

CITY OF FLORENCE, TEXAS
ORDINANCE NO. 02062024-01

AN ORDINANCE AMENDING CHAPTER 14, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF FLORENCE, TEXAS, TO REPEAL AND REPLACE THE CITY'S COMPREHENSIVE ZONING ORDINANCE WITH A NEW COMPREHENSIVE ZONING ORDINANCE; AMENDING THE OFFICIAL ZONING MAP OF THE CITY BASED ON THE ZONING DISTRICTS ESTABLISHED IN THE NEW COMPREHENSIVE ZONING ORDINANCE; PROVIDING FOR FINDINGS OF FACT, ENACTMENT, REPEALER, SEVERABILITY, PENALTIES, A SCHEDULE OF PERMITS AND FEES, CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Florence, Texas ("City"), is a Type A general-law municipality located in Williamson County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace, or order of the City and that are necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Chapter 211, the City is authorized to promulgate and enforce zoning regulations; and

WHEREAS, by Ordinance No. 5-4-99, the City Council previously adopted a comprehensive zoning ordinance for the City, as has been subsequently amended from time to time; and

WHEREAS, the Planning and Zoning Commission, after public notice and hearing held on November 16, 2023, made a report to the City Council on a new proposed comprehensive zoning ordinance and amended zoning map; and

WHEREAS, the City Council, after public notice and hearing held on December 5, 2023, determines that the proposed repeal and replacement of the comprehensive zoning ordinance and adoption of the amended zoning map promote the health, safety, and general welfare of the citizens of Florence, comply with the intent of the City of Florence Comprehensive Plan, and are necessary in light of changes in the City and surrounding areas; and

WHEREAS, the City Council determines that each and every requirement of Chapter 211 and local ordinances of the City concerning public notices, hearings,

and other procedural matters for adopting a zoning ordinance have been fully complied with; and

WHEREAS, the City Council finds that amending Chapter 14, Zoning, of the City's Code of Ordinances, and the City's Official Zoning Map is necessary and proper and in the best interests of the City and the public.

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

SECTION 1. FINDINGS OF FACT. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT. Chapter 14, Zoning, of the Code of Ordinances of the City of Florence, Texas, is hereby amended to read in accordance with Attachment "A", which is attached hereto and incorporated fully by reference for all purposes. Any underlined, italicized text shall be inserted into the Code and any bracketed, struck-through text shall be deleted from the Code, as indicated on Attachment "A". "Exhibit A" to Chapter 14 is hereby repealed in its entirety and replaced with a new "Exhibit A", being the Florence Zoning Ordinance included in Attachment "A" to this Ordinance.

SECTION 3. PENALTIES, PERMITS AND FEES. The City Council hereby enacts the penalties and schedule of permits and fees related as contained in the Florence Zoning Ordinance included in Attachment "A" to this Ordinance.

SECTION 4. ZONING MAP. The City Council hereby amends the Official Zoning Map of the City of Florence by repealing and replacing the existing map with the Zoning Map attached hereto as Attachment "B."

SECTION 4. REPEALER. This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of Florence, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which the conflicting provisions of such ordinances and such Code are hereby repealed in so far only as to any direct conflict with the provisions of this Ordinance.

SECTION 5. SEVERABILITY. The phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable. If any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable by a court or administrative agency with jurisdiction over the matter, such declaration shall not be construed to affect any other valid phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 6. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish this Ordinance, and to codify this Ordinance in the City's Code of Ordinances, as authorized in Chapter 52, Texas Local Government Code.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

SECTION 8. PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

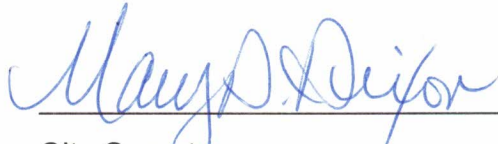
THE FIRST READING PASSED AND APPROVED ON THIS 6th DAY OF FEBRUARY 2024.

APPROVED:



Mary Condon, Mayor


ATTEST:



City Secretary

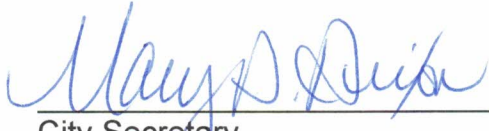
THE SECOND READING PASSED AND APPROVED ON THIS 8th DAY OF FEBRUARY 2024.

APPROVED:



Mary Condon, Mayor

ATTEST:



City Secretary

ATTACHMENT “A”

Chapter 14 Zoning

ARTICLE 14.01 GENERAL PROVISIONS (RESERVED)

ARTICLE 14.02 ZONING ORDINANCE

§ 14.02.001 **Adopted.**

The comprehensive zoning ordinance, Ordinance No. 02062024-01 [5-4-99], adopted by the city on February 8, 2024, [July 9, 2009], as amended, is included at the end of this chapter as Exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation, and numbering of articles, sections, and subsections have been retained as enacted.

Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets.

(Ordinance adopting Code)

ATTACHMENT "A"- EXHIBIT A

FLORENCE ZONING ORDINANCE

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I. GENERAL PROVISIONS

Section 1.1: Enacting Clause

A. THIS ORDINANCE IS HEREBY ENACTED AND ADOPTED AS THE ZONING ORDINANCE FOR THE CITY OF FLORENCE, TEXAS. TO READ AS FOLLOWS:

Section 1.2: Title and Purpose-

A. Title: This article shall be known and may be cited as the City of Florence's "Zoning Ordinance".

B. Purpose: As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its particular suitability for the uses specified; and with a view to conserving the value of buildings and attributes and to encouraging the most appropriate use of land throughout the City.

Section 1.3: Zoning District Map

A. Division Into Zoning Districts: The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the "Zoning Map", said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.

1. One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as "Zoning Map of the City of Florence, Texas - Ordinance No. ____". This copy shall be the official Zoning District Map and shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1.3 of the Zoning Ordinance of the City of Florence, Texas, adopted on the __ day of ____, _____. The original map shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
2. A copy of the original Zoning District Map shall be placed in the office of the Mayor/City Secretary/City Secretary or his/her designee. The map copy shall be used for reference and shall be maintained up to date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map or this copy.

B. Zoning Map Changes/Amendments: Any changes/amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the City Council, together with a descriptive entry on the map as follows: "On the ____ day of ____, ____, by official action of the City Council of Florence, Texas, the following change(s) was made on the City's official Zoning District Map: no changes to zoning map were made, Ordinance No. ____, effective date _____. The descriptive entry shall be signed by the Mayor and attested by the City Secretary.

Section 1.4: Zoning District Boundaries

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

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
5. Boundaries indicated as following the centerline of creeks, streams or drainage ways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.
6. Boundaries indicated as parallel to or extensions of features indicated within Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
7. Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
8. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

Section 1.5: Compliance Required and Application of Regulations

A. Compliance Hereafter: All land, buildings, structures or appurtenances thereon located within the City of Florence, Texas which are occupied, used, constructed, erected, removed, placed, demolished, or converted after the effective date of this ordinance shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties provided in Section VI of this Ordinance. All the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise. No building shall hereafter be erected or altered:

1. To have more narrow or smaller front, side, or rear yards than those required by this Ordinance.
2. To exceed the maximum height allowed by this Ordinance.
3. To occupy a greater percentage of lot area than allowed by this Ordinance; or
4. To accommodate or house a greater number of families than is specified within this Ordinance for the zoning district in which such building is located.

B. Use Conflicting With Other Regulations: No use(s) shall be allowed that is prohibited by State or Federal law or that operates in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.

C. Setbacks, Yards, & Open Spaces: No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance, nor shall a part of a yard

or other open space required by this Ordinance for any building or lot be included as a part of a yard or other open space similarly required for another building or lot.

D. Existing Uses: All existing uses that may be nonconforming after the effective date of this ordinance shall comply with Section 2.1 of this Ordinance.

E. Characteristic of the Land: Zoning is a characteristic of the land rather than a characteristic of the landowner. Zoning cannot be bought or sold.

Section 1.6: Zoning Upon Annexation

- A. Annexed territory to be zoned AG.** All territory hereafter annexed to the city shall be temporarily classified as AG Agricultural until permanent zoning is established by the city council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

II. ZONING PROCEDURES & ADMINISTRATION

Section 2.1: Nonconforming Uses and Structures

A. Intent of Provisions:

1. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, if the conditions within this Section and other applicable sections of the Ordinance are met, except as otherwise provided herein.
2. Where applicable, the lots set out in this subsection shall meet a minimum twenty-five feet (25') front yard setback. Lots platted prior to the adoption of this Ordinance do not have to meet minimum lot size as set out in applicable sections of this Ordinance provided that on-site sanitary facilities or public wastewater is approved.
3. Nonconforming uses shall not be enlarged upon, expanded, or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district, except as otherwise provided herein.
4. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.
5. Other than in the case of a fire or natural disaster, the owner of a manufactured home may remove the manufactured home from its location and place another manufactured home on the same property only once, provided that the replacement is a newer manufactured home and the new manufactured home is at least as large in living space as the prior manufactured home.

B. Nonconforming Status:

1. Any use, platted lot or structure which does not conform with the regulations of this Ordinance on the effective date hereof or any amendment hereto, except as expressly provided in Section 2 below, shall be deemed a non-conforming use, lot or structure provided that:
 - a. Such use, platted lot or structure was in lawful existence prior to this Ordinance; or
 - b. Such use, platted lot or structure was in existence at the time of annexation to the City, was a legal use of the land at such time and has been in regular and continuous use since such time.

2. Any other use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Ordinance or any amendment thereto, and except as provided in Section 2 below, shall be deemed to be in violation of this Ordinance, and the City shall be entitled to enforce fully the terms of this Ordinance with respect to such use, platted lot, or structure.

C. Continuing Lawful Use of Land and Structures:

1. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it annexed.
2. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

D. Abandonment of Nonconforming Uses:

1. If a nonconforming use is abandoned, any future use of the premises shall be in conformity with the provisions of this Ordinance, as amended, prior to the time the use was abandoned.
2. A nonconforming use shall be deemed abandoned in the following circumstances:
3. The use ceases to operate for a continuous period of six (6) months.
4. Where the use occupies a structure, the structure remains vacant for a continuous period of six (6) months; or
5. In the case of a temporary use, the use is moved from the premises.

E. Changing Nonconforming Uses:

1. A nonconforming use shall not be changed to another nonconforming use.
2. A nonconforming use may be changed to a conforming use; provided that, once such change is made, the use shall not be changed back to a nonconforming use.
3. A conforming use located in a non-conforming structure may be changed to another conforming use.

F. Expansion of Nonconforming Uses and Structures:

1. A nonconforming use may be extended throughout the structure in which it is located, provided that:
 - a. No alteration shall be made to the structure occupied by the nonconforming use, except those required by law to preserve the integrity of the structure; and
 - b. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
2. A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.
3. A nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use became nonconforming, except to provide additional off-street parking or loading areas required by this Ordinance.

G. Restoration of Nonconforming Structure:

1. If more than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined from the records of the Williamson County Appraisal District, has been destroyed, it may be rebuilt only in conformity with the standards of this Ordinance.

2. If less than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined from the records of the Williamson County Appraisal District, has been destroyed, it may be reconstructed to its original dimensions.
3. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use, the nonconforming use may be re-established subject to the limitations on expansion set forth in this Section.

H. Right to Proceed Preserved: Nothing contained in this Section 2.1 is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

Section 2.2: Planning & Zoning Commission

A. General: The Planning and Zoning Commission (also referred to as the “Commission”) shall function according to the following criteria that establish membership and operating procedures.

B. Created; Membership; Officers; Rules & Bylaws:

1. There is created, in accordance with Chapter 211 of the Texas Local Government Code, the “Planning and Zoning Commission”, hereafter sometimes referred to as the “Commission”, which shall consist of a minimum of five (5) members. The commission members shall be comprised of at least three (3) that reside within the corporate limits of the city. The remaining two (2) members may reside within the corporate boundaries of the Florence Independent School District. In the absence of qualified candidates, the City Council may waive these requirements to fill a vacant post.
2. Members shall be nominated by the Commission, or directly by the City Council of the City of Florence, and each person so nominated must be approved by a simple majority vote of the City Council before being appointed as a member of the Commission.
3. All appointments to the Commission shall serve as a member of the Commission for a term of office of two (2) years. Members may be reappointed every two years.
4. Any vacancy(s) on the Commission shall be filled via appointment by a simple majority vote of the City Council.
5. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member’s control such as sickness of the member or someone within the member’s immediate family. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item and shall be voted upon accordingly.
6. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office within, or serve as an employee of, the City while serving on the Commission. The Commission shall meet a minimum of once per month at a time established by the City Council. If there have been no applications filed for review by the Commission and there is no other business to discuss, the City Secretary or his/her designee is to notify the Chairman and no meeting will be required for that month.
7. The Chairperson and a Vice-Chairperson shall be appointed by the Commission membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Commission or full City Council. The Mayor/City Secretary’s designee shall serve as Secretary to the Commission and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the City Council.
8. The Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the City Council, and such rules, regulations and bylaws shall be subject to approval

by the City Council. Such rules, regulations and bylaws shall include, among other items, provisions for the following:

- a. Regular and special meetings, open to the public.
- b. A record of its proceedings, to be open for inspection by the public.
- c. Reporting to the City Council and the public regularly.
- d. Reviewing the Comprehensive Plan annually with a full update every five years.
- e. Reviewing Master Plans and Land Use and Development Ordinances; and
- f. Required training in conformance with all laws.

C. Parliamentary Procedure; Quorum; Voting:

1. The Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not conflict with the laws applicable to the Commission on the following:
 - a. **Quorum** - A quorum shall consist of a majority of the membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.
 - b. **Voting** - All Commission members, including the Chairperson, shall be entitled to one vote each upon any question, a quorum being present. Voting procedures shall be in accordance with the parliamentary procedures adopted by the City Council.
 - c. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Commission's agenda, that member shall remove himself or herself from the room and shall refrain from voting only on the item for which a conflict exists. Refer to Chapter 171 of the Texas Local Government Code and any applicable City ethics policies or regulations.

D. Meetings; Public Record:

1. The Planning and Zoning Commission shall meet in the Municipal Building or in some other specified location as may be designated by the presiding Chairperson, and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.
2. Meetings shall be conducted in accordance with the Open Meetings Law (refer to Chapter 551 of the Texas Government Code).

E. Powers and Duties:

1. The Commission shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapter 211 and 212 of the Texas Local Government Code, as amended from time to time.
2. The Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Commission shall also serve in an advisory capacity on any planning related item(s) in the City.

F. Procedure on Zoning Hearings:

1. The procedure and process for zoning changes or amendments shall be in accordance with Section 2.4 of this Ordinance.

G. Joint Meetings with the City Council:

1. Whenever the City Council and the Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council and the Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

Section 2.3: Zoning Board of Adjustments

A. Creation

1. There is hereby created a Zoning Board of Adjustments, hereafter sometimes referred to as the “ZBA”, for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to hear appeals and interpret the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance.

B. Members; Terms of Office

1. The Zoning Board of Adjustments may consist of members of the City Council and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended. The City Council may also choose by a simple majority vote to appoint Zoning Board of Adjustments members.
2. The Mayor/City Secretary’s designee shall serve as Secretary to the Zoning Board of Adjustments and shall keep minutes of all meetings held by the ZBA.
3. The Zoning Board of Adjustments shall have the power to make the rules, regulations, and bylaws for its own government.

C. Meetings:

1. Meetings of the Zoning Board of Adjustments shall be held at the call of the Chairperson or Secretary and at such other times as the ZBA may determine. All meetings of the ZBA shall be open to the public. All cases to be heard by the Zoning Board of Adjustments shall always be heard by at least seventy-five percent (75%) of the members.
2. When meeting as the Zoning Board of Adjustments, the ZBA cannot function as the City Council. Zoning Board of Adjustments hearings must be separate from City Council hearings.

D. Training:

1. Prior to serving on the ZBA, prospective members must complete a course of training as prescribed by the City Council.

E. Authority of Zoning Board of Adjustments:

1. The Board of Adjustments shall have the authority, granted in Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:
 - a. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

- b. Authorize, in specific cases, a variance from the terms of this Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done;
- c. In exercising its authority under Subsection 1 above, the Zoning Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative 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 administrative official;
- d. The concurring vote of at least seventy-five percent (75%) of the full Zoning Board of Adjustments is necessary to:
 - (1) Reverse an order, requirement, decision, or determination of an administrative official.
 - (2) Decide in favor of an applicant on a matter on which the Board is required to review under this Ordinance.
 - (3) Authorize a variance from the terms of this Ordinance; or
 - (4) Hear and decide special exceptions to this Ordinance.

F. Limitations on Authority of Zoning Board of Adjustments:

- 1. The Zoning Board of Adjustments may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 2.3.G below.
- 2. The Zoning Board of Adjustments shall have no power to grant or modify Special Use Permits authorized under Section 4.2 of this Ordinance.
- 3. The Zoning Board of Adjustments shall have no power to grant a zoning amendment. In the event that a written request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Zoning Board of Adjustments shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- 4. The Zoning Board of Adjustments shall not grant a variance for any parcel of property or portion thereof upon which a site plan, construction plat, or final plat, where required, is pending on the agenda of the Commission and, where applicable, by the City Council. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.

G. Variances:

- 1. The Zoning Board of Adjustments may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- 2. **Conditions Required for Variance:**
 - a. No variance shall be granted without first having given public notice and having held a public hearing on the written variance request in accordance with this Ordinance and unless the Zoning Board of Adjustments finds:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and
 - (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area; and
- (4) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.
- b. Such findings of the Zoning Board of Adjustments, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Zoning Board of Adjustments meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured, and that substantial justice may be done.

3. Findings of Undue Hardship:

- a. To grant a variance, the Zoning Board of Adjustments must make written findings that an undue hardship exists, using the following criteria:
 - (1) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
 - (2) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
 - (3) That the relief sought will not injure the permitted use of adjacent conforming property; and
 - (4) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- b. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.
- c. The applicant bears the burden of proof in establishing the facts that may justify a variance.

4. Special Exceptions for Nonconforming Uses and Structures: Upon written request of the property owner, the Zoning Board of Adjustments may grant special exceptions to the provisions of Section 2.1, limited to the following, and in accordance with the following standards:

- a. Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming; or
- b. Expansion of the gross floor area of a nonconforming structure provided that such expansion does not decrease any existing setback.
- c. Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
- d. In granting special exceptions under this Section 2.3, the ZBA may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of this Ordinance.

H. Appeals to the Zoning Board of Adjustments:

- 1. The appellant must file with the Zoning Board of Adjustments and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall promptly transmit to the Zoning Board of Adjustments all papers constituting the record of 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 Zoning Board of Adjustments 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 Zoning Board of Adjustments or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Zoning Board of Adjustments shall decide the appeal within forty-five (45) days after the written request (notice of appeal) was received, after which time the written request shall be deemed automatically approved if no formal action is taken. The Zoning Board of Adjustments may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

2. A member or members of the Zoning Board of Adjustments may not bring an appeal on behalf of a property owner other than himself/herself to the Zoning Board of Adjustments. An appeal must be requested by the owner of the property being considered.

I. Procedures:

1. **Application and Fee:** An application for a variance by the Zoning Board of Adjustments shall be made in writing using forms prescribed by the City, and shall be accompanied by an application fee, a site plan and such additional information as may be requested in writing in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale and shall be provided in digital format.
2. **Review and Report by the City:** The Mayor/City Secretary or his/her designee, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his or her findings to the Zoning Board of Adjustments.
3. **Notice and Public Hearings:** The Zoning Board of Adjustments shall hold a public hearing for consideration of the written variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and published in the official local newspaper at least ten (10) days prior to the public hearing.
4. **Action by the Zoning Board of Adjustments:** The Zoning Board of Adjustments shall not grant a variance unless it finds, based upon evidence, that each of the conditions in Section 2.3.G has been established. The Zoning Board of Adjustments may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

J. Finality of Decisions; Judicial Review:

1. All decisions of the Zoning Board of Adjustments are final and binding. However, any person aggrieved by a decision, or deemed approved per Section 2.3.H.1 above, of the Zoning Board of Adjustments may present a verified petition to a court of record which states that the decision of the Zoning Board of Adjustments is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the City Secretary's office. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm, or modify a decision of the Zoning Board of Adjustments.

Section 2.4: Changes and Amendments to Zoning Ordinances and Districts, and Administrative Procedures including Special Use Permits

A. Declaration of Policy and Review Criteria:

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

- a. To correct any error in the regulations or map.
 - b. To recognize changed or changing conditions or circumstances in a particular locality.
 - c. To recognize changes in technology, the style of living, or manner of conducting business.
 - d. To change the property to uses in accordance with the approved Comprehensive Plan; or
 - e. To make changes in order to implement policies within the Comprehensive Plan
2. In making a determination regarding a written requested zoning change, the Commission and the City Council shall consider the following factors:
- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
 - b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area.
 - c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
 - d. The recent rate at which land is being developed in the same zoning classification as the written request, particularly in the vicinity of the proposed change.
 - e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and
 - f. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

B. Authority to Amend Ordinance or Change Zoning:

- 1. The City Council may from time to time, after receiving a final report thereon by the Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries or classifications of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning district boundary or classification amendment may be requested by the City Council, the Commission, or, in writing by the owner of real property, or the authorized representative of an owner of real property. Upon such request, the item(s) shall be posted on the Commission agenda after proper application and notification has been made.
- 2. Consideration for a change in any district boundary, classification, or other zoning regulation applicable to specific real property may be initiated only by the property owner or his or her authorized agent or by the Commission or the City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. Proof of authorization by the property owner must be submitted with the zoning application. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership or verification that he or she is acting as an authorized agent for the property owner.

C. Application:

- 1. Applications by the owner or agent for zoning or for an amendment or change to the existing zoning regulations (including boundaries and classification) applicable to a specific tract of real property shall be made in writing on an application form available at the City in the office of the City Secretary, filed with the City, and shall be accompanied by payment of the appropriate fee. See Appendix C, Zoning Fee Schedule. The application shall also be provided in digital format, shall also be accompanied by additional information materials, such as plans, maps, exhibits, legal description of property, architectural elevations, information about proposed uses shall also be provided in digital format, as deemed necessary by the Mayor/City Secretary or his/her designee, in order to ensure that the written request is understood. A concept plan shall be submitted as prescribed in Section 2.6 of this Ordinance, along with any zoning request.
- 2. All foregoing zoning change requests shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of a landowner's agent to file the change request.
- 3. Official Submission Date and Completeness of Application:

- a. For the purpose of these regulations, the “official submission date” shall be the date upon which a complete application for a zoning change request, that contains all elements and information required by this Ordinance, is first submitted to the Mayor/City Secretary or his/her designee. No application shall be deemed officially submitted until the Mayor/City Secretary or his/her designee determines that the application is complete, and a fee receipt is issued by the City. Failure by the Mayor/City Secretary or his/her designee to make a determination of incompleteness within fifteen (15) calendar days following the date on which the application was first received by the City, shall result in the application being deemed complete, and the “official submission date” shall become the 16th calendar day following initial receipt of the application by the City.
- b. Zoning change request applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the City, and shall not be scheduled on a Commission agenda until the proper information is provided to City staff.

D. Public Hearing and Notice:

1. For any and all proposals to change or supplement this chapter, or the boundaries, classifications, or use restrictions applicable to any zoning district specified on the Zoning District Map, whether applicable to multiple districts or only to one specific tract, the Commission and City Council shall hold at least one public hearing.
2. For the foregoing proposed changes, including rezoning requests, notice of the public hearing shall be accomplished by:
 - a. For the public hearing before City Council, publishing the purpose, time and place of the public hearing in the official newspaper of the City before the 15th day before the date of the hearing date of the public hearing; and
 - b. For the public hearing before the Commission, mailing notice of the public hearing to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.
3. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes or development proposals such as site plans, plats and developer agreements, which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s). Adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.
4. If a proposed change would cause a conforming use to become a nonconforming use, written notice by mail shall also be provided as required by Section 211.006(a-1), Local Government Code.
5. Parliamentary procedures shall be established by the City Council.
6. Any appeal that is appropriately filed shall receive public notification on the City Council agenda in accordance with City regulations.

E. Failure to Appear:

1. Failure of the applicant or representative to appear before the Commission or the City Council for more than one hearing without an approved delay by the Mayor/City Secretary or his/her designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. Any rescheduling may be limited to one (1) and may be subject to reimbursement of City administrative costs.

F. Planning & Zoning Commission Consideration and Recommendation:

1. The Commission shall function in accordance with Section 2.2 of this Ordinance and with applicable provisions in the City Code of Ordinances.
2. The Commission shall hold a public hearing on a zoning or rezoning request, and/or a proposed text amendment to this Ordinance. After all public input has been received and the public hearing closed, the Commission shall make its recommendations on the proposed zoning request and concept plan, if submitted, stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City Comprehensive Plan. The Commission may, on its own motion or at the applicant's request, defer its decision recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda.
3. When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions as in the case of a Planned Development District or a Special Use Permit, or disapproval of the request. If the Commission's recommendation is to approve the request either as submitted or with additional conditions, then the request will be automatically forwarded to the City Council for a second public hearing thereon.
4. If the Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Commission Chairperson shall inform the applicant of the right to receive reasons for the denial.

G. City Council Consideration:

1. **Applications Forwarded from the Planning and Zoning Commission to the City Council:** Every application or proposal which is recommended for approval or approval with conditions, by the Commission shall be automatically forwarded, along with the Commission's recommendation to the City Council for setting and holding of public hearing thereon following appropriate public hearing notification. The City Council may then approve the request, approve it with conditions, or disapprove it by a simple majority vote of the Board members present and voting.
 - a. An application which is recommended by the Commission for denial shall not be forwarded to the City Council unless the applicant files a written appeal with the City Secretary within ten (10) days after the Commission's decision. Said appeal will, in that instance, be forwarded to the City Council along with the Commission's reasons for denial of the request. The appeal shall be scheduled for the next possible City Council agenda, following appropriate public notification. Ultimate approval of the request will require a three-fourths (3/4) majority vote of all members of the City Council. No zoning change shall become effective until after the adoption of an ordinance for same.
2. **City Council Action on Zoning, Rezoning and Text Amendment Requests:** After a public hearing is held before the City Council regarding the zoning application, the City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, specifically citing the City Council meeting to which it was tabled, or it may refer the application back to the Commission for further study.
 - a. If the City Council approves the request, then Section 2.4.G.4 will apply.
 - b. If the City Council denies the request, then no other zoning application may be filed for all or part of the subject tract of land, or for that portion of the Ordinance, for a waiting period of one (1) year following the denial, or in the case of a text amendment request submitted by a property owner or citizen, for a waiting period of three (3) months following the denial. In the instance that the request was initiated by the City Council and involved a proposed amendment to the text of the Zoning Ordinance, then there is no waiting period before the request can be reconsidered.
 - c. The City Council may, at its option, waive the one (1) year waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
3. **Protests:** A favorable vote of three fourths (3/4) of all members of the City Council shall be required to approve any change when written objections are received from twenty percent (20%) or more of the land area covered by the

proposed change, or the land area within two hundred feet (200') of the subject property, in compliance with the provisions of Section 211.006 of the Texas Local Government Code. If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the property owner included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom, such amendments shall not become effective except by a three-fourths (3/4) vote of all members of the City Council.

4. **Final Approval and Ordinance Adoption:** Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the Mayor/City Secretary or his/her designee for the preparation of the amending Ordinance. The zoning request shall be deemed approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted until a correct description and all required exhibits have been submitted to the Mayor/City Secretary or his/her designee.

Section 2.5: Certificates of Occupancy and Compliance

A. Certificates of Occupancy shall be required for any of the following:

1. Occupancy and use of a nonresidential building hereafter erected or structurally altered as described in Section 2.5.B below.
2. Change in use of an existing building to a use of a different classification.
3. Change in the use of land to a use of a different classification.
4. Occupancy and use of a rehabilitated or reconstructed residential structure that was previously damaged by at least fifty percent (50%) of the structures appraised value by fire or natural disaster.

No such use, or change of use, shall take place until a Certificate of Occupancy has been issued by the City.

B. Procedure for New or Altered Buildings including, if any, vacant land:

1. Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered or change in use shall be made at the same time as the application for the Building Permit for such building.
2. Said Certificate shall be issued after the building or structure has been inspected and no violations of the provisions of this Ordinance or other City regulations have been found. Said Certificate shall be issued after the erection or alteration or change in use of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

C. Contents: Every Certificate of Occupancy shall contain the following:

1. A building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the Certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of the City Building Codes for the particular group and division of occupancy.
6. Use(s) allowed.
7. Maximum number of occupants.
8. The issue date of the Certificate of Occupancy, and

9. The zoning district in which the building is located.

D. Posting: The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the City.

Section 2.6: Concept Plan and Site Plan Review Processes

A. Purpose: This Section establishes a site plan review process for all proposed non-residential and residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with the Comprehensive Plan appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, coverage, and other utilities and services.

B. Applicability: Site plan review and approval shall be required for all non-residential and specified residential projects (refer to C below) and any Planned Development District or Special Use Permit, public hearings may also be required, as set forth in Section 4.2.

- 1. Building Permits and Certificate of Occupancy:** No building permit shall be issued for any of the above developments until a site plan and all other required engineering or construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City.
- 2. Site Plan Review:** The site plan review process shall include five (5) steps:
 - a. Pre-Application Conference.
 - b. Concept Plan Review.
 - c. Site Plan Review.
 - d. Planning and Zoning approval.
 - e. City Council approval
- 3. Planning and Zoning Approval, City Council Approval:** Although the Concept Plan and Site Plan review steps are listed as separate steps in the approval process herein, these two steps can be combined.
- 4. Exemptions and Exceptions:** Site plan review shall not be required for single-family detached residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings, such as a private recreation or swimming facility or clubhouse or a golf course, or unless the proposed subdivision will have private (not public) streets. In these instances, site plan submission and approval, in accordance with this Section, will be required for the private amenity or facility, the golf course clubhouse/hospitality area, and the gated entrances.

C. Concept Plan and Site Plan Submission Requirements: The concept plan and site plan submission shall be comprised of the items set forth below. All required items and information must be received by the Mayor/City Secretary or his/her designee in order for a concept plan or site plan submission and zoning change request, as applicable, to be considered complete. Incomplete submissions will not be reviewed until all deficient items/information has been received:

1. An application form, in the format provided by the City, with notarized signatures of the owner or his/her designated representative.
2. Filing fee.
3. Verification that all taxes and assessments on the subject property have been paid.
4. Copies of the concept plan or site plan, on 11" x 17" sheet, and drawn to a known engineering scale that is large enough to be clearly legible, a PDF copy and a Vector AutoCAD 2019 DWG file or later, and other required information, the quantity of which shall be determined by the Mayor/City Secretary or his/her designee.

5. General layout for the required public improvements, including water, wastewater, grading and storm drainage, streets, water quality, alleys, fire lanes and hydrants, the quantity of which shall be determined by the Mayor/City Secretary or his/her designee.
6. Reduced copies (11" x 17") of the site plan as required by the Mayor/City Secretary or his/her designee.
7. Landscaping and irrigation plans, the quantity of which shall be determined by the Mayor/City Secretary or his/her designee.
8. Building facade (elevation) plans drawn to scale, the quantity of which shall be determined by the Mayor/City Secretary or his/her designee.
9. Any additional information/materials, both in hard copy and digital format, such as plans, maps, exhibits, legal description of property, information about proposed uses, as deemed necessary by the Mayor/City Secretary or his/her designee, in order to ensure that the written request is understood.
10. If the application is for a single-family subdivision, a construction plat may qualify as a site plan, notwithstanding other information contained herein that may still be deemed as required with the application.

D. Official Submission Date and Completeness of Application:

1. For the purpose of these regulations, the “official submission date” shall be the date upon which a complete application for approval of a concept plan or site plan, that contains all elements and information required by this Ordinance, is first submitted to the Mayor/City Secretary or his/her designee. No application shall be deemed officially submitted until the Mayor/City Secretary or his/her designee determines that the application is complete, and a fee receipt is issued by the City. Failure by the Mayor/City Secretary or his/her designee to make a determination of incompleteness within fifteen (15) calendar days following the date on which the application was first received by the City, shall result in the application being deemed complete, and the “official submission date” shall become the 16th calendar day following initial receipt of the application by the City.
2. Concept plan and site plan applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the City, and shall not be scheduled on a Commission agenda until the proper information is provided to City staff.

E. Additional Information: The City staff may require other information and data for specific concept plans and site plans. This data may include but is not limited to geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a concept plan or site plan may establish conditions for construction based upon such information.

F. Principles and Standards for Site Plan Review and Evaluation: The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City, and to ensure that all developments are, to the best extent possible, constructed according to the City codes and ordinances.

1. The Mayor/City Secretary or his/her designee shall review the concept plan or site plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of the City; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.
2. Concept plan or site plan review and evaluation by the Mayor/City Secretary or his/her designee shall be performed with respect to the following:
 - a. The plan's compliance with all provisions of this Ordinance and other ordinances of the City of Florence.
 - b. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

- c. The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
- d. The provision of a safe and efficient vehicular and pedestrian circulation system.
- e. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- f. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
- g. The coordination of streets to arrange a convenient system consistent with the Transportation Plan of the City.
- h. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
- i. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged to minimize glare and reflection upon adjacent properties.
- j. The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- k. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- l. Protection and conservation of watercourses and areas subject to flooding.
- m. The adequacy of water, drainage, sewage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- n. Consistency with the Comprehensive Plan.

G. Approval Process:

1. **Pre-application Conference:** The applicant(s) shall consult with the Mayor/City Secretary, the City Engineer, and/or other designated administrative officers before preparing a concept plan or a site plan in order to save time, money and to avoid potential unnecessary delays.
 - a. Prior to formal application for approval of any concept plan or site plan, the applicant(s) shall request and attend a pre-application conference with the Mayor/City Secretary or his/her designee, the City Engineer, and any other pertinent City official(s) in order to become familiar with the City development regulations and the development process. At the pre-application conference, the developer may be represented by its land planner, engineer, and surveyor.
2. **City Staff Review:** Upon official submission of a complete application for concept plan or site plan approval, the City shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the Mayor/City Secretary or his/her designee, City Engineer, and any other pertinent City official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable City regulations. Following City staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plan to the Mayor/City Secretary or his/her designee within thirty (30) calendar days following the date on which the applicant received official notification of the completion of the review by the Mayor/City Secretary or his/her designee.
 - a. The Mayor/City Secretary or his/her designee shall schedule consideration of the concept plan or site plan, as resubmitted (if applicable), on the regular agenda of the Commission within thirty (30) days after the submission is received, or, in the case of an incomplete submission, after the submission is deemed complete. The Commission shall review the concept plan or site plan and shall recommend approval, approval subject to certain conditions, or disapproval of the concept plan or site plan. If the Commission recommends approval, with or without conditions, of the plan, then it will be forwarded to the City Council for consideration. If the Commission recommends disapproval of a plan application, the

Commission shall state such disapproval and the reasons thereof. The applicant or property owner may appeal such decision to City Council by filing a Notice of Appeal in the office of the Mayor/City Secretary or his/her designee no later than ten (10) calendar days after the date upon which the Commission denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed. The City Council may change the decision of the Commission by vote of the majority of the City Council present. The City Council may also, where appropriate, remand the concept plan or site plan application back to the Commission for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony. **The City Council shall determine final approval or disapproval of all concept plan or site plan appeals.**

- H. Revisions to the Concept Plan or Site Plan:** Revisions to an approved concept plan or plan shall be processed in accordance with Subsection 2.6 above.
- I. Lapse of Concept Plan or Site Plan Approval:** The approval of a concept plan or site plan shall be effective for a period of one (1) year beyond the date that the plan was approved by the City Council, except as provided in Section K below. By 12:01 a.m. on the first anniversary following approval of the plan, the applicant must have completed and submitted to the City Council a City-required “progress benchmark” as set forth below. If this is not accomplished, then the approved concept plan or site plan shall be deemed to have expired and shall become null and void. The series of “progress benchmarks” for a project, pursuant to the provisions of this paragraph, are as follows:

<u>APPROVED PLAN</u>	≡	<u>NEXT “PROGRESS BENCHMARK”</u>
Concept Plan	≡	Final Site Plan (per Zoning Ordinance), and Construction Plat (per Subdivision Ordinance) and continued engineering review of the engineering plans
Site Plan	≡	Application for a Building Permit for at least one of the buildings on the approved site plan.

J. Extension and Reinstatement Procedure:

- 1. Extension of Plan Approval:** Prior to the lapse of approval for a concept plan or site plan, the applicant may petition the City, in writing, to extend the plan approval. Such petition shall be considered at a public meeting before the City Council, and an extension may be granted by City Council at such meeting. Up to two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of concept plan or site plan approval is submitted, then the plan shall be deemed to have expired and shall become null and void.
- 2. Determination of Extension:** In determining whether to grant a request for extension, the City Council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The City Council shall either extend the concept plan or site plan or deny the request, in which instance the originally approved plan shall be deemed null and void. The property owner must thereafter submit a new concept plan or site plan application for approval and shall conform to the zoning regulations then in effect.

K. Concept Plan Requirements and Review:

- 1. Applicability:** Submission and approval of a concept plan is required for development within non-residential districts, for Planned Developments, and for Special Use Permit requests. The concept plan is the first step in the approval process for a development project, whether residential or non-residential
- 2. Purpose:** The purpose of a concept plan is to allow opportunity for the City to preview various development related aspects of the project, including proposed major thoroughfare and collector street patterns, land use patterns and

trends, historic structure(s) and/or land, environmental issues and constraints, building orientation and massing, conformance to the Comprehensive Plan, this Ordinance, and other applicable plans and guidelines, and the property's relationship to adjoining subdivisions or properties. Review of a concept plan would also assist the City in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.

- 3. Extent of Area That Should Be Included in A Concept Plan:** When the overall development project is to be developed in phases, the concept plan area shall include the entire zoned property from which the phases are to be developed and an approximate development schedule. Where significant natural or man-made features, such as thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items to be shown on a concept plan, the concept plan may include a smaller study area. Boundaries such as major thoroughfares, whether existing or proposed, creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area.
- 4. Procedures and Submission Requirements for Concept Plan Approval:** Submission of an application for concept plan approval shall be preceded by a pre-application conference with the City. The concept plan shall be prepared at a scale no smaller than one-inch equals two-hundred feet (1" = 200') and on sheets eleven inches by seventeen inches (11" x 17") and a PDF copy and a Vector AutoCAD 2019 DWG file or later and it shall show the following:
 - a. A title block within the lower right-hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Williamson County, Texas.
 - b. A vicinity or location map that shows the location of the proposed development within the City or its extraterritorial jurisdiction and in relationship to existing roadways.
 - c. The boundary survey limits of the tract and scale distances with north clearly indicated.
 - d. The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property.
 - e. The existing zoning and existing and proposed uses on adjacent land, the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, any existing easements with recording information, existing buildings, railroad rights-of-way, topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable, any other important natural features (such as rock outcroppings, wildlife habitats, all substantial natural vegetation, and adjacent political subdivisions, corporate limits, and/or school district boundaries;
 - f. Proposed strategies for tree preservation showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction.
 - g. The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots, and blocks, proposed driveway widths and distances between driveways, proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways and entryways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings.
 - h. A general arrangement of land uses and buildings, including but not limited to, proposed non-residential and residential densities, building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking

areas, any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainage ways, and other pertinent development related features.

i. The phasing of development.

5. **Effect of Review:** The concept plan shall be used only as an aid to show the anticipated layout of the proposed development, and to assess the adequacy of public facilities or services that will be needed to serve the proposed development. Any proposed use or development depicted on the concept plan shall not be deemed formal authorization or approval by the City until a final site plan is approved for the development. The concept plan approval is to be thought of as a general acknowledgment by the City that the proposed layout generally conforms to the City zoning regulations, and that the proposed development can be adequately served by required public facilities or services. If the applicant chooses to construct only the initial phase or phases of a multi-phase project designated in the concept plan, a new concept plan may be required for site plan approval of subsequent phases, if the proposed development layout, character, or other conditions affecting the development substantially change from one phase to the next.
6. **Validity:** The approved concept plan shall be valid for a period of one (1) year from the date of concept plan approval.

L. Site Plan Requirements and Review:

1. **Applicability and Purpose:** Submission and City approval of a site plan is required as stated in Section 2.6.B. The purpose of final site plan approval is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction. Approval of the site plan, construction plat, landscape plan, building facade plan, and engineering plans are required prior to site construction.
2. **Extent of Area That Should Be Included in A Site Plan:** When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed or constructed.
3. **Procedures and Submission Requirements for Site Plan Approval:** Submission of an application for site plan approval shall be preceded by a pre-application conference with the City. The site plan shall be prepared at a scale no smaller than one-inch equals one hundred feet (1" = 100') and on sheets eleven inches by seventeen inches (11" x 17"), a PDF copy and a Vector AutoCAD 2019 DWG file or later and it shall clearly show in detail how the site will be constructed such as paving, buildings, landscaped areas, utilities. The site plan shall include, but not be limited to the following:
 - a. A title block within the lower right-hand corner of the site plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Williamson County, Texas.
 - b. A vicinity or location map that shows the location of the proposed development within the City or its extraterritorial jurisdiction and in relationship to existing roadways.
 - c. The boundary survey limits of the tract and each proposed lot, and scale distances with north clearly indicated.
 - d. The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks.
 - e. The existing zoning and existing and proposed uses on adjacent land, the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, any existing easements, with recording information, existing buildings, railroad rights-of-way, topography with contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable, any other important natural features such as rock outcroppings, caves and wildlife habitats, and all substantial natural vegetation.
 - f. Proposed strategies for tree preservation, showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction.

- g. The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways, driveway widths and distances between driveways, and proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways or entryways on the opposite side of roadways must also be shown.
 - h. Specific locations and footprints of buildings, including but not limited to proposed non-residential and residential densities, building heights, square footages which for multi-tenant or multi-purpose buildings must show square footage for each intended use, massing, orientation, loading and service areas, including proposed screening, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas including parking ratio calculations, any proposed sites for parks, schools, public facilities, public or private open space, flood plains and drainageways, all proposed and existing utilities and easements, drainage structures, retention/detention ponds with proposed aesthetic treatments or screening walls, fences, signage, fire lanes and fire hydrants, lighting, visibility easements, and other pertinent development related features.
 - i. A landscape plan showing turf area, tree types and sizes, screening walls, ornamental plantings, planting schedule, including species, planted height, spacing, container and caliper size, numbers of each plant material, any existing wooded areas, trees to be planted, and irrigation plans, if required.
 - j. Building facade (elevation) plans showing elevations with any wall-mounted signage to be used, as determined appropriate by the Mayor/City Secretary or his/her designee.
- 4. Conformance:** Provision of the above items shall conform to the principles and standards of this Ordinance and the Comprehensive Plan. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the Mayor/City Secretary or his/her designee shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with and to comply with these requirements.
- 5. Effect of Review:** The site plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained, such as a construction plat, engineering plans, landscape plan, building facade plans and building permits.
- 6. Validity:** The approved site plan shall be valid for a period of one (1) year from the date of approval.

III: ZONING DISTRICTS

Section 3.1: Zoning Districts Established

The City of Florence, Texas, is hereby divided into the following zoning districts. The use, height, area regulations, and other standards, as set out herein apply to each district. The districts established herein shall be known as follows:

<u>ABBREVIATED DESIGNATION</u>	<u>ZONING DISTRICT NAME</u>
AG	Agriculture District
SF-1	Single-Family Residential District
SF-TA	Single-Family Attached Residential District- Townhomes
MF-1	Multi-Family Residential District (Duplex/Triplex/Quadplex Attached)
MF-2	Multi-Family Residential District-Apartments
SF-MH	Single-Family Manufactured Existing Home District
MU	Mixed Use District
C-1	Commercial General District

C-2	Commercial, Light Industrial District
CBD	Central Business District
PO	Parks and Open Space District
IM	Institutional/Municipal District
PD	Planned Development District

A summary of the area regulations for the following zoning districts is included within the **Appendix B**.

Section 3.2: AG, Agriculture District

A. General Purpose and Description: The AG, Agriculture District is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land in accordance with county law. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agriculture unless it is assigned another zoning district. It is anticipated that Agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future.

B. Permitted Uses: Those uses listed for the AG- Agricultural District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Use Permits must be approved utilizing procedures set forth in Section 4.2.

Agriculture District AG Regulations	
Building Placement from Property Line from property line	
Size of Lot	
Lot Size	One Acre; 43,560 square feet (minimum)
Lot Width	150 feet (minimum)
Lot Depth	250 feet (minimum);
Building Setback	
Front yard	25 feet minimum
Side yard	25 feet from a street right of way on a corner lot
Rear Yard	50 feet for the main building and any accessory building; ten feet from a main building to an accessory building
Maximum lot coverage	
Main Building	20%
Total	30% including accessory building, driveways, and parking areas
Dwelling Area (Minimum)	
Main Building	1,000 square feet
Additional Buildings	Must meet accessory dwelling unit section 4.1.G.3

C. Special Requirements:

- 1. On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- 2. Open Storage:** Open storage is prohibited (except for materials for the resident’s personal use or consumption such as firewood, garden materials, etc.).
- 3. Side-Entry Garages:** Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25’) from the door face of the garage or carport to the side property line for maneuvering.
- 4. Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the City Building Code.
- 5. Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
- 6. Other Regulations:** Refer to Development Standards and Use Regulations.

Section 3.3: SF-1, Single-Family Residential District

A. General Purpose and Description: The SF, Single-Family Residential District, is intended to provide for development of primarily low-density detached, single-family residences.

B. Permitted Uses: Those uses listed for the SF District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Use Permits must be approved utilizing procedures set forth in Section 4.2.

Single-Family Residential District SF-1 Regulations	
Building Placement from Property Line	
Building Setback	
Front	25 feet
Side	7.5 feet
Street Side	10 feet
Street Side (garage entry)	25 feet
Rear	25 feet
Accessory Building	5 feet
Size of Lot	
Lot Size	5,000 square feet (minimum)
Lot Width	50 feet (minimum)
Lot Depth	100 feet (minimum)
Dwelling Area (Minimum)	
Main Building	1,000 square feet

Additional Buildings	Must meet accessory dwelling unit section 4.1.G.3
Height*	* All heights measured to eaves or base of parapet.
Main Building Maximum	2 stories, 35 feet maximum
Accessory Building Maximum (not a dwelling)	2 stories, 20 feet maximum
First Floor Ceiling Height	8 feet minimum
Parking	
Required Spaces (minimum)	2 spaces per unit (off street)
Parking Drive Width	12 feet minimum
<i>Maximum Lot Coverage by main building, accessory buildings, and driveways- Lot area- 5,000 to 12, 000 sf- 50% Lot area- 12,001 to 21,780 sf- 40% Lot area- 21,781sf to 1 acre- 20% main building, 10% accessory buildings and driveway.</i>	

C. Special Requirements:

- 1. On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- 2. Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- 3. Side-Entry Garages:** Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- 4. Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the City Building Code.
- 5. Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
- 6. Other Regulations:** Refer to Development Standards.

Section 3.4: SF-TA, Single-Family Attached Residential District-Townhomes

- A. General Purpose and Description:** The SF-TA, Single-Family Attached Residential District- Townhomes is intended to promote stable, quality, attached residential development on individual lots at slightly increased densities. Individual ownership of each lot is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a “buffer” or transition district between lower density residential areas and multiple-family or non-residential areas or major thoroughfares. A complex of attached single-family dwellings shall have a minimum length of three (3) dwelling units and shall not exceed two hundred ten feet (210') in length or the width of six (6) attached units, whichever is less.
- B. Permitted Uses:** Those uses listed for the SF-TA District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special uses, respectively. Special Use Permit must be approved utilizing procedures set forth in Section 4.2.

Single-Family Attached Residential District-Townhomes SF-TA Regulations	
Building Placement from Property Line	
Building Setback	
Front	25 feet
Side (common walls)	0 feet
Side (between <u>buildings</u>)	15 feet
Street Side	15 feet
Street Side (garage entry)	25 feet
Rear	25 feet (minimum)
Accessory Building	5 feet
Size of Lot per Unit	
Lot Size	2,000 square feet (minimum)
Lot Width	20 feet (minimum)
Lot Depth	100 feet (minimum)
Dwelling Area (Minimum)	
Floor Area (minimum)	1,000 square feet
Height*	
Building Maximum	2 stories, 30 feet maximum
Accessory Building Maximum	2 stories, 20 feet maximum
First Floor Ceiling Height	8 feet minimum
* All heights measured to eaves or base of parapet.	
Parking	
Required Spaces (minimum)	2 spaces per unit (off street) see additional require
Parking Drive Width	12 feet minimum
<i>Maximum Lot Coverage by main building, accessory buildings, and driveways-70%</i>	

C. Size of Yards:

- 1. Minimum Side Yard:** Single-family attached dwellings are not required to have a side yard, with the exception of a minimum fifteen-foot (15') side yard adjacent to a street. The ends of any two adjacent building complexes or rows of buildings shall be at least fifteen feet (15') apart. The required side yards shall be designated upon a plat approved by the City Council.

D. Parking Regulations:

1. A minimum of two (2) covered and enclosed parking spaces for each dwelling unit, located behind the dwelling unit and accessed only from the rear via an alley or approved fire lane, and located on the same lot as each dwelling unit.
2. Additional parking shall be required for any recreational uses, clubhouse, temporary sales office and/or visitors at a ratio established for uses as outlined in Section 5.1, Off-Street Parking and Loading Regulations.
3. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of not less than one (1) guest/visitor space per three (3) units.
4. **Other** - Refer to Section 5.1.

E. Special Requirements:

1. **Separate Utilities:** All utilities shall be provided separately to each lot within an SF-TA district so that each unit is individually metered.
2. **Private Yard:** Each SF-TA lot shall contain a private yard of not less than four hundred (400) square feet; such yard area(s) may be either a front yard, backyard or side yard. Calculation for a private yard area may include:
 - a. a patio cover, gazebo or other similar non-enclosed structure that does not cover more than twenty-five percent (25%) of the yard; and/or
 - b. a swimming pool, swing set, play fort, or other leisure amenity.
3. **Useable Open Space Requirement:** All SF-TA districts shall provide usable open space at the same ratio and conforming to the same criteria as specified below. Except as provided herein, any SF-TA subdivision shall provide useable open space which equals or exceeds twenty percent (20%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for an SF-TA development if it contains twenty (20) or fewer lots.
4. **Maintenance Requirements for Common Areas:** A property owners association is required for continued maintenance of common land and/or facilities.
5. **Garage Space Required:** The elimination of a garage space by enclosing the garage with a stationary building wall is prohibited.
6. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
7. **Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
8. **Side-Entry Garages:** SF-TA with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
9. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the City Building Code.
10. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
11. **Other Regulations:** Refer to Development Standards.

Section 3.5: MF-1 Multi-Family Residential District (Duplex/Triplex/Quadplex Attached)

- A. **General Purpose and Description:** The MF-1, Multi-Family Attached Residential District is intended to promote stable, quality, attached-occupancy residential development on lots at slightly increased densities. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas or non-residential areas or major thoroughfares.

- B. Permitted Uses:** Those uses listed for the MF-1 District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Use Permit must be approved utilizing procedures set forth in Section 4.2.

Multi-Family Residential District (Duplex/Triplex/Quadplex Attached) MF-1 Regulations	
Building Placement from Property Line	
Building Setback	
Front	25 feet
Side	7.5 feet
Street Side	15 feet
Street Side (garage entry)	25 feet
Rear	20 feet (minimum)
Accessory Building	5 feet
Size of Lot	
Lot Size	6,000 square feet (minimum)
Lot Width	60 feet (minimum)
Lot Depth	100 feet (minimum)
Dwelling Area (Minimum)	
Floor Area	1,000 square feet per dwelling unit
Height*	
Building Maximum	2 stories, 30 feet maximum
Accessory Building Maximum	2 stories, 20 feet maximum
First Floor Ceiling Height	8 feet minimum
* All heights measured to eaves or base of parapet.	
Parking	
Required Spaces (minimum)	2 spaces per unit (off street)
Parking Drive Width	12 feet minimum
<i>Maximum Lot Coverage by main building, accessory buildings, and driveways-60%</i>	

C. Special Requirements:

- 1. Separate Utilities:** All utilities shall be provided separately to each unit within an MF-1 district so that each unit is individually metered.
- 2. Garage Space Required:** The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited, unless such action is otherwise granted by a Special Use Permit and at least one (1) garage (covered and enclosed) parking space remains.

- 3. On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- 4. Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- 5. Side-Entry Garages:** MF-1 with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- 6. Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the City Building Code.
- 7. Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
- 8. Other Regulations:** Refer to Development Standards.

Section 3.6: MF-2, Multiple-Family Residential District- Apartments

A. General Purpose and Description: The MF-2, Multiple-Family Residential District is an attached residential district intended to provide the highest residential density of up to eight (8) dwelling units per twenty thousand (20,000) square feet. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and non-residential development or high-traffic roadways.

B. Permitted Uses: Those uses listed for the MF-2 District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Use Permits must be approved utilizing procedures set forth in Section 4.2.

Multiple-Family Residential District- Apartments MF-2 Regulations	
Building Placement from Property Line	
Building Setback see additional info below	
Front (minimum)	30 feet
Side (minimum)	15 feet
Side Street (minimum)	25 feet
Side – 2 stories/adjacent to Single-Family Residential (minimum)	60 feet
Rear (minimum)	25 feet
Rear – 2 stories/adjacent to Single-Family Residential (minimum)	60 feet
Size of Lot	
Maximum Density	8 dwelling units per 20,000 square feet
Lot Size	20,000 square feet (minimum)
Dwelling Area	

One Bedroom Unit	500 square feet (minimum)
Each Additional Bedroom	150 square feet (minimum)
Efficiency Unit	400 square feet (minimum)
Height*	
Building Maximum	30 feet (maximum)
Number of Stories	2 (maximum)
Accessory Building Maximum	2 stories, 20 feet (maximum)
First Floor Ceiling Height	8 feet (minimum)
* All heights measured to eaves or base of parapet.	
Parking	
Required Spaces (minimum)	1.5 per dwelling unit
Parking Drive Width	12 feet (minimum)
<i>Note: Shared drives are encouraged between adjacent lots to minimize curb cuts.</i>	

C. Area Regulations:

1. Size of Lots:

- a. **Minimum Lot Area** The minimum lot size shall be twenty thousand (20,000) square feet. Eight (8) dwelling units per gross 20,000 square feet

2. Size of Yards:

- b. **Minimum Front Yard** - Thirty feet (30'). All areas adjacent to a street shall be deemed front yards. See Section 5.1 through Section. 5.5 for any additional setback requirements.
- c. **Minimum Side Yard** - Fifteen feet (15'); sixty feet (60') when building is more than one story in height and adjacent to a single-family zoning district
- d. **Minimum Rear Yard** - Twenty-five feet (25'); sixty feet (60') when the building is more than one story and adjacent to a single-family zoning district

3. Building Separation:

- a. **One-Story Buildings** - Twenty feet (20') for buildings with or without openings
- b. **Two-Story Buildings** (or a two-story building adjacent to a one-story building) - Twenty feet (20'), for buildings with or without openings

4. Minimum Floor Area per Dwelling Unit:

- b. **Efficiency Unit** - Four hundred (400) square feet per unit.
- c. **One-Bedroom Unit** - Five hundred (500) square feet per unit.
- d. **Units with Two Or More Bedrooms** - Six hundred and fifty (650) square feet for the first two (2) bedrooms, plus an additional one hundred fifty (150) square feet for every bedroom over two (2).

4. Maximum Lot Coverage: Fifty percent (50%) total, including main buildings and accessory buildings.

5.

D. Parking Regulations:

1. Number Per Unit

- a. 1.5 spaces per efficiency unit or 1-bedroom unit
 - b. 2 spaces per 2-bedroom unit
 - c. 2.5 spaces per 3-bedroom unit
 - d. 3 spaces per unit with four (4) or more bedrooms
- 2. Parking Adjacent to Public Streets** - All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms, or brick/masonry walls or a combination thereof.
- 3. Covered Parking and Density Bonuses** - A minimum of two (2) covered parking spaces shall be required for each unit that has two (2) or more bedrooms. One (1) covered space is required for efficiency and 1 bed units.
- 4. Other** - Refer to Section 5.1.

E. Refuse Facilities:

- 1. Subject to applicable current legal requirements and refuse agency requirements.
- 2. **Location:** Every MF-2 dwelling unit shall be located within two hundred and fifty feet (250') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- 3. **Screening:** Each refuse facility shall be screened on three (3) sides from the view of a person(s) standing at ground level on the site or immediately adjoining property. Said screening shall consist of a solid screening device constructed of materials approved by the Mayor/City Secretary or his/her designee and not less than six (6) feet in height and no more than eight feet (8') in height, or by an enclosure within a building. A gate on the fourth side is required. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located to provide safe and convenient pickup by refuse collection agencies.

F. Usable Open Space:

- 1. **Usable Open Space Requirements:** Except as provided below, any MF-2 development shall provide useable open space which equals or exceeds twenty percent (20%) of the gross platted area, excluding parking and/or paved areas.
- 2. **Specific Criteria for Usable Open Space:** Areas provided as usable open space shall meet the following criteria:
 - a. All MF-2 units must be located within at least six hundred feet (600') of a usable open space area. The Commission may recommend, and City Council may allow, this distance to be increased to up to one thousand two hundred feet (1,200') if the shape of the MF-2 development is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.
 - b. Individual usable open space areas shall be at least 20% in size. Useable open space must have no slope greater than ten percent (10%). At the time of site plan approval, the Commission may recommend, and the City Council may allow, full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development or the surrounding area.
 - c. Pools, tennis courts, walkways, patios, and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings except for gazebos and pavilions, driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.
 - d. Within useable open space areas, there shall be at least one (1) tree for every four thousand (4,000) square feet of space. Any new trees shall be planted to meet this requirement and shall be a minimum of three inches (3") in caliper 7 feet tall from the approved tree list.

3. **Credit for Off-Site Open Space:** At the time of site plan approval, the Commission may recommend, and the City Council may allow, up to one-third (1/3) of the required open space to be credited for off-site dedicated open space that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the City Council. The guidelines below may assist in considering if credit is appropriate:
- e. **Adjacency** - Is at least fifteen percent (15%) of the MF-2 boundary adjacent to park land?
 - f. **Accessibility** - Are there defined pedestrian connections between the development and the park land?
 - g. **Usability** - Is the park land immediately adjacent to the development suitable for use and accessible by residents?
 - h. **Design Integration** - Does the design of the development provide a significant visual and pedestrian connection to the park or other open space land?
4. **Landscaped Areas:** Additional common open space and landscaped areas that do not qualify as usable open space may be provided but shall not be counted toward the usable open space requirement.

G. Special Requirements:

1. **Building Façade Review:** Building facade (elevation) plans shall be submitted for Commission review and approval by the City Council along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/City Secretary or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.
2. **Single-Family Units:** When constructed in this district shall conform to all applicable single-family district (SF-1) standards.
3. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
4. **Open Storage:** Open storage is prohibited.
5. **Units Near Fire Lanes:** The entire building footprint shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
6. **Access to a Parking Area:** A paved walkway shall connect the front door of each ground floor unit to a parking area.
7. **Length of Buildings:** Buildings shall not exceed two hundred feet (200') in length.
8. **Oversize Parking Areas:** Boats, campers, trailers, and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
9. **Signage:** All buildings containing residential units shall provide signage that clearly identifies the numbers (addresses) of the units within each building. Signage shall be visible from entrances into the complex or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, or emergency personnel. All signs must comply with all other applicable regulations.
10. **Lighting:** All parking areas shall have appropriate lighting and shall be shielded and positioned such that no light adversely impacts adjacent residential areas. Dark sky lighting is encouraged.
11. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the City Building Code.
12. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
13. **Other Regulations:** Refer to Development Standards.

Section 3.7: SF-MH, Single-Family Manufactured Existing Home District

Manufactured Homes Existing District MH-1 Regulations	
Building Placement	
Building Setback	
Front	25 feet
Side	7.5 feet
Rear	10 feet, or 20 feet if adjacent to SF, MF-1, MF-2 Districts
Size of Lot	
Maximum Density	1 unit per lot
Unit Size	1,200 square feet (minimum)
Lot Size	5,000 square feet (minimum)
Lot Width	50 feet (minimum)
Lot Depth	100 feet (minimum)
Height*	
Building Maximum	1 story, 20 feet (maximum)
Accessory Building	1 story, 12 feet (maximum)
First Floor Ceiling Height	7 feet minimum
* All heights measured to eaves or base of parapet.	
Parking	
Required Spaces (minimum)	2 spaces per unit (off street)
Parking Drive Width	12 feet (minimum)
<i>Maximum Lot Coverage by main building, accessory buildings, and driveways-</i> <i>Lot area- 5,000 to 12, 000 sf- 50%</i> <i>Lot area- 12,001 to 21,780 sf- 40%</i> <i>Lot area- 21,781sf to 1 acre- 20% main building, 10% accessory buildings and driveway.</i>	

A. General Purpose and Description: The purpose of this designation is to acknowledge existing Manufactured Homes within Single-Family Districts. Once a Manufactured Home or Mobile Home is removed, it must be replaced with a new HUD-Code Manufactured Home within thirty (30) days or the SF-MH designation shall revert to Single Family (SF) district.

B. Permitted Uses: Those uses listed for the SF-MH District in Section 4.1. (Use Charts) as “A” or “S” authorized uses allowed by right or special use, respectively. Special Use Permit must be approved utilizing procedures set forth in Section 4.2.

C. Special Requirements:

1. **On-Site Dwellings:** Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
2. **Open Storage:** Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
3. **Side-Entry Garages:** Single-family manufactured homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
4. **Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the City Building Code.
5. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
6. **Other Regulations:** Refer to Development Standards.

Section 3.8: MU, Mixed Use District

A. General Purpose and Description: The MU, Mixed Use District is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work and purchase necessities in a single location. Bed-and-breakfast establishments could also be in this district. Additionally, pedestrian walkways and open areas are desired to promote a pedestrian-friendly environment. The following are key concepts that should be acknowledged through development practices within Mixed Use Districts:

1. Residential uses in conjunction with non-residential activities, possibly located above retail and office establishments.
2. All types of residential uses, including single-family homes, townhouses, and loft-style multiple-family units.
3. Central green spaces.
4. Traffic flows that enable people to move freely without the use of an automobile by emphasizing the pedestrian; and outside spaces, such as small parks, courtyards, and outdoor eating areas.

B. Permitted Uses: Those uses listed for the MU District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Use Permit must be approved utilizing procedures set forth in Section 4.2.

Mixed Use District MU Regulations	
Building Placement from Property Line	
Building Setback	
Front	25 feet
Side	10 feet (minimum)
Adjacent to SF District	25 feet (minimum)
Adjacent to any other use	25 feet (minimum)
Rear	25 feet (minimum)
Size of Lot	
Along Primary Street	60% minimum of lot width

Along Side Street	30% minimum of lot depth
Lot Size	8,000 sq. ft.(minimum)
Dwelling Area (Minimum)	
Main Building	1,5000 square feet
Additional Buildings	Must meet accessory dwelling unit section 4.1.G.3
Height*	
Building Maximum	2 stories, 30 feet
Accessory Building Maximum	2 stories, 20 feet
First Floor Ceiling Height	8 feet (minimum)
Upper Floor Ceiling Height	8 feet (minimum)
Ground Floor Finish Level	12" maximum above sidewalk
* All heights measured to eaves or highest point of parapet.	
Parking	
All uses	1 space/400 square feet
Parking Drive Width	15 feet (minimum)
<i>Note: Parking drives should be placed at the rear of buildings where possible. On corner lots, primary parking drive shall not be located on primary street.</i>	
<i>Note: Shared drives are encouraged between adjacent lots to minimize curb cuts.</i>	
<i>Note: Parking may be provided off-site within 1,300 feet or as shared parking with neighbors.</i>	
Store Fronts	
Awning Depth	10 feet (maximum)
Front courtyards width	70% of lot width (maximum)
Balconies Depth	6 feet minimum or as approved by Fire Department
Signs	
Signs must comply with City sign ordinances.	

B. Height Regulations:

- 1. Main Building(s):** Maximum three (3) stories or fifty feet (50') for the main building(s).
- 2. Accessory Building(s):** One (1) story for accessory buildings.
- 3. Other:** Refer to Development Standards and Use Regulations.

C. Area Regulations:

- 1. Size of Yards:**

- a. **Minimum Front Yard** - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard. See Section 5.1 through Section 5.5 for any additional setback requirements.
- b. **Minimum Side Yard** - Ten feet (10'); twenty-five feet (25') adjacent to a public street or residential lot.
- c. **Minimum Rear Yard** - Twenty-five feet (25')
- d. **Adjacent to a Single-Family District** - Any non-residential use that is over one (1) story in height and that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be setback from the applicable property line by twenty-five feet (25').

3. **Maximum Lot Coverage:** Sixty percent (60%) total, including main buildings and accessory buildings.

4. **Building Size for Nonresidential Structures:** The building footprint area shall be a minimum of fifteen hundred (1,500) square feet in size and shall not exceed twenty-five thousand (25,000) square feet in size.

5. **Minimum Building Separation for Nonresidential Structures:** There shall be a minimum thirty-foot (30') separation between structures, or a minimum separation as required by the City's Fire Code, whichever is greater.

Parking Regulations: Refer to Section 5.1.

1. **Shared Parking:** The required number of parking spaces may be reduced if parking can be shared with an adjacent development(s) or use(s). Such a reduction must be approved as part of the site plan. In no case shall the required parking be reduced more than fifty percent (50%) of the required spaces, as set forth in Section 5.1.

Landscaping Requirements: Refer to Section 5.2.

Special Requirements:

1. **Design Criteria for Development Within the MU District:**

- a. Development in the MU district shall have characteristics that result in a compact, mixed use, pedestrian-oriented, and environmentally sensitive community.
- b. Reflective glass shall not be used for windows.

2. **Building Façade Plan:** Building facade (elevation) plans shall be submitted for Commission review and approval by the City Council along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/City Secretary or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.

3. **Required Massing for Nonresidential Structures:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied and articulated, at least three feet (3') in depth for every thirty feet (30') in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Façade Plan.

4. **Architectural Design:** The architecture of development(s) shall achieve a majority of the following objectives:

- a. Architectural compatibility.
- b. Human scale design.
- c. Integration of uses.
- d. Encouragement of pedestrian activity.
- e. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings.
- f. Residential scale buildings.
- g. Buildings that are designed with facade variation.
- h. Buildings that contain special architectural features to signify entrances.
- i. Buildings that focus activity around a central green space.

5. **Open Storage:** Open storage is prohibited.
6. **Outside Display:** Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
 - a. Outside display areas shall not be placed or located more than thirty feet (30') from the main building.
 - b. Outside display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display.
 - c. Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - d. Outside display areas shall not extend into public right-of-way or onto adjacent property.
 - e. Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
7. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
8. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
9. **Other Regulations:** Refer to Development Standards & Use Regulations.

Section 3.9: C-1, Commercial General

- A. General Purpose and Description:** The C-1, Commercial General District is intended to provide a location for an office complex (campus), retail, warehousing and other allowed commercial uses. Uses within the District would also provide a concentrated employment center within the City. Convenient regional access via major thoroughfares, such as Interstate Highway 195, and major collector streets are primary locational considerations.
- B. Permitted Uses:** Those uses listed for the C-1, Commercial General District in Section 4.1. (Use Charts) as “P” or “S” are authorized uses permitted by right or special use, respectively. Special Use Permit must be approved utilizing procedures set forth in Section 4.2.

Commercial General District C-1 Regulations	
Building Placement from Property Line	
Build-to Line (Distance from Property Line, excluding sidewalk or other right-of-way or easements)	
Front	25 feet
Building Setback	
Side	15 feet; 25 feet adjacent to public street or residential lot
Rear	25 feet
Adjacent to SF District	60 feet
Building Form	

Lot Size	20,000 sq. ft. (minimum)
Nonresidential Structure	Maximum 50,000 sq. ft.
Maximum lot coverage	60% including main and accessory buildings
Height*	
Building Maximum	Maximum two (2) stories or forty feet (40')
Accessory Building Maximum	Maximum 1 story or 25'
Ground Floor Finish Level	12" maximum above sidewalk
* All heights measured to eaves or highest point of parapet.	
Parking	
<i>Note: Parking drives should be placed at the rear of buildings where possible. On corner lots, primary parking drive shall not be located on primary street.</i>	
<i>Note: Shared drives are encouraged between adjacent lots to minimize curb cuts.</i>	
<i>Note: Parking may be provided off-site within 1,300 feet or as shared parking with neighbors.</i>	
<i>Note: Secure bicycle parking must be provided.</i>	
Loading Spaces	
< 15,000 s.f.	None, except a grocery store greater than 5,000 square feet requires 1 space
15,000 to 25,000 s.f.	1 space
<i>Note: Loading spaces shall be a minimum of 12 feet wide, 40 feet in length, and have a minimum 14-foot vertical clearance.</i>	

C. Area Regulations:

1. Size of Lot:

- a. Minimum Lot Area** - Twenty thousand (20,000) square feet

2. Size of Yards:

- a. Minimum Front Yard** - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard. See Section 5.1 through Section 5.5 for any additional setback requirements.
- b. Minimum Side Yard** - Fifteen feet (15'); twenty-five feet (25') adjacent to a public street or residential lot.
- c. Minimum Rear Yard** - Twenty-five feet (25')
- d. Adjacent to a Single-Family District** - Any commercial use that is over one (1) story in height and that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').

- 3. Maximum Lot Coverage:** Sixty percent (60%) total, including main buildings and accessory buildings.

4. **Building Size for Nonresidential Structures:** The building footprint area shall not exceed fifty thousand (50,000) square feet in size.

D. **Parking Requirements:** Refer to Section 5.1.

E. **Landscaping Requirements:** Refer to Section 5.2.

F. **Special District Requirements:**

1. **Building Façade Review:** Building facade (elevation) plans shall be submitted for Commission review and approval by the City Council along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Mayor/City Secretary or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.
2. **Required Massing for Nonresidential Structures:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, varied and articulated, at least three feet (3') in depth for every fifty feet (50') in horizontal and/or vertical surface length. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan.
3. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling or non-residential purposes.
4. **Open Storage:** Open storage is prohibited.
5. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
6. **Other Regulations:** Refer to Development Standards & Use Regulations.

Section 3.10: C-2, Commercial, Light Industrial District

A. **General Purpose and Description:** The C-2, Commercial, Light Industrial District is intended to provide a location for commercial and service-related establishments.. Uses in this district may utilize open storage areas that are screened from public view. The uses envisioned for the district will typically utilize small sites and have operational characteristics that are generally not compatible with residential uses and most other types of non-residential uses within the City.

B. **Permitted Uses:** Those uses listed for the C-2, Commercial District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Use Permit must be approved utilizing procedures set forth in Section 4.2.

Commercial, Light Industrial District C-2 Regulations	
Building Placement from Property Line	
Build-to Line (Distance from Property Line, excluding sidewalk or other right-of-way or easements)	
Front	25 feet
Building Setback	

Side	15 feet
Rear	25 feet
Building Form	
Along Primary Street	60% minimum of lot width
Along Side Street	30% minimum of lot depth
Lot Size	20,000 square feet (minimum)
Height*	
Building Maximum	2 stories, 40 feet
Accessory Building Maximum	2 stories, 25 feet
Ground Floor Finish Level	12" maximum above sidewalk
First Floor Ceiling Height	8 feet (minimum)
Upper Floor Ceiling Height	8 feet (minimum)
* All heights measured to eaves or highest point of parapet.	
Parking	
<i>Note: Parking drives should be placed at the rear of buildings where possible. On corner lots, primary parking drive shall not be located on primary street.</i>	
<i>Note: Shared drives are encouraged between adjacent lots to minimize curb cuts.</i>	
<i>Note: Parking may be provided off-site within 1,300 feet or as shared parking with neighbors.</i>	
<i>Note: Secure bicycle parking must be provided.</i>	
Loading Spaces	
< 15,000 s.f.	None, except a grocery store greater than 5,000 square feet requires 1 space
15,000 to 50,000 s.f.	1 space
> 50,000 s.f.	2 spaces
<i>Note: Loading spaces shall be a minimum of 12 feet wide, 40 feet in length, and have a minimum 14-foot vertical clearance.</i>	

C. Area Regulations:

3. Size of Lot:

- a. Minimum Lot Area** - Twenty thousand (20,000) square feet

2. Size of Yards:

- a. Minimum Front Yard** - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard. See Section 5.1 through Section 5.5 for any additional setback requirements.

- b. **Minimum Side Yard** - Fifteen feet (15'); twenty-five feet (25') adjacent to a public street or residential lot.
 - c. **Minimum Rear Yard** - Twenty-five feet (25')
 - d. **Adjacent to a Single-Family District** - Any commercial use that is over one (1) story in height and that is located adjacent to (and not across a right-of-way from) any single-family zoning district shall be setback from the applicable property line by sixty feet (60').
- 3. **Maximum Lot Coverage:** Sixty percent (60%) total, including main buildings and accessory buildings.
- 4. **Building Size for Nonresidential Structures:** The building footprint area shall not exceed fifty thousand (50,000) square feet in size.
- D. **Parking Requirements:** Refer to Section 5.1.
- E. **Landscaping Requirements:** Refer to Section 5.2.
- F. **Special Requirements:**
 - 1. **Building Façade Plan:** Building facade (elevation) plans shall be submitted for Commission review and approval by the City Council along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides and will portray a reasonably accurate depiction of the materials and colors to be used. The Mayor/City Secretary or his/her designee may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.
 - 2. **Required Massing for Nonresidential Structures:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, the facades of all structures must be offset, using varied building materials and/or articulated entryway. Such facade offsets as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan.
 - 3. **Outside Display:** Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
 - a. Outside display areas shall not be placed or located more than thirty feet (30') from the main building.
 - b. Outside display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display.
 - c. Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - d. Outside display areas shall not extend into public right-of-way or onto adjacent property.
 - e. Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - 4. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling, non-residential purposes, or stored on property for any purpose other than working commercial use with a Special Use Permit.
 - 5. **Open Storage:** Open storage is limited to a maximum of ten percent (10%) of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of Section 5.3. They cannot be visible from any public street or adjacent property.
 - 6. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
 - 7. **Other Regulations:** Refer to Development Standards.

Section 3.11: CBD, Central Business District

A. General Purpose and Description: The CBD, Central Business District is intended to maintain vitality as a focus for community and to provide for a wide variety of business, residential, and civic activities within the central core area of the City. The District regulations are designed to encourage a mix of functions including retail, service, office, and residential. The further purpose of the CBD is to establish special land use and urban design criteria for the development and preservation of the character of the Main Street area as represented by the existing structures, so that the new buildings that are designed and placed in the CBD will reflect that character and maintain a generally harmonious appearance of existing structures using complimentary scale, form, color, proportion, texture and material. Preservation of the CBD promotes and protects the economic, cultural, educational, and general welfare of the public. One single family residential unit is permitted including a loft apartment using no more than 50 percent of ground level or total building square footage. Business retail area must be building frontage on primary street/roadway.

Permitted Uses: Those uses listed for the Central Business District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Use Permit must be approved utilizing procedures set forth in Section 4.2.

Central Business District CBD Regulations	
Building Placement from Property Line	
Build-to Line (Distance from Property Line, including sidewalk or other right-of-way or easements)	
Front	6 feet
Side Street on Corner Lot	0 feet
Building Setback	
Side	0 feet
Adjacent to residential	7.5 feet
Rear	15 feet
Adjacent to residential	25 feet
Height*	
Building Minimum	16 feet
Building Maximum	3 stories, 45 feet
Accessory Building Maximum	2 stories, 30 feet
Ground Floor Finish Level	12" maximum above sidewalk
First Floor Ceiling Height	10 feet minimum
Upper Floor Ceiling Height	8 feet minimum
* All heights measured to eaves or highest point of parapet.	
Parking	
Uses < 1,000 s.f.	No off-street parking required

Uses > 3,000 s.f.	1 space/450 square feet
Retail and Office use	1 space/1,000 square feet of gross floor space
Residential uses	1 space/unit
Other uses	1 space/450 square feet
Parking Drive Width	15 feet maximum
<i>Note: One row of parking may be provided within the 40-foot setback between the property line and the building.</i>	
<i>Note: Parking drives should be placed at the rear of buildings where possible. On corner lots, primary parking drive shall not be located on primary street.</i>	
<i>Note: Shared drives are encouraged between adjacent lots to minimize curb cuts.</i>	
<i>Note: Parking may be provided off-site within 1,300 feet or as shared parking with neighbors.</i>	
Sidewalks	
A concrete sidewalk with a minimum width of 6 feet shall be provided along all property lines adjacent to a public right-of-way. Sidewalks to be built to City standard.	
Standards for Facades facing Street Right-of-Way or Pedestrian-oriented Areas	
Awnings	
Depth	10 feet maximum; not to exceed width of sidewalk
Material	Metal or fabric; must be maintained free of rust, holes, or tears
<i>Note: Encouraged in the CBD and otherwise as needed to overlap sidewalk to provide protection for pedestrians.</i>	
Front Patio	
Width	Min 6 foot does not encroach on pedestrian 6-foot min sidewalk
Balconies	
Depth	6 feet minimum or as approved by Fire Department
Articulation	
False fronts or parapets may be added to existing buildings to add character and detail to simple facades.	
Any new facade shall avoid long, monotonous, uninterrupted frontage wherever such facades are publicly visible. No more than eight feet (8') of horizontal distance of exterior wall shall be provided without facade articulation/architectural relief for any facade facing a street right-of-way or pedestrian-oriented area. Facade articulation/architectural relief can include pilasters, windows, entrances, arcades,	

awnings/canopies, or other design features that modulate the building mass or surface texture.	
Exterior Finishes	
Predominant exterior finish shall be fired brick or other masonry materials. Materials other than fired brick shall be considered during the plan review process, and determination of approval shall be based upon whether such materials are similar in appearance and quality to fired brick or other masonry materials.	
Glass material shall be permitted for less than seventy percent (70%) of the exterior facade of a structure.	
Trim shall be complementary to the predominant style and colors of the facade.	
Windows, Doors, and Other Openings	
Reflective glass shall not be used for windows of any structures; detailing for windows, doors, and other openings shall be of wood, glass, or a metal material.	
Signs	
Signs must comply with applicable City sign ordinances.	

C. Area Regulations:

1. Size of Lot:

- a. **Minimum Lot Area** – Twelve hundred Fifty-Feet (1,250) square feet.
- b. **Minimum Lot Width** – Twenty-Five feet (25’).
- c. **Minimum Lot Depth**- Fifty feet (50’).

2. Size of Yards:

- a. **Minimum Front Yard** -Six feet including sidewalk; all yards adjacent to a street shall be considered a front yard.
- b. **Minimum Side Yard** – Seven and ½ feet (7.5’).
- c. **Minimum Rear Yard** - 15 feet adjacent to single family districts and if not a shared wall.

3. **Building Size for Nonresidential Structures:** The building footprint area shall not exceed eight-thousand (8,000) square feet in size.

4. **Minimum Building Separation for Nonresidential Structures:** Between structures, a minimum separation as required by the City Fire Code.

B. Parking Regulations: Refer to Section 5.1.

1. **Parking for Retail Uses and Office Uses:** One (1) space per one-thousand (1,000) square feet of gross floor space. Stacking spaces shall be as required within Section 5.1.C.12.
2. **Materials for Parking for Non-Residential Uses:** Parking areas shall be constructed with an all-weather surface in a manner that is consistent with the City Technical Construction Standards and Specifications (TCSS) Manual.
3. **Shared Parking:** The required number of parking spaces may be reduced if parking can be shared with an adjacent development(s) or use(s). Such a reduction must be approved as part of the site plan. In no case shall the required parking be reduced more than fifty percent (50%) of the required spaces, as set forth in Section 5.1.

F. Landscaping Requirements: Refer to Section 5.2.

G. Special Requirements:

1. Design Criteria for Development Within the CBD District:

- a. Development in the Central Business District shall have characteristics that result in a compact, mixed use, pedestrian-oriented, and environmentally sensitive community.
- b. Detailing for windows, doors and other openings shall be complimentary to the period or building style.

2. Building Façade Plan for External Alterations, New Development or Redevelopment: Building facade (elevation) plans shall be submitted for Commission review and approval by City Council along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the major thoroughfare upon which the property faces or sides and will portray a reasonably accurate depiction of the anticipated materials and colors to be used. The Commission may, as deemed appropriate, require submission of additional information and materials, including actual samples of materials to be used, during the Site Plan review process.

3. Required Massing for External Alterations, New Development or Redevelopment Projects with Nonresidential Structures: In order to ensure the aesthetic value, and flow of pedestrian traffic, and visual appeal of non-residential land uses and structures, there must be a recessed concave main entry way. Any new facade shall avoid long, monotonous, uninterrupted frontage wherever such facades are publicly visible. No more than eight feet (8') of horizontal distance of exterior wall shall be provided without facade articulation/architectural relief for any facade facing a street right-of-way or pedestrian-oriented area. Facade articulation/architectural relief can include pilasters, windows, entrances, arcades, awnings/canopies, or other design features that modulate the building mass or surface texture. Such façade as required herein shall be shown, along with calculations verifying that the building elevations meet the above requirement, on the Building Facade Plan. Refer to Section 5.8 for the definition of articulation.

4. Architectural Design for External Alterations, New Development or Redevelopment: The architecture shall achieve a majority of the following objectives:

- a. Architectural compatibility.
- b. Human scale design.
- c. Integration of uses.
- d. Encouragement of pedestrian activity.
- e. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings.
- f. Residential scale buildings.
- g. Buildings that are designed with facade variation.
- h. Buildings that contain special architectural features to signify entrances.
- i. Buildings that focus activity around a central green space.

5. Open Storage: Open storage is prohibited.

6. Outside Display for Retail Uses: Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins, that is associated with a primary retail use is permitted on the same lot as that retail use in the front yard area. Outside display shall be limited to the following:

- a. Outside display areas shall not be placed or located more than thirty feet (30') from the main building.
- b. Outside display areas shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display.
- c. Outside display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
- d. Outside display areas shall not extend into public right-of-way or onto adjacent property.

- e. Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- 7. **On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling, non-residential purposes, or stored for purposes other than working commercial uses without a Special Use Permit.
- 8. **Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
- 9. **Other Regulations:** Refer to Development Standards.

Section 3.12: PO, Parks and Open Space District

- A. **General Purpose and Description:** The purpose of the PO Parks and Open Space District 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.
- B. **Permitted Uses:** Those uses listed for the Parks and Open Space District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Use Permits must be approved utilizing procedures set forth in Section 4.2.

Section 3.13: IM, Institutional/Municipal District

- A. **General Purpose and Description:** The purpose of the IM Institutional/Municipal District permits public and quasi-public uses to be developed with multiple buildings, facilities, and equipment, as appropriate.
- B. **Permitted Uses:** Those uses listed for the Institutional/ Municipal District in Section 4.1. (Use Charts) as “A” or “S” are authorized uses allowed by right or special use, respectively. Special Uses Permits must be approved utilizing procedures set forth in Section 4.2.

Institutional/Municipal District IM Regulations	
Building Placement from Property Line	
Building Setback	
Front (minimum)	40 feet
Side (minimum)	15 feet
Rear (minimum)	
Adjacent to residential	40 feet
Adjacent to any other use	15 feet
Building Form	
<i>Note: All floors must have a ground-floor entrance that faces the primary street or side street.</i>	

Building Minimum	
	See section 2.6
Height*	
Building Maximum	See section 2.6
Accessory Building Maximum	See section 2.6
* All heights measured to eaves or highest point of parapet.	
Parking	
Required Spaces	See section 5.1
Parking Drive Width	25 feet minimum
<i>Note: Shared drives are encouraged between adjacent lots to minimize curb cuts.</i>	
<i>Note: Parking may be provided off-site or as shared parking with neighbors. Refer to Section 5.1</i>	
Loading Spaces	
< 15,000 s.f.	None, except a grocery store greater than 5,000 square feet requires 1 space
15,000 to 50,000 s.f.	1 space
> 50,000 s.f.	2 spaces

C. Special Requirements:

- 1. On-Site Dwellings:** Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- 2. Open Storage:** Open storage is prohibited.
- 3. Swimming Pools:** Swimming pools shall be constructed and enclosed in accordance with the City Building Code.
- 4. Land Uses:** Site plan approval (see Section 2.6) shall be required for any non-residential use (such as a school, church, childcare center, private recreation facility, etc.) in the IM District. Any land use that may be permitted in this district shall conform to the District standards.
- 5. Temporary Facilities:** There shall be no permanent use of temporary facilities or buildings.
- 6. Other Regulations:** Refer to Development Standards

Section 3.14: Planned Development District

A. General purpose and description: The Planned Development District “PD” prefix is intended to provide for development of a minimum of one (1) or more acres and a minimum of five (5) houses with primarily low-density, detached, single family residences combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this section is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative

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

B. Permitted uses: Any use specified in this Ordinance shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purposes of this section.

C. Development standards:

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

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

- (1) Conceptual plan. The applicant shall submit this plan. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and shall be 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 lotting 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 City Council, may include but is not limited to the types of use(s), topography, and boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
 - (C) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the City Council shall determine the conformity.
- (2) Development plan or detailed site plan. This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the city council. A public hearing on approval of the development plan shall be required at the

council level, unless such a hearing is waived pursuant to subsection (d)(3)(A) of this section at the time of conceptual plan approval in the original amending ordinance. The development 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 floodprone 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 and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet.

(C) A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.

(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 City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

(3) Procedure for establishment. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in section 1.043. This procedure is expanded as follows for approval of conceptual and development plans.

(A) Separate public hearings shall be held by the City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:

- (i) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or
- (ii) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and
- (iii) 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.

(B) The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.

(C) The development plan may be approved in stages. When the plan is approved in stages, the separate approvals by the City Council for the initial and subsequent stages will be required.

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

(E) Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.

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

(F) **Planned developments to be recorded:** All planned development districts approved in accordance with the provisions of this article in its original form, or by subsequent amendment thereto, shall be referenced on the zoning

district map, and a list of such planned development districts, together with the category of uses permitted therein, shall be maintained on the City's website.

(G) **Signs.** Signs in this district shall comply with the requirements of the City sign ordinance (as amended).

Planned Development District	
PD Regulations	
Building Placement from Property Line	
Building Setback	
Front	25 feet
Side	5 feet
Street Side	10 feet
Street Side (garage entry)	25 feet
Rear	25 feet
Accessory Building	5 feet
Building Form	
Lot Area	4,500 square feet (minimum)
Lot Width	40 feet (minimum)
Lot Depth	112.5 feet (minimum)
Height*	
Building Maximum	2 stories, 30 feet maximum
Accessory Building Maximum	2 stories, 20 feet maximum
First Floor Ceiling Height	8 feet minimum
Floor Area (minimum)	1,000 square feet
* All heights measured to eaves or base of parapet.	
Parking	
Required Spaces (minimum)	2 spaces per unit (off street)
Parking Drive Width	12 feet minimum
Maximum Lot Coverage by main building, accessory buildings, and driveways- 60%	

IV: USE REGULATIONS

Section 4.1: Use Regulations (Charts)

A. The use of land or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used, and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts is:

A	Designates that the use is allowed in the zoning district indicated.
C	Designates that the use may be allowed in the zoning district subject to such conditions, restriction. Obligations as the City Council may require.
S	Designates that the use may be allowed in the zoning district indicated by Special Use Permit (also see Section 4.2).
	Designates that the proposed use is not allowed

B. Definitions: See Definitions in Section 5.8 of the Ordinance for further description of uses.

C. Use Chart Organization: The following use categories are listed in the Use Charts:

1. Agricultural Uses
2. Residential Uses
3. Office Uses
4. Personal and Business Service Uses
5. Retail Uses
6. Transportation and Auto Service Uses
7. Amusement and Recreational Service Uses
8. Institutional/Governmental Uses
9. Commercial and Wholesale Trade Uses
10. Manufacturing, Industrial and Construction Uses

D. Standards for New and Unlisted Uses: Standards for new and unlisted uses may be interpreted by the Mayor/City Secretary or his/her designee as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined below (in Subsection F) shall be followed for determination of the appropriate district. The decision of the Mayor/City Secretary or his/her designee may be appealed by the applicant according to the process for appeals for zoning change requests outlined herein.

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

1. Initiation:

- a. A person, City department, the Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.
 - b. A person requesting the addition of a new or unlisted use, in writing, shall submit to the Mayor/City Secretary or his/her designee all information necessary for the classification of the use, including but not limited to the following:
 - (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing.
 - (2) The type of product sold or produced under the use.
 - (3) Whether the use has enclosed or open storage and the amount and nature of the storage.
 - (4) Anticipated employment typically anticipated with the use.
 - (5) Transportation requirements.
 - (6) The nature and time of occupancy and operation of the premises.
 - (7) The off-street parking and loading requirements.
 - (8) The amount of noise, odor, fumes, dust, toxic materials, and vibration likely to be generated; and
 - (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.
2. **Recommendation of Zoning Classification:** The Mayor/City Secretary or his/her designee shall refer the question concerning any new or unlisted use to the Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection A.1 above. An amendment to this Ordinance shall be required as prescribed by Section 2.4.
3. **Consideration by the Planning & Zoning Commission:** The Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and might be permitted. The Commission shall submit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use.
4. **Consideration by the City Council:** The City Council shall approve or disapprove the recommendation of the Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the Use Regulation of this article according to Section 2.4.

F. Use Charts:

[Use Charts begin on the following pages. The remainder of this page is left intentionally blank.]

Permitted Uses	Residential Uses						Non-Residential Uses						
AGRICULTURAL	AG	SF-1	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Bulk Grain and/or Feed Storage	A										A		
Farms, General (Crops)	A												
Farms, General (Livestock/Ranch)	A												
Greenhouse (Non-Retail/Hobby)	A	A	A		A	A		A	A			A	A
Livestock Sales	A												
Orchard/Crop Propagation-excluding private garden	A	C	C	C	C	C	C	C	C	C	C	C	C
Plant Nursery (Grown for Commercial Purposes)	A	C	C	C	C	C		A	A	A	A	A	
Stable, Commercial	A												
Stables (Private)	A	C			C								
Permitted Uses	Residential Uses						Non-Residential Uses						
RESIDENTIAL	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Accessory Building/Structure	A	A	A	A	A	A	A	A	A	A	A	A	A
Accessory Dwelling Unit	A	A	C		A			A					
Community Home	A	A	A	A	A	A	A	A					
Duplex / Two-Family <i>{Defined under Two-Family Dwelling}</i>						A	A						
Family Home (Adult Care in Place of Residence)	A	A	A	A	A	A	A	A					
Family Home (Child Care in Place of Residence)	A	A	A	A	A	A	A	A					
Four Family (Quadraplex)							A						
Garage Conversion	A	A	A		A			A	C	C	C		
Home Occupation	A	A	A	A	A	A	A	A					
Living Quarters On-Site with A Business								A	A	C	C		
Multiple-Family Dwelling							A						
Loft Apartment								A	A				
Single Family Dwelling, Detached	A	A	A	A	A	A	A	A					
HUD-Code Manufactured Home			A										
Single Family Industrialized Housing	A	A	A	A	A								
Single Family Dwelling, Attached (Townhouse)				A	A	A	A	C					
Swimming Pool (Private)	A	A	A	A	A	A	A	C					
Three/ Four Family (Triplex/ Fourplex)						C	A						

Permitted Uses	Residential Uses						Non-Residential Uses						
OFFICE	AG	SF	SF-MH	SF-TA	SF-PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Armed Services Recruiting Center								A	A	A	A	A	
Check Cashing Service								C	C	A	C	C	
Credit Agency								A	C	A	A	A	
Insurance Agency Offices								A	A	A	A	A	
Offices (Brokerage Services)								A	A	A	A	A	
Offices (Health Services)								A	A	A	A	A	
Offices (Legal Services)								A	A	A	A	A	
Offices (Medical Office)								A	A	A	A	A	
Offices, Professional and General Business								A	A	A	A	A	
Offices (Parole-Probation)										C	C	A	
Real Estate Offices								A	A	A	A	A	
Telemarketing Center								A	C	A	A	A	
Bank								A	A	A	A	A	
Savings and Loan								A	A	A	A	A	
Security Monitoring Company (No Outside Storage)								C	C	A	A	A	
Permitted Uses	Residential Uses						Non-Residential Uses						
PERSONAL & BUSINESS SERVICES	AG	SF	SF-MH	SF-TA	SF-PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Appliance Repair								C	C	A	A		
Artist Studio								A	C	A	C		
Ambulance Service (Private)								A		A	A	A	
Automobile Driving School									A	A	A	A	
Automatic Teller Machines (ATM's)							C	A	A	A	A	A	
Barber/Beauty Shop (Non-College)								A	A	A	C	A	
Bed & Breakfast Inn or Facility(s)	A	C		C	C			A	C	A		A	
Communication Equipment (Installation and/or Repair – No outdoor sales or storage)										A	A	A	
Computer Sales								A	A	A	C	A	
Cooking School								A	A	A	C	A	
Credit Unions								A	A	A	A	A	
Child Day Care (Business)								C	C	A	C	A	
Dance/Drama/Music Schools (Performing Arts)								A	A	A	C	A	
Extended Stay Hotels/Motels (Residence Hotel)								C		A	C	A	
Exterminator Service (No outdoor sales or storage)								C	C	A	A		
Financial Services (Advice/Invest)								A	A	A	C	A	

Permitted Uses	Residential Uses						Non-Residential Uses						
PERSONAL & BUSINESS SERVICES	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Funeral Home or Mortuary								C		A	C	A	
Motel or Hotel								C	C	A	C	A	
Martial Arts School								A	A	A	C		
Laundry/Dry Cleaning (Drop Off/Pick Up)								A	A	A	C	A	
Locksmith								A	A	A	A		
Mini-Warehouse/Self Storage										A	A		
Photo Studio								A	A	A	C		
Photocopying/Duplicating								A	A	A	C		
Security Quarters as Associated with a Business (Live-In)								C	C	C	C	C	
Sexually Oriented Business (Refer to City Ordinances)										C			
Skin Care Clinics								A	A	A	C	A	
Shoe Repair								A	A	A	C		
Studio for Radio or Television (Without Tower)								A	A	A	A	A	
Tailor Shop								A	A	A	C	A	
Tool and Machinery Rental (Indoor Storage)								C		A	A		
Tool and Machinery Rental (Outdoor Storage)										A	A		
Travel Agency								A	A	A	C	A	
Permitted Uses	Residential Uses						Non-Residential Uses						
RETAIL	AG	SF	SF-MH	SF-TA	SF-PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
All-Terrain Vehicle Dealer / Sales Only										A	A		
Antique Shop								A	A	A	C		
Art Dealer/Gallery								A	A	A	C		
Auction Business (Indoor only)								A	C	A	A		
Auto Sales (New and Used)								C		A	A		
Auto Supply Store for New & Rebuilt Parts										A	A		
Bakery or Confectionary (Retail)								A	A	A	C	C	
Beer/ Wine / Package Stores / Mixed Beverage Sales (Refer to City Ordinances)								A	A	A	C		
Bike Sales and/or Repair								A	A	A	C		
Book Store								A	A	A	C	A	
Building Material Sales										C	A		
Cabinet Shop (Manufacturing)										C	A		
Consignment Shop								A	A	A	C		

Permitted Uses	Residential Uses						Non-Residential Uses						
RETAIL	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Convenience Store (With Fuel Sales)										A	A		
Convenience Store (Without Fuel Sales)								A	C	A	A		
Department Store										A	A		
Drapery, Blind, Furniture Upholstery Shop								C	C	A	A		
Firearms (in-store and special order)									C	A	A		
Florist Shop								A	A	A	A	A	
Food or Grocery Store								C	C	A	A		
Furniture Store, New and Used (Indoor)								C	C	A	A		
Gravestone/Tombstone Sales										A	A		
Artisans Shop								C	C	A	A		
Hardware Store								A	C	A	A		
Home Improvement Center										A	A		
Lawnmower Sales and/or Repair								C	C	A	A		
Major Appliance Sales (Indoor)								C	C	A	A		
Market (Public)								S	S	S	S	S	S
Motorcycle Dealer (New and/or Repair)										A	A		
Personal Watercraft Sales (New and/or Repair)										A	A		
Needlework Shop								A	A	A	A		
Pet Shop/Supplies								C	C	A	A		
Package Store (Off Premises Alcohol Sales)									C	A	A		
Pharmacy								A	A	A	A		
Plant Nursery (Retail Sales Outdoors)								C	C	A	A		
Recycling Kiosk										A	A	A	C
Restaurant (With No Drive-Through Service)								A	A	A	A		
Restaurant (With Drive-In Service)								A		A	A		
Restaurant (With Drive-Through Service)								A	C	A	A		
Restaurant (Mobile Food Unit/ Vendor)								S	S	S	S	S	S
Restaurant (With Music and/or Dancing)								C	C	A	A		
General Retail Store								A	A	A	A		
Security Systems Installation Company										A	A		
Sporting Goods Store								A	A	A	A		
Studio, Tattoo or Body Piercing								A	A	A	A		
Temporary Outdoor Retail Sales / Commercial Promotion								S	S	S	S	S	S
Used Merchandise; Furniture								A	A	A	A		
Vacuum Cleaner Sales and Repair								A	A	A	A		
Veterinarian Clinic (Indoor Kennels)								C	C	A	A		
Woodworking Shop (Ornamental) / Hand-Built Furniture								C	C	A	A		

Permitted Uses	Residential Uses						Non-Residential Uses						
TRANSPORTATION & AUTO SERVICES	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Antique Vehicle Restoration										A	A		
Auto Body Repair										A	A		
Auto Financing & Leasing (Indoor)								A	A	A	A		
Automobile Accessory Installation (Minor)										A	A		
Auto Interior Shop / Upholstery										A	A		
Auto Muffler Shop										A	A		
Auto Paint Shop										A	A		
Automobile Repair, Major											A		
Automobile Repair, Minor										C	A		
Auto Tire Repair /Sales (Indoor)										A	A		
Auto Wrecker Service											A		
Auto detailing or Car Wash, Attended								C		C	A		
Limousine / Taxi Service											A		
Parking Lot Structure, Commercial (Auto)							C	C	C	C	A	A	
Quick Lube/Oil Change/Minor Inspection								C	C	A	A		
Tire Dealer, With or Without Open Storage										C	A		
Vehicle Charging Station								S	S	S	S	S	S
Permitted Uses	Residential Uses						Non-Residential Uses						
AMUSEMENT & RECREATION SERVICES	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Amusement Devices/Arcade (Four or More Devices)								A	A	A	A		
Amusement Services (Indoors)								C	C	A	A		C
Amusement Services (Outdoors)								C		C	A		C
Billiard / Pool Facility (Three or More Tables)								C	C	A	A		
Bingo Facility								C	C	C	A		
Broadcast Station (with Tower)	C										C	C	
Country Club/ Amenity Center		C	C	C	C	C	C	C		C	C	C	C
Music / Dancing Facility									C	C	A		
Day Camp for Children	C							C	C	C	C	C	C
Dinner Theatre								C	C	A	A	A	S
Driving Range	C									C	C		
Earth Satellite Dish (Private, less than 3' in diameter)	A	A	A	A	A	A	A	A	A	A	A	A	A

Permitted Uses	Residential Uses						Non-Residential Uses						
AMUSEMENT & RECREATION SERVICES	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Civic/Conference Center	C							C	C	A	A	A	C
Fairgrounds/Exhibition Area	A							S	S	S	S	C	S
Miniature/ Disc Golf Course								A	A	A	A	C	A
Golf Course (Public/Private)	C				C					S	S		S
Health Club (Physical Fitness)								A	A	A	A		
Membership Sports (Private)								C	C	A	A		
Motion Picture Theater								C	C	A	A		S
Motion Picture Studio, Commercial Film										C	A		
Museum								A	A	A	A	A	C/S
Park and/or Playground (Private or Public)	A	A	A	A	A	A	A	A	A	A	A	A	A
Palm/Psychic Reading Services								C	C	C	C		
Skating Rink										C	C		S
Swimming Pool (Commercial)				A	A	A	A			C	C	A	
Tennis Court (Lighted)	C	C	C	A	A	A	A	C	C	c	C	C	C
Tennis Court (Private/Not Lighted)	A	A	A	A	A	A	A	A	A	A	A	A	A
Theater (Non-Motion Picture)								A	A	A	A	A	S
Travel Trailers / R.V.'s (Short-Term Stays)	C							S		S	C	C	C
Travel Trailers / R.V.'s (Storage)	C	C		C	C	C		C	S	C	C	A	S
Video Rental / Sales								c	C	C	C		
Permitted Uses	Residential Uses						Non-Residential Uses						
INSTITUTIONAL/ GOVERNMENTAL	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Antenna (Non-Commercial) <i>{Defined within Section 4.1.H}</i>	A	A	A	A	A	A	A	A	A	A	A	A	A
Antenna (Commercial) <i>{Defined within Section 4.1.H}</i> LABEL ANTENNA/TOWERS	SEE SECTION 4.1.H												
Assisted Living Facility							S			S		A	
Broadcast Towers (Commercial)	SEE SECTION 4.1.H												
Wireless Communications Tower <i>{Defined within Section 4.1.H}</i>	SEE SECTION 4.1.H												
Cemetery and/or Mausoleum	A									C	C	A	C
Child Day Care (Business)								C	C	A	C	A	
Church/Place of Worship	A	C	C	C	C	C	C	C		A	C	A	S
Civic Organization/ Lodge/ Union	A							C	C	C	C	A	
Medical Clinic or Office <i>{Defined under Medical Facilities}</i>								A	A	A	A	A	
Community Center/ Recreation Center (Municipal)												A	A
Electrical Generating Plant											C	C	

Permitted Uses	Residential Uses						Non-Residential Uses						
INSTITUTIONAL/ GOVERNMENTAL	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Electrical Substation	C	C	C	C	C	C	C	C		C	C	C	
Electrical Transmission Line	C									C	C	C	C
Emergency Care Clinic								C		A	A	A	
Franchised Private Utility (Not Listed)	A	A	A	A	A	A	A	A	A	A	A	A	A
Fraternal Organization, Lodge, or Union	C							C	C	C	C	A	
Gas Transmission Line (Regulating Station)	C	C	C	C	C	C	C	C	C	C	C	C	C
Municipal Building	C	C	C	C	C	C	C	A	A	A	A	A	A
Group Day Care Home								A	C	A	C	A	
Heliport	C										C	C	C
Helistop	C										C	C	C
Hospice (Administration/Business Office)								A	C	A	C	A	
Hospital (Acute Care/Chronic Care)							C				C	A	
Library	A	A	A	A	A	A	A	A	A	A	A	A	A
Mailing Service (Private)								A	C	A	A		
Maternity Homes	A						C					C	
Non-Profit Activities by Church	A	A	A	A	A	A	A	A	A	A	A	A	A
Nursing/Convalescent Home	C	C			C			C		C	C	A	
Philanthropic Organization	C							A	A	A	A	A	S
Post Office (Governmental)	A	A	A	A	A	A	A	A	A	A	A	A	
Radio, Television or Microwave Tower	See Antenna												
Rectory/Parsonage	A	A	A	A	A	A		A				A	
Retirement Living					C	C	A	C				C	
School, K through 12 (Private)	A	A	A	A	A	A	A	A	A	A	A	A	
School, K through 12 (Public)	A	A	A	A	A	A	A	A	A	A	A	A	
School, Business/Commercial Trade	A						C	C	C	C	A	A	S
Sewage Pumping Station	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility Distribution Lines	A	A	A	A	A	A	A	C	C	C	C	C	C
Wastewater Treatment Plant (Public)	C				C						C	C	C
Water Supply Facility (Private)	C	C	C	C	C	C	C	C	C	C	C	C	C
Water Supply Facility (Elevated Water Storage)	C	C	C	C	C	C	C	C	C	C	C	C	C
Water Treatment Plant (Public)	A	A	A	A	A	A	A	C	C	C	C	C	C

Permitted Uses	Residential Uses						Non-Residential Uses						
COMMERCIAL & WHOLESALE TRADE	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Book Binding								C	C	C	A		
Feed & Grain Store	C							C	C	C	A		
Furniture Manufacture								C	C	C	A		
Heating & Air-Conditioning Sales/Services										C	A		
Pawn Shop								C	C	A	A		
Propane Sales (Retail)										C	C		
Taxidermist	C							C		C	C		
Transfer Station (Refuse/Pick-up)											C	C	
Veterinarian (Outdoor Kennels or Pens)	C										C	C	
Welding Shop	C									C	A		
Permitted Uses	Residential Uses						Non-Residential Uses						
LIGHT MANUFACTURING	AG	SF	SF-MH	SF-TA	PD	MF-1	MF-2	MU	CBD	C-1	C-2	IM	PO
Contractor's Office/Sales, No Outside Storage including Vehicles								A	A	A	A		
Contractor's Temporary On-Site Construction Office	S	S	S	S	S	S	S	S	S	S	S	S	S
Electronic Assembly										C	A		
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair											A		
Laboratory Equipment Manufacturing											A		
Machine Shop	C										A		
Maintenance & Repair service for Buildings										C	A		
Open Storage/Outside Storage	C										C	C	
Plumbing Shop											A		
Research Lab (Non-Hazardous)										C	A		
Sand/Gravel/Stone Sales (Storage)	C										C		
Sign Manufacturing										C	C		
Stone/Clay/Glass Manufacturing	C										C		

G. Accessory Buildings and Use Regulations:

1. Accessory Buildings: An accessory building shall be required to have a building permit to comply with placement regarding setbacks, adjacent buildings, and zoning.

- a. Residential Districts** - In a single-family or multiple-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes, and not rented. Accessory buildings shall be located toward the rear portion of the property.
- b. Non-Residential Districts** - In non-residential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, wherever possible, be located toward the rear portion of the property, and shall be constructed of the same material and architectural design as that of the main building.

2. Area Regulations for Accessory Buildings in Residential and Multi-Family Districts:

a. Size of Yards

- (1) Front Yard: Detached accessory buildings shall be prohibited in front of the main building.
- (2) Side Yard: There shall be a side yard not less than five feet (5') from any side lot line or alley line for any accessory building. The same criteria outlined below in 4.1.G.4 applies to an accessory building that is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged to be entered from the side yard shall have a minimum distance of twenty-five feet (25') from the side lot line, alley line, alley easement line or street. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.
- (3) Rear Yard: There shall be a rear yard not less than five feet (5') from any lot line or alley line, or alley easement line for any accessory building. The same criteria outlined below in 4.1.G.4 applies to an accessory building that, with the following exceptions:
 - a.** Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building;
 - b.** Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty-five feet (25').
 - c.** Accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of five feet (5').
- b.** Carports shall be measured from the posts supporting the roof nearest to the street or alley. Must provide one additional parking space for an Accessory Dwelling.
- c.** Accessory buildings are not permitted without a main structure.

3. Accessory Dwellings: Accessory dwellings, including garage accessory dwellings and detached units, may be permitted in residential zoning districts and shall conform to the height limitations of the main structure. See regulations for the specific district, and the Use Charts, Section 4.1.F. No such accessory dwelling shall be used or occupied as a place of abode or residence by anyone other than household staff actually and regularly employed by the landowner or occupant of the main building or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold. In no event shall any accessory dwelling exceed 50% of the square footage of the main building.

- 4. Specific District Standards for Accessory Dwellings:** Accessory dwelling units in the “AG” or “SF” districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and shall meet the following standards:
- a. The accessory dwelling unit must be constructed to the rear of the main dwelling, separated by a minimum of five feet (5') from the main dwelling.
 - b. The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main structure.
 - c. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
 - d. Setback requirements shall be the same as for the main structure, exception, rear yard may be ten (10) foot.
 - e. Accessory dwellings are not permitted without the main or primary structure.
 - f. 12,000 square foot minimum lot size requirement
 - g. Site built 400 square foot minimum living space required and may not exceed 50% of the square footage of the main dwelling.

Section 4.2: SUP, Special Use Permit

A. General Purpose and Description: A special use is a land use which, because of its unique nature, is compatible with the permitted land uses in each zoning district only under certain conditions. Such conditions include a determination that the external effects of the special use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This Section sets forth the standards used to evaluate proposed special uses and the procedures for approving Special Use Permit (SUP) applications.

B. Special Use Permit (SUP) Required: No Special Use shall be established, and no building permit shall be issued for any use designated as a special use within a zoning district until a Special Use Permit is issued in accordance with the provisions of this Section. An application for a Special Use Permit shall be accompanied by a site plan prepared in the manner described in Section 2.6. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section 2.6.

C. Status of Specially Permitted Uses:

1. The following general rules apply to all special uses:
 - a. The designation of a use in a zoning district as a special use does not constitute an authorization or assurance that such use will be approved.
 - b. Approval of a Special Use Permit shall authorize only the particular use for which the SUP is issued.
 - c. No use authorized by a Special Use Permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new Special Use Permit in accordance with the procedures set forth in this Section.
 - d. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, or any permits required by regional, State and Federal agencies.

D. Application for Special Use Permit:

1. **Application Requirements:** An application for a Special Use Permit may be submitted by the property owner or by the property owner's designated representative to the City. The application shall be accompanied by a site plan

prepared in accordance with the requirements of Section 2.6. If a zoning amendment is required or requested, in writing, such application shall accompany the application for a Special Use Permit.

2. **Subdivision Approval:** If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a Special Use Permit. Approval of the Special Use Permit shall not become effective until final approval of the subdivision application; provided, that if the land is to be divided in phases, the approval of the Special Use Permit shall take effect upon final approval of the phase of the subdivision containing the property on which the special use is to be located.

E. Procedures for Special Use Permits:

1. See section 2.4.

F. Standards:

1. **Factors for Consideration:** When considering applications for a Special Use Permit, the Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Commission and the City Council shall specifically consider the extent to which:
 - a. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.
 - b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
 - c. The proposed use meets all supplemental standards specifically applicable to the use as established in the Development Standards, Section 5.1 through 5.9.
 - d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to the following:
 1. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire.
 2. Off-street parking areas, loading areas, and pavement type.
 3. Refuse and service areas.
 4. Utilities with reference to location, availability, and compatibility.
 5. Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses.
 6. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 7. Required yards and open space.
 8. Height and bulk of structures.
 9. Hours of operation.
 10. Exterior construction material, building design, and building facade treatment.
 11. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
 12. Provision for pedestrian access/amenities/areas.
 13. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
2. **Conditions:** In approving the application, the Commission may recommend and the City Council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section, in accordance with the procedures in Section 2.4. Any conditions imposed shall be set forth in the

Special Use Permit approving the Special Use Permit and shall be incorporated into or noted on the site plan for final approval. The Mayor/City Secretary or his/her designee shall verify that the site plan incorporates all conditions set forth in the Special Use Permit authorizing the special use and shall sign the plan to indicate final approval. The City shall maintain a record of such approved special uses and the site plans and conditions attached thereto.

3. **Expiration and Extension:** Termination of approval of a special use for failure to commence development and extension of the time for performance for a Special Use Permit shall be governed by Section 4.2.
4. **Amendment:** No proposed or existing building, premise or land use authorized as a special use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the Special Use Permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Section, and the Special Use Permit and approved site plan are amended accordingly.
5. **Use Regulations:** Uses that may be allowed by Special Use Permit are specified in Section 4.1.F (Use Charts).

V. DEVELOPMENT STANDARDS

Section 5.1: Off-Street Parking and Loading Requirements

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

B. Residential Districts - Special Off-Street Parking Provisions:

1. Required off-street parking shall be provided on the same site as the use it is to serve.
2. All required vehicle parking shall be on a suitably paved parking surface. All driveways and approaches to parking spaces shall be similarly paved, except in the AG district. All new construction must meet approved parking requirements and obtain a permit.
3. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions). Must have approved drive for load capacity.

C. Nonresidential and MF Districts - Special Off-Street Parking Provisions:

1. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties.
2. For safety and fire-fighting purposes, free access through to adjacent non-residential parking areas shall be provided in accordance with Section 5.1.I, "Fire Lanes".
3. All off-street parking, maneuvering, loading and storage areas shall be constructed with an all-weather surface in accordance with the parking lot paving requirements in the City Code of Ordinances and with any applicable State requirements.
4. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space. These requirements shall not apply to parking lots constructed with an all-weather surface such as gravel, as permitted within the Central Business District (Section 3.12).
5. Each standard off-street surface parking space size shall be in accordance with the City Technical Construction Standards and Specifications (TCSS) Manual.

6. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device, such as a curb or wheel stop, installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures or facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted to allow encroachment of vehicle overhang while maintaining an unobstructed six-foot (6') minimum walkway width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, with the exception of CBD and mixed-use areas, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
7. In all non-residential and multiple-family zoning district the perimeter of all parking lots and driveways shall be provided with ribbon concrete curbs or other means such as concrete curbing.
8. Refuse storage facilities placed in a parking lot shall not be in a designated parking or loading space. Each refuse facility shall be located to facilitate pickup by refuse collection agencies, and shall be appropriately screened, as required by Section 5.3.B.5.
9. Parking space(s) for persons with disabilities and other associated provisions shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA). Parking spaces for persons with disabilities shall be as close as possible to the entryway of the appropriate structure and shall be appropriately and clearly marked.
10. In all non-residential and multiple-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas, including advertising or open storage of raw materials.
11. All requirements set forth in this section will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Mayor/City Secretary or his/her designee.
12. Off-street stacking requirements for drive-through facilities shall be as follows. If an escape lane is provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency or accidental entry, it shall be of at least eight feet (8') in width and shall have a negotiable geometric design.
 - a. A stacking space shall be an area on a site measuring at least eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
 - b. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of four (4) stacking spaces.
 - c. For retail operations, other than restaurants, banks and kiosks that provide drive-up service, including pharmacy and dry cleaners, a minimum of three (3) stacking spaces for each service window shall be provided.
 - d. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish and drying area, adequate vehicle stacking, and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes and streets.
 - e. For each automated self-service car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing unless a separate area and shade structure is provided, outside of circulation aisles, for these activities.
 - f. For each wand-type self-service car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay

for window-drying and other detailing, unless a separate area and shade structure is provided, outside of circulation aisles, for these activities.

- g. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
- h. For restaurants with drive-thru service, a minimum of five (5) stacking spaces shall be provided for the first (or only) window, and if applicable, a minimum of two (2) stacking spaces for each subsequent window.

13. All parking structures must conform to the construction and design standards of the district in which they are located.

D. Off-Street Loading Space - All Districts:

1. All retail and similar non-residential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks. Such off-street loading space may be adjacent to, but not on any portion of, a public alley or private service drive, or it may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of twelve feet by forty-five feet (12' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

Total Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 15,000 square feet	None
15,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
Each additional 100,000 square feet	1 additional

2. In all non-residential zoning districts, loading docks or service or delivery entrances shall not be constructed facing any public street, and will provide screening to block visibility from any public street.
3. In all non-residential zoning districts, loading docks for any establishment that is adjacent to a residential use or district shall be setback from the adjacent residential district boundary by a distance of at least sixty feet (60'). In addition, such loading docks shall be designed and constructed to enclose the loading operation on three sides, to reduce the effects of the noise of the operation on adjacent residences.
4. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for, excluding childcare in a residence. An additional lane shall also be required to allow pass-by or through traffic to move while automobiles waiting or parked to pick up children occupy loading and unloading areas.

E. Parking Access from a Public Street - All Districts:

1. In the approval of a site plan, design consideration shall be given to providing entrance and exit drive(s) which extend into the site to provide adequate queuing of vehicles on the site.
2. In all districts, except single-family zoning districts, building plans shall provide for entrance and exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Planning and Zoning Committee/City Council, and TXDOT, if applicable.
 - a. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer to reduce such interference.

- b. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.

3. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas except for utility access.
4. Vehicular access to non-residential uses shall not be configured as “head-in” parking spaces that are accessed directly from the street, except in the Central Business District and the Mixed-Use District.
5. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to the City Technical Construction Standards and Specifications (TCSS) Manual.

F. Parking Requirements Based Upon Use: In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:

The City Council shall have the authority to approve a greater or lesser parking requirement if a parking needs analysis, prepared by a qualified traffic engineer, demonstrates that a greater or lesser requirement would be appropriate.

1. **Automobile parts sales (indoors):** One (1) space per five hundred (500) square feet of indoor floor area, plus one (1) space for each two thousand (2,000) square feet of outside sales area.
2. **Automobile sales or service:** See Motor-Vehicle Sales.
3. **Bank, savings and loan, or similar institution:** One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required four (4) stacking spaces minimum.
4. **Bed and Breakfast/ Inn:** One (1) parking space for each sleeping room, plus one (1) parking space for each host resident or employee during maximum (peak) shift
5. **Business or professional office (general):** One (1) space per three hundred (300) square feet of gross floor area, except as otherwise specified in zoning district.
6. **Car wash (full service):** One (1) space per one hundred fifty (150) square feet of floor area in addition to the required stacking spaces. See section 5.1.C.12.d
7. **Church, rectory, or other place of worship:** One (1) parking space for each four (4) seats in the main auditorium/sanctuary with fixed seating or One (1) parking space for every 30 square feet of non-fixed seating area, whichever is greater. Also refer to permitted shared parking agreements, as outlined in Section 5.1.F.7
8. **Commercial amusement (indoor):** One (1) space per one hundred (100) square feet of gross floor area, or as follows:
 - a. **Racquetball or handball courts** - Three (3) spaces for each court
 - b. **Indoor tennis courts** - Six (6) spaces for each court
 - c. **Gymnasium, skating rinks, and martial arts schools** - One (1) space for each three (3) seats at a maximum seating capacity, based upon maximum occupancy, plus one (1) space for each two hundred (200) square feet
 - d. **Swimming pool** - One (1) space for each one hundred (100) square feet of gross water surface and deck area
 - e. **Weightlifting or exercise areas** - One (1) space for each one hundred (100) square feet
 - f. **Indoor jogging or running tracks** - One (1) space for each one hundred (100) linear feet
 - g. **Motion picture theaters (not featuring live performances)** -
 - (1) One (1) space per three and one-half (3½) seats for single screen theaters.
 - (2) One (1) space per five (5) seats for motion picture theaters with two (2) or more screens.

- h. Amusement Center** - One (1) space for each game table and one (1) space for each amusement device
 - i. Subsidiary Uses** - All areas for subsidiary uses not listed above or in other parts of this Section, such as restaurants or office, shall be calculated in with the minimum specified for those individual uses
- 9. Commercial amusement (outdoor):** Ten (10) spaces minimum plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area
- 10. Commercial use:** One (1) space per three hundred (300) square feet of floor area except otherwise specified in zoning district.
- 11. Community center:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area more than 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.
- 12. Convenience store (with gasoline pumps):** One (1) space per two hundred (200) square feet of floor area, plus one (1) parking space for each side of a gasoline pump unit. Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
- 13. Convenience store (without gasoline pumps):** One (1) space per two hundred (200) square feet of floor area; parking requirements shall be the same as those required for a retail store.
- 14. Dance or aerobics studio, or assembly or exhibition hall without fixed seats:** One (1) parking space for each three hundred (300) square feet of floor area thereof.
- 15. Day nursery, day care center:** One (1) space per ten (10) pupils, based upon maximum occupancy and licensing capacity, plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property sized to accommodate the vehicle.
- 16. Defensive driving school or class:** One (1) space for each classroom seat.
- 17. Furniture or appliance store, hardware store, or wholesale establishments:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet
- 18. Golf course:** Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees
- 19. Golf driving range:** One and one-half (1½) spaces for each driving tee
- 20. Health club, health spa or exercise club:** One (1) space per one hundred fifty (150) square feet of floor area
- 21. Hospital:** One (1) space for each two (2) beds or examination room, whichever is applicable; plus, one (1) space for every two (2) employees during periods of full occupancy.
- 22. Hotel or Motel:** One (1) space per room for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas.
 - a.** One (1) space per room that contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph.
 - b.** Two (2) spaces per guest room provided with full kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph.
 - c.** One (1) space for every two (2) employees during peak (busiest) time periods when the hotel/motel is fully occupied.
- 23. Institutions of a philanthropic nature, library, museum, or art gallery:** Ten (10) spaces plus one (1) space for each employee or volunteer
- 24. Lodge or fraternal organization:** One (1) space per two hundred (200) square feet

- 25. Medical or dental office:** One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
- 26. Mortuary or funeral home:** One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium and sanctuary, whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
- 27. Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales, and parking areas, plus one (1) parking space per repair bay in service areas, indoors or outdoors, plus one (1) parking space per service or towing vehicle to be stored on-site. Required parking spaces are in addition to those to be used for the storage or display of vehicles for sale or lease.
- 28. Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds; plus, one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus, one (1) space for every two (2) employees at full occupancy.
- 29. Office (administrative or professional):** One (1) space for each three hundred (300) square feet of floor area
- 30. Pawn Shop:** One (1) space for each two hundred (200) square feet of floor area
- 31. Package Store:** One (1) space for each two hundred (200) square feet of floor area
- 32. Places of public assembly not listed:** One (1) space for each four (4) seats provided or one (1) for every 30 square feet of non-fixed seating area.
- 33. Real estate office:** One (1) space for each two hundred (200) square feet
- 34. Restaurant, private club, night club, café or similar recreation or amusement establishment:** One (1) parking space for each one hundred (100) square feet of gross floor area and patio dining areas, or one (1) space for every three (3) seats under maximum seating arrangement, whichever is greater. Required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities.
- 35. Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred (200) square feet of gross floor area, except in the Central Business District (see Section 3.12), in addition to any required stacking spaces for drive-through facilities. For any retail use or structure over fifty thousand (50,000) square feet in size, the minimum number of parking spaces shall be one (1) space per two hundred and seventy-five (275) square feet, and the maximum number of spaces shall be one (1) space per two hundred and fifty (250) square feet
- 36. Retirement housing for the elderly (independent living):** One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service, or recreational uses
- 37. School, elementary (grades K-6):** One (1) parking space for each fifteen (15) students (design capacity)
- 38. School, secondary or middle (grades 7-8):** One (1) parking space for each twelve (12) students (design capacity)
- 39. School, high school (grades 9-12):** One space for each three (3) students, faculty, and staff (design capacity)
- 40. Short term rental:** Two (2) spaces for three (3) bedrooms plus one (1) space for each additional bedroom
- 41. Telemarketing:** One (1) space for each two hundred and fifty (250) square feet of floor space
- 42. Theater, indoor or outdoor live performances, sports arena, stadium, gymnasium or auditorium, except school auditorium:** One (1) parking space for each three (3) seats or bench seating spaces.
- 43. Veterinarian clinic:** One (1) space per three hundred (300) square feet of gross floor space.
- 44. Warehouse or wholesale type uses:** One (1) space for five-thousand (5,000) square feet of gross floor area.

G. Rules for Computing Number of Parking Spaces: In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

1. **Calculations Related to Parking Spaces:** Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
2. **Increased Number of Parking Spaces:** Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
3. **Parking for Mixed Uses:** For buildings that have mixed uses within the same structure, such as retail and office, the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 20,000 square feet.
4. **Shared Parking:** Shared parking may be allowed in the case of mixed uses in different buildings under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the City Council. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Florence.
5. **Location of Parking Spaces:** All parking spaces required herein shall be located on the same lot, and, in the case of non-residential buildings or uses within one hundred and fifty feet (150') of the building or use served, except in CBD and as follows:
 - a. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required additional spaces may be located not to exceed three hundred feet (300') from any non-residential building served.
 - b. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Commission and the City Council is required according to the following criteria:
 - c. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150') of such building or structure providing:
 - (1) That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use, or
 - (2) That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

H. Use of Required Parking Spaces, Non-Residential Districts: Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale, lease or rent.

I. Fire Lanes:

1. **Location:** Fire lanes shall be provided in all multiple-family, manufactured home, and non-residential developments, and in some single-family attached, as required by the adopted Fire Code of the City and the Subdivision Ordinance for certain fire lane regulations.

2. **Dimension:** Fire lanes shall be a minimum width of twenty-four feet (24') of paving and shall have a minimum inside turning radius at curves of thirty feet (30'), or as required by the adopted Fire Code of the City.
3. **Vertical Clearance:** The minimum overhead vertical clearance over fire lanes shall be fourteen feet (14') for a linear distance of fifty feet (50') on each side (in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure, such as a canopy, roof overhang or vertical height control device.

Section 5.2: Landscape Requirements

A. Purpose: Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways.

B. Applicability: The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, or altered (i.e., exceeding thirty percent (30%) of the original floor area), construction occurring within the City. Additionally, any use requiring a Special Use Permit, or a Single Family-Planned Development District zoning designation, must comply with these landscape standards unless special landscaping standards are otherwise provided for in the Special Use Permit establishing the SUP or PD district.

C. Permits:

1. **Issuance:** No permits shall be issued for building, paving, grading, or construction until a landscape plan is submitted and approved by the City Building Services Director or his/her designee, along with the site plan and engineering/construction plans. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
2. **Temporary Certificate of Occupancy:** In any case in which a certificate of occupancy is sought at a season of the year in which the City Building Services Director or his/her designee determines that it would be impractical to establish landscaping, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the landscaping plan shall be installed within four (4) months of the date of the issuance of the certificate of occupancy.

D. Landscape Plan:

1. **Submittal Requirements:** Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:
 - a. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.
 - b. Location, size, and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
 - c. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
 - d. Species and common names of all plant materials to be used. Native plants are encouraged.
 - e. Size of all plant material to be used (container size, planted height, etc.).
 - f. Spacing of plant material where appropriate.
 - g. Layout and description of irrigation, sprinkler, or water systems including location of water sources.
 - h. Description of maintenance provisions and water conservation plan.

- i. Name and address of the person(s) responsible for the preparation of the landscape plan.
- j. North arrow/symbol, and a small map showing where the property is located.
- k. Date of the landscape plan.

2. Minimum Landscaping Requirements for Nonresidential and Multiple-Family Developments:

- a. **Street Yard:** For all nonresidential and multi-family developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least ten percent (10%) of the street yard shall be permanently landscaped area. The street yard shall be defined as the area between the building front and the front property line.
- b. **Landscape Buffer:** A minimum five-foot (5') landscape buffer (interior parkway) adjacent to the right-of-way of any major thoroughfare is required. Corner lots fronting two (2) major thoroughfares shall provide the appropriate required landscape buffer on both street frontages. All other street frontages shall observe a minimum five-foot (5') landscape buffer.
- c. **Landscape Areas Within Parking Lots:** Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least 10% of parking lot area. All landscape areas shall be protected by a monolithic concrete curb or other type of wheel stop, such as railroad ties, and shall remain free of trash, litter, and car bumper overhangs.
- d. **Permeable Surface Around Trees:** All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum of five feet (5') by five feet (5').

3. Minimum Landscaping for Residential Development

- a. Two trees are required for each residential lot. Of which a minimum of one of the trees are required to be in the front setback and out of the right-of-way.
- b. Trees shall be selected from the Large or Medium Tree List contained herein.
- c. All trees shall be a minimum of 3-inch caliper and 7 feet tall.

E. Master Tree List

Large Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
Cypress, Arizona	<i>Cupressus arizonica</i>	Evergreen	Yes
Cypress, Montezuma	<i>Taxodium mucronatum</i>	Deciduous	Yes
Elm, Cedar	<i>Ulmus crassifolia</i>	Deciduous	Yes
Elm, Lacebark	<i>Ulmus parvifolia</i>	Deciduous	
Oak, Bur	<i>Quercus macrocarpa</i>	Deciduous	
Oak, Chinkapin	<i>Quercus muhlenbergii</i>	Deciduous	
Oak, Live	<i>Quercus virginiana</i>	Evergreen	
Pecan	<i>Carya illinoensis</i>	Deciduous	
Medium Canopy Trees			
Common Name	Scientific Name	Type	Street Tree
Oak, Lacey	<i>Quercus laceyi</i>	Deciduous	Yes
Oak, Mexican White	<i>Quercus polymorpha</i>	Deciduous	
Oak, Texas Red	<i>Quercus texana</i>	Deciduous	Yes

Pistache, Chinese	<i>Pistacia chinensis</i>	Deciduous	Yes
Small Trees			
Common Name	Scientific Name	Type	Street Tree or Screening Street Tree
Buckeye, Mexican	<i>Ungnadia speciosa</i>	Deciduous	
Crape Myrtle	<i>Lagerstroemia indica</i>	Deciduous	Yes
Holly, Yaupon	<i>Ilex vomitoria</i>	Evergreen	Yes (1 st Street Screening Only)
Laurel, Texas Mountain	<i>Sophora secundiflora</i>	Evergreen	
Maple, Shantung	<i>Acer truncatum</i>	Deciduous	Yes
Persimmon, Texas	<i>Diospyros texana</i>	Deciduous	
Pistache, Texas	<i>Pistacia texana</i>	Deciduous	Yes (1 st Street Screening Only)
Plum, Mexican	<i>Prunus mexicana</i>	Deciduous	
Possumhaw Holly	<i>Ilex decidua</i>	Deciduous	
Redbud, Oklahoma	<i>Cercis reniformis</i>	Deciduous	Yes
Redbud, Texas	<i>Cercis Canadensis</i> var. <i>texensis</i>	Deciduous	Yes
Vitex (Chaste Tree)	<i>Vitex agnus castus</i>	Deciduous	Yes

F. Tree Preservation

1. Protection During Construction:

- a. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on-site and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees that are designated for preservation.
- b. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.
- c. The commission shall consider all tree preservation in connection with the issuance of any permit. All protected species, per the State of Texas regulations, must be preserved subject to an approved mitigation.

F. Sight Distance & Visibility:

1. **Setback Clearance Zone:** Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two (2) or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8') measured from the grade of the public roadway. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:
 - a. The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of fifteen feet (15') in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.
2. **Corner Properties:** The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way (or a private driveway onto a public road) shall have a triangular visibility area with two (2) sides of

each triangle being a minimum of twenty-five feet (25') in length along the right-of-way lines (or along the driveway curb line and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides.

3. **Proximity to Accessways and Driveways:** Landscaping, except required grass and low ground cover, shall not be located closer than five feet (5') from the edge of any accessway pavement or driveway.
4. **Reduction to Remove Visibility Obstruction:** In the event that other visibility obstructions are apparent in the proposed landscape plan, as determined by the Mayor/City Secretary or his/her designee, the requirements set forth herein may be reduced to the extent to remove the conflict.

H. Maintenance:

1. **Responsibility and Condition:** The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall always be maintained in a neat and orderly manner.
2. **Replacement:** Plant materials that are required according to Subsection F (above) that die shall be replaced with plant material of similar variety and size, within ninety (90) days.
 - a. A time extension for replacement of plant materials that have died may be granted by the Mayor/City Secretary or his/her designee if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his/her agent.
3. **Nonconformance & Failure to Maintain:** If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the City Council or his/her designee shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this Ordinance. Failure to maintain any landscape area in compliance with this Section is considered a violation of this Ordinance.

Section 5.3: Screening, Fencing, and Wall Requirements

A. Purpose: To encourage the most appropriate use of land while conserving and protecting the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards. All fences require permits. Walls and other screening may require permits.

B. Screening of Non-Residential and Multiple-Family Areas:

1. **Adjacent to a Single-Family or Residential Planned Development District:** In the event that multiple-family and non-residential uses side or back upon a single-family or residential PD district, or in the event that any non-residential district sides or backs upon a multiple-family district, a screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected in conjunction with landscaping elements on the property line separating these districts. The screening wall shall be constructed of a material pre-approved during the development process. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.
 - a. **Multiple-Family Uses** - The owner of the multiple-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family residential district. This construction requirement applies only when multiple family is adjacent to residential uses.
 - b. **Non-Residential Uses** - When screening is required between non-residential and residential uses, it shall be the responsibility of the non-residential use to construct and maintain the screening wall.

2. **Placement of a Screening Fence or Wall:** In non-residential and multiple-family zoning districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence or wall is required to screen the development from an adjacent residential area. If required to screen a residential area, the screening fence or wall shall be extended out to the street right-of-way line by the developer of the non-residential or multiple-family development. The fence or wall shall be finished on the side that faces the public in a manner and color that is compatible to the exterior finish of the non-residential or multiple-family building(s). Screening fences or walls shall be placed such that they do not impede visibility for vehicles entering or exiting the non-residential or multiple-family development, as required by Section 5.3.
3. **Sight Distance & Visibility:** See Section 5.5.J for sight visibility requirements for fences and screening walls.
4. **Open Storage:** In districts permitting open storage, screening shall be required only for those areas used for open storage. Open storage of materials, commodities or equipment shall be screened with a minimum six-foot (6') fence or wall and shall not be visible from the street or from adjacent property. (See definition of "Open Storage" in Section 5.8.) A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:
 - a. Solid masonry consisting of rock, pre-approved metal, stone, or other material that is equivalent, visually, and qualitatively.
 - b. Wrought iron in conjunction with solid landscape screening.
 - c. Wood or wood vinyl in conjunction with solid landscape screening; and,
 - d. Alternate equivalent screening may be approved through the site plan approval process under Section 2.6.
 - e. No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Special Use Permit.
5. **Refuse Storage Areas:** Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way shall be visually screened by a minimum six-foot (6') wall on at least three sides. The composition of the enclosure shall be such that the refuse area is not visible from the outside. The material shall be pre-approved by the City. The base material used for the pad shall be such that it is always able to remain in good repair.

C. Fences in Residential Areas:

1. Locational Criteria and Height:

- a. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height measured from the average grade line of public roadway.
- b. Except as provided herein, three (3) feet tall, of approved material, fence or wall shall be permitted within the required front yard of any single-family residential lot that is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin, the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area.
2. **Barbed Wire and Electrical Fencing:** Barbed wire and electrical fencing that is visible from a public right-of-way is prohibited as perimeter fencing.
3. **Vehicular Access Gates:** Gates designed for vehicular access shall be set back from front the property line a minimum of twenty-five feet (25').
4. **Swimming Pool Fences:** Fences around swimming pools shall comply with the Standard Swimming Pool Code and the City's codes or ordinances pertaining to same.
5. **Sight Distance & Visibility:** Section 5.5.J provides the sight visibility requirements for fences and screening walls.
6. **Other Types of Fencing:** Special purpose fencing, such as fencing around tennis courts, is permitted.
7. **Required Materials and Construction:** Any screening wall or fence required under the provisions of this Section or under a Special Use Permit, Planned Development District, or other requirement shall be constructed of masonry,

reinforced concrete, or other similar suitable permanent materials that do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

8. **Alternative Materials and Construction:** Alternative equivalent screening may be approved through the site plan approval process, Section 2.6.

Section 5.4: Exterior Construction and Design Requirements

A. **Purpose** The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, altered, or repaired construction occurring within the City.

B. Exterior Construction Requirements and Standards:

1. **Masonry Construction:** The term “masonry construction” as used herein includes all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction. The standards for masonry construction types are listed below:
 - a. **Stone Material** - Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.
 - b. **Brick Material** - Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material. Unfired or underfired clay, sand, or shale brick are not allowed.
 - c. **Concrete Masonry Units** - Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish as approved by the Commission. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish on residential properties.
 - d. **Concrete Panel Construction** - Concrete finish, pre-cast panel, tilt wall, or cement composition reinforced panel construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable unless painted.
 - e. **Exterior Insulation Finish System (EIFS)** – EIFS is a multi-layered wall system that is used on both commercial buildings and homes. Provide superior energy efficiency and offer much greater design flexibility than other cladding products. Only to be used above 12’ from surface.
2. **Glass and Metal Standards:** Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.
3. The following materials are permitted for roof construction:
 - a. Copper
 - b. Metal
 - c. Tile
 - d. Composition Roof
 - e. Wood Shake
 - f. Clay Tile
 - g. Steel Panels
 - h. Slate
 - i. Cementitious
 - j. Ceramic
 - k. Plastic
4. Fluorescent colors are expressly prohibited for all exterior construction.
5. **Elevated Water Storage Tanks and Pump Stations:** All water storage facilities that serve the public shall be designed and painted to compliment natural surroundings. All public water storage facilities shall be placed, to the extent possible, to have minimal negative impact on surrounding areas and shall be painted in earth-tone, natural

colors. The City Council shall be authorized to approve alternate color selections if such color(s) are more acceptable with surrounding areas.

- 6. Temporary Construction Buildings:** Temporary buildings and temporary 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 City and subject to periodic renewal by the inspector for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices or buildings and material storage areas shall be promptly removed at the satisfaction of the City.
- 7. Procedure for Determining Alternative Exterior Materials:**
 - a. All written requests for alternative exterior building materials shall be noted and described on the site plan. If requested by the City, a sample(s) of the proposed exterior finish material(s) may be required to be submitted with the site plan.
 - b. Consideration for exceptions to the above requirements shall be based on the following:
 - (1) Architectural design and creativity,
 - (2) Compatibility with surrounding developed properties,
 - (3) Compatibility with the overall character of the City
 - c. All requests shall be reviewed by the Commission before final ruling by City Council.
- 8. Façade Articulation:** In order to ensure the aesthetic value and visual appeal of non-residential land uses and structures, facade articulation shall be required. See definition of articulation in Section 5.8.
 - a. Facade articulation shall be required for every thirty feet (30') in vertical and/or horizontal surface length or as defined in specific zoning district.
 - b. Facade offsets shall be shown, along with calculations verifying that the building elevations meet the above requirement, on a building facade (elevation) plan, and shall be submitted for Commission review along with the site plan.
- 9. Design and Material Requirements for Nonpoint Source Pollution Control Facilities:**
 - a. All above-ground facilities used for water quality management and nonpoint pollution control, including retention and detention ponds, shall be designed using natural stone materials or a natural ground cover such as grass.
 - b. Alternative materials may be used in the design of above ground facilities when reviewed by the Commission before final approval by City Council.

Section 5.5: Supplemental Regulations

- A. Measuring Setbacks:** All setback measurements shall be made in accordance with Illustrations 1, 2, and 3 within Appendix A.
- B. Configuration of Lots:** Wherever possible, flag lots (lots with minimal or panhandle-type frontage) shall be avoided within residential zoning districts.
- C. Separation Standards:** All non-residential main structures shall be separated by a distance of not less than thirty feet (30') unless an approved fire wall is constructed.
- D. Setback from a Cemetery -** No building or paving shall be placed closer than ten feet (10') from any cemetery.
- E. Front Yard Standards and Measurements:**
 1. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family lots have double frontage, extending from one

street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and rear yards in the case of single-family uses shall be identified and the front of the structure shall not face the side or rear yard.

2. Where the frontage on one side of a street between two intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
3. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4').
4. Minimum lot widths for lots with predominate frontage on the curved radius of a street, including those located on a cul-de-sac or "eyebrow" portion of a street, shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot.
5. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

F. Side Yard Standards and Measurements:

1. On a corner lot used for single-family dwellings, both street exposures shall be treated as front yards on all lots platted after the initial date of the adoption of this Ordinance, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek or flood plain area, or other similar phenomenon. In such case, a building line may be designated by the Mayor/City Secretary or his/her designee, with a minimum side yard of ten feet (10') or more, as determined by the applicable zoning district standards. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
2. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.
3. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

G. Special Height Regulations:

1. In the districts where the height of buildings is restricted to two (2) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building. Water standpipes and tanks, church steeples, domes and spires, school buildings, windmills, barns, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.
2. **Calculation of Height:**
 - a. For the purposes of calculating the overall height of a structure, slope shall be calculated from the highest point of the building at natural grade to the lowest point of the building at natural grade, or the natural grade of an adjoining road, along a line that is, as close as possible, perpendicular to existing contours.
 - b. The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.

H. Minimum Flooring Area per Unit Area: Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports, and accessory buildings.

I. Open Storage Areas: Open storage of materials, commodities, or equipment, where allowed in the specific zoning district, shall be located behind the front building line, and observe all setback requirements for the main structure or building. This standard does not apply to outside display as defined in Section 5.8. There are screening requirements in Section 5.3, and special requirements for outside display within zoning districts.

J. Sight Visibility:

1. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping thirty inches (30") or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:
 - a. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions.
 - b. At an intersection with an alley, this clearance must be maintained for ten feet (10').
 - c. Shrubs and hedges that are typically less than thirty inches (30") in height at maturity, as measured from the centerline of the street, may be in the visual clearance areas of all districts.
 - d. A limited number of single-trunk trees having a clear trunk (branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are spaced and positioned such that they will not produce a visibility inhibiting, "picket-fence" effect when they attain mature size.

Section 5.6: Performance Standards

A. Conformance of All Uses: In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State and Federal agencies. All uses, including those that may be allowed by PD or SUP, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

B. Toxic Waste Disposal: All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

C. Smoke and Particulate Matter: No operation or use shall cause, create, or allow the emission for more than three (3) minutes in any one (1) hour of air contaminants which at the emission point or within the bounds of the property are:

1. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the American Society for Testing Materials A.S.T.M. except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere.
2. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one (1) hour.
3. Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand (1,000) cubic feet of air.

D. Odorous Matter:

1. No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
2. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials A.S.T.M.D. shall be followed.

E. Fire or Explosive Hazard Material:

1. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the City.
2. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the adopted Fire Code.

F. Toxic and Noxious Matter:

1. No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten percent (10%) of the concentration considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3", or subsequent applicable rules and regulations a copy of which is hereby incorporated by reference.

G. Vibration: No operation or use shall at any time create earth borne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

<u>Frequency Cycles Per Second</u>	<u>Displacement in Inches</u>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

Section 5.7: Home Occupation Regulations

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

B. Special Provisions for Home Occupations:

1. Home occupations shall be permitted as accessory use in single-family residential zoning districts provided that they comply with all restrictions herein.
2. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of any occupation activity shall not be visible from the street.

3. Use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
4. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs.
5. Home businesses that have patrons or related traffic are restricted to no more than 2 vehicles present at one time; and are restricted to the hours of 8am-6pm. The proprietor shall provide adequate off-street permanent parking on the property where the use is located
6. One commercial vehicle, capacity of one ton or less, according to the manufacturer's classification, may be used, or parked behind the front building line on the property, in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;
7. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
8. The home occupation use/activity shall take place primarily within the dwelling, and there shall be no outside storage, including trailers, or outside display related to the home occupation use.
9. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
10. The home occupation shall not generate noise, vibration, glare, fumes or odors, heat, or electrical interference beyond what normally occurs within a residential district.
11. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.
12. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio or visual means.
13. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made or assembled on-site, including arts and crafts items, handmade clothing; and,
14. The occupation shall not be harmful or detrimental to the health, welfare, and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property, and recreation by residents of the area.

C. Applicability of Other Regulations: Home occupations shall also be subject to all other provisions of local, State and Federal regulations and laws that govern such uses.

D. Uses Allowed as Home Occupations: Subject to the provisions of this Section 5.7, home occupations may include the following uses:

1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession.
2. Author, artist, or sculptor.
3. Dressmaker, seamstress or tailor.
4. Music or dance teacher, or similar types of instruction, if instruction shall be limited to no more than six (6) pupils at a time.
5. Individual tutoring and home schooling.
6. Office facility of a minister, rabbi, priest, or other clergyman.

7. Home crafts, such as rug weaving, model making, etc.
8. Office facility of a salesman, sales, or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises.
9. Repair shop for small electrical appliances, cameras, watches and clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine.
10. Food preparation establishments such as cake making, decorating, or catering, if there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations.
11. Registered Family Homes, in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children or adults.
12. Barber shop or beauty salon or manicure studio, provided that no more than one customer is served at a time: and is licensed per Texas Department of Licensing Regulation or local Health Department.
13. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time.

E. Uses Prohibited as Home Occupations: Home occupations shall not, in any event, be deemed to include the following uses:

1. Animal hospitals or clinics, commercial stables having more than 2 horses per acre or kennels.
2. Restaurants or on-premises food or beverage, including Private Clubs, consumption of any kind, except for limited food or meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility.
3. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business.
4. On-premises retail or wholesale sales of any kind where multiple customers patronize the sales business on-site, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales.
5. Commercial clothing laundering or cleaning.
6. Mortuaries or funeral homes.
7. Trailer, vehicle, tool, or equipment rentals.
8. Repair shops for any items having internal combustion engines having more than one (1) cylinder or other like machines.
9. Any use that would be defined by the Building Code as an Assembly, Factory or Industrial, Hazardous, Institutional or Mercantile occupancy.

F. Home Occupation Uses Not Classified Herein: Any use that is not either expressly allowed nor expressly prohibited by Section 5.7.D and Section 5.7.E, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the City Council, subsequent to an affirmative recommendation by the Commission.

G. Effect of Section 5.7 Upon Existing Home Occupations:

1. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 2.1 provided that the owner or proprietor of such home occupation registers his or her business with the City within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was

not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.

2. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the City as described in Section 5.7.G.1 above.

Section 5.8: Definitions

- A. **Purpose:** Certain terms and words are to be used and interpreted as defined in this Ordinance. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" be mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used. It should be noted that there are other sections within this Ordinance that define terms that are specific to that section; these other definitions can be found within Section 3.11 (Central Business District), Section 5.2 (Landscaping Requirements), and Section 5.4 (Exterior Construction & Design Requirements).
1. **Accessory Building:** A subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure. The building area is less than that of the main structure as regulated here in individual district zoning uses. A subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "Accessory Use").
 2. **Accessory Dwelling Unit (ADU):** A secondary living space that is on-site with a primary living space and that may be contained within the space structure as the primary or may be contained in a separate structure. Occupants of secondary living spaces typically include household staff employed by the owner/occupant, or a guest or family member of the owner/occupant
 3. **Accessory Use:** A use that is customarily incidental, appropriate, and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith. The land and building area that is used for the accessory use must be significantly less than that used for the primary use, and the gross receipts that is derived from the accessory use must be significantly less than that derived from the primary use.
 4. **Airport or Landing Field:** A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
 5. **Alcoholic Beverage:** Includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this ordinance.
 6. **Alley:** A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
 7. **Ambulance Service (Private):** Provision of private emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.
 8. **Amusement Devices/Arcade (Also Video Arcade):** Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.
 9. **Amusement Services (Indoors):** An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial

arts club, racquetball or handball club, indoor tennis courts or club, indoor swimming pool or scuba diving facility, and other similar types of uses.

- 10. Amusement Services (Outdoors):** An amusement enterprise offering entertainment or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.
- 11. And:** Where necessary to effectuate the intent of this Article or to prevent an ambiguity, absurdity, or mistake, the Planning and Zoning Commission will have the ability to clarify in case of clerical error the words “and” and “or”
- 12. Antique Shop:** A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.
- 13. Art Dealer/Gallery:** An institution for the collection, display, or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.
- 14. Articulation:** An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane.
- 15. Artisans Shop:** A shop in which goods are custom produced in small quantities, often one of a kind. The use may include the sale or production of such goods or may be a place where a small number of persons are engaged in arts and crafts activities in a class or studio.
- 16. Artist Studio:** A workspace for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.
- 17. Assisted Living Facility:** A congregate residence facility for ten (10) or more handicapped persons or persons over 55 years of age, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, and hairdressing, may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility but may be privately arranged for by individual residents on a part-time or temporary basis.
- 18. Auction Business:** The business of auctioning items within an auction building. Any auction business must use an auctioneer licensed by the State of Texas and report all sales tax to the State.
- 19. Auto Detailing and Attended or Unattended Car Wash:** Washing, waxing, or cleaning of automobiles or light duty trucks.
- 20. Auto Finance and Leasing (Indoor):** Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.
- 21. Auto Supply Store for New & Rebuilt Parts:** The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
- 22. Auto Rental:** Storage or renting of automobiles and light trucks.
- 23. Auto Sales (New):** Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.
- 24. Auto Sales (Used):** Retail sales, or offering for sale, used automobiles or light load vehicles.
- 25. Auto Storage or Auto Auction:** The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").
- 26. Automobile:** A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.
- 27. Automobile Accessory Installation (Minor):** Installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones, and similar accessories.

- 28. Automobile Repair Garage:** An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
- 29. Automobile Repair, Major:** General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.
- 30. Automobile Repair, Minor:** Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.
- 31. Automotive Gasoline or Motor Fuel Service Station:** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.
- 32. Awning:** Sheets of canvas, metal or other material attached to a frame and used to keep the sun or rain off of a storefront, window, doorway or deck.
- 33. Bakery or Confectionery (Retail):** A facility for the production or sale of baked goods.
- 34. Bakery or Confectionery (Wholesale or Commercial):** A manufacturing facility for the production and distribution of baked goods and confectioneries to retail outlets.
- 35. Bank, Savings and Loan, or Credit Union:** An establishment for the custody, loan, exchange or issue of money, the extension of credit, or facilitating the transmission of funds.
- 36. Barn:** A structure intended for the purpose of storing farming and ranching related equipment or housing livestock; shall conform to all construction and design standards of the district in which it is constructed.
- 37. Basement (or Celler):** A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground.
- 38. Bed and Breakfast Inn or Facility(s):** A dwelling or grouping of dwellings at which breakfast is served and sleeping accommodations are provided/offered in not more than fifteen (15) rooms or unattached units (e.g., cabins) for transient guests for compensation.
- 39. Beer or Malt Beverage:** Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than fourteen percent (14%) alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, and strong beer. Also included are beverages known as "non-alcoholic beer" which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent (3%), but more than zero-point one percent (0.1%) alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.
- 40. Block:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, a new survey shall determine the outline of the block.
- 41. Building:** Any structure intended for shelter, occupancy, housing or enclosure for persons, animals, or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
- 42. Building Height:** The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of the building.
- 43. Building Line:** A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected.
- 44. Building, Main or Primary:** A building in which the principal use of the lot on which it is situated is conducted.

- 45. Building Materials Sales:** Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center".
- 46. Building Site:** See "Lot" definition.
- 47. Bus Station or Terminal:** Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.
- 48. Caretakers' or Guards' Residence:** A residence located on a premise with a main residential or non-residential use and occupied only by a caretaker or guard employed on the premises, such as a residence for guard in a private street development, residence for a guard or manager or caretaker for a self-storage facility or a restricted access business park.
- 49. Carnival, Circus or Tent Service (Temporary):** Outdoor or indoor commercial amusement provided on a temporary basis.
- 50. Carport:** A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension.; requires a minimum of one vehicle parking space Also called "covered parking area."
- 51. Cemetery or Mausoleum:** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
- 52. Cemetery, Animal:** Same as cemetery except only for the burial of dead animals.
- 53. Certificate of Occupancy:** An official certificate issued by the City which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.
- 54. Child Day Care (Business):** A commercial institution or place designed for the care or training of unrelated children under fourteen (14) years of age for less than 24 hours a day.
- 55. Church/Place of Worship:** A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises, that is tax exempt as defined by State law. For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.
- 56. City Council:** The governing body of the City of Florence, Texas.
- 57. City of Florence:** The City of Florence, Texas; also referred to as the "City".
- 58. Civic/Conference Center:** A building or complex of buildings that may house offices and services, cultural, recreational, athletic, food service, convention or entertainment facilities.
- 59. Cleaning Plant (Commercial/Wholesale) -** An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.
- 60. College or University -** An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.
- 61. Commercial Amusement (Indoor) -** See Amusement Services (Indoors).
- 62. Commercial Amusement (Outdoor) -** See Amusement Services (Outdoors).
- 63. Commercial Use –** A type of nonresidential land use that has one or more of the following characteristics: 1) the use is service-oriented; 2) retail and/or; 3) the use sells goods or products on a wholesale basis; or 4) the use has or has the need for open storage areas or warehouses its products. Such uses include motels, auto dealerships, welding shops, manufactured home sales, mini-warehouses, funeral homes, auto body repair shops, and air conditioning and/or heating services.
- 64. Community Center -** A building or complex of buildings that house cultural, recreational, athletic, food service or entertainment facilities owned or operated by a governmental agency or private nonprofit agency.
- 65. Community Home:** A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as

licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code). The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

- 66. Comprehensive Plan:** Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.
- 67. Concrete or Asphalt Batching Plant (Permanent):** A permanent manufacturing facility to produce concrete or asphalt.
- 68. Concrete or Asphalt Batching Plant (Temporary):** A temporary manufacturing facility to produce concrete or asphalt during construction of a project, and to be removed when the project is completed.
- 69. Continuing Care Retirement Community:** A housing development designed to provide a full range of accommodations for adults of age 55 or more, including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
- 70. Contractor's Office/Sales (With Outside Storage):** A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.
- 71. Convenience Store With or Without Fuel Sales:** Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, including possibly gasoline, diesel, or other similar fuels if pumps are provided. Does not include or offer any automobile repair services. The sale of beer and wine for off-premises consumption is specially allowed, if not otherwise prohibited.
- 72. Country Club/ Amenity Center:** A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts, amenity center and similar recreation or service.
- 73. Court:** An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.
- 74. Coverage:** The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
- 75. Custom Personal Service Shop:** Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.
- 76. Dance Hall:** An establishment open to the public for dancing. Any sales of alcoholic beverages for on-premises consumption shall be subject to requirements and use restrictions for private clubs - see definition for "Private Club".
- 77. Day Camp for Children:** A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
- 78. Density:** The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.
- 79. Detached:** Having no physical connection above the top of the floor line of the first floor with any other building or structure.
- 80. Distribution Center:** Building or facility used for the storage and distribution of wholesale items/products.
- 81. Drapery, Blind, or Furniture Upholstering Shop:** An establishment for the production, display and sale of draperies and soft coverings for furniture.
- 82. Dwelling:** Any building or portion thereof, which is designed or used as living quarters for one or more families.
- 83. Dwelling, Single Family Attached (Townhouse):** See "Single Family Dwelling (Attached)".
- 84. Easement:** A grant of one or more of the property rights by the property owner to or for the use by the public, a corporation or another person or entity.
- 85. Educational Facilities:** Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

- 84. Electrical Substation:** A subsidiary station in which electric current is transformed.
- 85. Enclosed Building:** A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.
- 86. Extended Stay Hotels/Motels (Residence Hotels):** A multi-unit, extended stay lodging facility consisting of efficiency units or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.
- 87. Fairgrounds/Exhibition Area:** An area or space either outside or within a building for the public display of work of art or items of interest or demonstration of a particular skill such as rodeo, livestock shows, circuses, carnivals and similar events.
- 88. Family:** One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption, or guardianship, occupying a dwelling unit.
- 89. Family Home (Adult Care in Place of Residence):** A facility that regularly provides care in the caretaker's own residence for not more than six (6) adults at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.
- 90. Family Home (Child Care in Place of Residence):** A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.
- 91. Farms, General (Crops):** An area used for growing usual farm products, vegetables, fruits, trees, and grain and including the necessary accessory uses for raising, treating, and storing products grown on the premises, but not including any type of agriculture specifically prohibited by ordinance or law.
- 92. Farms, General (Livestock/Ranch):** An area used for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing animals on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of husbandry specifically prohibited by ordinance or law.
- 93. Feed and Grain Store:** An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.
- 94. Fence:** An artificially constructed structure of wood, masonry, stone, etc. (solid or otherwise), which is a barrier and used as a boundary or means of protection, confinement, or concealment
- 95. Firearms:** (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any Destructive device as defined in the National Firearm Act.
- 96. Flood Plain:** An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Florence.
- 97. Floor Area, Gross:** The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.
- 98. Floor Area Ratio (FAR):** The floor area of a main building or buildings on a lot, divided by the lot area.
- 99. Florist Shop:** An establishment for the display and retail sale of flowers, small plants, and accessories.
- 100. Food Processing:** A manufacturing or light industrial use that primarily deals with the processing and packaging of food, such as dairy or grain products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products, including bread and baked goods, dairy products such as cheese, created and packaged on the premises may be allowed as an accessory use.

- 101. Food or Grocery Store:** A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use. The sale of beer and wine for off-premises consumption is specially allowed, if not otherwise prohibited.
- 102. Footprint:** The horizontal area measured from outside of all exterior walls and supporting columns; the amount of a structure that touches the ground surface.
- 103. Fortified Wine:** Any alcoholic beverage containing more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes, but is not limited to, brandy.
- 104. Franchised Private Utility (Not Listed):** A utility such as one distributing heat, chilled water, closed circuit television, internet or similar service and requiring a franchise to operate in the City of Florence.
- 105. Front Yard:** See "Yard, Front".
- 106. Funeral Home or Mortuary:** A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
- 107. Furniture, Home Furnishings or Appliance Stores:** This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.
- 108. Garage, Private:** An accessory building enclosed on at least three (3) sides, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."
- 109. Garage/Accessory Dwelling:** A residential dwelling unit attached to or over a garage but not attached to the main residential structure.
- 110. Garage Conversion:** The alteration of an enclosed attached or detached accessory building, including a garage that meets the required parking standards for residential districts, to an air-conditioned living space with stationary fixed walls.
- 111. Garden Shop (Inside Storage):** A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.
- 112. Gasoline Service or Filling Station:** See "Automotive Gasoline or Motor Fuel Service Station".
- 113. General Commercial Plant:** Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.
- 114. General Manufacturing:** See "Industrial, Manufacturing".
- 115. General Retail Stores:** This major group includes retail stores which sell several lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The sale of beer and wine for off-premises consumption is allowed, if not otherwise prohibited. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (Also see "Retail Shop").
- 116. Golf Course (Public/Private):** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.
- 117. Group Day-Care Home:** A child-care facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.
- 118. Gymnastic Or dance Studio:** A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.
- 119. Hauling or Storage Company:** See "Motor Freight Company".
- 120. Heavy Load Vehicle:** A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

- 121. Heavy Machinery Sales and Storage:** A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.
- 122. Heliport:** An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.
- 123. Height (of Structures):** The height shall be measured from the highest parapet or roof ridge to natural grade or finish grade at the lowest point adjacent to the building exterior, whichever yields the greatest height.
- 124. Helistop:** The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
- 125. Home Occupation:** An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.
- 126. Hospital (Acute Care):** An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.
- 127. Hospital (Chronic Care):** An institution where those persons suffering from illness, injury, deformity, or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.
- 128. Household Appliance Service and Repair:** The maintenance and rehabilitation of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances and vacuum cleaners, but not including appliances or equipment which have internal combustion engines.
- 129. Household Care Facility:** A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are seniors; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.
- 130. Incidental or Accessory Retail and Service Uses:** Any use different from the primary use but which compliments and/or supplements the primary use, such as a sundry shop that serves tenants of an office building or hospital. Incidental shall mean an area that constitutes not more than fifteen percent (15%) of the main use.
- 131. Industrial, Manufacturing:** Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.
- 132. Institution for Alcoholic, Narcotic or Psychiatric Patients:** An institution offering out-patient treatment to alcoholic, narcotic, or psychiatric patients.
- 133. Intensity (of Land Use):** An assessment of the relative level of activity of land use, including, but not limited to, type of land use, floor area ratio, building coverage ratio, or percent of impervious coverage.
- 134. Kennels (Indoor/ Outdoor Pens):** An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold for commercial purposes.
- 135. Kindergarten or Nursery School (Private):** An establishment where more than three (3) children are housed for care or training during the day or portion thereof.
- 136. Kiosk (Providing a Service):** A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.
- 137. Kitchen, Residential:** Generally, that portion of a residential dwelling that is devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities as differentiated from a "kitchenette" which provides limited cooking facilities limited to a single-burner hot plate, under-counter refrigerator and microwave oven.

- 138. Laboratory Equipment Manufacturing:** A facility that makes or produces equipment or products used for research or testing.
- 139. Laboratory, Scientific or Research:** An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").
- 140. Landscaping:** Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.
- 141. Laundromat (or Self-Serve Washateria):** A facility where patrons wash, dry or dry clean clothing and other fabrics in machines that are operated by the patron.
- 142. Laundry/Dry Cleaning (Drop Off/Pick Up):** A facility used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry cleaning, or cleaning elsewhere, and for the pressing and distribution of any such articles or goods that have been subjected to any such process.
- 143. Light Load Vehicle:** A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.
- 144. Light Manufacturing or Industrial Use:** Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- 145. Living Quarters On-Site with a Business:** A lot that is occupied or intended to be occupied by a dwelling unit (a residential use) and a nonresidential use, either within the same structure or separate structures. The residential use and the nonresidential use are equally considered to be the principal use of the lot.
- 146. Loading Space:** An off-street space or berth used for the delivery and loading or unloading of vehicles.
- 147. Local Utility Line:** The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power, or telephone service, including pad- and pole-mounted transformers.
- 148. Loft apartment:** A residential living space that is located on the second floor (or above) of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor. This definition includes a similarly located space within a structure that has been converted into a residential living area from some other originally intended use. This is only allowed in the CBD and Mixed-use single-family districts
- 149. Lot:** A platted parcel of land that is occupied or intended to be occupied by one main building, or a group of main buildings, and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws or ordinances, and also which has its principal frontage upon a public street.
- 150. Lot Area:** The total area, measured on a horizontal plane, included within lot lines.
- 151. Lot, Corner:** A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).
- 152. Lot Depth:** The mean horizontal distance between the front and rear lot lines.
- 153. Lot, Double Frontage:** A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.
- 154. Lot, Flag:** A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet. Flag, or panhandle, lots are typically discouraged.
- 155. Lot, Interior:** A lot other than a corner lot.
- 156. Lot Frontage:** That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.
- 157. Lot Line, Front:** The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.
- 158. Lot, Key:** A corner lot whose exterior side is adjacent to the front yard of another lot.

- 159. Lot Line, Rear:** The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.
- 160. Lot Line, Side:** Any lot line not the front or rear lot line.
- 161. Lot Lines or Property Lines:** The lines bounding a lot as defined herein.
- 162. Lot of Record:** A lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Williamson County.
- 163. Lot Width:** The horizontal distance measured between side lot lines parallel to the front lot line and measured from the point on the building line which is closest to the front lot line.
- 164. Main Building:** The building or buildings on a lot that are occupied by the primary use.
- 165. Manufactured Home Display or Sales (New):** The offering for sale, storage, or display of new manufactured housing units, including mobile homes or trailers, HUD-Code homes and industrialized homes, on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- 166. Manufactured Home Display or Sales (Used):** The offering for sale, storage, or display of previously owned (used), movable manufactured housing units, including mobile homes or trailers and HUD-Code homes on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- 167. Manufactured Housing:** Any one of three types of prefabricated housing products which are typically manufactured or assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Texas Occupations Code Chapter 1201). For the purpose of this Ordinance, there are three types of manufactured homes:
- a. **Mobile Home** - A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.
 - b. **HUD-Code Manufactured Home** - A movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.
 - c. **Single-Family Industrialized Home (also called Modular Prefabricated Structure or Modular Home)** - A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act, Texas Occupations Code, Chapter 1201. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.
- 168. Manufactured/ Modular Home Subdivision:** A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned manufactured or modular home or units or HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the mobile home units. Facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
- 169. Market (public):** Outdoor market including vendor fairs where goods and services are sold or advertised on a temporary basis; subject to all local, county and state regulations and permitting.
- 170. Masonry Construction:** That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick veneer, exterior plasters, including stucco, or other similar building units or materials or combination of these materials laid up unit by unit and set-in mortar.
- 171. Medical Facilities:**

- i. **Medical Clinic or Office** - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients if patients are not kept overnight except under emergency conditions.
- ii. **Dental Office or Doctors Office** - Same as medical clinic.
- iii. **Hospital** - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- iv. **Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined, and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
- v. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- vi. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
- vii. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

- 172. Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.
- 173. Mini-Warehouse/Self-Storage:** Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business, or any other activity within the individual storage units, other than storage, shall be prohibited.
- 174. Minor Medical Emergency Clinic:** See "Medical Clinic or Office".
- 175. Mobile Home Park (also Trailer Park or RV Park):** The facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
- 176. Mobile Home Space:** A plot of ground within a mobile home park, trailer park, RV park, or mobile home subdivision that is designed for the accommodation of one mobile home, trailer, or RV unit.
- 177. Model Home:** A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.
- 178. Motel or Hotel:** A facility offering temporary lodging accommodations or guest rooms on a daily rate to the public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
- 179. Motorcycle:** A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.
- 180. Motorcycle Sales and Repair:** The display, sale, or servicing, including repair work, of motorcycles.
- 181. Motor Freight Company:** A company using trucks or other heavy load vehicles to transport goods, equipment, and similar products. Includes companies that move residential or commercial belongings.

- 182. Motor Vehicle:** Any vehicle designed to carry one or more persons that is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles, and buses.
- 183. Multiple-Family Dwelling:** Three or more dwelling units on a single lot designed to be occupied by two or more families living independently of one another as well as traditional apartments, exclusive of hotels or motels
- 184. Municipal Building or Use:** Any area, land, building, structure, or facility which is owned, used, leased, or operated by the City, State or other government entity including fire stations and police stations.
- 185. Music / Dancing Facility (Event):** A facility in which music (live or DJ'd) and/or dancing is permitted for entertainment. Music/Dancing facility may include, but is not limited to, restaurants, private clubs, and private businesses.
- 186. Nonconforming Use:** A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.
- 187. Nursery:** An establishment, including a building, part of a building or open space, for the growth, display or sale of plants, shrubs, trees, and other materials used in indoor or outdoor planting.
- 188. Nursing, Convalescent or Rest Home:** See “Skilled Nursing Facility”.
- 189. Occupancy:** The use or intended use of the land or buildings by proprietors or tenants.
- 190. Offices, Professional and General Business:** A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and associations, but excluding medical offices.
- 191. Office Center:** A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop and hair or nail salon.
- 192. Office Showroom:** An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
- 193. Office Warehouse:** An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.
- 194. Officially Approved Place of Access:** Access to a property, other than from a dedicated street, which is approved by the City of Florence.
- 195. Off-Street Parking Incidental to Main Use:** Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.
- 196. Or:** Where necessary to effectuate the intent of this Ordinance or to prevent an ambiguity, absurdity, or mistake, the Planning and Zoning Commission will have the ability to clarify in case of clerical error the words “and” and “or”.
- 197. Outside Display:** Outside temporary display of finished goods that are specifically intended for retail sale.
- 198. Open Storage:** The keeping, displaying, or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as outside storage.
- 199. Package Store:** The sale of alcoholic beverage for only off premises consumption
- 200. Paint Shop:** A commercial establishment where painting services are performed, but not automotive-related painting services, which would be included under "Automobile Repair, Major".
- 201. Parcel:** Any un-platted tract of land, or any portion of an un-platted tract of land.
- 202. Park and/or Playground (Private):** See “Private Recreation Facility or Private Park”.
- 203. Park and/or Playground (Public):** See “Public Recreation”.
- 204. Parking Lot:** An off-street ground level area, not on a public street or alley, paved in accordance with City of Florence parking lot standards, for the short- or long-term storage of motor vehicles.

- 205. Parking Lot or Structure, Commercial (Auto):** An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.
- 206. Parking Space:** An off-street area, not on a public street or alley, paved in accordance with City of Florence parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.
- 207. Pawn Shop:** An establishment where money is loaned on the security of personal property pledged in the keeping of the owners. The retail sale of primarily used items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.
- 208. Permanent Cosmetics:** The practice of producing indelible mark on the human face by inserting small particles of pigment under the skin leaving a shadow of color. Typically, these shadows of color enhance existing features such as lip liner, eyeliner or give the appearance of hair in the absence of hair, such as with eyebrows.
- 209. Personal Service Shop or Custom Personal Services:** Establishments primarily engaged in providing services generally involving the care of the person or his apparel and including, but not limited to, barber and beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses, with no outside storage.
- 210. Pet and Animal Grooming Shop:** A retail establishment offering small animals, fish, or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats, and similar animals.
- 211. Petroleum Distribution/Storage/Wholesale Facility:** A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions
- 212. Photocopying/Duplicating:** An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization.
- 213. Planned Development District:** Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.
- 214. Planning and Zoning Commission:** A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "Commission".
- 215. Plat:** A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Florence, and which is approved by the City of Florence and recorded in the plat records of Williamson County.
- 216. Platted Lot:** See "Lot" and "Lot of Record".
- 217. Playfield or Stadium (Public):** An athletic field or stadium owned and operated by a political subdivision for the public including, but not limited to, a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.
- 218. Playfield or Stadium (Private):** An athletic field or stadium owned and operated by an agency other than a political subdivision.
- 219. Portable Building Sales (Outdoor Display):** An establishment which displays and sells structures capable of being carried and transported to another location, but not including manufactured, mobile, and modular homes.
- 220. Premises:** Land together with any buildings or structures situated thereon.
- 221. Primary Use:** The principal or predominant use of any lot or building.
- 222. Principal Building:** See "Main Building".

- 223. Print Shop:** An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.
- 224. Private Club:** An establishment providing social or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
- 225. Produce Stand:** A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables, and similar foods. No cooking or on-premises consumption of produce occurs on the site.
- 226. Professional Service:** Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.
- 227. Propane Sales (Retail):** Retail sales of gaseous substances commonly used for household purposes such as propane or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.
- 228. Public Agency Building, Shop, Yard or Facility:** Any building, land, area or facility, including maintenance and storage yards and shops, which is owned, leased, primarily used and occupied by any subdivision or agency of the following: The State of Texas, the United States, or other political subdivision. Any facility that is owned, leased, used, or occupied by the City of Florence is defined as "Municipal Facility or Use".
- 229. Public View:** Public view means areas that can be seen from any public street.
- 230. Rear Yard:** See "Yard, Rear".
- 231. Recreation Center:** A place designed, owned, or operated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities owner or operated by a governmental agency or private non-profit agency.
- 232. Recreational Vehicle (RV):** A self-propelled, mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence.
- 233. Recreational Vehicle/Camper Sales and Leasing:** An establishment that sells, leases, or rents new or used recreational vehicles, travel trailers, campers, boats and watercraft, and similar types of vehicles.
- 234. Recreational Vehicle (RV) Park:** An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "Mobile Home Park"). The facility may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
- 235. Recycling Kiosk:** A small uninhabited structure up to one hundred and twenty (120) square feet maximum, or temporary container, such as an "igloo" or dumpster-type container, which provides a self-service location for the depositing of recyclable materials such as aluminum cans, glass bottles, magazines and newspapers and metal or plastic containers. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.
- 236. Rehabilitation Care Facility (Halfway House):** A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.
- 237. Rehabilitation Care Institution:** A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.
- 238. Residence:** Same as a dwelling; also, when used with district, an area of residential regulations.
- 239. Residential District:** District where the primary purpose is residential use.
- 240. Restaurant (With Drive-Through Service):** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

- 241. Restaurant (With No Drive-Through Service):** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.
- 242. Restaurant (Drive-In Service):** An eating establishment where food or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.
- 243. Restaurant (Mobile Food Unit/Vendor):** Any person who sells food products or takes food product orders from house to house, from place to place, or in a stationary location in the City limits, and who sells such food out of a vehicle, wagon, cart or other conveyance used in the transportation of such food. (Food Handlers permit must be obtained from the Williamson County Health District). City solicitation ordinances may also apply.
- 244. Retail or Service, Incidental:** The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber or beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy, or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses that occupy less than fifteen percent (15%) of the main use.
- 245. Retail Shop (For Apparel, Gifts, Accessories and Similar Items):** An establishment engaged in the selling of goods and merchandise to the public for personal or household consumption and rendering services incidental to the sale of such goods. The sale of beer and wine for off-premises consumption is specially allowed, if not otherwise prohibited. (Also see "General Retail Stores").
- 246. Retirement Living:** A home or complex where seniors are provided with lodging and meals without nursing care being a primary function.
- 247. Retirement Housing for the Seniors (also Independent Living Center or Congregate Housing):** A development providing self-contained dwelling units specifically designed for the needs of the seniors. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.
- 248. Room:** A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.
- 249. Salvage or Reclamation of Products** (also see "Wrecking Yard"): The reclamation and storage of used products or materials.
- 250. Sand/Gravel/Stone Sales (Storage):** The process of extracting and/or storing sand, gravel, stone, topsoil, compost, or other products from the earth.
- 251. School, Business:** A for-profit business that offers instruction and training in a profession, service, or art such as a secretarial or court reporting school, barber or beauty college or commercial art school, but not including commercial trade schools.
- 252. School, Commercial Trade:** A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.
- 253. School, Private (Primary or Secondary):** A school under the sponsorship of a private agency or corporation, other than a religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.
- 254. School, Public or Parochial:** A school under the sponsorship of a public or religious agency which provides elementary or secondary curricula, but not including private business or commercial trade schools.
- 255. Scientific and Industrial Research Laboratories:** Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
- 256. Screened:** Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.
- 257. Seasonal Uses:** Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items that are typically only available at certain times of the year.
- 258. Sexually Oriented Business:** See applicable City regulations addressing Sexually Oriented Businesses or Adult Entertainment Facilities.

- 259. Shopping Center:** A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading or delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.
- 260. Short term rental:** a single dwelling unit furnished and self-contained; rented for a period not to exceed 31 days subject to city HOT tax
- 261. Side Yard:** See “Yard, Side”.
- 262. Single-Family Dwelling, attached (Townhouse):** A dwelling which is joined to another dwelling at one or more sides by a party wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.
- 263. Single-Family Dwelling detached:** A dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.
- 264. Site:** Any geographical area; a parcel of land or portion thereof with frontage on a street, devoted to or intended for a use or occupied by a structure or group of structures.
- 265. Skilled Nursing Facility (also termed Nursing Home, Convalescent Home or Long-Term Care Facility):** A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
- 266. Skin Care Clinic:** A facility or group of offices for the examination and treatment of human patients for conditions involving the epidermis if patients are not kept overnight. Typical treatments provided at this type of facility include, but are not limited to, clinical facials, chemical peels, micro-dermabrasions, photo-facials, and hair removal.
- 267. Small Engine Repair Shop:** Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines.
- 268. Stable, Commercial:** A stable used for the rental of stall space or for the sale, remuneration, or hire of horses, mules or ponies; such a stable shall meet all provision and requirements of the zoning district in which it is constructed.
- 269. Stable, Private:** An area used solely for the owner's private purposes for the keeping of horses, mules or ponies that are not kept for remuneration, hire or sale.
- 270. Storage or Wholesale Warehouse:** A building used primarily for the storage of goods and materials.
- 271. Story:** That portion of a building above grade, other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as eight feet (8'). The definition of a story does not include parapets, gables, and other normal roof structures. In cases where the site has a significant slope, the number of stories of a building shall be measured from point representing the average slope from front to back, or side to side, of the building. See CBD district chart Section 3.11.
- 272. Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
- 273. Street:** Any dedicated public thoroughfare that affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').
- 274. Street Intersection:** Any street that joins another street at an angle, whether it crosses the other.
- 275. Street Yard:** The area between the building front line and the front property line.
- 276. Structure:** Anything constructed or erected, the use of which requires location on the ground, or which is attached to something having a location on the ground (also see “Building”).
- 277. Structural Alterations:** Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
- 278. Studio, Health, Reducing or Fitness:** Includes, but is not limited to, an establishment which provides facilities and equipment, such as gymnasiums, weight rooms, swimming pools or spas, exercise apparatus and instruction classes, which

are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and childcare services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only. No outside signage may be used to advertise accessory uses.

- 279. Studio, Tattoo or Body Piercing:** A building or portion of a building used for selling or applying tattoos, by injecting dyes/inks into the skin, and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.
- 280. Studio for Radio and Television (Without Tower):** A building or portion of a building used as a place for radio or television broadcasting. As regulated within the Use Charts, Section 4.1, this definition does not include a studio for radio and television with a tower.
- 281. Swimming Instruction as a Home Occupation:** The teaching of swimming in a private swimming pool. Within a residential district, this use is subject to the approval and issuance of a special use permit which may specify operating conditions and standards, and which may limit the number of students and operating times.
- 282. Swimming Pool, Commercial:** A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.
- 283. Swimming Pool, Private:** A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built-in accordance with applicable ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
- 284. Telemarketing Center:** An establishment that solicits business or the purchase of goods and/or services by telephone only. No sale of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.
- 285. Telephone and Exchange, Switching/Relay or Transmitting Station:** A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage, whether inside or outside, or repair yards.
- 286. Temporary:** Used or lasting for only a limited period of time; not permanent.
- 287. Temporary Building:** Any non-residential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.
- 288. Temporary Field, Construction Yard, or Office:** A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits required.
- 289. Tennis Court (Private, Not Lighted):** A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the Special Use Permit.
- 290. Texas Commission on Environmental Quality (TCEQ):** Formerly referred to as the Texas Natural Resource Conservation Commission (TNRCC), the name of which changed officially on September 1, 2002.
- 291. Theater, Drive-In (Outdoor):** An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
- 292. Theater or Playhouse (Indoor):** A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical, or live performances.
- 293. Tire Dealer, Without Open Storage:** A retail establishment engaged in the sale or installation of tires for vehicles, but without open storage.
- 294. Tire Dealer, With Open Storage:** A retail establishment engaged in the sale or installation of tires for vehicles, with open storage.
- 295. Tool and Machinery Rental Shop (Indoor Storage):** A building or a portion of a building used for the display and rental of tools, machinery, and instruments with no outside storage.

- 296. Townhome:** See single family dwelling- attached.
- 297. Tract:** A single individual parcel or lot.
- 298. Tractor Sales:** See “Heavy Machinery Sales and Storage”.
- 299. Trade and Commercial Schools:** See “School, Commercial Trade”.
- 300. Trailer Park or Court:** See “Mobile Home Park”.
- 301. Trailer, Hauling:** A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.
- 302. Trailer Home:** See “Manufactured Housing, Mobile Home”.
- 303. Trailer or Mobile Home Space:** See “Mobile Home Space”.
- 304. Trailer Rental:** The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.
- 305. Trailer, Travel or Camping:** A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.
- 306. Transportation and Utility Structures and Facilities:** Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
- 307. Truck:** A light or heavy load vehicle (see definitions for “Light Load Vehicle” and “Heavy Load Vehicle”).
- 308. Truck and Bus Repair** - An establishment providing major and minor automotive repair services to heavy load vehicles.
- 309. Truck and Bus Leasing:** The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.
- 310. Truck Stop:** A facility for the parking, refueling or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.
- 311. Truck Terminal:** An area and building where cargo is stored and where trucks, including tractor and trailer units, load, and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
- 312. Truck Sales (Heavy Trucks):** The display, sale, or rental of new or used heavy load vehicles in operable condition.
- 313. Two-Family Dwelling (Duplex):** Two attached dwellings in one structure, each designed to be occupied by one family.
- 314. Usable Open Space:** An open area or recreational facility that is designed and intended to be used for outdoor living or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains.
- 315. Use:** The purpose for which land or buildings are or may be occupied in a zoning district.
- 316. Utility Distribution Lines:** Facilities which serve to distribute electrical power, gas and water, telephone, internet, cable, fiber optic and other similar service lines operated by the City or private utility company.
- 317. Variance:** An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district; a variance is reviewed and a recommendation made by the Planning and Zoning Commission and then ruled upon by the City Council.
- 318. Veterinarian Clinic (Indoor Kennels):** An establishment where animals and pets are admitted for examination and medical treatment (also see “Kennels”).
- 319. Wine:** Any alcoholic beverage containing not more than twenty-one percent (21%) alcohol made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. “Wine” includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and

like products. The term “wine” does not include Fortified Wine or cooking wine mixed with salt or other ingredients to render it unfit for human consumption as a beverage.

- 320. Wrecking Yard (Junkyard or Auto Salvage):** Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.
- 321. Yard:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.
- 322. Yard, Front:** A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.
- 323. Yard, Rear:** The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- 324. Yard, Side:** The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.
- 325. Zero-Lot-Line Dwelling:** See Single Family Dwelling, attached
- 326. Zoning Board of Adjustment:** A board which is appointed by the City Council, and which is authorized to make special exceptions and variances to the Zoning Ordinance, and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the “ZBA”.
- 327. Zoning District:** A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.
- 328. Zoning District Map:** The official map upon which the boundaries of the various zoning districts are drawn, and which is an integral part of the Zoning Ordinance. (See Section 1.3, “Zoning District Map” and Section 1.4, “Zoning District Boundaries”).

Section 5.9: Beer and Wine, Package Stores, and Mixed Beverages Sales

- A. **Purpose:** Standards for businesses providing the sale of beer, wine, alcohol and mixed beverages are set forth to protect the public health and safety and maintain the integrity of the City’s business community. These standards are intended to allow reasonable provision of services while providing adequate safeguards to neighboring enterprises.
- B. Package Store shall be for the sale of alcoholic beverage for off premises consumption only.
1. Any exceptions to the following shall require the approval of the City Council:
- Package stores shall be in either a CBD, C1 or C2 District
- a. The measurement of the distance between the place of business where alcoholic beverages are sold and a church public hospital shall be along the property lines of the street fronts and from front door to front door in a direct line across intersection.
 - b. The sale of alcoholic beverages within 300 feet of a public or private school is hereby prohibited
 - c. The sale of alcoholic beverages within 300 feet of a day care or childcare facility is hereby prohibited.

- d. The measurement of the distance between the place of business where alcoholic beverages are sold and a public or private school shall be in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across the intersection.
- e. The measurement of the distance between the place of business where alcoholic beverages are sold and a day care or child care facility shall be in a direct line from the property line of the day care or child care facility to the property line of the place of business, and in a direct line across the intersection.

VI. PENALTIES AND ENFORCEMENT

Section 6.1: Effect of Interpretation

- A. This Ordinance establishes the minimum requirements for the City. Ordinances are not intended to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties.

Section 6.2: Preserving Rights in Pending Litigation & Violations Under Existing Ordinances

- A. By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically 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. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the existing Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

Section 6.3: Stop Orders

- A. Whenever any work is being done contrary to the provisions of this article, the City may order the work stopped by notice in writing (referred to as a “Stop Work Order”) served on any persons engaged in the doing or causing such work to be done. The Stop Work Order shall be posted on the property adjacent to the activity in question, and any such person shall forthwith stop work until authorized by the City to proceed with the work.

Section 6.4: Permit Revocation

- A. A violation of this Ordinance shall authorize the Mayor/City Secretary or his/her designee to cancel any permit depending in whole or in part on any approval under this Ordinance. If a permit is canceled, no further work shall be done on the project made the subject of the permit until the violation has been cured and new submittals under this Ordinance, as required by the Mayor/City Secretary or his/her designee, have been made and approved in accordance with the provisions of this Ordinance and a new permit has been issued.

Section 6.5: Denial of Approvals and Permits

- A. A violation of this Ordinance shall authorize the Mayor/City Secretary or his/her designee to deny any approvals or permits sought by the person violating this Ordinance under the applicable ordinances of the City.

Section 6.6: Penalties and Injunctive Relief

- A. Any person violating this Ordinance, upon conviction, is punishable by a fine in accordance with the following:

1. **Civil and Criminal Penalties:** The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance. The City is expressly authorized to file a lien and/or take any other action as it may deem appropriate in order to enforce or secure enforcement of this Ordinance.
2. **Criminal Prosecution:** Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.
3. **Civil Remedies:** Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance, and to seek remedies as allowed by law, including, but not limited to the following:
 - a. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
 - b. A civil penalty up to one thousand dollars (\$1,000.00) a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
 - c. Other available relief.


Section 6.7: Validity

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

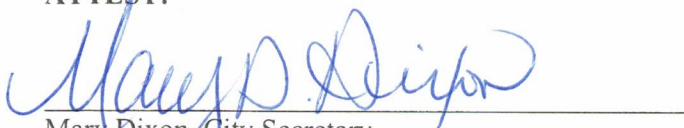
Section 6.8: Effective Date

This Ordinance shall be effective as of the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Florence, Texas on the February 8, 2024.


Mary Condon, Mayor
City of Florence, Texas

ATTEST:


Mary Dixon, City Secretary
City of Florence, Texas

APPENDIX A: SETBACK MEASUREMENTS

ILLUSTRATION #1

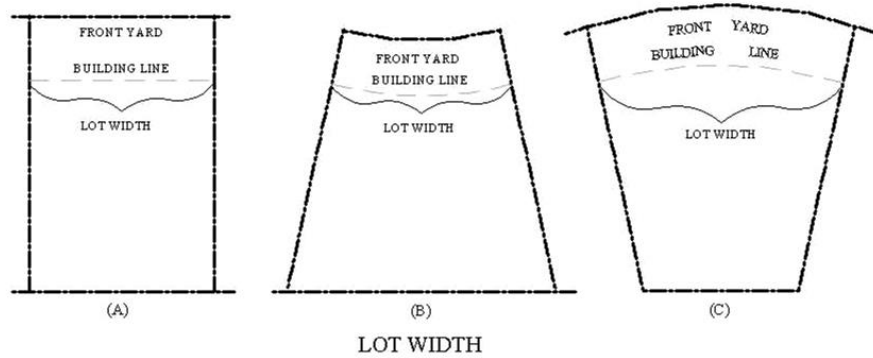


ILLUSTRATION #2

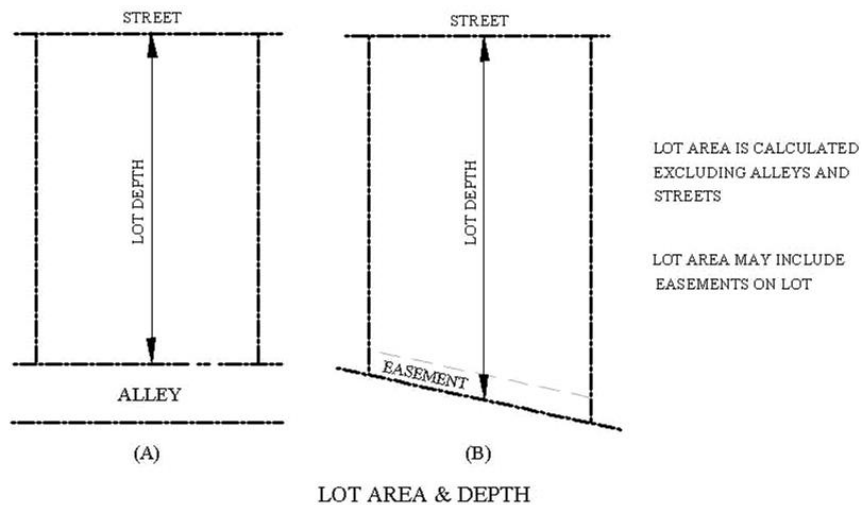
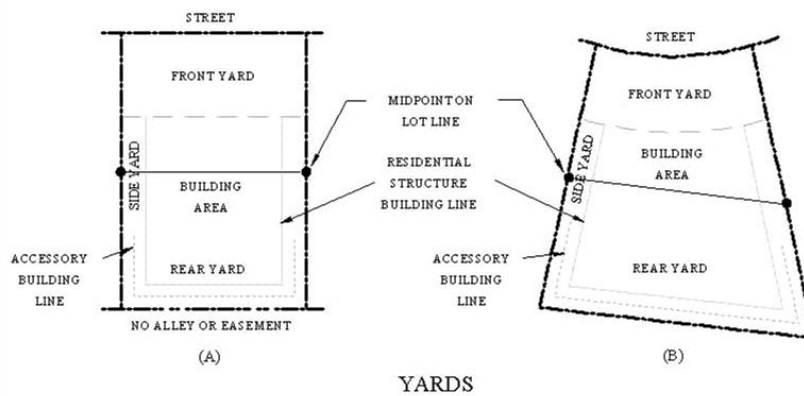


ILLUSTRATION #3



APPENDIX B: SUMMARY OF AREA REGULATIONS

Table 1

AREA REQUIREMENTS		AG	SF-1	SF-TA	PD	MF-1
SIZE OF LOTS	Minimum Lot Area	1 acre/ 43,560 sq. ft.	5,000 sq. ft.	2,000 sq. ft.	4,500 sq. ft.	6,000 sq. ft.
	Minimum Lot Width	150'	50'	20'	40'	60'
	Minimum Lot Depth	250'	100'	100'	112.5'	100'
BUILDING SETBACKS	Minimum Front Yard	25'	25'	25'	25'	25'
	Minimum Side Yard	25' from R.O.W. on corner lot	7.5'; 10" from street side, 25' garage entry side street, corner lot - 15' from R.O.W.	0' common wall; 15' between units; 15' side street; 25' garage entry side street	5'	7.5'; side street 15'; garage entry side street 25'
	Minimum Rear Yard	50' for main building; 10' between main bldg. and accessory bldg.	25'; 5' between main bldg. and accessory bldg.	25'	25'; 5' between main bldg. and accessory bldg.	20'
Maximum Lot Coverage		20% by main bldgs.; 30% including accessory bldgs. & paved areas	50% for 5,000-12,000 sq. ft., 40% for 12,001-21,780 sq. ft., 20% main and 10% accessory and driveway for 21,781 sq. ft. to 1 acre	70%	60%	60%
Minimum Floor Area Per Dwelling Unit		1,000 square feet	1,000 square feet	1,000 square feet		1,000 square feet

Table 2

AREA REQUIREMENTS		MF-2	SF-MH	MU	C-1	C-2	CBD	PO	IM
SIZE OF LOTS	Minimum Lot Area	20,000 sq. ft.	5,000 sq. ft.	8,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	N/A	N/A	N/A
	Minimum Lot Width	N/A	50'	**	N/A	N/A	N/A	N/A	N/A
	Minimum Lot Depth	N/A	100'	**	N/A	N/A	N/A	N/A	N/A
BUILDING SETBACKS	Minimum Front Yard	30'	25'	25'	25'	25'	6'	N/A	40'
	Minimum Side Yard	15'; side street 25';	7.5'	10'	15'; 25' Adjacent to public street	15"	0'	N/A	15'
	Minimum Rear Yard	25'	10'	25'	25'	25'	15'	N/A	15'
	Adjacent to a Single-Family District	Side-2 stories adjacent to residential 60'; Rear 2 stories adjacent to residential 60'	Rear 20'; Adjacent to a SF, MF-1 or MF-2 District	25'	Side 25'; rear 60'	N/A	Side 7.5'; rear 25'	N/A	Rear-40'; 15' Adjacent to any other use
Maximum Lot Coverage		8 dwelling units per gross 20,000 sq. ft.	50% for 5,000-12,000 sq. ft., 40% for 12,001-21,780 sq ft., 20% main and 10% accessory and driveway for 21,781 sq. ft. to 1 acre	60%	60%; including main and accessory buildings	Along primary street. 60% of lot width; along side street 30% of lot depth	N/A	N/A	N/A

****NOTE: LOT CONFIGURATION TO BE APPROVED AT SITE PLAN REVIEW.**

APPENDIX C: ZONING FEE SCHEDULE

Zoning Application:	\$300.00 plus \$5.00/acre - Residential and Non-Residential* \$400.00 plus \$6.00/acre – Planned Development
Appeals:	\$150.00
Site Plan:	\$300.00 plus \$50.00/ac plus actual professional fees**
Infrastructure inspection	Actual professional fees
Variance Request:	\$250.00
Zoning Ordinance Amendment Request:	\$250.00
Special Use Permit	\$1200.00
Annexation	No Fee
Abandonment:	\$200.00
Street Use License:	\$150.00 plus cost of actual traffic control; as required
License to Encroach:	\$150.00
Development Agreement:	\$5,000.00 (not refundable) plus \$5,000.00 professional service deposit. Total fees shall be \$5,000.00 plus actual costs of professional services plus 10% **

*For calculation purposes, acreage is rounded to the nearest whole number (example 6.49 is rounded down to 6.0 and 6.5 is rounded to 7.0).

**Professional Cost Deposits are required on plat and site development permits submission requiring legal, engineer, and/or other professional service reviews or consultations. Deposits will be calculated based on \$1,000 per acre not to exceed \$10,000 for the initial deposit. Professional Services fees will be deducted from the deposit as costs to the City are incurred at a rate of the Actual Cost of Professional Service plus 10.0%. Deposits must be maintained through the life of the project.

