, § 11, adopted Jan. 13, 2004, repealed art. VIII, §§ 18-80--18-91, in its entirety. Formerly, said article pertained to tree preservation, landscaping and screening as enacted by Ord. No. 420-2001, § 1, adopted July 24, 2001. Similar provisions are now located in Ch. 16.10 of this Code of Ordinances.

ARTICLE IX. PARKING REGULATIONS

Sec. 18-92. General Requirements.

At the time any building, use, or structure is erected, enlarged, structurally altered, or converted from one use to another which requires an increase in the number of parking space, off-street parking spaces shall be provided in accordance with these regulations for the use of occupants, employees, visitors and patrons. Where off-street parking facilities are provided in excess of the minimum amounts specified by this article, or when off-street parking facilities are provided but not required, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space as specified in this article.

Off-street parking facilities shall be maintained and continued as long as the building, use or structure is continued. No person shall utilize such building, use or structure without providing the required off-street parking facilities. In addition, it shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use or structure, without establishing alternative off-street parking facilities, which meet these requirements.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-93. Construction Standards.

The provisions of this section, in addition to the applicable sections of the city's building code shall govern the design and construction of driveways, parking areas, and sidewalks. Driveways, parking areas, vehicle access and maneuvering areas, and sidewalks shall be designed and constructed in accordance with the following minimum requirements.

- (1) Residential driveways shall be constructed of concrete or mortarless brick paving. Concrete shall be a minimum strength of three thousand (3,000) psi, with a four (4) inch minimum thickness, with six-inch by six-inch by six-inch welded wire mesh reinforcement, supported by chairs, and shall be tied into existing concrete street pavement with one-half (1/2) steel dowel bars at twenty-four (24) inches c.c., with dowel bar penetration into the existing concrete at a minimum of six (6) inches, and with expansion joints at intervals not to exceed twenty (20) feet. Residential drives located on a single lot one (1) acre or greater, or tract of land one (1) acre or greater, are exempt from this requirement.
- (2) Sidewalks shall be constructed of concrete or mortarless brick paving. Concrete shall be a minimum strength three thousand (3,000) psi, with a four (4) inch minimum thickness, with six inch by six-inch by six-inch welded wire mesh reinforcement, supported by chairs.

Sidewalks shall be a minimum of four (4) feet wide and expansion joints should not exceed thirty-six (36) feet.

- (3) Driveway approach. That portion of any driveway within the public right-of-way shall be constructed of concrete or mortarless brick paving if the adjacent street is concrete; however, if the adjacent street is asphalt, then the driveway approach may be constructed of asphalt, concrete, or mortarless brick paving.
- (4) No building permit shall be granted for construction of any new residential dwelling that does not provide for the construction of a driveway and a minimum of two (2) off-street parking spaces. Driveways shall not be located within two (2) feet of an adjoining property line. Off-street parking spaces shall not be located within an adjoining street right-of-way. Each off-street parking space shall be a minimum of nine (9) by twenty (20) feet in size.
- (5) No building permit shall be granted for any enlargement, structural alteration, or remodeling of an existing residential dwelling, which results in a twenty-five (25) percent increase in the livable floor space, unless there is an existing driveway and a minimum of two (2) off-street parking spaces or such enlargement, alteration, or remodeling provides for the construction of a driveway and off-street parking spaces as required herein.
- (6) No permit shall be granted for the placement of a manufactured home that does not provide for the construction of a driveway and a minimum of two (2) off-street parking spaces as required herein. The provisions of this paragraph shall not apply to a permit for the placement of a manufactured home within a manufactured home community, or the authorized replacement of a nonconforming manufactured home, which was lawfully existing on the date of adoption of this provision.
- (7) Multiple family residential, commercial and industrial driveways and parking areas shall be constructed of concrete or mortarless brick paving. Concrete shall be a minimum strength of three thousand (3,000) psi, having a six-inch minimum thickness, with #4 rebar on eighteen (18) inch centers supported by chairs, and shall be tied into existing concrete street pavement with #4 steel dowel bars at twenty-four (24) inches c.c. The pavement structure shall be designed based on soil data from the site and based on the anticipated traffic volume, loading and service life of the proposed pavement structure. Sub-grade shall be stabilized with a minimum six (6) percent lime by weight, six (6) inches thick and compacted to ninety-five (95) percent standard proctor density or as specified by a licensed professional engineer. Horizontal dowels or saw cutting to expose existing steel are required to create a minimum ten (10) inch overlap of reinforcing steel when making a connection of a proposed concrete driveway or parking area to an existing street or drive. When the existing concrete street has no exposed steel, the following shall apply: (1) dowels should be number four (#4) bars, twenty-four (24) inches long, embedded twelve (12) inches and epoxied, and spaced in accordance with this section; and (2) as an alternative, saw cut to two (2) inches in depth and remove existing concrete to expose a minimum of twelve (12) inches of longitudinal steel, in good condition, with an equivalent cross section area of steel equal to the proposed pavement steel.
- (8) Mortarless brick paving shall, at a minimum, be laid over a flexible base, constructed of compacted subgrade, a compacted aggregate base of not less than four (4) inches, and a minimum of one (1) inch of sand.

- (9) Any off-street display area shall be constructed, at a minimum, of one and one-half (1 1/2) inches of asphalt pavement on top of six (6) inches of limestone base or as specified by a licensed professional engineer.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-94. Parking, Prohibited.

Recreational vehicles, travel trailers, boats, campers, pick up coaches, motor homes, and other mobile structures are hereby limited by the following prohibitions:

- (1) It shall be unlawful for any person to park any recreational vehicle, trailer, or combination thereof, on any street, public right-of-way, or alleyway of the city for more than seventy-two (72) hours continuously, and such occurrence shall be limited to once every ninety (90) days. Provided, however, lawfully registered and operable passenger and light trucks are hereby excluded from this prohibition.
- (2) No person shall park, place, or locate a recreational vehicle on any public property, or during daylight hours within any area of a public park not designated for recreational vehicle usage, for a period of more than four (4) hours, except in cases of emergency.
- (3) No person shall park, place, or locate a recreational vehicle which is used for living quarters, or in which cooking is done, on any lot, tract, or parcel of land for a period of more than forty-eight (48) hours, unless within a recreational vehicle park, except:
 - a. Recreational vehicles may be parked on land owned by persons whose business is the repair of recreational vehicles; provided, however, when such vehicles are so parked, their use for living, sleeping, storing, or working quarters is prohibited.
 - b. Recreational vehicles may be parked on privately owned property, with the owner's permission, for storage purposes as long as such storage does not violate any other ordinance or regulation of the city.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-95. Design Requirements.

- (A) An off-street parking space shall not be in a street or alley right-of-way. Each off-street parking space shall be permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley that affords unobstructed ingress and egress to each space.
- (B) Each parking space shall be accessible from a street or alley through aisles and/or driveways, except that tandem parking arrangements are permitted for single-family, two-family and manufactured home residential uses. With the exception of the above residential uses on local and collector streets, off-street parking facilities shall be so arranged that in order to depart from the premises it shall not be necessary that any automotive vehicle be backed into any public street right-of-way.

- (C) Circulation within a parking area with more than one (1) aisle shall be such that a vehicle need not enter the street in order to reach another aisle within the same parking area. Dead-end aisles are not permitted for parking spaces with angles greater than zero (0) degrees and less than ninety (90) degrees unless adequate turnarounds are provided. All circulation and maneuvering of vehicles shall occur without encroaching any right-of-way or adjacent property, except in the case of joint parking facilities.
- (D) All parking spaces shall be clearly marked on the pavement with yellow or white traffic paint, curbs, or raised pavement markers approved by the city. Traffic control signs or other pavement markings shall be used as necessary to ensure safe and efficient traffic operation. The provisions of this paragraph shall not apply to a single-family dwelling.
- (E) Placement, signing, and markings for fire zones shall be approved by the city's fire official.
- (F) A parking lot shall be designed to physically prevent any portion of a vehicle from encroaching or overhanging any public right-of-way line or private property line through the installation of a permanent curb, wall, or other physical barrier.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-96. Location Requirements.

The off-street parking facilities required by this article shall, to the greatest extent practicable, be located on the same lot or parcel of land as the building, use or structure in which they are required. In the event of difficulties in providing the off-street parking facilities on the same parcel of land, the zoning official may permit such required parking facilities on another lot or parcel, provided that the straight line distance between the two (2) parcels shall not exceed three hundred (300) feet, and provided further that provisions are made to safeguard the permanency of such facilities. However, under the following conditions, a proposed use or new tenancy of an existing structure shall only be required to provide the maximum number of off-street parking spaces that can be arranged for functional parking use on the space available on the subject lot or parcel:

- (1) The full amount of required facilities cannot be provided on the same lot or parcel of land as the structure because existing structure(s) consume space that would otherwise be available for functional parking; and,
- (2) The zoning official determines that on-street parking in the area of the proposed use will not create a hazardous condition or detrimentally affect traffic movements, based on the application of the following criteria to the adjacent street(s):
 - a. Whether the adjacent street width is adequate for parking;
 - b. Parking regulations on the adjacent street;
 - c. Speeds on the adjacent street; and,
 - d. Volume of traffic on the adjacent street.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-97. Joint Parking Facilities.

Required off-street parking for any number of separate uses may be combined in a joint parking facility under the conditions of this section, subject to the approval of a joint parking facility plan by the zoning official. Such joint parking facility plan shall be reviewed by the zoning official for conformance with this section.

- (1) *Joint parking facilities permitted.* Whenever two (2) or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent, common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The joint parking facility shall be located within three hundred (300) feet from all uses, and shall not be separated from such uses by arterial streets. The total number of spaces provided shall not be less than the sum of the individual requirements for all uses, unless otherwise permitted in these regulations. Spaces provided for any permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers and service.
- (2) *Multiple ownerships and structures.* Where buildings, uses or structures participating in a joint parking facility are owned by multiple owners, each owner shall provide evidence of a permanent, legal instrument, approved by the city attorney, which guarantees such owner's rights to the use of the parking facility. Any termination of or amendment to such an agreement shall be subject to the approval of the city.
- (3) *Churches.* Churches may establish joint parking facilities with other uses that do not have a time conflict in parking demand. However, only fifty (50) percent of a church's required parking spaces may be provided in this manner. In addition, such joint parking facilities shall be located no more than four hundred (400) feet from the church sanctuary.
- (4) *Guarantee.* Joint parking facilities shall guarantee the permanency of the joint use through an appropriate legal instrument, approved by the city attorney, and filed of record.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-98. Computation of The Number of Parking Spaces.

In computing the number of parking spaces required, the following rules govern:

- (1) Service areas such as mechanical rooms, attics, and closets are excluded from the calculation of "floor area" for determining required parking spaces.
- (2) Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number.
- (3) The parking space requirements for a use not specifically listed shall be the same as those for the most similar to the proposed use, as determined by the zoning official.
- (4) Whenever a building or use constructed or established after the effective date of this chapter 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 (10) percent 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 chapter is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

- (5) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (6) Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity permitted by the building and/or fire code and approved by the city's building and fire officials. When determining seating capacity for a building, use, or structure utilizing bench seating, each twenty-two (22) inches of bench shall be considered one (1) seat.
- (7) Where a manufacturing/industrial use has more than one working shift of employees, parking facilities shall be adequate to accommodate overlap requirements during transition periods.
- (8) When the developer of a large-scale development can demonstrate that such development will require fewer parking spaces than required by the standards of this chapter, the zoning official may permit a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional traffic engineer or transportation planner and submitted to the zoning official. The balance of the land necessary to meet these requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-99. Off-Street parking Schedule.

The minimum number of parking spaces required is as follows:

OFF-STREET PARKING STANDARDS

Use	Spaces	Unit
Residential Land Use		
Single- and two-family dwellings	2:1	Dwelling unit
Accessory dwelling unit	1:1	Accessory unit
Multi-family dwellings and townhouses:		
1 bedroom	1.5:1	Dwelling unit
2 or more bedrooms	2:1	Dwelling unit

3 or more bedrooms	0.5:1	Dwelling unit bedroom
Manufactured home	2:1	Dwelling unit
Group residential	1.5:1	Sleeping unit
Civic Land Use		
Churches, theaters, auditoriums, stadiums, gymnasiums, and other assembly halls	1:4 or 1:300 whichever is greater	Seats square feet (gfa)
Club or lodge	1:4 or 1:300 whichever is greater	Seatssquare feet (gfa)
Country club or golf course	6:1	Hole
Elementary and middle schools	1:20	Students
High schools	1:4	Students
Hospital	1.5:1	Bed
Library, museum	1:400	Square feet (gfa)
Commercial Land Use		
Automotive and equipment sales/leasing	1:300 showroom 1:2,500 (lot)	Square feet (gfa) Square feet (paved area)
Bank, clinic, and office	1:250	Square feet (gfa)
Convenience store	1:250	Square feet (gfa)
Day care center	1:10 plus 1.1	No. of Childrenlicensed for care Employee
Flea market	1:150	Square feet of area of merchandise display
Hotels and motels	1:1	Guest room
Mortuary or funeral home	1:4	Seats
Restaurant	1:100 plus 1:2	Square feet (gfa) Employees
Restaurant, fast food	1:100	Square feet (gfa)
Retail, general	1:250	Square feet
Service station	4:1	Bay
Shopping center	1:300	Square feet

Industrial Land Use		
Industrial, manufacturing, fabricating	1:650	Square feet (gfa)
Research laboratory	1:500	Square feet (gfa)
Warehousing, shipping, receiving	1:1,000	Square feet (gfa)
Wholesaling, storage, distribution	1:1,000	Square feet (gfa)

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-100. Minimum Dimensions for Off-Street Parking.

All parking spaces, aisles and modules shall meet the minimum requirements, as shown in the following table. Provided in the table below are the minimum standards for two (2) parking stall width options--Nine-foot wide spaces and ten-foot wide spaces.

PARKING SPACE AND AISLE DIMENSIONS

TABLE INSET:

A	B	C	D		E	F	
Angle or Parking (Degrees)	Width of Stall	Depth of Stall 90 Degrees to Aisle	Width of Aisle		Width of Stall Parallel to Aisle	Module Width	
45	9	21.1	12	20	12.7	54.2	62.2
45	10	21.1	12	20	14.1	54.2	62.2
60	9	22.3	15	--	10.4	59.6	--
60	10	22.3	14	--	11.6	58.6	--
90	9	20	--	25	9	--	65
90	10	20	--	24	10	--	64
Parallel	9	9 (width)	12	24	22	30	42

GRAPHIC LINK: [90 PARKING SPACES--ANGLED PARKING SPACES](#)

- (1) Off-street parking spaces (ninety (90) degree only) that abut a landscape island may be reduced in length to eighteen (18) feet provided that the island is a minimum of four (4) feet in depth and protected by wheel stops or curb.

- (2) Off-street parking spaces (ninety (90) degree only) that abut a sidewalk adjacent to a building may be reduced in length to eighteen (18) feet provided that the sidewalk is a minimum of six (6) feet in width.
- (3) The width of the alley may be assumed to be a portion of the maneuvering space requirement for off-street parking facilities located adjacent to a public alley.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-101. Accessible Parking Spaces for Disabled Persons.

Handicap parking spaces accessible to disabled persons shall be provided in accordance with this section, the American's with Disabilities Act (ADA), and any federal regulations promulgated hereafter. Parking lots must designate accessible spaces for use of persons with disabilities (handicap accessible spaces) as follows:

Total Parking Spaces	Accessible Spaces
10--50	1
51--100	2
101--300	3
301--500	5
500 +	1 percent of total

Note: A minimum of one (1) van accessible space measuring ninety-six (96) inches wide minimum is required.

Handicap accessible spaces must be marked and designated in accordance with the standards and specifications adopted by the commissioner of licensing and regulation of the Texas Department of Transportation under Section 5(c), Article 9102, Revised Statutes, relating to the identification and dimensions of parking spaces for persons with disabilities, as amended, or as otherwise required by federal or state law.

Additional handicap accessibility standards are as follows:

- a. Accessible route(s) from the parking area to the building.
- b. Curb ramps a minimum of forty (40) inches wide with a maximum slope of 1:12 and textured surfaces.
- c. Curb cuts at each corner.

Sidewalks:

- a. Maximum level change of one-half (1/2) inch.
- b. Minimum width of forty-eight (48) inches.
- c. Maximum openings in surfaces of three-eighths (3/8) inch.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-102. Parking Lot Lighting.

Illumination of parking areas shall be required for all parking areas with more than twenty (20) parking spaces. The illumination may be provided through the use of light fixtures on either a pole or on a building. Lighting used to illuminate parking areas shall be arranged, located or screened to direct light away from any adjoining or abutting residential district or use or any street right-of-way. Illumination for parking areas shall be provided as follows:

The minimum amount of maintained illuminations for open parking shall be as follows:

Uses	Foot Candles	Uniformity Ratio
Low Activity	0.5	4:1
Medium Activity	1.0	3:1
High Activity	2.0	3:1

For purposes of interpreting the table above, high activity uses include athletic fields, large shopping malls and similar uses; medium activity uses include fast food restaurants and small to medium shopping centers; and low activity uses include local merchant parking, educational parking, industrial parking, and similar uses. The light fixtures shall be arranged in order to provide uniform illumination throughout the parking lot as indicated by the uniformity ratio above of average illumination to minimum illumination. The required illumination shall be measured at the pavement.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-103. Drive-In and Drive-Through Stacking Distance Requirements.

Uses that have drive-through window services, unless otherwise provided below, shall provide a minimum stacking distance of one hundred sixty (160) feet, of which eighty (80) feet shall be provided to the menu board, exclusive of any aisle or parking space. The following drive-in and drive-through facilities shall conform to the following requirements.

Type of Operation	Minimum Number of Vehicles
Financial institution with drive-up tellers	4 vehicles per window or kiosk
Financial institution with drive-up ATM	2 vehicles per window or kiosk
Car wash--Self service	4 vehicles per bay at entrance 1 vehicle per bay at exit
Car wash--Automatic, conveyor	300 feet per bay at entrance 2 vehicles per bay at exit

Fast food restaurant	4 vehicle behind menu board 4 vehicle behind first window
Photo processing	2 vehicles per window
Dry cleaning	2 vehicles per window
Gasoline stations	2 vehicles per pump
Gated parking lot entrance, unit or overhead door	1 vehicle per gate/door
Day care centers and schools	As specified in the approved site development plan

These minimum vehicle storage requirements shall remain in force, unless the applicant can present a traffic study from a professional engineer that provides verifiable evidence to allow the reduction of these minimum stacking lengths. Deviations from these requirements shall be approved by the zoning official.

Stacking for all uses shall conform to the following standards:

- (1) No stacking space may occupy any portion of a public right-of-way.
- (2) The minimum pavement lane width shall be twelve (12) feet.
- (3) Stacking spaces shall not be used to satisfy any of the off-street parking or loading requirements.
- (4) Stacking lanes shall not interfere with parking spaces, parking aisles, loading areas, internal site circulation, or driveways.
- (5) A twelve-foot by-pass lane is required adjacent to the stacking lane to allow vehicles to circumvent the drive-through lane.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-104. Off-Street Loading Requirements.

Every building (or part thereof) erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles or materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

Gross Floor Area (GFA) in Square Feet	Number of Required Loading Spaces
Less than 10,000	0
10,000--50,000	1
50,001--100,000	2
Each additional 100,000	1

Off-street loading spaces shall meet the following design requirements:

- (1) Each off-street loading space shall be a minimum of twelve (12) feet in width and forty-five (45) feet in length, with a vertical clearance of at least fifteen (15) feet. Such spaces shall be at grade level and on the same parcel of land as the corresponding building, use or structure.
- (2) Adjacent public rights-of-way and private properties shall not be used for maneuvering. All maneuvering shall be contained on site. Maneuvering areas for loading facilities shall not conflict with parking spaces or with the maneuvering areas for parking spaces.

(Ord. No. 420-2001, § 1, 7-24-01)

ARTICLE X. NONCONFORMITIES

Sec. 18-105. Nonconforming Uses and Structures.

- (A) *Authority to continue nonconforming uses.* The use of land or buildings or structures, which was lawful upon the effective date of the provisions of this chapter, although not conforming to the provisions hereof, may be continued subject to the terms of this article.
- (B) *Nonconforming accessory uses.* No accessory use to a nonconforming use shall continue after termination of the nonconforming use unless such accessory use otherwise complies with the provisions of this chapter.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-106. Authority for Continued Existence of Nonconforming Structures.

A structure lawfully existing on the effective date of the provisions of this chapter, although not conforming to the provisions hereof, shall be allowed to continue in existence subject to the terms of this article.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-107. Nonconforming Status.

The following are hereby declared to be lawfully existing nonconforming uses or structures:

- (1) Any existing use or structure not in conformance with the regulations of the zoning district in which it is located but lawfully existing at the time of the adoption of the provisions of this chapter;
- (2) Any existing use or structure not in conformance with the regulations of the zoning district in which it is located but lawfully existing at the time of the adoption of any amendment to this chapter, the result of which amendment renders such use or structure nonconforming; and
- (3) Any existing use or structure not in conformance with the regulations of the zoning district in which it is located at the time of annexation into the city.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-108. Change in Ownership.

The status of nonconforming uses and nonconforming structures are not affected by ownership and/or occupancy change, except as otherwise provided herein.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-109. Repair and Maintenance.

Normal maintenance and incidental repair may be performed on a complying structure that contains a nonconforming use or on a nonconforming structure. This section shall not be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the building official who declares a structure to be unsafe and orders its restoration to a safe condition.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-110. Nonconforming uses.

(A) *Abandonment.* Under this chapter a nonconforming use may be abandoned subject to the following:

- (1) *Determination.* A nonconforming use of land or of a structure in a district that is discontinued or remains vacant for a continuous period of six (6) months shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or land site must conform with the regulations for the district in which it is located. This subsection shall not apply to the residential use of a nonconforming dwelling unit in the "NC", "GC", or "GI" districts.
- (2) *Overcoming presumption of abandonment.* The presumption of abandonment may be rebutted upon showing, to the satisfaction of the zoning official, that during such period the owner of the land or structure has been:
 - a. Maintaining the land and structure in accordance with the building code and did not intend to discontinue the use;
 - b. Actively and continuously marketing the land or structure for sale or lease for that particular nonconforming use; or
 - c. Engaged in other activities that would affirmatively prove there was not intent to abandon.
- (3) *Calculation of period of abandonment.* Any period of such discontinuance caused by government action, fire or natural calamities and without any contributing fault by the nonconforming user shall not be considered in calculating the length of discontinuance pursuant to this section.

(B) *Movement, alteration and enlargement.* No nonconforming use may be moved, enlarged or altered and no nonconforming use of land may occupy additional land, except as follows:

- (1) *Enlargement.* A nonconforming use may not be enlarged, expanded or extended to occupy all or a part of another structure or land site that it did not occupy on the effective date of the provisions of this chapter. However, a nonconforming use may be extended within the same structure, provided no structural alteration of the structure is proposed or made for the purpose of the extension. The enlargement, expansion or extension of a nonconforming residential use shall be excepted from this limitation, provided that the enlargement, expansion or extension does not exceed fifty (50) percent of its appraised value as it existed prior to the enlargement, expansion or extension; it was not destroyed to the extent

of fifty (50) percent or more; and, it complies with all other regulations, e.g. height, setbacks, etc., for the property on which it is located.

- (2) Exterior or interior remodeling or improvements to structure. Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed, provided there is no expansion of the nonconforming use.
 - (3) Relocation of structure. A structure containing a nonconforming use may not be relocated to another site unless the use shall conform to the regulations of the district into which the structure is relocated.
 - (4) Change of nonconforming nonresidential use to another nonconforming use. Upon application to the zoning official, a nonconforming use may be changed to another nonconforming use of the same or similar type or intensity or to another nonconforming use of the same or similar type, but of less intensity. Whenever any nonconforming nonresidential use is changed to a less intensive nonconforming nonresidential use, such use shall not be changed back to a more intensive nonconforming nonresidential use. Whenever any nonconforming nonresidential use is changed to a conforming use, such use shall not later be changed to a nonconforming use.
- (C) *Destruction of structure with nonconforming use.* If a structure that contains a nonconforming use is destroyed to the extent of fifty (50) percent or more of its appraised value by fire or natural calamity or is voluntarily razed or is required by law to be razed, the nonconforming use shall not be resumed. The determination of the extent of damage or destruction under this subsection shall be based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-111. Nonconforming Structures.

Under this chapter, a nonconforming structure may not be moved, enlarged or altered, except in the manner provided in this section, section 18-112, 18-113, or unless required by law.

- (1) *Repair, maintenance, alteration and enlargement.* Any nonconforming structure may be repaired, maintained, altered or enlarged; provided, however, that no such repair, maintenance, alteration or enlargement shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.
- (2) *Moving.* Except as provided in sections 18-112 and 18-113, a nonconforming structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or other lot unless the entire structure shall thereafter conform to the regulations of the district in which it is located after being moved.
- (3) *Damage or partial destruction.* If a nonconforming structure is damaged or destroyed by fire or natural calamity to the extent of fifty (50) percent or less of its appraised value, the structure may be restored if restoration is started within six (6) months and diligently pursued to completion. Any delay in starting such restoration that is caused by government

action or natural calamities and without contributing fault by the owner shall be deducted in calculating the starting date of restoration.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-112. Nonconforming mobile homes and manufactured homes.

Mobile homes lawfully existing and occupied within the city prior to the effective date of the provisions of this chapter, shall be allowed to continue and be maintained. No expansion or enlargement of a mobile home shall be allowed; provided, however, mobile homes or manufactured homes heretofore installed in compliance with city ordinances, being properly permitted thereunder, utilized continuously as a residence, and being connected to all utilities, may be replaced with newer model manufactured homes, subject to the requirements of this chapter and chapter 9 of the city's Code of Ordinances. In the event of such replacement, documentation as to the use and connection to utilities must be provided to the city, and the old unit must be removed and the new unit must be installed within ninety (90) days. An extension of such ninety-day limit on replacement may be granted by the zoning official if additional time is necessary because of a natural disaster, fire, death, legal proceeding, or other factor beyond the control of the owner.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-113. Nonconforming manufactured home community and subdivision.

- (A) Any manufactured home community or manufactured home subdivision, which is lawfully existing and occupied on the effective date of the provisions of this chapter, and which does not comply with all applicable provisions of this chapter, shall be considered a nonconforming manufactured home community or manufactured home subdivision. Nonconforming manufactured home communities shall comply with the requirements of chapter 9 of the city's Code of Ordinances.
- (B) Any addition of land to a nonconforming manufactured home community or manufactured home subdivision must conform to all requirements of this chapter.
- (C) The placement or replacement of a manufactured home on any lot within a nonconforming manufactured home community or manufactured home subdivision shall be permitted, provided such placement complies with all requirements of this chapter and chapter 9 of the city's Code of Ordinances.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-114. Nonconforming Accessory Uses and Nonconforming Accessory Structures.

The continued existence of nonconforming accessory uses and nonconforming accessory structures shall be subject to the provisions governing principal nonconforming uses and nonconforming structures as set forth herein.

(Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-115. Registration of Nonconforming Use or Structure.

The owner of any lot upon which a nonconforming use or nonconforming structure exists shall register said nonconforming use or structure with the zoning official within one (1) year following adoption of this chapter or, as applicable, following adoption of any amendment hereto, which renders such use or structure nonconforming. In the event of registration of a nonconforming use or structure, the owner thereof shall be issued a certificate of occupancy nonconforming, with a brief description of the nonconformity, which shall thereafter be considered as evidence of the lawful existence of such nonconforming use or structure. The zoning official shall maintain on file for the city all certificates of occupancy nonconforming.

In the event an owner does not register a nonconforming use or structure as provided above, thereafter the city shall require proof by the owner that a use or structure was lawfully existing at the time of adoption of this chapter, or any applicable amendment hereto, or said nonconforming use or structure shall be deemed unlawful and a violation of this chapter.

It is the express purpose and intent of this section to create a presumption of illegality for any nonconforming use or structure not registered in accordance herewith, and such presumption of illegality shall apply in any permit approval process, in any criminal proceeding relating to violations of this chapter, or to any civil proceeding in which the city seeks to enjoin violation of any provision hereof or seeks the imposition of civil penalties for any such violation. (Ord. No. 420-2001, § 1, 7-24-01)

Sec. 18-116. Nonconforming Lots of Record.

Notwithstanding the minimum requirements for lot size within the various zoning districts, structures may be constructed, built, moved onto, expanded, reconstructed, occupied, or used on a nonconforming lot of record that existed prior to the effective date of his chapter, or any amendment hereto, provided, all such structures shall meet all other applicable requirements of this chapter.

(Ord. No. 420-2001, § 1, 7-24-01)