

FEE SCHEDULE

SUBDIVISIONS

Preapplication	\$200.00
Preliminary Plat	\$400.00 plus \$20.00 per lot and/or \$25.00 each acre not designated as lots, exclusive of streets
Final Plat	\$100.00 plus \$20.00 per lot and/or \$25.00 each acre not designated as lots, exclusive of streets
Amended Plat	\$250.00
Minor Plat	\$200.00
Variance from Subdivision Regulations	\$250.00 each
Plat Recordation	\$50.00 plus fees charged by Williamson County

ZONING FEES

Rezoning	\$125.00
Variance from Zoning Regulations	\$50.00 each
Notification Signs	\$10.00 each

CONSTRUCTION PLANS

Plan Review	1.5% of the amount of the approved estimate of the improvements or a minimum of \$500.00.
Inspection (if required)	5% of the amount of the approved estimate of the improvements

PARKLAND DEVELOPMENT

An amount equal to 8% of the appraised value of the land prior to subdivision, as certification by an independent appraiser, or \$50.00 per residential lot on the final plat.

THE CITY OF FLORENCE
ZONING ORDINANCE
NO. 15-4-89

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLORENCE, TEXAS AMENDING THE GENERAL ZONING ORDINANCE OF THE CITY OF FLORENCE BY REPEALING SAID ORDINANCE AND SUBSTITUTING A NEW GENERAL ZONING ORDINANCE; PROHIBITING USES; DECLARING THE PURPOSE; PROVIDING FOR CHANGES IN AMENDMENTS; ESTABLISHING DEFINITIONS; REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND; ESTABLISHING AN OFFICIAL ZONING MAP; DESIGNATING DISTRICTS; REQUESTING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OPEN SPACES, THE DENSITY OF INDUSTRY AND RESIDENCES; SETTING FORTH USE RESTRICTIONS IN SEVERAL DISTRICTS; ESTABLISHING LAND COVERAGE; PROVIDING FOR PARKING AND LOADING; PROVIDING FOR SETBACK; DEFINING NON-CONFORMING USES; PROVIDING FOR NEWLY ESTABLISHED TERRITORIES; PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING POWERS OF SAME; PROVIDING FOR A PLANNING AND ZONING COMMISSION; PROVIDING ENFORCEMENT, PENALTIES AND REMEDIES; CLARIFYING CONFLICTING ORDINANCES; PROVIDING FOR A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, TEXAS:

SECTION 1. TITLE

1. This Ordinance shall be known and may be cited as "the City of Florence Zoning Ordinance."

SECTION 2. PURPOSE

2.1. This Ordinance is enacted for the purpose of promoting health, safety, morals, and for the protection and preservation of places and areas of historic and cultural importance and significance and the general welfare of the community, it having been deemed expedient and necessary to regulate and restrict the height, number of stories, size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts and other open spaces, density of population, the location and use of buildings, structures, land designated to be used for residential, commercial, trade, industry or other purposes, and, in the case of designated places and areas of historical and cultural importance, to regulate and restrict the construction, alteration, reconstruction, or razing of buildings and other structures.

2.2. The regulations contained herein have been made with reasonable consideration in accordance with and designed to conform to a comprehensive plan, bearing in mind the character of the district, its peculiar suitability for particular uses, the

conservation of the value of buildings, and to encourage the most appropriate use of the land within the area. A paramount concern has been to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the citizens, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

SECTION 3. REPEAL

3. Existing ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. DEFINITIONS

4.1. For the purpose of this Ordinance, certain terms and words are hereby defined; the terms not defined herein shall be construed in accordance with adopted building codes of their customary usage and meaning.

4.2. Where necessary for a reasonable construction of this Ordinance, words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular. The word "building" shall include the word "structure"; the word "shall" is mandatory and not directive; the word "lot" includes the word "plot". Definitions are found in Appendices A and B.

SECTION 5. GENERAL COMPLIANCE

5.1. No building or structure shall be erected and no existing buildings or structures shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used or designated for use for any purpose or in any manner other than provided for hereinafter in the district in which the building, structure, land, or premises is located; provided, however, that necessary structural repairs may be made where health and safety are in danger.

5.2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is situated.

5.3. No sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions herein. No revolving type beacon shall be permitted.

5.4 No building or structure shall be erected, nor shall any existing building or structure be structurally altered, enlarged, encroached upon or reduced in any manner, unless the same shall conform to the regulations hereinafter designated for the district in which such building or open space is located.

5.5 The minimum yards and other spaces, including lot area per family, required by this ordinance for each and every building existing at the same time of the passage of this ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building; nor shall any lot area be reduced to an area less than the District requirements of this Ordinance.

5.6 Every building hereafter erected or structurally altered shall be on a lot as herein defined, and in no case shall there be more than one building on one lot except as otherwise provided in this Ordinance.

5.7 Where a lot (as defined herein) existed in separate Ownership upon the effective date this ordinance, and such lot has less area, width and/or depth than is required by this ordinance, these regulations shall not prohibit the erection of one single family dwellings thereon.

SECTION 6. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

6.1 For the purpose of this Ordinance, the City is hereby divided into districts as follows:

P:	Parks and Open Space
AG:	Agricultural District
SF:	Single-Family Residential District
MF:	Multiple-Family Residential District
MH-1:	Mobile Home Residential District
MH-2:	Mobile Home Park District
CBD:	Central Business District
C-1:	Neighborhood Commercial District
C-2:	Wholesale, Commercial Services, and Office District
M-1:	Industrial and Manufacturing District
I:	Institutional

6.2 The location and boundaries of the districts herein established are shown upon the Official Zoning Map, which is hereby incorporated into this Ordinance. Said Zoning Map, together with all notations, references, and other information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein. Said Zoning Map shall, on its face, be identified and verified in the manner following: It

shall bear the title "Zoning District Map--Florence, Texas"; it shall bear the date of the passing of this Ordinance; it shall bear the date through which amendments to the map have been made; it shall provide space to record zoning cases that amend the map but are not yet reflected on the map; it shall bear the name of the Mayor; and it shall be attested by the signature of the City Secretary. The original of said Zoning Map shall be kept in a proper place in the municipal building.

SECTION 7. PARKS AND OPEN SPACE DISTRICT: P

7.1. Purpose: The purpose of Parks and Open Space District P is to designate public and quasi-public open space for recreation and/or environmental conservation and to allow recreation sites to be developed with multiple buildings, facilities, and equipment, as appropriate.

7.2. In Parks and Open Space District P, no building or land shall be used, and no building shall hereafter be erected or structurally altered unless otherwise provided in this Ordinance, except for one or more of the following uses:

- (a) Public parks, playgrounds, public recreational facilities, greenbelts, and other dedicated parkland and open space.
- (b) Open space easements.
- (c) Country clubs or golf courses, but not including miniature golf courses, commercial driving ranges, or similar forms of commercial amusement.

SECTION 8. AGRICULTURAL DISTRICT: AG

8.1. Purpose: The Agricultural District AG is restricted to those properties within the incorporated area that have agricultural exemptions for tax purposes.

8.2. In Agricultural District AG, no building or land shall be used, and no building shall hereafter be erected or structurally altered unless otherwise provided in this Ordinance, except for one or more of the following uses:

- (a) Single-family dwellings.
- (b) Farms, ranches, nurseries, greenhouses or truck gardens, limited to the propagation and cultivation of plants, provided that no retail or wholesale business is conducted on the premises; and provided further that no poultry or livestock other than normal household pets shall be housed within twenty-five (25) feet of a dwelling on adjacent property; and provided further that no sales office is maintained.

(c) Accessory buildings and uses as follows:

- (1) Customary home occupations, such as millinery, dressmaker, musician, artist, writer, or beautician shall be permitted, provided that such uses are located in the dwelling used by such a person as his or her private residence, and provided further that not more than one person not a member of the family residing on the premises is employed, and no window display or sign is used to advertise the same other than the wall sign permitted for each primary structure.
- (2) A private detached garage with or without store room or utility room and accessory buildings shall be permitted, provided that such detached garage or accessory building shall be located entirely in the rear yard area and not less than seven and one-half (7-1/2) feet from any side or rear lot line and in the case of corner lots, not less than the distance required for dwellings from side streets. A lodge or servants' quarters constructed as an integral part of the main dwelling shall be subject to the regulations affecting the main dwelling.

SECTION 9. SINGLE-FAMILY RESIDENTIAL DISTRICT: SF

9.1. Purpose: The purpose Single-Family Residential District, SF, is to preserve and promote the low-density residential character of Florence's neighborhoods.

9.2. In Single-Family Residential District SF, no building or land shall be used, and no building shall hereafter be erected or structurally altered unless otherwise provided in this Ordinance, except for one or more of the following uses:

- (a) Single-family dwellings.
- (b) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work or within ninety days (90) from commencement of construction, whichever date occurs earliest.

(c) Accessory buildings and uses as follows:

- (1) Customary home occupations, such as millinery, dressmaker, musician, artist, writer, or beautician shall be permitted, provided that

such uses are located in the dwelling used by such a person as his or her private residence, and provided further that no more than one person not a member of the family residing on the premises is employed, and no window display or sign is used to advertise the same other than the wall sign permitted for the primary structure.

- (2) A private detached garage with or without store room or utility room and accessory buildings shall be permitted, provided that such detached garage or accessory building shall be located entirely in the rear yard area and not less than seven and one-half (7-1/2) feet from any side or rear lot line and in the case of corner lots, not less than the distance required for dwellings from side streets. A lodge or servants' quarters constructed as an integral part of the main dwelling shall be subject to the regulations affecting the main dwelling.

SECTION 10. MULTI-FAMILY RESIDENTIAL DISTRICT: MF

10.1. Purpose: The purpose Multi-Family Residential District, MF, is to allow moderate and high-density residential alternatives without disrupting the low density residential character of Florence's neighborhoods.

10.2. In Multi-Family Residential District MF, no building or land shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this Ordinance, except for one or more of the following uses:

- (a) All uses permitted in the SF Single-Family Residential District.
- (b) Two-family dwellings or duplexes.
- (c) Multiple-family dwellings or apartment houses.
- (d) Boarding, lodging, and rooming houses and bed and breakfast inns in single family houses.

SECTION 11. MOBILE HOME RESIDENTIAL DISTRICT: RM-1

11.1. Purpose: The purpose of the Mobile Home Residential District, MH-1, is to provide lots for affordable housing within the context of the low density, single-family residential character of the city of Florence.

11.2. In a Mobile Home Residential District MH-1, a building or premises may be used for any of the following purposes:

- (a) Mobile homes.
- (b) Day Nurseries.
- (c) Any use permitted in an SF District.

11.3. A certificate of occupancy will not be issued for any mobile home in MH-1 Mobile Home Residential District until that mobile home is securely tied down, blocked, and completely underpinned; provided, however, that this provision shall have no application to mobile homes for which certificates of occupancy have been issued prior to the effective date of this Ordinance.

11.3. All mobile homes and trailer houses purchased, occupied, or inhabited after the passage of this Ordinance shall comply with Article 5221f, Tex. Revised Civil Statutes, as it exists at the time of the adoption of this ordinance, and as it is amended from time to time.

SECTION 12. MOBILE HOME PARK DISTRICT: MH-2

12.1. Purpose: The purpose of the Mobile Home Park District, MH-2, is to provide lots for mobile home parks as an alternative to multi-family housing in the city of Florence.

12.2. In the Mobile Home Park District MH-2, a building or lot may be used only for the following purposes:

- (a) Mobile home park.
- (b) Boat, recreational vehicle, and travel trailer storage within an enclosed building but not for commercial storage of these or other items.

12.3. Privacy Fence Requirement: All properties zoned MH-2, Mobile Home Park District which abut properties zoned SF Single-Family Residential District, MF Multiple-Family Residential District, MH-1 Mobile Home Residential District, or any other residential classification, shall have a privacy fence installed and maintained by the mobile home park property owner along said abutting property line.

12.4. A certificate of occupancy will not be issued for any mobile home in MH-2 Mobile Home Residential District until that mobile home is securely tied down, blocked, and completely underpinned; provided, however, that this provision shall have no application to mobile homes for which certificates of occupancy have been issued prior to the effective date of this Ordinance.

SECTION 13. CENTRAL BUSINESS DISTRICT: CBD

13.1. Purpose: The purpose of the Central Business District CBD is to establish special land use and urban design criteria for the development and preservation of the character of the Main Street commercial area as represented by the existing historic

structures so that new buildings that are designed and placed in the central business district will reflect that character.

13.2 In the Central Business District CBD, no building or land shall be used and no building hereafter shall be erected or structurally altered unless otherwise provided in this Ordinance, except for one or more of the following uses:

- (a) Limited Retail
- (b) Business and Professional Office
- (c) Restaurants
- (d) Apartment above the ground floor only for residential occupancy.

SECTION 14. NEIGHBORHOOD COMMERCIAL DISTRICT C-1

14.1 Purpose: The purpose of the Neighborhood Commercial District C-1 is to designate areas for general retail and office uses.

14.2 In the Neighborhood Commercial District C-1, no building or land shall be used and no building hereafter shall be erected or structurally altered unless otherwise provided in this Ordinance, except for one or more of the following uses:

- (a) All uses permitted in the SF Single-Family Residential District
- (b) General Retail
- (c) Business and Professional Office
- (d) Restaurants
- (e) Medical Services

SECTION 15. COMMERCIAL SERVICES DISTRICT: C-2

15.1 Purpose: The purpose if the Commercial Services District C-2 is to designate areas for heavy commercial uses as well as general retail and office uses.

15.2 In the Commercial Services District C-2, a building or premises shall be used only for the following purposes, provided that such use does not constitute a nuisance to the surrounding property or residents:

- (a) General Retail
- (b) Business and Professional Office
- (c) Restaurants
- (d) Medical Services
- (e) Automotive, Marine, and Farm Implements
- (f) Pawn Brokerages
- (g) Commercial Recreation
- (h) Animal Services
- (i) Research and Development

(j) Communications Services

SECTION 16. INDUSTRIAL AND MANUFACTURING DISTRICT: M-1

16.1. Purpose: The purpose of the Industrial and Manufacturing District M-1 is to designate areas for industrial and no other uses except commercial uses in association with an industrial use.

16.2. In the Industrial and Manufacturing District M-1, a building or premises may be used for any industrial purpose not in conflict with any ordinance of the City of Florence, provided that such use does not constitute a nuisance to the surrounding property or residents and provided further that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Council following a recommendation by the Planning and Zoning Commission:

- (a) Cement or lime manufacture.
- (b) Distillation of bones.
- (c) Manufacturer or storage of explosives.
- (d) Fat rendering.
- (e) Garbage offal or dead animal incineration, reduction or dumping.
- (f) Junk yards or automobile wrecking yards.
- (g) Petroleum refinery.
- (h) Slaughter and dressing of animals
- (i) Stock yards.
- (j) Wholesale storage of gasoline or other petroleum products in carload lots or more above ground.

SECTION 17. INSTITUTIONAL USE DISTRICT: I

17.1. Purpose: The purpose of Institutional Use District I is for public and quasi-public uses to be developed with multiple buildings, facilities, and equipment, as appropriate.

17.2. In Institutional Use District I, no building or land shall be used, and no building shall hereafter be erected or structurally altered unless otherwise provided in this Ordinance, except for one or more of the following uses:

- (a) All Community Facilities
- (b) Medical Services

SECTION 18. SIGNS

18.1. No billboards shall be permitted. (See A-2)

18.2. One sign shall be allotted per primary building for all uses and also per accessory building for non-residential uses. Variances may be granted for unusual or extraordinary circumstances.

18.3. During construction of a building and in addition to other signs permitted, one unilluminated sign advertising contractors or architects working on such premises shall be permitted, provided that such sign shall not be more than thirty two (32) square feet in area and shall be set back of the front lot line. Such signs shall be removed immediately upon completion of the construction.

18.4. During the sale, lease, or hire of a building and in addition to other signs permitted, one unilluminated sign not exceeding four (4) square feet in area shall be permitted on such premises, provided that such sign shall be set back of the front lot line and shall be removed immediately upon the sale, lease, or hire of the building.

18.5. As permitted herein, sign selection is limited to the options listed by sign type for each zoning district in Table 18-1.

18.6. Sizes of signs permitted are shown in Table 18.2.

- (a) Residential signs may be only wall or suspended signs, shall not exceed four (4) square foot in surface area, and may indicate the name of the occupant, the occupation of the customary home occupation, and/or the street address.
- (b) Signs for churches, schools, public buildings, and other institutions shall not exceed fortyfive (45) square feet in surface area.

18.7. Residential owners shall also be permitted temporary signs for political purposes, as well as yard sales.

TABLE 18-1
PERMITTED SIGNS BY SIGN TYPE AND ZONING DISTRICT

SIGN TYPE	P	AG	SF	MF1	MH1	MH2	CBD	C1	C2	M1	T
<i>Freestanding Signs</i>											
Construction	T	T	T	T	T	T	N	T	T	T	T
For	T	T	T	T	T	T	N	T	T	T	T
Residential	N	N	T	N	N	N	N	N	N	N	N
Other	P	N	N	N	N	N	N	P	P	P	N
<i>Wall Signs</i>											

Residential	N	P	P	P	P	P	N	N	N	N	N
Building	P	P	P	P	P	P	P	P	P	P	P
Other	P	N	N	N	N	N	P	P	P	P	P
Canopy	P	P	N	N	N	N	P	P	P	P	P
<i>Projecting and Suspended Signs</i>											
Flag	P	P	P	P	P	P	P	P	P	P	P
Other	P	N	N	N	N	N	N	P	P	P	P
Other	P	P	P	P	P	P	P	P	P	P	P
<i>Roof Signs</i>											
Residential	N	N	N	N	N	N	N	N	N	N	N
Other	N	N	N	N	N	N	N	P	P	P	N
Other, Non-	N	N	N	N	N	N	N	N	N	N	N
<i>Miscellaneous Signs</i>											
Address	P	P	P	P	P	P	P	P	P	P	P
Strung	T	N	N	N	N	N	N	N	P	N	N
Pole Flags	P	P	P	P	P	P	N	P	P	P	P
Portable	T	N	N	N	N	N	N	T	T	T	T
KEY: P = One sign permitted per sign type per primary building T = Temporary; Permitted only for purposes specified in 18.3 and 18.4 N = Not permitted											

TABLE 18-2
MAXIMUM TOTAL SIGN AREA PER LOT BY ZONING DISTRICT

CRITERIA	P	AG	SE	MF	MH1	MH2	CBD	C1	C2	M1	I
The maximum total area of all signs on a lot except address, building marker, and flags shall not exceed the lesser of the following:											
Max. Number of Total Square Feet	100	1	1	8	1	8	800	1000	1000	2000	1000
% of Floor Area of Principal Building	NA	NA	NA	NA	NA	NA	10%	8%	8%	2%	NA

Sq. Ft. of Signage Per Linear Foot of Street Frontage	0.5	NA	NA	NA	NA	NA	6.0	4.0	4.0	NA	0.5
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SECTION 19. YARD REQUIREMENTS

19.1. SF, MF and MH-1 Districts:

- (a) Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- (b) Side Yard. All lots shall have a side yard of not less than seven and one-half (7-1/2) feet on each side.
- (c) Rear Yard. All lots shall have a rear yard of not less than thirty percent (30%) of the depth of the lot, or if a corner lot, the rear yard shall be at least twenty percent (20%) of the area of the lot, provided that such depth need not be more than forty (40) feet.
- (d) Corner and Double Frontage Lots. Corner and double frontage lots, by definition, have two fronts and shall comply with front yard requirements for each front. Double Frontage lots are prohibited.

19.2. Central Business District, CBD:

- (a) Front Yard. Front yards are prohibited.
- (b) Side Yard. Side yards are prohibited.
- (c) Rear Yard. All lots shall have a rear yard of not less than thirty percent (30%) of the depth of the lot, provided that such depth need not be more than forty (40) feet.

19.3 Neighborhood Commercial District, C-1

- (a) Front Yard. There shall be a set back of not less than twenty-five (25) feet.
- (b) Side Yard. All lots shall have a side yard of not less than seven and one-half (7-1/2) feet on each side.
- (c) Rear Yard. All lots shall have a rear yard of not less than seven and one-half (7-1/2) feet, unless it abuts a SF or MF or MH-1 District, in which case there shall be a rear yard of not less than twenty (20) feet.

- (d) Corner and Double Frontage Lots. Corner and double frontage lots, by definition, have two fronts and shall comply with front yard requirements for each front. Double Frontage lots are prohibited.
- (e) In no case shall a building occupy any part of a public utility easement.

19.4 MH-2 Mobile Home Park District

- (a) Front Yard. Same as SF.
- (b) Side Yard. Same as SF, except there has to be a minimum of fifteen (15) feet between adjacent structures, with 7 1/2 feet on one side of the boundary and 7 1/2 feet on the other side.
- (c) Rear Yard. Same as SF.

19.5 MH-1 Mobile Home Residential District

- (a) Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- (b) Side Yard. All lots shall have a side yard of not less than seven and one-half (7-1/2) feet on each side.
- (c) Rear Yard. All lots shall have a rear yard of not less than seven and one-half (7-1/2) feet, unless it abuts a SF or MF or MH-1 District, in which case there shall be a rear yard of not less than twenty (20) feet.
- (d) Corner and Double Frontage Lots. Corner and double frontage lots, by definition, have two fronts and shall comply with front yard requirements for each front. Double Frontage lots are prohibited.
- (e) In no case shall a building occupy any part of a public utility easement.

19.6 I District

- (a) Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- (b) Side Yard. All lots shall have a side yard of not less than seven and one-half (7-1/2) feet on each side.
- (c) Rear Yard. All lots shall have a rear yard of not less than seven and one-half (7-1/2) feet, unless it abuts a SF or MF or MH-1 District, in which case there shall be a rear yard of not less than twenty (20) feet.

- (d) Corner and Double Frontage Lots. Corner and double frontage lots, by definition, have two fronts and shall comply with front yard requirements for each front. Double Frontage lots are prohibited.
- (e) In no case shall a building occupy any part of a public utility easement.

SECTION 20. LOT REQUIREMENTS; BUILDING AREA

20.1. Every lot or tract of land shall have an area of not less than ten thousand (10,000) square feet and a width of not less than eighty (80) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this Ordinance and shall not have been changed since said date, such parcel of land may be used for such uses as are allowed under the zoning district covering that parcel.

20.2. Except in the Central Business District, CBD, no more than forty percent (40%) of the total lot area be covered by the combined area of the main building and accessory buildings. In the Central Business District, CBD, the total lot area covered by the combined area of the main building and accessory buildings shall not exceed 70%.

20.3. Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed, shall be located on lots containing the following areas:

- (a) A lot on which there is erected a single-family dwelling shall contain an area of not less than eight thousand (8,000) square feet.
- (b) A lot on which there is erected a two-family dwelling shall contain an area of not less than twelve thousand (12,000) square feet.
- (c) A lot on which there is erected an apartment house or multiple-family dwelling shall contain an area of not less than 12,000 square feet; and the density shall not be greater than 24 dwelling units per acre net of street rights-of-way.

20.4 Except as hereinafter provided, all dwellings or buildings hereafter erected, enlarged, relocated, or reconstructed in the RM-2 Mobile Home Park District shall be located on lots containing an area of not less than ten thousand (10,000) square feet with a minimum of four thousand (4,000) square feet per mobile home.

20.5 Where a lot (as defined herein) existed in separate ownership upon the effective date this ordinance, and such lot has less area, width and/or depth than is required by this ordinance,

these regulations shall not prohibit the erection of one single family dwelling thereon.

SECTION 21. OFF-STREET PARKING AND LOADING REQUIREMENTS

21.1. Off-Street Parking Requirements: When any building or structure is erected, or an existing building is enlarged by fifty (50%) per cent or more in floor area, off-street parking spaces shall be provided in accordance with the following requirements:

- (a) Bowling alley: Five (5) parking spaces for each alley.
- (b) Business or professional office, studio, bank, medical or dental clinic or similar use: Three (3) parking spaces, plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500) square feet.
- (c) Church or other place of worship: One (1) parking space for each four (4) seats in the main auditorium.
- (d) Community center, library, museum or art gallery: Ten (10) parking spaces, plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
- (e) Dance hall, assembly or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area.
- (f) Dwellings: Two (2) parking spaces for each single-family dwelling. For two-family and multi-family dwellings: Two and one-half (2-1/2) parking spaces for each dwelling unit or one (1) parking space for each bedroom, whichever is greater.
- (g) Fraternity house, sorority house, or dormitory: One (1) parking space for each two (2) beds.
- (h) Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop, or similar use: Two (2) parking spaces, plus one (1) additional parking space for each three hundred (300) square feet of floor area in excess of one thousand (1,000) square feet.
- (i) Golf course: Three (3) parking spaces for each hole.
- (j) Hospital: Ten (10) parking spaces, plus one (1) additional parking space for each four (4) beds.

- (k) Hotel: One (1) parking-space for each sleeping room or suite, plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein, including, but not limited to, restaurants, newsstands and cigar stores.
- (l) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or similar establishment: One (1) parking space for each two (2) employees of the maximum working Shift plus spaces to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each six hundred (600) square feet of floor area.
- (m) Mobile homes, trailer houses, trailer and mobile home courts: Two (2) parking spaces for each mobile home or trailer house.
- (n) Mortuary or funeral home: One (1) parking space for each fifty (50) square feet or floor space in slumber rooms, parlors or individual funeral service rooms plus one space for each four (4) seats in chapels and auditoriums.
- (o) Motor-vehicle salesrooms and used car lots: One (1) parking space for each eight hundred (800) square feet of sales floor or lot area, whichever is greater.
- (p) Private clubs lodge or country club: One (1) parking space for each one hundred fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
- (q) Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
- (r) Restaurant, night club, cafe or similar recreation or amusement establishment: One (1) parking space for each two (2) seats or one (1) parking space for each one hundred (100) square feet of floor area, whichever is greater.
- (s) Rooming or boarding house: One (1) parking space for each two (2) sleeping rooms.
- (t) Sanitarium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.
- (u) School, elementary: One (1) parking space for each four (4) seats in the auditorium or main assembly room, or two (2) spaces for each classroom, whichever is greater.
- (v) School, secondary or college: One (1) parking space for each four (4) seats in the main auditorium or ten (10) spaces for each classroom, whichever is greater.

- (w) Theater, auditorium (except school) sports arena, stadium, or gymnasium: One (1) parking space for each four (4) seats or bench seating spaces.
- (x) Tourist home, cabin or motel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein, including, but not limited to, restaurants, newsstands and cigar stores.

21.2. The following rules shall be applied in computing the number of off-street parking spaces required for each of the above uses:

- (a) Floor area shall mean the gross floor area of the specific use.
- (b) Fractional spaces shall be rounded to the next higher whole space.
- (c) Buildings or structures containing mixed uses shall provide off-street parking space equal to the sum of the various uses computed separately.
- (d) The off-street parking requirements for a use not specifically listed herein shall be the same as required for a use of a similar nature as determined by the building official.

21.3. All required off-street parking space shall be located on the same lot as the building or use served, except as follows:

- (a) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, or where off-street parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required off-street parking spaces may be located at a distance not to exceed three hundred (300) feet from an institutional building served or five hundred (500) feet from any other non-residential building served; provided, however, that a written agreement thereto is properly executed, filed and approved by the Board of Adjustment as provided below. Distances shall be measured along a public street or alley.
- (b) Not more than fifty (50) per cent of the off-street parking spaces required for theaters, bowling alleys, dance halls, night clubs, restaurants, or similar uses may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed; provided, however, that a written agreement thereto is properly executed and filed as provided below.

- (c) Not more than eighty (80) per cent of the off-street parking spaces required for a church, school, auditorium or similar use may be provided and used jointly by uses not normally open, used or operated during the same hours as those listed; provided, however, that a written agreement thereto is properly executed, filed and approved as provided below.
- (d) When the required off-street parking spaces are not located on the same lot with the building or use served, or when the required off-street parking spaces are provided collectively or used jointly by two (2) or more establishments, a written agreement which assures the retention of such spaces for this purpose shall be drawn and executed by the parties concerned, approved as to form by the City Attorney, and filed with the application for a building permit or certificate of occupancy if a change in use is involved. Such agreement then shall be submitted to the Board of Adjustment, which shall, after a hearing thereon, approve or deny such off-site parking.
- (e) When an increase in the number of off-street parking spaces is required by a change or enlargement of use, and the lot is limited to single family residential, a driveway long enough for two cars shall count as two off-street parking spaces.

21.4. A parking space shall contain a minimum of two hundred (200) square feet and shall be approximately ten (10) feet in width and twenty (20) feet in depth. All parking spaces, parking or maneuvering aisles and driveways shall be paved.

21.5. Off-Street Loading Requirements: Any use that receives or distributes materials or merchandise by vehicle shall provide, when required by use districts regulations, off-street loading space in accordance with the following requirements:

- (a) Industrial District: "M" uses: One (1) loading space for each ten thousand (10,000) square feet of floor area.
- (b) Business District: "B" uses: One (1) loading space for each five thousand (5,000) square feet of floor area for the first fifteen thousand (15,000) square feet of floor area.

21.6. The following rules shall be applied in computing the number of off-street loading spaces required:

- (a) Floor area shall mean the gross floor area of the use.

- (b) Fractional spaces shall be rounded to the next higher whole space.
- (c) Whenever a building or use, existing on the effective date of this Ordinance, is enlarged by more than fifty (50) per cent in floor area or area used, the entire building or use shall then and thereafter comply with the off-street loading requirements.

21.7. The required off-street loading spaces shall be located on the same lot as the building or use served.

21.8. A loading space shall contain a minimum of four hundred twenty (420) feet and shall be approximately twelve (12) feet in width and thirty-five (35) feet in depth. All loading spaces, maneuvering aisles and driveways shall be paved.

SECTION 22. MINIMUM BUILDING REQUIREMENTS

22.1. Any used building moved in must be completely under pinned within sixty (60) days after moved in and painted to give appearance of looking new. Rock or brick masonry or new vinyl siding may be substituted in lieu of painting. However, except for new vinyl siding, any non-rock nor brick siding shall be painted within such 60 day period.

22.2. No residential building shall be constructed or moved in which contains less than seven hundred fifty (750) square feet within the living area per dwelling unit.

22.3. In the front of a new building, the outside wall area shall have a minimum of twenty-five percent (25%) masonry construction consisting of stucco, brick, ledge stone, fieldstone, or native types of stone veneer.

SECTION 23. ADDITIONAL USE, HEIGHT, AND AREA REGULATIONS AND EXCEPTIONS

23.1. In a district in which commercial or industrial buildings are built with one or more stories for residential purposes above the commercial or industrial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two (2) rooms deep from front to rear.

23.2. No yard other than open space provided outside any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear yard and except the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental

features which may project into such yards a distance of not more than two (2) feet.

23.3. Open, unenclosed porches, platforms, or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six (6) feet.

23.4. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

23.5. Front Yard:

- (a) Where forty (40) per cent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
- (b) Where forty (40) per cent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed front yards as described above, then (1) where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides; or (2) where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building; (3) in determining such front yard depth, buildings located entirely on the rear one-half (i) of a lot shall not be counted.
- (c) Vision Clearance: On any corner lot on which a front or side yard is required, no wall, fence, sign or other structure, or any plant growth shall be permitted or maintained higher than two (2) feet above the curb level within fifteen (15) feet of the intersection of the property lines. The property owner shall have the obligation to maintain such vision clearance. Provided further, that in the event the maintenance of such vision clearance would require the removal of large trees, the property owner may apply to the Board of Adjustment for a variance; any such variance

granted shall still require the trimming of such tree to minimize the interference with vision clearance.

23.6. Side Yards:

- (a) The minimum width of a side yard of a corner lot in the SF and MF Districts shall be not less than ten (10) feet, provided that if the street side line of a corner lot is in the same block frontage with a lot or lots whose street line is a front of such lot or lots, the side yard shall extend to the average alignment of the buildings along the same side of the street, unless such buildings are more than twenty-five (25) feet back from the street line, in which case the side yard need not be more than twenty-five (25) feet.
- (b) A side yard of not less than twenty-five (25) feet on the side of the lot adjoining on an SF or MF District shall be provided for all schools, libraries, churches, community houses, clubs and other public or semi-public buildings hereafter erected or structurally altered.
- (c) Where a lot in the C-2 or M-1 Districts is not used for residential purposes or abuts upon SF or MF Districts, a side yard shall be provided of not less than five (5) feet.
- (d) Garages detached or attached to the main use building entering on the side street of a corner lot shall maintain a side yard of twenty (20) feet in front of the garage.
- (e) In the MH-1 and MH-2 Districts, no mobile home shall be closer than 15 feet to another mobile home.

23.7. Rear Yard:

- (a) In the SF or MF Districts accessory buildings shall not occupy more than thirty (30) per cent of the required minimum rear yard area. Accessory buildings shall be a minimum of twelve (12) feet from the main use building. the SF and MF Districts no accessory building shall be more than one (1) story in height.
- (b) In computing the depth of a rear yard where such yard opens into an alley, one-half (1/2) of the width of such alley may be assumed to be a portion of the required lot.

SECTION 24. NON-CONFORMING BUILDINGS AND USES

24.1. The lawful use of any building, structure or land existing on the effective date of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance; provided, however, the right to continue such non-conforming use shall be subject to the following regulations:

- (a) Normal repairs and maintenance may be made to a non-conforming building or structure; provided that no structural alterations shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms.
- (b) Unless otherwise provided, a non-conforming building or structure shall not be added to or enlarged in any manner unless such additions and enlargements are made to conform to all of the requirements of the district in which such building or structure is located.
- (c) A non-conforming building or structure shall not be moved in whole or in part unless every portion of such building or structure is made to conform to all regulations of the district in which it is to be located.
- (d) If a non-conforming building or structure is damaged or destroyed to an extent of less than sixty (60) per cent of its fair market value by fire, explosion, act of God, or the public enemy, then restoration or new construction shall be permitted. If destruction is greater than sixty (60) per cent of its fair market value, such building or structure and its use, if repaired or replaced, shall conform to all regulations of the district in which it is located, and it shall be treated as a new building.
- (e) A vacant, non-conforming building or structure lawfully constructed before the date of enactment of this Ordinance may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of ninety (90) days after the effective date of this ordinance. The use of a non-conforming building or structure lawfully constructed before the date of enactment of this Ordinance which becomes vacant after the effective date of this Ordinance may be reoccupied by the use for which the building or structure was designed or intended, if so occupied within a period of ninety (90) days after the building or structure becomes vacant. All such buildings, after ninety (90) days of vacancy, shall be converted to a conforming use. Extension of

this 90 day period by the Board of Adjustment is permissible for good cause shown, not to exceed six months.

24.2. The non-conforming use of a building or structure may be continued as hereinafter provided.

- (a) The non-conforming use of a building or structure may not be changed to a use which does not conform to the requirements of the district in which it is situated.
- (b) A non-conforming use of a conforming building or structure shall not be extended or expanded into any other portion of such conforming building or structure, nor changed except to a conforming use. If such non-conforming use or portion thereof is voluntarily discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall conform to the regulations of the district in which such building or structure is located.

24.3. The non-conforming use of land existing at the time of the effective date of this Ordinance may continue as hereinafter provided.

- (a) A non-conforming use of land shall not be expanded, extended, or changed to some other use not in compliance with the regulations of the district in which the land is situated.
- (b) If a non-conforming use of land or any portion thereof is voluntarily discontinued for a period of ninety (90) days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located.
- (c) Any sign, billboard, or poster panel which lawfully existed and was maintained at the time of the effective date of this Ordinance may be continued, although such use does not conform with the provision of this Ordinance, provided, however, that no structural alterations are made thereto.
- (d) A non-conforming use of land for mobile home shall allow replacement of such mobile home with an H.U.D.-Code manufactured home, as defined in and provided by article 5116f, (Tex. Rev. Civ. Stat. Ann., Supp. 1986) of approximately the same width, length and height as the mobile home it replaced.

24.4. Abandonment: The non-conforming use of a building, structure, or land which has been abandoned shall not thereafter be

returned to such non-conforming use. A non-conforming use shall be considered abandoned when:

- (a) The intent of the owner to discontinue the use is apparent; or,
- (b) The characteristic equipment and furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days; or
- (c) A non-conforming building, structure or land, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a period of ninety (90) days; or
- (d) A non-conforming use has been replaced by a conforming use.

24.5. Change in District Boundaries: Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one district to another district, or when the boundaries of districts are changed as the result of annexation of new territory or changed in the regulations or restrictions of this Ordinance, the foregoing provisions relating to non-conforming uses shall also apply to any uses existing therein which may become non-conforming.

SECTION 25. ADMINISTRATION

25.1. Enforcement: This Ordinance shall be enforced by the building official appointed by the City Council, and the Board of Adjustment. No oversight or dereliction on the part of the building official or on the part of any official or employee of the city or county shall legalize, authorize and/or excuse the violation of any of the provisions of this Ordinance.

25.2. Permit Required: The construction, alteration of repair, removal, or reconstruction of any structure or any part thereof as provided or as restricted herein, shall not be hereafter commenced until after the issuance of a written permit for the same by the building official and in full compliance with the provisions herein, which permit shall be valid for one year unless otherwise noted by the building official. No permit for the erection, alteration or enlargement of any building shall be issued by the building official unless there first be filed in his office by the applicant therefor a plat, drawn to scale, and in such form as may be prescribed by the said building official, correctly showing the location and actual dimensions of the lot to be occupied, the dimensions and location on the lot of the building to be erected, altered or enlarged, together with a true statement in writing, signed by the applicant, showing the use for which such building is arranged, intended or designed, and furnishing such other information as the building official may require in the enforcement of the provisions of this Ordinance, and any failure to comply with

the provisions of this Ordinance shall be good cause for the revocation of any such building permit by the building official. A record of such applications and plats shall be kept in the office of the building official.

25.3. Certificate of Occupancy:

- (a) Subsequent to the effective date of this Ordinance, no change in the use of occupancy of any land, nor any change of use or occupancy in an existing building other than for single-family dwelling purposes shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the building official. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Ordinance, the approved subdivision ordinance and adopted building codes.
- (b) No vacant land shall be occupied or used for any use other than one of the uses permitted by the zoning district encompassing that land; and no building or structure shall be occupied or used until a certificate of occupancy shall have been issued by the building official.
- (c) No premises shall be used and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the building official.
- (d) Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alterations of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the building official.

25.4. District Boundaries: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map accompanying and made a part of this Ordinance, the following rules apply:

- (a) The district boundaries are either street or alley centerlines unless otherwise shown, and where the districts designated on the Map accompanying and made a part of this Ordinance are bound approximately by the street or alley centerlines, the street or alley centerlines shall be construed to be the boundary of the district.

- (b) Where the district boundaries are not otherwise indicated; and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the Zoning Map accompanying and made a part of this Ordinance are bound approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the Map.
- (c) In unsubdivided property, the district boundary lines on the Zoning Map accompanying and made a part of this Ordinance shall be determined by the use of the scale appearing on the Map.
- (d) In the case of a district boundary line dividing a property into two (2) parts, the district boundary line shall be construed to be the property line nearest the district boundary line as shown.
- (e) Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall thereafter be subject to all regulation of the extended districts.
- (f) Where the streets or alleys on the ground differ from the streets or alleys as shown on the Official Zoning Map, the streets or alleys on the ground shall control.
- (g) If none of the above apply, the Board of Adjustment shall determine the location of the district boundary.

25.5. Interpretation: In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.

SECTION 26. PLANNING AND ZONING COMMISSION

26.1. Planning and Zoning Commission Created: An agency of the City Council of the City of Florence is hereby created which shall be known as the Florence Planning and Zoning Commission, and such Commission shall consist of five (5) members.

26.2. Terms of Appointment: The members of the Commission shall each be appointed for a term of two (2) years and removable

for cause by the City Council upon written charges after public hearing. Vacancy shall be filled for the unexpired term of any member whose term becomes vacant.

26.3. Commission May Establish Its Own Rules: The Commission may establish its own rules as to the attendance of its members at its meetings and in furtherance of such, the Commission may, by a majority vote, expel any member who, in the opinion of the Commission, misses an unreasonable number of meetings.

26.4. Parliamentary Procedures: Meetings Open to Public: The Commission is hereby empowered to establish its own parliamentary procedures; provided that such shall not be in conflict with the law applicable to the Commission or the following:

- (a) QUORUM: A quorum shall consist of a majority of the entire membership of the Commission and any issue to be voted on shall be resolved by a majority of those present.
- (b) CHAIRMAN ENTITLED TO VOTE: The chairman shall be entitled to vote upon any question, but shall have no veto power.
- (c) Meetings shall be open to the public and minutes shall be kept and shall be treated as public records.

26.5. Powers and Duties of Commission: The Commission shall have the power and shall be required to:

- (a) Make, amend, extend and add to the master plan for the physical development of the City.
- (b) Study plans and plats of proposed subdivisions and, within legal limits recommend that such subdivisions meet with all the standards and requirements as required by this Code.
- (c) Draft and recommend to the City Council for its action and official map of the City of Florence and recommend proposed changes in such map.
- (d) Make and recommend to the City Council for its action a zoning plan and recommend changes in such plan.
- (e) Make and recommend to the City Council for its action, roadway facilities and proposed extensions thereof.
- (f) Review and recommend to the City Council for its action alterations to existing building, plumbing, electrical and related codes.
- (g) Meet as necessary, with such meetings to be held at the City Hall of the City of Florence, subject to posting thereof under the Texas Open Meetings Act, unless notice of change of meeting place be

- published in a newspaper of general circulation in the City of Florence.
- (h) Perform such other functions as may be duly delegated to them from time to time by the City Council.

26.6. Commission Declared to be Adjunct to City Council: The Florence Planning and Zoning Commission is hereby declared to be and adjunct to the City Council. All administrative personnel of the City are hereby authorized and directed to cooperate with and assist the Planning and Zoning Commission at all reasonable times.

26.7 Procedure Before the Planning and Zoning Commission:

- (a) The Planning and Zoning Commission shall hold a public hearing on all proposed changes in zoning regulations or district boundaries and written notice of all such public hearings shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the changes in zoning regulations of district boundaries are proposed. Such notice shall be given not less than ten (10) days before the day set for hearing to all such owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in a United States Post Office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making renditions which are included on the last approved City tax roll, notice to such owners shall be given by publishing the same in a newspaper of general circulation in the City of Florence at least ten (10) days prior to the date set for hearing, and which notice shall state the time and place of such hearing.
- (b) After such hearing, the Planning and Zoning Commission shall make its recommendation regarding the change in zoning regulations or district boundaries.
- (c) Each such recommendation made by the Planning and Zoning Commission shall be reported to the City Council in writing, and the applicant shall be notified of the action of the Planning and Zoning Commission.
- (d) The Planning and Zoning Commission shall establish and maintain a separate file for each application received, and shall record the names and addresses of all persons, firms and corporations to whom

notices are mailed including the date of mailing and the persons by whom such notices were delivered to the United States Post Office. All records and files herein provided shall be permanent and official files of the City of Florence.

26.8. Procedure Before the City Council:

- (a) After receiving the recommendation of the Planning and Zoning Commission, the City Council shall hold a public hearing concerning the same at the earliest practicable time, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Florence.
- (b) When the Planning and Zoning Commission has recommended a change in zoning regulations or district boundaries, the City Council shall be at liberty to either accept, reject or take other action; provided such action is consistent with the public notice and the provisions of this Ordinance.
- (c) If the Planning and Zoning Commission has recommended against a proposed amendment, supplement, change or modification, or if a protest against such change, signed by the owners of twenty (20) per cent or more of either the area of lots included in such proposed change or of those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom, or of those directly opposite thereto extending two hundred (200) feet therefrom the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council.
- (d) If the City Council has refused to grant a proposed amendment, supplement, change or modification in the boundaries of any zoning district, such amendment, supplement, change or modification in the boundaries of such zoning district shall not be submitted again prior to the expiration of twelve (12) months from the date of the order or decision of the City Council against such zone change.

26.9. Fees for Requesting a Change in Zoning: An applicant requesting an amendment, supplement, change or modification of this Ordinance, including the Official Zoning Map, or requesting a hearing before the Board of Adjustment which requires the sending of notices or the publication of notices shall deposit with the City Secretary an amount of money estimated by the building

official to be sufficient to mail and publish all notices required by law; provided, however, that in no event shall the amount be less than fifty (50) dollars.

SECTION 27. BOARD OF ADJUSTMENT

27.1. A Board of Adjustment is hereby established. The City Council shall have the authority to act as a Board of Adjustment as provided by law.

27.2. If the Council appoints a Board of Adjustment other than the City Council, the Board of Adjustment shall consist of not less than five (5) members, (delete residency requirement) each to be appointed for a term of two (2) years and removable for cause by the City Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

27.3. The Board shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

27.4. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of seventy-five (75%) percent of its members.

27.5. The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Ordinance in harmony with its general purpose and intent and in accordance with general or specific rules herein contained.

27.6. Appeal: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any office, department, board or bureau of the City affected by any decision of the building official. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the building official and with the Board of Adjustment a notice of appeal

specifying the ground thereof. The building official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

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

27.8. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

27.9. The Board of Adjustment shall have the following powers:

- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building official in the enforcement of this Ordinance.
- (b) To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass.
- (c) To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

27.10. In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building official from whose action the appeal is taken.

27.11. No order of the Board of Adjustment permitting the erection or alteration of a building shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.