

ORDINANCE NO. 2026-0006

AN ORDINANCE REPLACING CHAPTER 42, “ZONING,” OF THE CODE OF ORDINANCES, CITY OF ALVARADO, TEXAS, IN ITS ENTIRETY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant of Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted zoning regulations that regulate the location and use of buildings, other structures and land for business, industrial, residential, or other purposes, for the purpose of promoting the public health, safety, morals, and general welfare, all in accordance with a comprehensive plan and that otherwise regulates the development and use of properties within the city limits of the City, codified in Chapter 42 “Zoning” (the Zoning Ordinance”) of the Code of Ordinances, City of Alvarado, Texas (the “Code”); and

WHEREAS, the City determined that the Zoning Ordinance required a comprehensive review and consulted with LJA Planning & Landscape Architecture to draft a new comprehensive zoning ordinance to reflect the needs of the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing on April 16, 2026, and the City Council held a public hearing on April 20, 2026, with respect to the amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, the Code of Ordinances, City of Alvarado, Texas (the “Code”), and all other laws dealing with notice, publication, and procedural requirements for amending the zoning regulations.

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

SECTION 1.

Chapter 42 of the Code is hereby replaced in its entirety with the zoning ordinance attached as **Exhibit A**, incorporated herein for all purposes.

SECTION 2.

This Ordinance shall be cumulative of all provisions and ordinances of the Code, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

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

SECTION 4.

Any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Section 1-12, of the Code. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

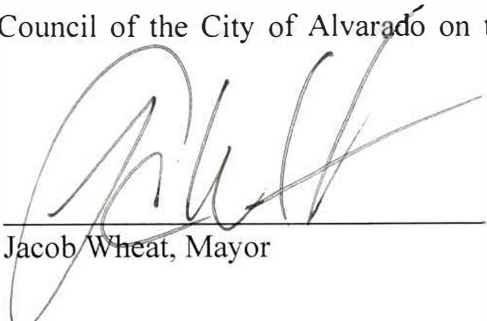
SECTION 5.

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance as provided by the City's Charter.

SECTION 6.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Alvarado on this the 20th day of April, 2026.



Jacob Wheat, Mayor

ATTEST:

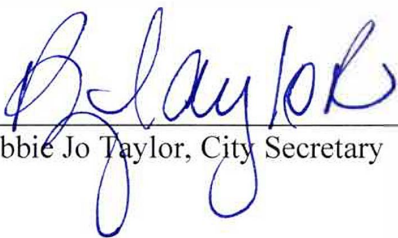

Bobbie Jo Taylor, City Secretary



EXHIBIT A

**ARTICLE I
APPLICABILITY OF ORDINANCE**

§ 42-1.	Interpretation, purposes, and administration.	§ 42-30.
§ 42-2.	Scope of chapter.	§ 42-31.
§ 42-3.	Compliance with zoning regulations.	§ 42-32.
§ 42-4.	Zoning districts.	§ 42-33.
§ 42-5.	Zoning district map.	§ 42-34.
§ 42-6.	Zoning district boundaries.	§ 42-35.
§ 42-7.	Newly annexed territory.	§ 42-36.
§ 42-8.	Consistency with comprehensive plan.	§ 42-37.
§ 42-9.	Rules of construction and definitions.	§ 42-38.
§ 42-10.	Classification of new and unlisted uses.	§ 42-39.
§ 42-11.	through § 42-19. (Reserved)	§ 42-40.
		§ 42-41.
		§ 42-42.

**ARTICLE II
DISTRICTS AND LAND USES**

§ 42-20.	A Agricultural district.	§ 42-45.
§ 42-21.	SF-1 Single-family residential district.	§ 42-46.
§ 42-22.	SF-2 Single-family residential district.	
§ 42-23.	GH Garden home district.	
§ 42-24.	MH-1X Manufactured home park district (X).	
§ 42-25.	MH-2X Manufactured home subdivision district (X).	
§ 42-26.	MH-3X Manufactured home subdivision district (X).	
§ 42-27.	DD Duplex district.	
§ 42-28.	MFX Multifamily residential district (X).	
§ 42-29.	Neighborhood commercial district.	

RC Regional commercial district.
CF Commerce Flex district.
IND Industrial district.
CBDX Central business district (X).
INS Institutional district (X).
PD Planned development district.
FN Floodplain and Nature district.
TH Townhome district.
DT Downtown overlay district.
NMU Neighborhood Mixed Use district.
RMU Regional Mixed Use district.
INN Innovation district.
through § 42-44. (Reserved)

**ARTICLE III
SPECIAL USES**

§ 42-45.	Additional regulations for special uses.
§ 42-46.	through § 42-54. (Reserved)

**ARTICLE IV
SUPPLEMENTARY REGULATIONS**

§ 42-55.	Supplementary district regulations.
§ 42-56.	Site plans.
§ 42-57.	Parking regulations.
§ 42-58.	Landscaping and screening standards.
§ 42-59.	Fences.
§ 42-60.	through § 42-69. (Reserved)

**ARTICLE V
SPECIFIC USES PERMITS**

- § 42-70. Purpose.
- § 42-71. Submission and approval requirements and procedure.
- § 42-72. Review and evaluation criteria.
- § 42-73. Lapse of approval and modifications.
- § 42-74. through § 42-79. (Reserved)

**ARTICLE VI
NONCONFORMING USES, LOTS AND STRUCTURES**

- § 42-80. Purpose and intent.
- § 42-81. Continuation of use.
- § 42-82. Discontinuance or abandonment.
- § 42-83. Destruction of nonconforming use.
- § 42-84. Expedited compliance.
- § 42-85. Additional limitations and provisions regarding nonconforming uses.
- § 42-86. Waiver.
- § 42-87. through § 42-94. (Reserved)

**ARTICLE VII
ADMINISTRATION AND ENFORCEMENT**

- § 42-95. Board of adjustment.
- § 42-96. Changes and amendments.
- § 42-97. Fees, charges, and expenses.
- § 42-98. Violations, penalties, and enforcement.
- § 42-99. Injunction.
- § 42-100. Planning and Zoning Commission.
- § 42-101. through § 42-175. (Reserved)

ARTICLE VIII

DISTRICT REGULATIONS

DIVISION 1

- Reserved**
- § 42-176. through § 42-208. (Reserved)

DIVISION 2

- Reserved**
- § 42-209. through § 42-234. (Reserved)

DIVISION 3

- Reserved**
- § 42-235. through § 42-258. (Reserved)

DIVISION 6

- Reserved**
- § 42-328. through § 42-354. (Reserved)

DIVISION 7

- Reserved**
- § 42-355. through § 42-364. (Reserved)

	DIVISION 8 Reserved		DIVISION 16 Reserved
§ 42-379.	through § 42-417. (Reserved)	§ 42-626.	through § 42-659. (Reserved)
	DIVISION 9 Reserved		DIVISION 17 Reserved
§ 42-418.	through § 42-444. (Reserved)	§ 42-660.	through § 42-672. (Reserved)
	DIVISION 10 Reserved		DIVISION 18 Reserved
§ 42-445.	through § 42-468. (Reserved)	§ 42-673.	through § 42-683. (Reserved)
	DIVISION 12 Reserved		DIVISION 19 Reserved
§ 42-500.	through § 42-531. (Reserved)	§ 42-684.	through § 42-714. (Reserved)
	DIVISION 14 Reserved		DIVISION 20 Reserved
§ 42-566.	through § 42-590. (Reserved)	§ 42-715.	through § 42-736. (Reserved)
	DIVISION 15 Reserved		ARTICLE IX MANUFACTURED HOMES
§ 42-591.	through § 42-625. (Reserved)	§ 42-737.	Definitions.
		§ 42-738.	Manufactured homes to be located in manufactured home parks or subdivisions; exception.
		§ 42-739.	Utility service contingent on obtaining certificate of occupancy.
		§ 42-740.	Permits.
		§ 42-741.	Certificate of occupancy for permanent manufactured home.
		§ 42-742.	Licenses.
		§ 42-743.	Inspection of manufactured home parks.
		§ 42-744.	Notice, hearings, and orders.
		§ 42-745.	Miscellaneous manufactured home regulations.

§ 42-746.	Nonconforming manufactured home parks constitute public nuisances.	§ 42-806.	Repairs, normal maintenance on nonconforming uses permitted.
§ 42-747.	Revision of plan after approval.	§ 42-807.	Change of nonconforming to conforming use.
§ 42-748.	Temporary exemptions.	§ 42-808.	Abandonment or discontinuation of nonconforming use.
§ 42-749.	Environmental, open space, and access requirements.	§ 42-809.	Accidental destruction of nonconforming use.
§ 42-750.	Water supply.	§ 42-810.	Replacement of nonconforming HUD-code manufactured home.
§ 42-751.	Sewage disposal.	§ 42-811.	through § 42-830. (Reserved)
§ 42-752.	Electrical distribution systems.		
§ 42-753.	Service building and other community service facilities.		
§ 42-754.	Refuse handling.		
§ 42-755.	Insect and rodent control.		
§ 42-756.	Fuel supply and storage.		
§ 42-757.	Fire protection.		
§ 42-758.	Construction and additions.		
§ 42-759.	Responsibility of park management and occupants.		
§ 42-760.	through § 42-779. (Reserved)		

ARTICLE X OFF-STREET PARKING AND LOADING

§ 42-780.	Purpose.
§ 42-781.	Special off-street parking provisions in residential districts.
§ 42-782.	Size of space.
§ 42-783.	through § 42-803. (Reserved)

ARTICLE XI NONCONFORMING USES AND STRUCTURES

§ 42-804.	Uses in existence at time of adoption of ordinance.
§ 42-805.	Expansion of nonconforming use prohibited.

Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, set out provisions for use herein as arts. I—VII, secs. 42-1—42-10, 42-20—42-36, 42-45, 42-55—42-59, 42-70—42-73, 42-80—42-85, and 42-95—42-99. Inasmuch as provisions with similar numbering already existed, at the direction of the city,

the existing provisions numbered arts. III—VII were maintained by renumbering as new arts. VIII—XII.

Chapter 42 is included herein as published in the 2010 Code of Ordinances, as supplemented. Article, division and section numbers have not been changed.

ARTICLE I APPLICABILITY OF ORDINANCE

§ 42-1. Interpretation, purposes, and administration.

- (a) Purpose. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and welfare. The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan, for the purpose of promoting the health, safety, morals and welfare of the city. This chapter has been designed, among other things, to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, open spaces, and to protect and enhance historical, cultural and environmental qualities, and other public requirements. They have been made with reasonable consideration, among other things; of the right to use the land subject to reasonable regulations; of the character of the district and its peculiar suitability for the particular uses specified; and with a view of conserving the value of land and buildings and encouraging the most appropriate use of land throughout the city consistent with the comprehensive plan.
- (b) Zoning administration. The zoning administrator is charged with the administration and interpretation of this chapter. In the event that this chapter or any provision hereof is unclear as to its applicability to any property or person, the zoning administrator shall render an interpretation of the ordinance or provision after taking into consideration the purpose and intent of the ordinance as a whole. The decision of the zoning administrator shall be subject to review by the board of adjustment as provided in section 42-95.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-2. Scope of chapter.

The provisions of this zoning chapter and the regulations in the districts established herein constitute minimum requirements for the promotion of the public health, safety, morals and general welfare of the city. Wherever higher or more restrictive standards are established by provisions of any other applicable statute, ordinance or regulation than is established by the provisions of this chapter, the provisions of such other statute, ordinance or regulation shall govern.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-3. Compliance with zoning regulations.

- (a) Compliance with zoning regulations required. Except as otherwise provided in this chapter, all property located within the city shall only be occupied, used, erected, altered, converted, arranged or designed in conformance with the zoning regulations prescribed for the zoning district in which such property is located as hereinafter provided.
- (b) Building permits prohibited without plat. No permit for the construction or placement of a building upon any property shall be issued unless the property is part of a plat of record, properly approved by the planning and zoning commission and city council and filed in the plat records of the county.
- (c) Exclusions. Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time the provisions of this chapter become applicable provided the entire building shall be completed within one year from the date of the passage of the ordinance from which this chapter is derived.
- (d) One main building on a lot or tract. Only one main building for one-family or two-family use with

permitted accessory buildings may be located upon any lot or tract. Every dwelling shall face or front upon a public street or approved means of access other than an alley, which street or approved means of access shall have a minimum width of 30 feet. Where a lot is used for retail or multifamily dwelling purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking, density, and other development requirements applicable to the uses in the district in which it is located. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the city council. No parking area, yard, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other use.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-4. Zoning districts.

- (a) Purpose. In order to regulate and restrict the location of trades and industries, the use of land and buildings, and the location of buildings erected, placed, reconstructed, altered or enlarged for specified uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards and other open spaces; to regulate and limit the density of population; and to otherwise assure that adjoining and adjacent uses of land are compatible, the city is hereby divided into the following zoning districts:

A	Agricultural District
CBDX	Central Business District (X)
CF	Commerce Flex District
DD	Duplex District
DT	Downtown Overlay District
FN	Floodplain and Nature District
GH	Garden Home District
IND	Industrial District
INN	Innovation District
INSX	Institutional District (X)
MFX	Multifamily Residential District (X)
MH-1X	Manufactured Home Park District (X)
MH-2X	Manufactured Home Subdivision District (X)
MH-3X	Manufactured Home Subdivision District (X)
NC	Neighborhood Commercial District
NMU	Neighborhood Mixed Use District
PD	Planned Development District
RC	Regional Commercial District
RMU	Regional Mixed Use District
SF-1	Single-Family Residential District
SF-2	Single-Family Residential District
TH	Townhome Residential District

- (b) Uses permitted by district. Land and buildings in each of the zoning districts may be used for any of the indicated uses in that district but no land shall hereafter be used, and no building or structure

shall hereafter be occupied, used erected, altered, converted, arranged or designed for other than those uses specified as permitted uses in the district in which it is located.

(c) Description of zoning districts.

- (1) A—Agricultural district. The A district provides for the continuance of farming, ranching, and commercial gardening activities on land being utilized for these purposes. When land in an agricultural district is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning district to provide for orderly growth and development in accordance with the comprehensive plan. See section 42-20 for agricultural district regulations.
- (2) SF-1—Single-family residential district. The SF-1 district provides for a minimum residential building site of 7,500 square feet. Density in this district will usually be no greater than four units per gross acre. See section 42-21 for SF-1 single-family residential district regulations.
- (3) SF-2—Single-family residential district. The SF-2 district provides for a minimum residential building site of 6,000 square feet and permits residential development of densities ranging from four to six units per gross acre. See section 42-22 for SF-2 single-family residential district regulations.
- (4) GH—Garden home district. The GH district allows for more flexible development of single-family subdivisions with homes being built on small lots with zero lot lines. See section 42-23 for GH garden home district regulations.
- (5) DD—Duplex district. The DD district provides for stable, quality residential development, including duplex, garden (patio) homes, and similar residential development with densities ranging from four to eight units per gross acre. See section 42-27 for DD regulations.
- (6) MH-1X—Manufactured home park district. This is a legacy district. The MH-1X district establishes a category in which manufactured home park development with a maximum density of approximately five to six units per gross acre can occur. See section 42-24 for MH-1X manufactured home park district regulations.
- (7) MH-2X—Manufactured home subdivision district. This is a legacy district. The MH-2X district establishes a category in which a tract can be platted and developed with lots sold to persons seeking to locate manufactured homes, and/or standard single-family units. The MH-2X district permits residential development of densities ranging from four to six units per gross acre. See section 42-25 for MH-2X manufactured home subdivision district regulations.
- (8) MH-3X—Manufactured home subdivision district. This is a legacy district. The MH-3X district allows for manufactured home subdivisions with a more flexible design than the MH-2X district. As with the MH-2X district, it is interpreted to provide characteristics and atmosphere similar to a single-family subdivision. See section 42-26 for MH-3X manufactured home subdivision district regulations.
- (9) MFX—Multifamily residential district (X). This is a legacy district. The MFX district permits multifamily developments of maximum densities of 15 units per acre, except under special mitigation conditions. See section 42-28 for MFX regulations.
- (10) NC—Neighborhood commercial district—. Retail, commercial, and office uses developed under the standards of the NC district are designed to provide a compatible relationship between the NC development and adjacent residential areas. See Section 42-29 for NC regulations.
- (11) RC—Regional commercial district. Uses which require considerable space for display, sales,

or open storage, or by the nature of the use are generally not compatible with residential uses, are located in the RC district. See section 42-30 for RC district regulations.

- (12) CBDX—Central business district (X). This is a legacy district. The CBDX is established to accommodate the unique characteristics of the historical center of the city and to ensure that future development in the CBDX is compatible with maintaining the economic and historic integrity of the area. The Central business district (X) is designed to provide an area for shopping, dining, working, and entertainment which will remain active during evenings and weekends as well as standard work hours. See section 42-33 for CBDX regulations.
- (13) CF—Commerce Flex district. The CF district is established to accommodate uses of a non-nuisance type located in relatively close proximity to residential and NC business areas. Development in the CF district is limited primarily to certain wholesale, jobbing, and warehouse uses and certain specialized manufacturing and research uses of a type which will not create nuisances, as well as any commercial uses. See section 42-31 for CF district regulations.
- (14) IND—Industrial district. The IND district is established to accommodate industrial uses not appropriate for inclusion in the CF district and likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses. See section 42-32 for IND district regulations.
- (15) INSX—Institutional district (X). This is a legacy district. The INSX district is established to accommodate uses of a generally noncommercial institutional and/or group quarters character. Such uses typically have residential characteristics or have symbiotic relationships with residential neighborhoods. See section 42-34 for INSX regulations.
- (16) PD—Planned development district. The PD district provides a zoning category for the planning and development of larger tracts of land or tracts of land with unique characteristics for a single use or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect for the protection of surrounding property. See section 42-35 for PD planned development district regulations.
- (17) FN—Floodplain and nature district. Zoning districts located in flood hazard areas which are subject to periodic inundation shall be preceded by the prefix FN, indicating a subdistrict. Areas designated FN may be used only for those uses listed in section 42-36 until a use in any area or any portion thereof located in FN subdistrict has been approved by the city council. Approval shall only be given after engineering studies determine that the area, or any portion thereof, is suitable for uses in the district, and building construction or development would not create an obstruction to drainage nor a hazard to life or property, and that such construction is not contrary to the public interest. See section 42-36 for FN district regulations.
- (18) DT—Downtown overlay district. The downtown overlay district is established to safeguard the core of downtown Alvarado and ensure that any new development is compatible with existing development and also reflects a historic character, is functional, and has organized design. See section 42-38 for DT downtown overlay district regulations.
- (19) TH – Townhome residential district. The TH is established to provide adequate space for medium density, single-family attached type residential development, on lots of not less than 1,600 square feet.
- (20) INN – Innovation district. The INN district is intended to promote research, education, technology development, and emerging business creation by providing flexible, campus-style land use opportunities. Development within this district should foster a high-quality built environment and reinforce a connected and vibrant employment and institutional center. Uses are scaled to minimize off-site impacts and ensure compatibility with surrounding neighborhoods.

- (21) NMU – Neighborhood mixed use district. The NMU district is to provide for low intensity mixed uses, including local shopping and dining destinations, residential, community amenity, and entertainment uses. It is intended for development in this district to be compatible with adjacent or nearby residential land uses. This district also provides an opportunity to include community gathering spaces, parks, and plazas for the residents and visitors in the district and in surrounding neighborhoods.
- (22) RMU – Regional mixed use district. The RMU district is intended to provide for high intensity mixed uses, including highway-oriented commercial, residential, and hospitality uses. The uses permitted in the RMU district are not generally carried on completely within a building or structure and an expanded range of commercial uses is permitted. This district is reserved for areas adjacent to major highways and corridors.

§ 42-5. Zoning district map.

The districts aforesaid, and the boundaries of such districts, shall be as hereinafter described, and as shown upon the map attached hereto and made a part of this chapter, said map being designated as the "Zoning Map of the City of Alvarado, Texas." The map and all notations, references, and other information shown thereon shall be a part of this chapter the same as if all such matters and information were fully described herein. The original of said map shall bear the date of the passing of the ordinance from which this chapter is derived and shall be signed by the mayor and attested by the city secretary, under the seal of the city. The original map shall be kept in the office of the city secretary in the city hall, and a replica thereof shall be produced upon paper or other format in such reduced scale as will permit it being attached to this chapter.

It shall be the duty of the zoning administrator to keep the official zoning map and current copies up to date, by entering on such map any changes which the city council may from time to time approve by amendments to the zoning ordinance. A written record (logbook) shall be kept by the zoning administrator of all changes made to the zoning district map.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-6. Zoning district boundaries.

- (a) Rules of interpretation. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the official zoning map, the following rules shall apply:
- (1) The district boundaries are either streets, alleys, or railroad right-of-way unless otherwise shown, and where the districts designated on the zoning map are bounded approximately by street or alley lines, the centerline of said street or alley shall be construed to be the boundary of such district. Where the districts designated on the zoning map are bounded approximately by railroad or utility right-of-way lines or public rights-of-way, the centerline of the railroad or utility right-of-way or the public right-of-way shall be construed to be the boundary of the district.
 - (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot line shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
 - (3) In un-subdivided property, the district boundary lines on the zoning map shall be determined by use of the scale contained on such map, unless dimensions are shown.
 - (4) Boundaries indicated as approximately following the city limits shall be construed as following the city limits.
 - (5) Boundaries indicated as following the centerlines of streams or rivers or the shoreline of lakes or ponds shall be construed as following such centerlines or shorelines as the case may be.
 - (6) 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 way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
 - (7) Where physical features on the ground are at variance with information shown on the official

zoning map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections (a)(1) through (6), or if the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered classified as A agricultural district until rezoned.

- (b) Procedure. The zoning administrator shall have the authority to make determinations of zoning district boundaries based upon the above rules, subject to appeal to the board of adjustment as provided in section 42-95(c).
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-7. Newly annexed territory.

An area being annexed into the city shall ordinarily be given permanent zoning concurrently with the annexation. In the event that any territory is annexed into the city without zoning being concurrently established, the annexed territory shall be temporarily classified in the A agricultural district until permanent zoning classifications are given to the area by the city council. The procedure for establishing appropriate zoning on any annexed territory shall be the same as set forth in section 42-96 for the amendment of the zoning ordinance.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-8. Consistency with comprehensive plan.

- (a) Review of zoning. As the zoning ordinance is one implementation tool for the city's comprehensive plan, the zoning ordinance shall be kept current and consistent with the goals and objectives of the comprehensive plan. Consequently, it shall be the policy of the city council that during the review of the comprehensive plan the appropriate implementation committee shall review the zoning on all undeveloped parcels of land to determine if the zoning in effect at the time is appropriate. If there are undeveloped parcels with zoning which has been in effect for at least ten years and if, in the committee's opinion, zoning is inconsistent with the comprehensive plan and no longer appropriate, a recommendation shall be made that a public hearing be called to review said zoning. Proceedings may then be initiated to amend the ordinance as specified in section 42-96.
- (b) Amendment of comprehensive plan. If a rezoning of any property shall be requested which is contrary to the comprehensive plan, during the review process for such rezoning request consideration shall be given for amendment to the comprehensive plan. In the event the city council determines that the requested zoning promotes the public health, safety, morals and welfare and should be approved, the city council may require the applicant to apply for an amendment to the comprehensive plan concurrently with the request for rezoning.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-9. Rules of construction and definitions.

- (a) Rules of construction. The following rules of construction shall apply to the interpretation of words used in this chapter:
 - (1) Terms used in the present tense include the future tense.
 - (2) Terms used in the singular number include the plural number.
 - (3) Terms in the plural number include the singular number.
 - (4) The terms "building" and "structure" are synonymous.

- (5) The terms "lot," "plot," and "tract" are synonymous.
- (6) The term "shall" is mandatory and not discretionary.
- (b) Definitions. The following use descriptions, when used in this chapter, shall have the meanings ascribed to them in this section.

Abutting property means property touching or adjoining another property. Property abutting upon a street shall also be deemed to abut property on the other side of the street.

Accessory building or use is one which is customarily incidental to the principal building or principal use and:

- (1) Is subordinate to and serves a principal building or principal use;
- (2) Is subordinate in size, area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and
- (4) Is located on the same lot as the principal use served.

Adjacent means next to or closest to but shall not necessarily mean touching.

Air conditioning and refrigeration contractor means a place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, V.T.C.A., Occupations Code chapter 1302.

Airport, landing field means a place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

All-weather hard surface means six inches of road-base with two inches of emulsion sealant or other similar design standard approved by the City Engineer after consideration of soils and dust protection to adjacent properties.

Alley means a public space or street which affords only secondary means of access to property abutting thereon.

Amusement, commercial (indoor) means an establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.

Amusement, commercial (outdoor) means an outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.

Antenna/microwave reflector means an apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. The term "antenna/microwave reflector" includes but is not limited to what is commonly referred to as satellite receive-only earth stations.

Antenna, radio or television means the arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

Antique shops means 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.

Apartment means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three or more families living in independent dwelling units.

Arcade means an establishment in which there are located six or more coin-operated skill or pleasure machines.

Area of a lot or building site means the net area of the lot or site and shall not include portions of streets and alleys.

Assisted living facility means an establishment that:

- (1) Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
- (2) Provides:
 - a. Personal care services; or
 - b. Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;
- (3) May provide assistance with or supervision of the administration of medication; and
- (4) May provide skilled nursing services for the following limited purposes:
 - a. Coordination of resident care with outside home and community support services agencies and other health care professionals;
 - b. Provision or delegation of personal care services and medication administration as described by this subdivision;
 - c. Assessment of residents to determine the care required; and
 - d. For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency.

Auto laundry. See *Carwash*.

Auto leasing means storage and leasing of automobiles, motorcycles, and light-load vehicles.

Auto parts sales, inside, means the use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.

Auto parts sales, outside, means the use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreation vehicles.

Automobile and trailer sales, new, means buildings and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on-premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

Automobile and trailer sales, used, means building and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks, or

trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

Automobile repair, major, means general repair or reconditioning of engines and air conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under the term "automobile repair, minor," and other similar uses.

Automobile repair, minor, means minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light-load vehicles, but not including any operation named under the term "automobile repair, major," or any other similar use.

Automobile service station means a building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premises motor vehicle trade; provided that, the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles, steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven days.

Automobile storage, auto storage mean the storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

Automobile wrecking yard or junkyard means any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of a dismantled or wrecked vehicle or its parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scrapping of any other goods, articles, or merchandise.

Bakery and confectionery, commercial, means a place for preparing, cooking, or baking of products primarily intended for off-premises distribution.

Bakery and confectionery, retail sales, means a place for preparing, cooking, baking and selling of products on the premises.

Bank, savings and loan, credit union means an establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

Barber school or college means a place of training for practice of barbering, as defined in V.T.C.A., Occupations Code chapter 1603, Regulation of Barbering and Cosmetology, meeting standards established in such act.

Barbershop means a place where barbering, as defined in V.T.C.A., Occupations Code chapter 1603, Regulation of Barbering and Cosmetology, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.

Basement means a building story which is partly underground, but having at least one-half of its

height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.

Beauty culture school, cosmetology specialty shop means a specialized place of training, as defined in V.T.C.A., Occupations Code chapter 1603, Regulation of Barbering and Cosmetology.

Beauty shop means a place where cosmetology, as defined in V.T.C.A., Occupations Code chapter 1603, Regulation of Barbering and Cosmetology, is practiced.

Bed and breakfast inn means a building, other than a hotel or multifamily dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

Block means an area enclosed by streets and occupied by or intended for buildings; where this word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

Boarding home facility means an establishment that:

- (1) Furnishes, in one or more buildings, lodging to three or more persons with disabilities or elderly persons who are unrelated to the owner of the establishment by blood or marriage; and
- (2) Provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services as defined by V.T.C.A., Health and Safety Code section 247.002 to those persons.

Bottling works means a manufacturing facility designed to place a product into a bottle for distribution.

Brew pub means a pub or restaurant that also brews beer on the premises exclusively for on-site sales and consumption.

Buildable width means the width of the building site left to be built upon after the required side yards are provided.

Building means any structure built for the support, shelter, and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building, detached, means a building surrounded by yard or open space on the same building lot.

Building end means those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building spacing regulations for multiple-family dwellings, the term "building end" means the narrowest side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.

Building, front of, means the side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

Building line means a line parallel or approximately parallel to the street line at a specified distance therefrom constituting the minimum distance from the street line that a building may be erected.

Building lot means a single tract of land located within a single block which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a building lot may not coincide with a lot of record. A building lot may be subsequently subdivided

into two or more building lots, and a number of building lots may be cumulated into one building lot, subject to the provisions of this chapter.

Building, main or primary, means a building in which is conducted the principal use of the lot on which it is situated.

Building materials, hardware sales means the sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical, and plumbing supplies all of which are oriented to the retail customer, rather than contractors or wholesale customers.

Building official means the building inspector or other person charged with the enforcement of building codes in the city.

Bus terminal means any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Business service means establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

Cabinet and upholstering shop means an establishment used for the production, display, and sale of furniture and soft coverings for furniture.

Canopy means any structure of a permanent fixed nature attached to or independent of the main structure, built and designed for the purpose of shielding from the elements, persons or chattels, or a roof-like structure of a permanent nature which is supported by or projects from the wall of a structure.

Carport means a structure open on a minimum of three sides designed or used to shelter vehicles, not to exceed 24 feet on its longest dimension.

Carwash means a facility or structure used to wash motorcycles, automobiles, and light-load vehicles.

Cellar means a building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

Certificate of occupancy means an official certificate issued by the city indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.

Child care center means an establishment where four or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term "child care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (Also see *Registered family home*.)

Church, rectory, or place of worship means a building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises.

Civic center means a building or complex of buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention, and/or entertainment facilities owned and/or operated by a governmental agency.

Cleaning and dyeing, dry cleaning plant means an industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see *Cleaning and dyeing, small plant or shop*.)

Cleaning and dyeing, small plant or shop, means a custom cleaning shop not exceeding 5,000 square feet of floor area or a pickup station. (Also see *Cleaning and dyeing, dry cleaning plant*.)

Clinic, medical or dental, means a facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.

College or university means an institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

Community center, private, means a building dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit, not to be a commercial, for-profit business.

Community center, public, means a building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

Community home means an establishment that is:

- (1) A community-based residential home operated by:
 - a. The state department of mental health and mental retardation;
 - b. A community center organized under V.T.C.A., Health and Safety Code chapter 534, subchapter A, that provides services to persons with disabilities;
 - c. An entity subject to the Texas Non-Profit Corporation Act (article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or
 - d. An entity certified by the state department of human services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
- (2) An assisted living facility licensed under V.T.C.A., Health and Safety Code chapter 247, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Construction yard, temporary, means a storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at the completion of construction and subject to same restrictions as a field office.

Contiguous means touching or in contact.

Convenience store means a retail establishment providing for the sale of food items, nonprescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

Country club, private, means land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

Court means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent space.

Coverage means the percent of a lot or tract covered by the roof or first floor of a building.

Custom personal service shop includes such uses as tailor, shoe repair, barbershop/beauty shop, health studio, or travel consultant.

Depth of lot means the mean horizontal distance between the front and rear lot lines.

Discount, variety, or department store means a retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

Dormitory means a building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or bed and breakfast inn. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one such apartment unit for each 50 students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The term "dormitory" may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry; provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

Duplex means a building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof. (Also see *Two-family dwelling*.)

Dwelling, single-family attached, means an attached residential building, not including a HUD-code manufactured home, which contains not more than one dwelling unit per lot of record.

Dwelling, single-family detached, means a detached residential structure, including a HUD-code manufactured home, which contains not more than one dwelling unit per lot of record.

Dwelling unit means a building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, except for buildings designed and used as hotels, bed and breakfast inns, and motels.

Electrical substation means a subsidiary station in which electric current is transformed.

Exhibition area means an area or space either outside or within a building for the display of topic-specific goods or information.

Fairgrounds means an area where outdoor fairs, circuses, or exhibitions are held.

Family means an individual or group of two or more persons related by blood, marriage, adoption or guardianship including foster children, exchange students, and servants living together with not more than two additional persons not related by blood, marriage or adoption to the previously identified individual or group, and as a single housekeeping unit in a dwelling unit.

Farm, ranch, or orchard means an area of five acres or more which is used for growing of usual farm products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.

Feed and farm supply store means an establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

Field or sales office, temporary, means a building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or

for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for temporary buildings shall be issued for a period of time not to exceed 18 months. Extensions may be granted only by the city council. Upon due notice and hearing by and before the city council, any such permits granted may be revoked if the city council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

Flea market means a site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term "flea market" shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Floodplain means an area of land subject to inundation by a 100-year frequency flood, as shown on the floodplain map of the city. The term "floodplain" is interchangeable with the term "flood hazard area."

Floor area means the total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.

Floor area ratio means the ratio of total building floor area to lot area.

Florist means an establishment displaying plants, flowers, floral supplies, and similar items.

Food store, grocery store means an establishment that displays and sells consumable goods that are not to be eaten on the premises.

Fraternal organization, lodge, or civic club means an organized group having a restricted membership and specific purpose related to the welfare of the members.

Front yard. See *Yard, front*.

Furniture and appliance repair or storage means the storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

Furniture, appliance store, means retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.

Garage, private, means a detached accessory building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

Garden center (retail sales) means a location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.

Garden (patio) home means a freestanding, detached structure used for single-family residential purposes, built in accordance with standards set out in section 42-23.

Gas metering station means a facility at which natural gas flows are regulated and recorded.

General commercial plant means an establishment other than a personal service shop for the treatment

and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

General manufacturing means manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this article.

General merchandise store means retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

Golf course means an area of 20 acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

Greenhouse, noncommercial, means a building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

Greenhouse or plant nursery, commercial, means a place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.

Gross floor area. The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level.

Guesthouse means living quarters within a detached accessory building located on the same premises with the principal residence for use by temporary guests of the occupants of the premises. A guesthouse shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling. This term may also be referred to as a servant's, caretaker's or guard's residence.

Heavy load vehicle (HLV) means a self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean heavy load vehicle, unless specifically stated otherwise.

Height means the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

- (1) The highest point of the roof's surface if a flat surface;
- (2) The deck line of mansard roofs; or
- (3) The mean height level between eaves and edge for hip and gable roofs, and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Heliport or helistop means a landing facility for rotary-wing aircraft which may include fueling or servicing facilities for such craft.

Home occupation means an occupation, profession, domestic craft, or economic enterprise which is

customarily conducted in a residential dwelling, subject to compliance with each of the following conditions:

- (1) A home occupation may only be performed in a single-family residential dwelling.
- (2) No person other than members of a family who reside in the dwelling shall be engaged in such home occupation.
- (3) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such home occupation shall never exceed 25 percent of the total of the floor area of the residential dwelling.
- (4) Not more than one non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one square foot in area and shall be mounted on the building in which the home occupation is being conducted.
- (5) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
- (6) No exterior storage of material, equipment, and/or supplies used in conjunction with the home occupation shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.
- (7) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
- (8) The home occupation shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
- (9) No stock, goods, wares, or merchandise shall be sold or kept for sale on the premises.
- (10) The only equipment to be used in the home occupation shall be that which is ordinarily used in a private home in a like amount and kind.
- (11) A home occupation shall not generate additional traffic as to create a traffic hazard or disturbance to nearby residents.

Hospital, acute care, means 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.

Hospital, chronic care, long-term health care facility, means an institution providing inpatient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the state.

Household care facility means a dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit.

Household care institution means a facility which provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with supervisory personnel.

Industrial park means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Industrialized housing.

- (1) The term "industrialized housing" means a residential structure designed for use and occupancy by one or more families, constructed in one or more modular components built at a location other than the permanent residential site, designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system.
- (2) The term "industrialized housing" shall not mean or apply to:
 - a. Housing constructed of sectional or panelized systems not utilizing modular components; or
 - b. Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Junkyard or salvage yard means a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard" includes an automobile wrecking yard and automobile parts yard. The term "junkyard" includes secondary metal dealers. The term "junkyard" does not include such uses conducted entirely within an enclosed building.

Kennel means any lot or premises on which four or more dogs, cats, or other domestic animals more than four months of age are housed or accepted for boarding, breeding, training, selling, grooming, and/or bathing for which remuneration is received.

Laboratory, scientific or research, means facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

Landscape screen means plant material of the evergreen variety, a minimum of six feet in height at the time of installation and planted on four-foot centers. All such landscape screens shall be permanently maintained. Adequate facilities shall be provided for permanent watering at the time of installation.

Legacy District means a zoning district whereby any use or structure shall be considered a legal use or structure and shall not be considered a nonconforming use or structure. Such use or structure may be expanded, extended, or moved in accordance with the applicable legacy district regulations as a legal use or structure. Legacy districts cannot be utilized for new rezoning requests.

Library means any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

Light load vehicle (LLV) means a self-propelled vehicle having a manufacturer's recommended gross vehicle weight not greater than 11,000 pounds, and having no more than two axles, such as, pick-up trucks, vans, recreational vehicles, campers and other similar vehicles, but not including automobiles and motorcycles.

Light manufacturing means 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.

Living unit means a room occupied by a family which includes cooking facilities.

Lot means a platted tract of land occupied or to be occupied by a building and its accessory buildings and having its principal frontage upon a public street or officially approved place.

Lot, corner, means a lot that has frontage upon a side street in addition to a front street.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of a building located on the lot or the area determined as the maximum cross sectional area of the building.

Lot line means the lines bounding a lot as defined herein.

Lot line, front, means that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

Lot line, rear, means that boundary of a building lot which is most distant from or is most nearly parallel to the front lot line.

Lot line, side, means that boundary of a building lot which is not a front lot line or a rear lot line.

Lot of record means any lot that is part of a subdivision the plat of which has been recorded in the office of the county clerk.

Lot or building site means land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this chapter, and having its principal frontage upon a public street or officially approved place.

Lot width means the width of a lot at the front building lines.

Main building means the building on a lot which is occupied by the primary use.

Manufactured home park means any tract of land under single ownership of not less than two acres and not more than ten acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the city relating to the location, use, construction, operation, or maintenance of manufactured housing.

Manufacturing processes means uses restricted from other zoning districts but permitted in the CF and IND districts. Under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the property lines of the lot or tract upon which the uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas.

Masonry and glass pane includes brick, stone, rock, concrete tilt wall, lath and stucco. The term "glass pane" shall include any glass product that is approved for exterior use and installed in accordance with the city building code. In order to qualify as a finished wall it shall have a minimum thickness of seven-eighths inch of masonry. The following materials and applications shall not be allowed as finished exterior wall:

- (1) Concrete masonry units (CMU);
- (2) Exterior insulating finish system (EIFS) or similar applications.

Masonry-type product includes cement board siding or other such masonry products approved for exterior use and installed under the specifications contained in the city building code. In order to qualify as a finished wall it shall have a minimum thickness of seven-eighths inch of masonry. The following materials and applications shall not be allowed as finished exterior wall:

- (1) Concrete masonry units (CMU);
- (2) Exterior insulating finish system (EIFS) or similar applications.

Metal dealer, crafted precious, means a place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other

thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or its alloys, excluding coins and commemorative medallions, under terms and conditions found in V.T.C.A., Occupations Code section 1956.051 et seq.

Metal dealer, secondhand, means a place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in V.T.C.A., Occupations Code chapter 1956. (Also see *Junkyard or salvage yard*.)

Microbrewery means a brewery facility established to produce beers and ales in small quantities for sale to local and regional markets.

Microdistillery means a small distillery established to produce beverage grade alcohol in relatively small quantities for on-site retail sale and consumption and for sale to local and regional markets.

Mobile food unit means a vehicle-mounted food establishment, designed to be readily moveable, typically constructed in a truck or trailer. Mobile food units may not be permanently parked in one location.

Mobile food vendor means any person who sells food products or takes food product orders from house to house or from place to place in the city, and who sells such food out of a vehicle, wagon, cart or other conveyance used in the transportation of such food on premises where there is no related business building.

Motel, motor hotel, or motor lodge means a building or group of buildings designed for and occupied as a temporary dwelling place, providing four or more room units for compensation, and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. The term "motel," "motor hotel," or "motor lodge" may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

Multifamily residence means any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Museum or art gallery means an institution for the collection, display, and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Nonconforming building or use means a building, structure or use of land lawfully occupied at the time of the effective date of the ordinance from which this chapter is derived or amendments thereto, and which does not conform to the use regulations of the district in which it is located.

Nonprofit animal shelter means a not-for-profit facility operated to provide a public service by removing unsupervised and potentially dangerous animals from the public domain and providing for the adoption or euthanizing of such animals. A nonprofit animal shelter shall not be considered a kennel.

Nonresidential district means any zoning district included in this chapter in which nonresidential uses constitute the primary permitted use classification, including AG, NC, RC, CF, IND, CBDX, and INSX.

Nursery school/kindergarten means a child care facility offering a program four hours or less per day for children who have passed their second birthday but who are under seven years old.

Occupancy means the use or intended use of the land or buildings by proprietors or tenants.

Off-street parking incidental to main use means off-street parking spaces provided in accordance with the requirements specified by this chapter and located on the lot or tract occupied by the main use or within 200 feet of such lot or tract and located within the same zoning district as the main use or in an

adjacent parking district.

Off-street parking space means an area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley or other right-of-way. (See section 42-57(d) for detailed descriptions and regulations.)

Office center means a building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

Office, professional or general administrative, means 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.

Office-showroom/warehouse means an establishment with a minimum of 75 percent of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Open space means area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material. Also see *Usable open space*.

Open storage means the storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level, for more than 24 hours.

Park, playground, or recreation center (private) means a privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owners' association, or similar organization.

Park, playground, or recreation center (public) means an open recreation facility or park owned and operated by a public agency and available to the general public.

Parking lot or parking garage (automobile) means an area for parking light-load vehicles.

Parking lot or parking garage (truck) means an area for parking heavy-load vehicles.

Parking space means a surfaced area enclosed in the main building or accessory building, or unenclosed, having an area of not less than 180 square feet, exclusive of driveways, used for parking a vehicle, not on a public street or alley, together with a surfaced driveway connecting the area with a street, permitting free ingress and egress without encroachment on the street.

Pawnshop means an establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

Person with a disability means a person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (1) An orthopedic, visual, speech, or hearing impairment;
- (2) Alzheimer's disease;
- (3) Pre-senile dementia;
- (4) Cerebral palsy;
- (5) Epilepsy;

- (6) Muscular dystrophy;
- (7) Multiple sclerosis;
- (8) Cancer;
- (9) Heart disease;
- (10) Diabetes;
- (11) Mental retardation;
- (12) Autism; or
- (13) Emotional illness.

Personal service shop means an establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barbershops and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs.

Pet shop means a retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

Plat means a complete and exact subdivision plan submitted to the city council which if approved shall be submitted to the county clerk.

Plumbing, heating, refrigeration, or air conditioning business means an establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see *Air conditioning and refrigeration contractor*.)

Plumbing service means the operation of a business which involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheetmetal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.

Portable building sales means an establishment which displays and sells structures which are capable of being carried and transported to another location, not including manufactured housing.

Post office, government or private, means a local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

Printshop means an establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.

Public or private franchised utility means a utility such as one distributing heat, chilled water, closed circuit television, or similar service and requiring a franchise to operate in the city. Such utility usually requires special facilities in residential areas or on public property such as heating, cooling, or communications.

Quick oil change facility means a business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

Quick tune-up facility means a business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace

carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

Racetrack means a facility used for the racing of motor-driven vehicles and/or animals.

Racquetball facilities means courts housed in an acoustically treated building and designed for one to four persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of 40 percent of the total floor area.

Radio, television, or microwave communications operations (amateur) means the transmission, retransmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain.

Radio, television, or microwave communications operations (commercial) means the transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.

Radio, television, or microwave towers means structures supporting antennas for transmitting or receiving any portion of the radio spectrum but excluding noncommercial antenna installations for home use of radio or television.

Railroad station means any premises for the transient parking of trains and the loading and unloading of passengers.

Railroad team track and right-of-way means a facility/place for the loading and unloading of materials on trains.

Railroad track and right-of-way includes track and undeveloped right-of-way, but does not include railroad stations, sidings, team tracks, loading facilities, dock yards, or maintenance areas.

Registered family home means a child care facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed 12 at any given time. (Also see *Child care center*.)

Residence means same as dwelling; when used with district, an area of residential regulations.

Residence hotel means a multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services, such as, linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. The term "residence hotel" shall not include other dwelling units as defined in this chapter.

Residential district means any zoning district included in this chapter in which residential use constitutes the primary permitted use classification, including the SF-1, SF-2, GH, MH-1X, MH-2X, MH-3XX, DD, and MFX district classifications.

Restaurant or cafeteria, with drive-in or drive-through service, means an eating establishment where service is primarily to customers at tables and/or providing service of food or drink to customers in automobiles and/or providing facilities for the consumption of food in automobiles on or near the restaurant premises.

Restaurant or cafeteria, without drive-in or drive-through service, means an eating establishment where service is primarily to customers at tables and not providing service of food or drink to customers in automobiles or facilities for the consumption of food in automobiles on or near the restaurant premises.

Retail stores and shops means establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open, outside a building, of new or used

automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

Retirement housing means a development providing dwelling units specifically designed for the needs of ambulatory retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

- (1) Cafeteria and/or dining room.
- (2) Library.
- (3) Game room.
- (4) Swimming pool and/or jacuzzi.
- (5) Exercise room.
- (6) Arts and crafts facilities.
- (7) Greenhouse.
- (8) Housekeeping service.
- (9) Transportation service.
- (10) Snack bar with a maximum of 350 square feet per 100 dwelling units.
- (11) Beauty shop/barbershop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units.
- (12) Convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, nonprescription drugs, small household items, and gifts.

Room means 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.

Sand, gravel, stone or earth sales means an establishment for the selling of sand, gravel, stone, earth or similar natural materials, for which the extraction process for such materials occurs off-premises.

School, commercial means an establishment organized to offer instruction and training in a service or art such as secretarial school, art school, cake decorating, or flower arranging, but not including manual trade schools.

School, private (primary or secondary) means an institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

School, public (primary or secondary) means an institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

School, trade means an establishment organized to offer instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

Scrap tire facility means a facility that stores, processes, conducts energy recovery, recycles, splits, shreds, or quarters used tires, scrap tires, or tire pieces for use or disposal as solid waste, recyclable materials, or inert fill materials. A scrap tire is a whole tire that can no longer be used for its original intended purpose. A whole used tire that can be used, reused or legally modified to be reused, for its original intended purpose is not a scrap tire. A tire piece is a particle of a scrap tire or scrap tire piece that has been split, quartered or shredded to a usable size such as two-inch minus, or other size required by an industry user or recycler.

Screening device. See *Landscape screen*.

Secondhand store, furniture or clothing. means an establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

Self-storage, mini-warehouse means a facility used only for storage of goods, materials, boats and operable vehicles with separate access to individual storage units or areas by persons renting the individual units or areas. This term shall not include storage of "junked vehicles."

Servant's, caretaker's, or guard's residence means an accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person employed on the premises for not less than 50 percent of his actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed 600 square feet. (see also guesthouse)

Service, retail. means an establishment engaged in the selling and/or servicing of goods where a minimum of 80 percent of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

Service yard of governmental agency means an area for the servicing and storage of vehicles or other property of a governmental agency.

Setback means the minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed porch, and the side street.

Sexually oriented businesses:

- (1) Means an adult arcade, adult bookstore, adult cabaret, adult motel, adult movie theater, adult novelty store, adult service establishment, adult theater, adult video store, escort agency, nude modeling studio, sex parlor, sexual encounter center, or other commercial enterprise, or any combination thereof:
 - a. A principal business of which is the offering of a service or the selling, renting or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; or
 - b. Whose employees or customers appear in a state of nudity.
- (2) The businesses listed above shall be defined as follows:
 - a. Adult arcade. Any place to which the public is permitted or invited wherein coin-operated, token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.
 - b. Adult bookstore. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration books, magazines, periodicals or other printed matters, or any combination thereof, which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.
 - c. Adult cabaret. A nightclub, bar, restaurant, or similar commercial establishment

which regularly features persons who appear in a state of nudity or give live performances which are distinguished or characterized by an emphasis on the exposure of specified anatomical areas or by an emphasis on specified sexual activities.

- d. Adult motel. A hotel, motel or similar commercial establishment which:
 - 1. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other pornographic reproductions which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - 2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.
- e. Adult movie theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, video reproductions, slides or other visual representations, or any combination thereof, are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.
- f. Adult novelty store. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, objects, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - 2. Instruments, devices, or paraphernalia which are designed or manufactured for use in connection with specified sexual activities. This does not include items used for birth control or for prevention of sexually transmitted diseases.
- g. Adult service establishment. A commercial establishment which offers services or sells products to customers and in which one or more of the employees or the customer appears in a state of nudity or simulated nudity.
- h. Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- i. Adult video store. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration photographs, films, motion pictures, video cassettes, video reproductions, slides or other visual representations, or any combination thereof, which are distinguished or characterized by an emphasis on matters depicting or describing specified sexual activities or specified anatomical areas.
- j. Escort agency. A person who, as one of its principal business purposes, furnishes,

offers to furnish, or advertises to furnish escorts, or any combination thereof, for a fee, tip, or other consideration.

- k. Nude modeling studio. Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
- l. Sex parlor. An establishment that is operated for the purpose of giving massages, at the establishment or on a home-call basis, that are intended to provide sexual stimulation or sexual gratification in combination with a massage.
- m. Sexual encounter center. A business or commercial enterprise that offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex, when one or more of the persons is in a state of nudity or simulated nudity.

(3) Definitions of terms used in subsection (1) of this definition shall be as follows:

- a. Nudity means less than completely or opaquely covered:
 - 1. Human genitals, pubic region, or pubic hair;
 - 2. All portions of the female breast below a point immediately above the top of the areola continuing downward to the lowest portion of the breast;
 - 3. Human buttock; or
 - 4. Any combination of the above.
- b. Principal means over 35 percent of either customers, volume of sales, stock in trade, display areas, or presentation time, or any combination thereof in any three-month increment period beginning from the date of issuance of a certificate of occupancy. Stock in trade shall be measured with all titles or objects available on the premises for sale or rental including those that are identical, considered a separate title or object.
- c. Simulated nudity means a state of dress in which any device or covering is worn and exposed to view that simulates any part of the genitals, buttocks, anus, pubic region, or areola of the female breast.
- d. Specified anatomical areas means human genitals, pubic regions, buttocks and female breast below a point immediately above the top of the areola.
- e. Specified sexual activity means:
 - 1. The fondling or other erotic touching of human genitals, pubic regions, pubic hair, perineum, buttocks, anus, or female breasts;
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, or bestiality;
 - 3. Masturbation, actual or simulated; or
 - 4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 3. of this definition.

(4) The following activities are exempted from the definition of a sexually oriented business:

- a. Any business operated by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, or licensed athletic trainers engaged in practicing such licensed professions;
- b. Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts;
- c. Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and which does not exhibit merchandise on live models; or
- d. Any activity conducted or sponsored by any Texas independent school district, licensed or accredited private school, or public or private college or university.

Shopping center means a group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Shops, office, and/or storage area of public or private utility means the pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

Sign means any identification, description, illustration, or device illuminated or non-illuminated which is visible to the general public and directs attention to a project, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or facsimile, or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify or convey information.

Site plan means a detailed line drawing, to scale, showing scale used, north arrow, date and title of project, clearly describing the project and showing the following information:

- (1) Property lines, location and widths of all streets, alleys, and easements.
- (2) Proper dimensions on all fundamental features such as lots, buildings, parking spaces, and landscaped areas.
- (3) The location of setback lines, driveway openings, and sidewalks.
- (4) All proposed buildings, freestanding sign locations, parking areas and open spaces.
- (5) All required landscaping, together with a description of type of material to be used.
- (6) A cross-section of any required or proposed screening.
- (7) Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density of floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; and solid waste collection facilities.
- (8) Name, address and telephone number of the proponent.

Solid waste transfer station means a facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

Stable, commercial, means a structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction, or similar trading activity.

Stable, private, means an accessory building set back from adjacent property lines a minimum distance of 100 feet and used for quartering horses, not to exceed one horse per one and one-half acre area of a farm or lot.

Stadium or playfield, public, means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

Storage or wholesale warehouse, heavy, means a building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

Storage or wholesale warehouse, light, means a building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

Story means the height between the successive floors of a building from the top floor to the roof. The standard height for a story is 11 feet, six inches.

Street means a way for vehicular traffic and other public uses, whether designated a street, highway, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

Street line means a dividing line between a lot, tract or parcel of land and a contiguous street; the right-of-way.

Street, local or residential, means those streets that are used primarily for access to abutting properties.

Street, major, means streets used primarily for fast or heavy traffic as designated in the thoroughfare plan.

Street, secondary or collector, means those streets which carry traffic from minor streets to major system of arterial streets and highways, including the principal entrance streets of a residential development or business park and those streets for circulation within such a development as designated on the thoroughfare plan.

Structural alterations means any change in the supporting member of a building, such as a bearing wall, column, beams, or girders.

Structure. Same as "building."

Swimming pool, commercial, means a swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming pool, private, means a swimming pool constructed for the exclusive use of the residents of a single-family, two-family or multifamily dwelling and located within the required rear or permitted side yards.

Tattoo parlor/body piercing studio means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

- (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- (2) Creating of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Teen club shall include teen night clubs, teen dance clubs or any entertainment establishment where the intended occupancy is in excess of 70 percent minors between 13 and 19 years of age unaccompanied by an adult parent or guardian.

Telephone exchange means a switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

Tennis court, private, means a surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas, except as may be otherwise provided or restricted by the specific use permit.

Theater, outdoor, means an open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

Tobacco sales means an establishment whose principal business activity, either in terms of operation or as held out to the public, is the sale of tobacco products.

Townhouse or row dwelling means one of a series of not less than three nor more than ten attached one-family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

Trailer rental means the display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

Travel trailer, manufactured housing, display and sales, means the offering for sale or display of travel trailers or manufactured housing, on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis. This use shall also allow the sale or display of major recreational vehicles, boat trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles, but excluding pick-up shells not designed or used for camping purposes), motorized dwellings, tent trailers, house trailers, and utility trailers.

Travel trailer park means any tract of land under single ownership, two acres or more, where commercial accommodation is provided for temporary lodging in travel trailers and/or other recreational vehicles, and not permanent residency.

Truck and bus leasing means the rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

Truck and bus repair means an establishment providing major and minor automobile repair services to heavy load vehicles.

Truck or motor freight terminal means a building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

Truck sales means buildings and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles to be displayed and sold on-premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.

Two-family dwelling means a building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof. This term may also be referred to as Duplex.

Usable open space means an open area which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent, shall have no dimension of less than ten feet, and may include landscaping, walks, water features and decorative objects. The term "usable open space" shall not include rooftops, accessory buildings, parking areas, driveways, turnaround areas, or right-of-way or easement for streets or alleys.

Variance means an adjustment in the application of the specific regulations of this chapter to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vendor, stationary means a vendor who sets up a temporary building, vehicle, trailer, or other mobile unit on private property to engage in the sale of food items, merchandise or services.

Vertically mixed use commercial and residential means a building designed for ground floor commercial uses and upper floor residential units.

Washateria means a building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three employees and four automatic single-family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless.

Wholesale means the sale of goods, merchandise, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.

Yard means an open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point 40 inches above the general ground level of the graded lot to the sky, except as provided for roof overhangs and similar special architectural features and plant material.

Yard, front, means an open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

Yard, rear, means an open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line.

Yard, side, means an open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a side line.

Zero lot line house means a residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

Zoning district map means the official certified map upon which the boundaries of the various zoning districts are drawn.

Zoning administrator means the official designated by the city manager to administer and enforce this chapter, or his designee.

§ 42-10. Classification of new and unlisted uses.

- (a) Classification of new and unlisted uses. It is recognized that new types of land uses will develop and forms of land use not anticipated may seek to locate in the city. The zoning administrator shall review any request for approval of a use that is not specifically listed as a permitted use in any zoning district. If in the determination of the zoning administrator the use is substantially similar in nature and impact to a listed use, the zoning administrator may make a determination, under his authority to render interpretations of the provisions of this chapter, of the district or districts where such use is appropriate to locate. The determination of the zoning administrator is subject to review by the board of adjustment in accordance with the provisions of section 42-95.
- (b) Determination of classification by planning and zoning commission. If the zoning administrator determines that such new or unlisted use is not substantially similar in nature and impact to a listed use, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:
 - (1) The zoning administrator shall refer the question concerning any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves

dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, and the general requirements for public utilities such as water and sanitary sewer. Notice of the request for interpretation shall be given in the manner provided for zoning text amendments in order for the ultimate determination of classification to be considered as a text amendment.

- (2) The planning and zoning 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 should be permitted.
- (3) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council may, by ordinance, approve the recommendation of the commission or make such determination concerning the classification of such use as is determined appropriate.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-11. through § 42-19. (Reserved)

ARTICLE II DISTRICTS AND LAND USES

§ 42-20. A Agricultural district.

- (a) Purpose. The A district is intended to apply to land situated on the fringe of an urban area which is currently used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the A district should not be detrimental to urban land uses and the intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.
- (b) Permitted uses and parking regulations. In the A agricultural district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servant's quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent of the gross land area of the tract.	1 space per employee to be occupying the building
Carport, private	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Farm, ranch, or orchard	1 space per employee
Garage, private	0 spaces
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Home occupation	0 spaces

Use	Parking Regulations
Kennel	1 space per 200 square feet of floor area
Local utility distribution lines	0 spaces
Nonprofit animal shelter	1 space per 200 square feet of floor area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Railroad track and right-of-way	1 space per employee
Riding academy or other equestrian related activities	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Sewage pumping station	0 spaces
Single-family dwellings on building lots of two acres or more in areas where said dwellings can be adequately served by city utilities or septic tanks located on the building lot provided	2 enclosed spaces per unit, must be attached to the main structure
Stable, private	1 space per employee
Swimming pool, private	0 spaces
Telephone exchange	1 space per employee
Telephone line	0 spaces
Temporary metal buildings of less than 600 square feet which are used for tool and supply storage	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces

(c) Development requirements.

Minimum lot area:	5 acres ¹
Minimum lot width at front building line:	100 linear feet
Minimum lot depth, average:	120 linear feet
Front setback:	50 linear feet
Side setback:	8/10/15 linear feet ²

Rear setback:	50 linear feet
Maximum ground coverage:	10% of lot area
Maximum density per acre:	0.50 DU
Height:	45 linear feet

¹ Single-family dwellings require building lots of two acres or more.

² The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

- (d) Specific uses. The following specific uses are allowed in the A district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Community home	1 space per employee, plus 1 space for each 6 beds
Electric power generating plant	1 space per employee
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Feedlot, livestock	1 space per employee
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Fraternal organization, lodge	1.25 spaces per 200 square feet
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Guest house	1 space per unit

Use	Parking Regulations
Hatchery	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Heliport or helistop	1 space if located on the ground
Landfill	1 space per employee
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2000 square feet of floor area
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Racetrack	1 space for every 4 seats or bench seating
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Radio, TV or microwave operation, commercial. (See further regulations in section 42-55(i).)	1 space per employee
Rodeo arena and grounds	1 space for every 4 seats or bench seating
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area
Shops, office and/or storage area of public or private utility	1 space per employee
Solid waste transfer station	1 space per employee
Water treatment plant	1 space per employee

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-21. SF-1 Single-family residential district.

- (a) **Purpose.** The SF-1 district is the most restrictive of residential zones and should be applied in areas of larger lots, more contemporary subdivision design and layout, and for areas that are designed solely for residential uses. This zoning classification should be applied in areas of the city to conserve neighborhood character and value of buildings. This district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses.
- (b) **Permitted uses and parking regulations.** In the SF-1 single-family residential district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

- (c) **Development requirements.**

Minimum lot area:	7,500 square feet ¹
Minimum lot width:	60 linear feet

Minimum lot depth:	125 linear feet
Minimum front yard:	25/35 linear feet ²
Minimum side yard:	8/10/15 linear feet ³
Minimum rear yard:	25 linear feet ⁴
Maximum ground coverage:	40/50 ⁵
Maximum density per acre:	4.0 DU
Height:	35 linear feet

¹ A lot of less than 7,500 square feet may be used for a single-family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

² The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

³ The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

⁴ A one-story wing or extension may be built to within 15 feet of the rear lot line.

⁵ The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

- (d) Specific uses. The following specific uses are allowed in the SF-1 district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Boarding home facility	1 space per employee, plus 1 space for each 6 beds
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Use	Parking Regulations
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community home	1 space per employee, plus 1 space for each 6 beds
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Farm, ranch, or orchard	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Guest house	1 space per unit
Home occupation	0 spaces
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee

Use	Parking Regulations
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(c) Special construction requirements.

- (1) Developments of ten or more lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (2) Developments of one to nine lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin type material and design. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (3) Applicability of regulations. These construction requirements shall apply to all the following:
 - a. Newly constructed houses.
 - b. Houses moved into or within the city from a previous location.
- (4) Attic space. All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-22. SF-2 Single-family residential district.

- (a) Purpose. The SF-2 district is not as restrictive as the SF-1 district. This district is to be applied in areas where smaller residential lots are appropriate and in areas of transition between nonresidential uses and the SF-1 single-family residential district. This district also functions as a buffer or transition between major streets and the SF-1 district.
- (b) Permitted uses and parking regulations. In the SF-2 single-family residential district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	0 spaces

Use	Parking Regulations
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	6,000 square feet ¹
Minimum lot width:	50 linear feet
Minimum lot depth:	120 linear feet
Minimum front yard:	25/35 linear feet ²
Minimum side yard:	8/10/15 linear feet ³
Minimum rear yard:	25 linear feet ⁴
Maximum ground coverage:	45/55 ⁵
Maximum density per acre:	6.00 DU
Height:	35 linear feet

¹	A lot of less than 6,000 square feet may be used for a single-family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.
²	The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.
³	The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.
⁴	A one-story wing or extension may be built to within 15 feet of the rear lot line.
⁵	The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

- (d) Specific uses. The following specific uses are allowed in the SF-2 district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Boarding home facility	1 space per employee, plus 1 space for each 6 beds
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community home	1 space per employee, plus 1 space for each 6 beds
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Farm, ranch, or orchard	1 space per employee
Gas metering station	1 space per employee

Use	Parking Regulations
Golf course	Minimum of 30 spaces
Guest house	1 space per unit
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee
Zero lot line house	2 enclosed spaces per unit

(e) Special construction requirements.

- (1) Developments of ten or more lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (2) Developments of one to nine lots. All outside walls of the ground floor of every residential

structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin type material and design. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

(3) Applicability of regulations. These construction requirements shall apply to all the following:

- a. Newly constructed houses.
- b. Houses moved into or within the city from a previous location.

(4) Attic space. All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-23. GH Garden home district.

- (a) Purpose. The GH district provides for the construction of detached single-family homes on zero lot line lots. In all other respects, the GH district is intended to provide the same benefits and atmosphere as other single-family districts. This district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses.
- (b) Permitted uses and parking regulations.

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Garden (patio) home	2 enclosed spaces per unit, must be attached to main structure
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required

Use	Parking Regulations
Railroad track and right-of-way	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	2,800 square feet ¹
Minimum lot width:	25 linear feet on residential streets and 35 linear feet on collector and major streets
Minimum lot depth:	120 linear feet
Minimum front yard:	15 linear feet ²
Minimum side yard:	0 linear feet ³
Minimum rear yard:	5 linear feet ⁴
Maximum ground coverage:	45/65 ⁵
Maximum density per acre:	12 DU
Height:	35 linear feet

¹ A lot of less than 2,800 square feet may be used for a garden home or other single-family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

² The minimum front yard shall be 15 feet, provided that in no case shall a garage or carport fronting onto a street be less than 20 feet from the property line adjacent to the street. The front yard setback may be staggered, varied, or reduced to a minimum setback of ten feet for lots facing cul-de-sac or loop streets not exceeding 400 feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be 25 feet. A minimum lot depth of 65 feet, as measured from front building line to rear lot line, shall be maintained.

³ The minimum side yard shall be zero feet except that there shall be at least ten feet of separation between structures. When garden (patio) homes are constructed with a zero side yard, five feet on the lot adjacent to the zero setback shall be dedicated as an access/maintenance easement for the zero setback garden home. There shall be a minimum side yard setback of 20 feet from any property line adjacent to a street. Side yard setbacks and access/maintenance easements shall be shown on the subdivision plat.

⁴ The minimum rear yard shall be five feet for a single-story structure and 15 feet for any two-story structure. If access is from an alley, the minimum setback will be 20 feet for garages or carports. A one-story wing or extension may be built to within 15 feet of the rear lot line.

⁵ The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

- (d) Site plan required. A site plan meeting the requirements of section 42-56 shall be required for each application for the development of a garden home in the GH district.
- (e) Specific uses. The following specific uses are allowed in the GH district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Boarding home facility	1 space per employee, plus 1 space for each 6 beds
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community home	1 space per employee, plus 1 space for each 6 beds
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Farm, ranch, or orchard	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Guest house	1 space per unit

Use	Parking Regulations
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains,
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(f) Special construction requirements.

- (1) Developments of ten or more lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (2) Developments of one to nine lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin type material and design. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious

material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.

- (3) Applicability of regulations. These construction regulations shall apply to all the following:
 - a. Newly constructed houses.
 - b. Houses moved into or within the city from a previous location.
 - (4) Attic space. All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.
 - (g) Common area maintenance. To ensure the long-term maintenance of common land and facilities in garden home developments, the following shall be required:
 - (1) Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other commonly owned facilities. No such instrument shall be acceptable until approved by the city attorney as to legal form and effect. A homeowners' association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.
 - (2) The HOA or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro rata formula for all property owners.
 - (h) Usable open space requirements. Each parcel of land developed under garden home standards shall provide usable open space totaling 15 percent of the area of the parcel. Such open space shall have a maximum slope of ten percent and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The 15 percent shall be computed on the percentage of total platted area in a garden home subdivision, excluding right-of-way for major and secondary streets (as described in the current comprehensive plan). At the time of site plan and/or subdivision plat approval, the city council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.
 - (i) Additional landscaping. In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-24. MH-1X Manufactured home park district (X).

- (a) Purpose. The MH-1X district is established to allow for the development of quality manufactured home park developments which create lots or units of land under single ownership where the

individual lots or units of land are rented or leased for the placement of a single manufactured home. This district provides adequate space and restrictions for the placement of manufactured housing in the city where adequate streets and other community facilities are available for present and future needs. The MH-1X district is established to provide housing densities compatible with single-family neighborhoods and to promote the most desirable use of land; to promote stability of development; to preserve the value of the land and improvements; and to protect the city's tax base. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No. [REDACTED] on [REDACTED], no additional rezoning applications will be considered for rezoning to this district. Any MH-1X zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No. [REDACTED] on [REDACTED]. Any MH-1X zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.

- (b) Permitted uses and parking regulations. In the MH-1X district, no building or land shall be used and no building shall be hereafter erected or placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Manufactured home, HUD-code	1 space per unit
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

- (c) Development requirements.

Minimum lot area:	5,000 square feet ¹
Minimum lot width:	40 linear feet
Minimum lot depth:	125 linear feet
Minimum front yard:	5/35 linear feet ²
Minimum side yard:	8/10/15 linear feet ³
Minimum rear yard:	25 linear feet (25 feet street side) ⁴
Maximum ground coverage:	40/50 ⁵
Maximum density per acre:	6.0 DU
Height:	35 linear feet
¹ A lot of less than 5,000 square feet may be used for a manufactured home residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district. ² The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street. ³ The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street. ⁴ A one-story wing or extension may be built to within 15 feet of the rear lot line. ⁵ The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.	

- (d) Site plan required. A site plan meeting the requirements of section 42-56 shall be required for each application for the development of a manufactured home park in the MH-1X district.
- (e) Screening. A landscape buffer meeting the requirements of section 42-58 will be required when this use is located adjacent to any residential district.
- (f) Specific uses. The following specific uses are allowed in the MH-1X district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Use	Parking Regulations
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Electrical substation	1 space per employee
Gas metering station	1 space per employee
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(g) Additional restrictions applicable to manufactured home park district.

- (1) Manufactured housing design and construction must comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the building official.
- (2) All manufactured homes shall be set on a solid slab structure and/or 18-inch to 20-inch runners and/or pier and beam construction consistent with Rural Economic and Community

Development Administration (formerly Farmer's Home Administration) standards. Additional rooms and enclosed porches shall be constructed on a solid slab.

- (3) Tie-downs are required and must be secured prior to occupancy.
 - (4) Underpinning and skirting are required and must be installed prior to occupancy. Upon determination by the city manager that a bona fide hardship will be incurred by this provision, a waiver of up to 90 days' occupancy may be granted prior to strict enforcement of this provision.
 - (5) Accessory buildings will be either manufactured or constructed in accordance with city codes.
 - (6) All manufactured homes shall comply with all regulations of the state and such regulations are hereby incorporated into this section.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-25. MH-2X Manufactured home subdivision district (X).

- (a) Purpose. The MH-2X district is intended to provide for quality manufactured home subdivision development containing most of the characteristics and atmosphere of a standard single-family residential subdivision. The development is designed in a similar manner as a single-family residential subdivision with lots being platted for separate ownership. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No. [REDACTED] on [REDACTED], no additional rezoning applications will be considered for rezoning to this district. Any MH-2X-zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No. [REDACTED] on [REDACTED]. Any MH-2X zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.
- (b) Permitted uses and parking regulations. In the MH-2X, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	1 space per employee to be occupying the carport
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Manufactured home, HUD-code	1 space per unit
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided

Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	6,000 square feet ¹
Minimum lot width:	50 linear feet
Minimum lot depth:	120 linear feet
Minimum front yard:	25/35 linear feet ²
Minimum side yard:	8/10/15 linear feet ³
Minimum rear yard:	25 linear feet ⁴
Maximum ground coverage:	40/50 ⁵
Maximum density per acre:	6.0 DU
Height:	35 linear feet

¹ A lot of less than 6,000 square feet may be used for a manufactured home residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

² The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

³ The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

⁴ A one-story wing or extension may be built to within 15 feet of the rear lot line.

⁵ The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

(d) Site plan required. A site plan meeting the requirements of section 42-56 shall be required prior to a manufactured home subdivision development in the MH-2X district.

(e) Screening. A landscape buffer meeting the requirements of section 42-58 will be required when this use is located adjacent to any residential district or use.

(f) Specific uses. The following specific uses are allowed in the MH-2X district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Electrical substation	1 space per employee
Gas metering station	1 space per employee
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Servant's, caretaker's or guard's residence	1 space per unit

Use	Parking Regulations
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Travel trailer park	1 space per unit
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(g) Additional restrictions applicable to manufactured home subdivision district.

- (1) Manufactured housing design and construction must comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the building official.
- (2) All manufactured homes shall be set on a solid slab structure and/or 18-inch to 20-inch runners and/or pier and beam construction consistent with Rural Economic and Community Development Administration (formerly Farmer's Home Administration) standards. Additional rooms and enclosed porches shall be constructed on a solid slab.
- (3) Tie-downs are required and will be secured prior to occupancy.
- (4) Underpinning and skirting are required and must be installed prior to occupancy. Upon determination by the city manager that a bona fide hardship will be incurred by this provision, a waiver of up to 90 days' occupancy may be granted prior to strict enforcement of this provision.
- (5) Accessory buildings will be either manufactured or constructed in accordance with city codes.
- (6) All manufactured homes shall comply with all regulations of the state and such regulations are hereby incorporated into this section.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-26. MH-3X Manufactured home subdivision district (X).

- (a) Purpose. The MH-3X district is intended to provide for quality manufactured home subdivision development containing most of the characteristics and atmosphere of a standard single-family residential subdivision. The development is designed in a similar manner as a single-family residential subdivision with lots being platted for separate ownership. The MH-3X district allows more flexible design standards than the MH-2X district. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No. [REDACTED] on [REDACTED], no additional rezoning applications will be considered for rezoning to this district. Any MH-3X zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No. [REDACTED] on [REDACTED]. Any MH-3X zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.
- (b) Permitted uses and parking regulations. In the MH-3X manufactured housing district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	1 space per employee to be occupying the carport
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Manufactured home, HUD-code	1 space per unit
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	6,000 square feet ¹
Minimum lot width:	50 linear feet
Minimum lot depth:	120 linear feet
Minimum front yard:	12 linear feet
Minimum side yard:	8/10 linear feet ²
Minimum rear yard:	10 linear feet
Maximum ground coverage:	40/50 ³
Maximum density per acre:	6.0 DU
Height:	35 linear feet

¹	A lot of less than 6,000 square feet may be used for a manufactured home residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.
²	The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a street.
³	The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

- (d) **Site plan required.** A site plan meeting the requirements of section 42-56 shall be required prior to a manufactured home subdivision development in the MH-3X district.
- (e) **Screening.** A landscape buffer meeting the requirements of section 42-58 will be required when this use is located adjacent to any residential district.
- (f) **Specific uses.** The following specific uses are allowed in the MH-3X district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Electrical substation	1 space per employee
Gas metering station	1 space per employee

Use	Parking Regulations
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Travel trailer park	1 space per unit
Water storage, elevated	0 spaces
Water storage, ground	0 spaces
Water treatment plant	1 space per employee

(g) Additional restrictions applicable to manufactured home subdivision district.

- (1) Manufactured housing design and construction must comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the building official.
- (2) All manufactured homes shall be set on a solid slab structure and/or 18-inch to 20-inch runners and/or pier and beam construction consistent with Rural Economic and Community Development Administration (formerly Farmer's Home Administration) standards. Additional rooms and enclosed porches shall be constructed on a solid slab.
- (3) Tie-downs are required and must be secured prior to occupancy.
- (4) Underpinning and skirting are required and must be installed prior to occupancy. Upon determination by the city manager that a bona fide hardship will be incurred by this provision, a waiver of up to 90 days' occupancy may be granted prior to strict enforcement of this provision.
- (5) Accessory buildings will be either manufactured or constructed in accordance with city codes.
- (6) All manufactured homes shall comply with all regulations of the state and such regulations are hereby incorporated into this section.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-27. DD Duplex district.

- (a) Purpose. The DD district is designed to promote stable, quality residential development. This district is the most restrictive of the multifamily districts and is intended for two-family use. This district is intended for zones of transition from the single-family zones to higher density multifamily or nonresidential zones.
- (b) Permitted uses and parking regulations. In the DD district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Carport	0 spaces
Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, attached	2 enclosed spaces per unit, must be attached to the main structure
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Two-family dwelling	2 spaces per unit, 1 covered
Water pumping station or well	0 spaces

- (c) Development requirements.

Minimum lot area:	7,500 square feet ¹
Minimum lot width:	60 linear feet

Minimum lot depth:	125 linear feet
Minimum front yard:	25/35 linear feet ²
Minimum side yard:	8/10/15 linear feet ³
Minimum rear yard:	25 linear feet ⁴
Maximum ground coverage:	50/60 ⁵
Maximum density per acre:	8.0 DU
Height:	35 feet

¹ A lot of less than 7,500 square feet may be used for a single-family residence if it was an official lot of record at the time of adoption of this chapter. No lot existing at the time of passage of this chapter shall be reduced in area below the minimum requirements set forth in this district.

² The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

³ The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.

⁴ A one-story wing or extension may be built to within 15 feet of the rear lot line.

⁵ The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

- (d) Specific uses. The following specific exception uses are allowed in the DD district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Use	Parking Regulations
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Electrical substation	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Guest house	1 space per unit
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater

Use	Parking Regulations
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Townhouse or row dwelling	2 spaces per unit, 1 covered
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(e) Special construction requirements.

- (1) Developments of ten or more lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other materials shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (2) Developments of one to nine lots. All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products and/or glass, or may be of a log cabin type material and design. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (3) Applicability of regulations. These construction requirements shall apply to all the following:
 - a. Newly constructed houses.
 - b. Houses moved into or within the city from a previous location.
- (4) Attic space. All residential structures must have at least six feet of attic space from the attic floor to the highest point of the attic framing.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-28. MFX Multifamily residential district (X).

- (a) Purpose. The MFX district allows medium to high density multifamily development. This district is intended to be a buffer or transition zone from major streets and nonresidential uses to lower density residential zones. Density in this district does not ordinarily exceed 15 units per gross acre but can reach a maximum of 25 units per gross acre if special fire protection requirements are observed. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No. [REDACTED] on [REDACTED], no additional rezoning applications will be considered for rezoning to this district. Any MFX zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No. [REDACTED] on [REDACTED]. Any MFX zoned property may also be considered for rezoning to a non-legacy district, not marked with an "X" in the district name.

- (b) Permitted uses and parking regulations. In the MFX district, no building or land shall be used and

no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Carport	0 spaces
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Home occupation	0 spaces
Local utility distribution lines	0 spaces
Multiple-family residence	For residence 1-99 units, 1.5 spaces per unit. For residence over 100 units, 1.5 spaces per unit with 20% being a covered space.
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Retirement housing	1 space for each 6 beds per unit
Sewage pumping station	0 spaces
Single-family dwelling, attached or detached	2 enclosed spaces per unit, must be attached to the main structure
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Telephone line	0 spaces
Townhouse or row dwelling	2 spaces per unit, 1 covered
Transit station or turnaround	1 space per intended user
Two-family dwelling	2 spaces per unit, 1 covered
Water pumping station or well	0 spaces

(c) Development requirements.

Minimum lot area:	10,000 square feet or 1,500 square feet per DU, whichever is greater ¹
Minimum lot width:	For multifamily, townhouse and zero lot line lots, 20 linear feet per ground floor unit plus the side yard setback. For all other permitted uses, 60 linear feet.
Minimum lot depth:	120 linear feet
Minimum front yard:	25/35 linear feet ²
Minimum side yard:	8/25 linear feet ³
Minimum rear yard:	25 linear feet ⁴
Maximum ground coverage:	60/65 ⁵
Maximum density:	15.0/25.0 dwelling units per acre ⁷
Height:	45 feet ⁶

¹ Minimum lot size for townhouses shall be 3,000 square feet per dwelling unit. Minimum lot size for all other permitted uses shall be 10,000 square feet or 1,500 square feet per dwelling unit, whichever is greater.

² The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

³ The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a street. If a side yard is adjacent to a single-family residential district, there shall be a 25-foot setback and a 60-foot setback from the adjacent property line for buildings in excess of one story in height. If more than one building is located on the same lot, there shall be a ten-foot separation between buildings without openings (windows) and a 15-foot separation between buildings with openings.

⁴ If a rear yard is adjacent to a single-family residential district, there shall be a 25-foot setback and a 60-foot setback from the adjacent property line for buildings in excess of one story in height. If more than one building is located on the same lot, there shall be a ten-foot separation between buildings without openings (windows) and a 15-foot separation between buildings with openings.

⁵ The first number in the column refers to coverage by primary buildings; the second number refers to coverage by all buildings.

⁶ The height of any multifamily building sited on a lot adjacent to an area zoned or used for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of 60 feet from the single-family district boundary or the lot on which the single-family dwelling is located.

⁷ The first number in the column is the maximum density for a multifamily development fronting a residential street; the second number in the column is the maximum density for a multifamily development fronting a collector or major street.

(d) Specific uses. The following specific uses are allowed in the MFX district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Assisted living facility	1 space per employee to be occupying the building
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)

Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community home	1 space per employee to be occupying the building
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Dormitory	1 space for each 2 beds
Electrical substation	1 space per employee
Gas metering station	1 space per employee
Golf course	Minimum of 30 spaces
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds

Use	Parking Regulations
Household care facility	1 space per employee
Household care institution	1 space per employee
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Swimming pool, commercial	1 space for each 100 square feet of gross water surface and deck area
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

- (c) Additional parking requirements. At least 20 percent of the parking required to be provided shall be designated visitor parking only. A minimum of 50 percent of the required parking spaces of a multifamily development shall be either an attached enclosed garage or a detached multi-car covered parking structure. Detached covered parking shall function unobtrusively and shall be compatible with the main buildings of the multifamily development in terms of materials design, style and color. Detached covered parking structures, if used, shall be located near the building served. No detached covered parking structure shall accommodate more than ten parking spaces or be located closer than ten feet to another parking structure. When garages are used within dwellings, one-car garages shall be a minimum of ten feet wide and 20 feet long.

- (f) Leasing office/clubhouse required. A leasing office shall be constructed with each multifamily development. A clubhouse, which shall be available to all residents of the development, with a minimum of 2,500 square feet in size shall be provided for any multifamily development of 200 units or less; a minimum of 3,500 square feet in size for 201 to 350 units; and 4,000 square feet for 351 or more units.
- (g) General landscaping and screening provisions.
 - (1) A standard ten-foot-wide landscaped screening buffer meeting the requirements of section 42-58(f) shall be constructed around the entire perimeter of the multifamily lot or premises. Not less than one tree shall be planted and maintained for each 25 linear feet or portion thereof the landscaped buffer strip. Each tree used in landscaped open space buffer strips shall be not less than six feet in height upon planting and shall have a caliper of not less than two inches measured 12 inches from the ground.
 - (2) Border fencing of wood or masonry of not less than six feet in height shall be installed by the owner, builder or developer at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This screening shall be maintained throughout the existence of the multifamily complex by the owner of the complex.
- (h) Refuse facilities. Every dwelling unit in a multifamily complex shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six cubic yards of refuse container per 30 multifamily dwelling units. For complexes with less than 30 units, no less than four cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six feet nor more than eight feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
- (i) Special fire protection requirements.
 - (1) For multifamily densities of greater than 15 units per acre, each building in the development shall contain an automatic sprinkler system to be installed at the time of construction, and thereafter operated in accordance with currently applicable fire safety codes.
 - (2) In addition, each unit in any multistory design, regardless of density, shall be provided with a minimum of two points of entry and exit with each providing separate access to places of safety in the event of fire or other emergency.
- (j) Masonry requirements.
 - (1) All single-story buildings hereafter constructed or placed in the MFX district shall have at least 75 percent of the exterior wall surface constructed of masonry and/or glass pane.
 - (2) All buildings having more than a single story hereafter constructed or placed in the MFX district shall have at least 50 percent of the exterior wall surface constructed of masonry and/or glass pane.
 - (3) All additions hereafter constructed to buildings in the MFX district shall have at least 50 percent of the exterior wall surface constructed of masonry and/or glass pane.

(k) Courts and open space requirements.

- (1) Courts. Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of 30 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.
- (2) Usable open space. Each lot or parcel of land which is used for multifamily residences shall provide on the same lot or parcel of land usable open space in accordance with the table below:
 - a. Usable open space requirements are as follows:

Number of Bedrooms or Sleeping Rooms	Square Feet
One or less	600
Each additional bedroom over one	300

- b. In those instances where a parcel of land has been zoned for multifamily use with a specific use permit or planned development classification and the permitted densities do not conform exactly with those permitted in the MFX district, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.
 - c. In meeting this requirement, a credit of three square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within ten feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the city council may allow a credit not to exceed ten percent of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed 50 percent of the total usable open space for an individual lot or parcel of land.
 - d. At the time of site plan approval, the city council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance the development.
 - (l) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the MFX district.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-29. NC Neighborhood commercial district.

- (a) Purpose. The NC district is a low intensity commercial category providing a uniform set of standards for office facilities, neighborhood-type retail shopping facilities and general commercial activities of a service character. The NC district is established to accommodate the daily and frequent needs of the community at a neighborhood scale. It is intended that properties in this zoning district be served by appropriate streets and be of such size that all parking and traffic maneuvering can take place on the commercial site.
- (b) Permitted uses and parking regulations. In the NC district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (inside sales)	1 space for every 200 square feet of floor area
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Automobile service station (no garage or automobile repair facilities)	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Bowling alley	6 spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Business service	1 space per 300 square feet of gross floor area
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Custom personal service shop	1 space per 200 square feet of gross floor area
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store of not greater than 20,000 square feet floor space	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store with floor space not greater than 20,000 square feet	1 space per 300 square feet of gross floor area
Fraternal organization, lodge	1.25 spaces per 200 square feet
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Garage, private	1 space per employee to be occupying the garage
Gas metering station	1 space per employee
General merchandise	1 space per 200 square feet of gross floor area
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Local utility distribution lines	0 spaces

Use	Parking Regulations
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Nonprofit animal shelter	1 space per 200 square feet of floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Personal service shop	1 space per 200 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Racquetball facilities	4 spaces for each court
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater

Use	Parking Regulations
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Sewage pumping station	0 spaces
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Tanning salon	1 space per 200 square feet of gross floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Veterinarian clinic (no outside pens)	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, ground	0 spaces

(c) District restrictions. The following restrictions shall apply to uses in the NC district.

- (1) The business shall be conducted wholly within an enclosed building;
- (2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;
- (3) All merchandise shall be sold at retail on the premises; and
- (4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

(d) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to the NC district:

- (1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
 - a. Off-street parking of motor vehicles in operable condition;
 - b. Off-street loading;

- c. Permitted display of merchandise for sale to the public; and
 - d. Drive-in type establishments.
- (2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and shall be maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.
- (3) No loading of materials or products shall be permitted in the required front yard.
- (e) Development requirements.

Minimum lot area:	2,500 square feet
Minimum lot width:	50 feet
Minimum lot depth:	50 linear feet
Minimum front yard:	25/35 linear feet ¹
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet, shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	NA
Height:	35 linear feet ²

¹ The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street. The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback.

² No building shall exceed 35 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

- (f) Specific uses. The following specific uses are allowed in the NC district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto laundry	1 space per 200 square feet of floor space

Use	Parking Regulations
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Carwash	1 space per employee
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Feed and farm supply (inside sales/storage)	1 space per 300 square feet of gross floor area
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garden center (retail sales)	1 space per 200 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee

Use	Parking Regulations
Hospital (acute care)	1 space for every 2 beds
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Kennel (no outside pens)	1 space per 200 square feet of floor area
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Pet shop	1 space per 300 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Secondhand store, furniture/clothing	1 space per 200 square feet of gross floor area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Service, retail	1 space per 200 square feet of gross floor area
Sewage treatment plant	1 space per employee

Use	Parking Regulations
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial or private	1 space for each 100 square feet of gross water surface and deck area
Theater (indoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tobacco sales	1 space per 200 square feet of gross floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Vendor, stationary	1 space per 200 square feet of gross floor area
Veterinarian clinic (no outside pens)	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area
Water storage, elevated	0 spaces
Water treatment plant	1 space per employee

(g) Screening devices. In the event that this district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(h) Masonry requirements.

- (1) All single-story buildings hereafter constructed or placed in this district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (2) All buildings having more than a single story hereafter constructed or placed in the NC district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (3) All additions hereafter constructed to buildings in the NC district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-30. RC Regional commercial district.

Purpose. The RC district is intended to allow the development of areas that provide a greater number and mix of retail and commercial uses. The uses permitted in the RC district are still intended to be generally carried on completely within a building or structure, but some outside areas and an expanded range of service and repair uses could be permitted. This district is reserved for areas of adequate size and location so that its broad range of high intensity land uses will not cause or create nuisances to adjoining zoning districts.

- (a) **Permitted uses and parking regulations.** In the RC district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (indoor or outdoor sales)	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Auto laundry	1 space per 200 square feet of floor space
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Boat sales and storage	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Bowling alley	6 spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Bus terminal	1 space per intended user
Business service	1 space per 300 square feet of gross floor area
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Carwash	1 space per employee
Child care center	1 space per ten pupils/clients (design capacity)
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Custom personal service shop	1 space per 200 square feet of gross floor area

Use	Parking Regulations
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Feed and farm supply (inside sales/storage)	1 space per 300 square feet of gross floor area
Feed and farm supply (outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store	1 space per 300 square feet of gross floor area
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Garden center (retail sales)	1 space per 200 square feet of gross floor area
Gas metering station	1 space per employee
General merchandise indoor auction	1 space per 300 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Heliport or helistop	1 space if located on the ground
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Nonprofit animal shelter	1 space per 200 square feet of floor area
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Pawn shop	1 space per 300 square feet of gross floor area
Personal service shop	1 space per 200 square feet of gross floor area
Pet shop	1 space per 300 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Plumbing service	1 space per 300 square feet of gross floor area
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Quick oil change facility	1 space per employee
Quick tune-up facility	1 space per employee
Racquetball facilities	4 spaces for each court
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel
Railroad team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area

Use	Parking Regulations
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service, retail	1 space per 200 square feet of gross floor area
Sewage pumping station	0 spaces
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Shops, office and/or storage area of public or private utility	1 space per employee
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial	1 space for each 100 square feet of gross water surface and deck area
Tanning salon	1 space per 200 square feet of gross floor area
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Taxidermist	1 space per 200 square feet of gross floor area
Teen club	1 space for every 1,000 square feet of floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Theater (indoor)	1 space for each 4 seats or bench seating spaces

Use	Parking Regulations
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Transit station or turnaround	1 space per intended user
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(b) District restrictions. The following restrictions shall apply to uses in the RC district.

- (1) The business shall be conducted wholly within an enclosed building;
- (2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;
- (3) All merchandise shall be sold at retail on the premises; and
- (4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

(c) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

- (1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a inwall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
 - a. Off-street parking of motor vehicles in operable condition;
 - b. Off-street loading;
 - c. Permitted display of merchandise for sale to the public; and
 - d. Establishments of the drive-in type.
- (2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.
- (3) No loading or storage of material or products shall be permitted in the required front yard.

- (d) Specific uses. The following specific uses are allowed in the RC district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Brew pub	1 space per 100 square feet of gross floor area
Building materials, hardware (outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community home	1 space per employee to be occupying the building
Electric power generating plant	1 space per employee
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm seed and/or fertilizer sales/storage (inside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Food products processing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Kennel (with or without outside pens)	1 space per 200 square feet of floor area
Microbrewery	1 space per 200 square feet of floor area
Microdistillery	1 space per 200 square feet of floor area
Newspaper printing	1 space per 300 square feet of gross floor area
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Print shop	1 space per 300 square feet of gross floor area
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Self storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area

Use	Parking Regulations
Solid waste transfer station	1 space per employee
Storage/wholesale warehouse, light	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Theater (outdoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (no outside storage)	1 space for every 200 square feet of floor area
Tobacco sales	1 space per 200 square feet of gross floor area
Trailer rental	1 space per 200 square feet of gross floor area
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area
Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated
Vendor, stationary	1 space per 200 square feet of gross floor area
Veterinarian clinic (with or without outside pens)	1 space per 200 square feet of gross floor area

(e) Development requirements.

Minimum lot area:	2,500 square feet
Minimum lot width:	50 feet
Minimum lot depth:	50 linear feet
Minimum front yard:	25/35 linear feet ¹
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet, shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	NA
Height:	55 linear feet ²

¹ The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

² No building shall exceed 55 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

- (f) Screening devices. In the event that the RC district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry or wood wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.
- (g) Masonry requirements.
- (1) All single-story buildings hereafter constructed or placed in the RC district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.
 - (2) All buildings having more than a single story hereafter constructed or placed in the RC district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.
 - (3) All additions hereafter constructed to buildings in the RC district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-31. CF Commerce flex district.

- (a) Purpose. The CF district permits and regulates those uses of the land that cause the manufacturing, assembly, processing, storage, distribution, sale or repair of materials, goods, parts, products, equipment, machinery, and other such operations incidental to industrial uses. This district is intended to allow certain storage, wholesale and industrial uses such as the fabrication of materials and specialized manufacturing and research institutions. Clean and quiet flex-space development that takes advantage of convenient access to Highways I-35 and US 67 is highly encouraged. All uses in the CF district must be compatible with surrounding uses so as not to adversely affect the use, development or enjoyment of surrounding properties.
- (b) Permitted uses and parking regulations. In the CF district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Advertising displays manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Amusement, commercial (outdoor)	1 space for every 1,000 square feet of gross floor area
Apparel and other products assembled from finished textiles	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Arts, crafts store (outdoor sales)	1 space for every 200 square feet of floor area or
Auto laundry	1 space per 200 square feet of floor space
Auto leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Auto paint and body shop	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto parts sales (inside or outside)	1 space for every 200 square feet of floor area
Auto repair, major	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto storage	1 space per employee, plus 1 space per vehicle to be stored
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Bakery and confectionery, commercial	1 space per 300 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

Use	Parking Regulations
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Boat sales and storage	1 space per 300 square feet of gross floor area
Boats, building or repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bookbinding, except hand binding	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Bottling works	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Bowling alley	6 spaces for each lane
Brooms or brushes, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Building materials (inside or outside storage)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Building materials, hardware (inside or outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Bus terminal	1 space per intended user
Business service	1 space per 300 square feet of gross floor area
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cameras or other photographic equipment	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Carpet manufacturing or cleaning	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Carwash	1 space per employee
Ceramics, stone, glass, marble or porcelain products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
Cleaning and dyeing; dry cleaning plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Contractor's shop and storage yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Cosmetic manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Country club (private)	1 space for each 250 square feet of gross floor area or for every 5 members, whichever is greater
Dance hall	1 space per 100 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical appliances, supplies, and machinery, assembly or manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Electronic products, assembly	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Farm seed and/or fertilizer sales/storage (inside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Farm, ranch, or orchard	1 space per employee
Feed and farm supply (inside or outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee

Use	Parking Regulation
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Food store; grocery store	1 space per 300 square feet of gross floor area
Fraternal organization, lodge	1.25 spaces per 200 square feet
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Fur good manufacturing (not including tanning and dyeing)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture and upholstery manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Garden center (retail sales)	1 space per 200 square feet of gross floor area
Gas metering station	1 space per employee
General commercial plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
General manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Glass products	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Golf course	Minimum of 30 spaces

Use	Parking Regulations
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Hatchery	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Heliport or helistop	1 space if located on the ground
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Household appliance products assembly and manufacturing from prefabricated parts	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ice production, dry or natural	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Industrial park	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Jute, hemp, sisal or oakum products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Kennel (with or without outside pens)	1 space per 200 square feet of floor area
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laboratory, scientific or research	1 space per 300 square feet of gross floor area
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Laundry plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Light manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Mattress manufacturing or renovation	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Metal dealer, secondhand	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Mobile food vendor	0 spaces
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Musical instrument manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Newspaper printing	1 space per 300 square feet of gross floor area
Nonprofit animal shelter	1 space per 200 square feet of floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Orthopedic or medical appliance manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Plumbing service	1 space per 300 square feet of gross floor area
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Portable building sales	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Quick oil change facility	1 space per employee
Quick tune-up facility	1 space per employee
Racquetball facilities	4 spaces for each court
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel
Railroad team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service yards of government agency	1 space per employee
Service, retail	1 space per 200 square feet of gross floor area
Sewage pumping station	0 spaces
Sexually oriented business	1 space per 200 square feet of gross floor area
Shops, office and/or storage area of public or private utility	1 space per employee

Use	Parking Regulations
Sporting and athletic equipment manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Storage/wholesale warehouse, light	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Telephone exchange	1 space per employee
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Telephone line	0 spaces
Theater (indoor or outdoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with or without outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Tools or hardware manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Toys and novelty products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Trailer rental	1 space per 200 square feet of gross floor area
Transit station or turnaround	1 space per intended user
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area
Truck and bus repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated

Use	Parking Regulation
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Veterinarian clinic (with or without outside pens)	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee
Window shade, awnings, venetian blind manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

(c) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

- (1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
 - a. Off-street parking of motor vehicles in operable condition;
 - b. Off-street loading;
 - c. Permitted display of merchandise for sale to the public; and
 - d. Establishments of the drive-in type.
- (2) The first 15 feet of the required front yard setback, measured from the property line shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.
- (3) No loading or storage of material or products shall be permitted in the required front yard.
- (4) Pedestrian walkways shall be provided along the perimeter of the building (where feasible) and connect to walkways, sidewalks, and/or trails within the development.

(d) Specific uses. The following specific uses are allowed in the CF district when authorized by the provisions of section 42-45:

Use	Parking Regulations
Arcade	1 space for every 200 square feet of floor area
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto wrecking yard or junkyard	1 space for every 1,000 square feet of floor area
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Brick, tile, pottery or terra-cotta manufacturing, other than handcraft	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Coal, coke or wood yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community home	1 space per employee to be occupying the building
Concrete, asphalt batching plant (permanent)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Custom personal service shop	1 space per 200 square feet of gross floor area
Dairy products processing, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drugs or pharmaceutical products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Dyestuff manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electric power generating plant	1 space per employee
Electronic products, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Factory outlet retail or wholesale store on same premises as manufacturing company	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Farm seed and/or fertilizer sales/storage (outside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Florist	1 space per 300 square feet of gross floor area
Food products processing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Mill (grain, flour, food products)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Oil field service	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Oilcloth or linoleum manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Paint, oil, shellac, turpentine or varnish manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Pawn shop	1 space per 300 square feet of gross floor area
Petroleum products, sales (wholesale)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Plastic products manufacturing (not including processing of raw materials)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Racetrack	1 space for every 4 seats or bench seating
Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses	1 space per employee
Rodeo arena and grounds	1 space for every 4 seats or bench seating
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Self-storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area
Servant's, caretaker's or guard's residence	1 space per unit
Sewage treatment plant	1 space per employee
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area

Use	Parking Regulations
Solid waste transfer station	1 space per employee
Solid waste transfer station	1 space per employee
Storage/wholesale warehouse, heavy	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial or private	1 space for each 100 square feet of gross water surface and deck area
Taxidermist	1 space per 200 square feet of gross floor area
Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Vendor, stationary	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area

(c) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	A 25-foot front yard is required except that a front yard of not less than 50 feet shall be provided upon that portion of a lot abutting a residential or commercial use or district (other than industrial).
Minimum side yard:	No side yard is required except that a side yard or a side street yard of not less than 25 feet in width shall be provided on the side of the lot abutting a residential or commercial use or district (other than industrial).
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 50 feet in depth shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	NA
Height:	45 linear feet ¹

¹ No building shall exceed 45 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

- (f) Screening devices. In the event that the CF district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry wall shall be constructed on the nonresidential property adjacent to the common property line with any residential use or district. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the manufacturing/industrial use by the owner of the property.
- (g) Masonry requirements.
- (1) All single-story buildings hereafter constructed or placed in this district shall have at least 75 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.
 - (2) All buildings having more than a single story hereafter constructed or placed in the district shall have at least 50 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.
 - (3) All additions hereafter constructed to buildings in this district shall have at least 50 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.
- (h) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the CF district.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2023-0016 adopted 7/17/2023; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-32. IND Industrial district.

- (a) Purpose. The IND district is designed to accommodate most industrial uses and is the most intensive zoning classification within the city. This district is intended for those uses that without proper regulation would manifest clear negative impacts on surrounding land uses and as such must be sited to avoid environmental degradation.
- (b) Permitted uses and parking regulations. In the IND district, no building or land shall be used and no building shall be hereafter erected or placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Acetylene gas manufacturing or storage	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Acid manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Advertising displays manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Alcohol manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ammonia, bleach or chlorine manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Apparel and other products assembled from finished textiles	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Arsenal	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Asphalt manufacturing or refining	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Auto paint and body shop	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto storage	1 space per employee, plus 1 space per vehicle to be stored
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Bag cleaning	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Bakery and confectionery, commercial	1 space per 300 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Blast furnace	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Boats, building or repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Boiler works	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Bookbinding, except hand binding	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Bottling works	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Brick, tile, pottery or terra-cotta manufacturing, other than handcraft	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Brooms or brushes, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Building materials (inside or outside storage)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Building materials, hardware (outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Business service	1 space per 300 square feet of gross floor area
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cameras or other photographic equipment	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Carpet manufacturing or cleaning	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Celluloid manufacturing or treatment	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Cement, lime, gypsum or plaster of Paris manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ceramics, stone, glass, marble or porcelain products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
Cleaning and dyeing; dry cleaning plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Coal, coke or wood yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Contractor's shop and storage yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Cosmetic manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Cotton seed oil manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Dairy products processing, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Dance hall	1 space per 100 square feet of gross floor area
Disinfectant manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Distillation of bones, coal or wood	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Drugs or pharmaceutical products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Dyestuff manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electric power generating plant	1 space per employee
Electrical appliances, supplies, and machinery, assembly or manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electrical substation	1 space per employee

Use	Parking Regulations
Electrical transmission line	0 spaces
Electronic products, assembly	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Electronic products, manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Emery cloth and sandpaper manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Farm seed and/or fertilizer sales/storage (inside or outside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Farm, ranch, or orchard	1 space per employee
Fat rendering	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Feed and farm supply (inside or outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee
Fish smoking and curing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Food products processing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Food store; grocery store	1 space per 300 square feet of gross floor area
Forge plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Foundry (iron, steel, brass or copper)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Fur good manufacturing (not including tanning and dyeing)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture and upholstery manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Gas manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Gas metering station	1 space per employee

Use	Parking Regulations
General commercial plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
General manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Glass products	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Glue or gelatin manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Golf course	Minimum of 30 spaces
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Heliport or helistop	1 space if located on the ground
Household appliance products assembly and manufacturing from prefabricated parts	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ice production, dry or natural	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Industrial park	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Jute, hemp, sisal or oakum products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Laboratory, scientific or research	1 space per 300 square feet of gross floor area
Laundry plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Light manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Mattress manufacturing or renovation	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Meat processing/locker plant/frozen food products	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Metal dealer, secondhand	1 space per 300 square feet of gross floor area
Metal fabrication	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Mill (grain, flour, food products)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Mobile food vendor	0 spaces
Musical instrument manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Newspaper printing	1 space per 300 square feet of gross floor area
Nonprofit animal shelter	1 space per 200 square feet of floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil field service	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Oilcloth or linoleum manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Ore reduction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Orthopedic or medical appliance manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Paint, oil, shellac, turpentine or varnish manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Paper products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Petroleum products, bulk quantities	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Petroleum products, sales (wholesale)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Plastic products manufacturing (not including processing of raw materials)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Post office, government and private	1 space per 300 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee

Use	Parking Regulations
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel
Railroad team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
Scrap metal sales and storage	1 space for each 2 employees or 1 space per 1,000 square feet of gross floor area, whichever is greater
Scrap tire facility	1 space per employee
Service yards of government agency	1 space per employee
Sewage pumping station	0 spaces
Shops, office and/or storage area of public or private utility	1 space per employee
Solid waste transfer station	1 space per employee
Sporting and athletic equipment manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Steel fabrication	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Storage/wholesale warehouse, light or heavy	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Tire recapping, vulcanizing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Tire retreading and recapping	1 space per employee
Tools or hardware manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Toys and novelty products manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Transit station or turnaround	1 space per intended user
Truck and bus repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces

Use	Parking Regulations
Water treatment plant	1 space per employee
Window shade, awnings, venetian blind manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Yeast manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

(c) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

- (1) Except as provided below, every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yard. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
 - a. Off-street parking of motor vehicles in operable condition;
 - b. Off-street loading;
 - c. Permitted display of merchandise for sale to the public; and
 - d. Establishments of the drive-in type.
- (2) No loading or storage of material or products shall be permitted in the required front yard.
- (3) All uses permitted in the IND district must meet the following performance standards and any appropriate city ordinances:
 - a. Smoke. No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to smoke emission;
 - b. Particulate matter. No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - c. Dust, odor, gas, fumes, glare, or vibration. No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;
 - d. Radiation hazards and electrical disturbances. No operation shall be conducted unless it

conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;

- e. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise at the property line shall not exceed 75 dB(A) permitted for a maximum of 15 minutes in any one hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise; and
 - f. Water pollution. No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency.
- (4) The first 15 feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.
- (d) Specific uses. The following specific uses are allowed in the IND district when authorized by the board of adjustment under the provisions of section 42-45:

Use	Parking Regulations
Arcade	1 space for every 200 square feet of floor area
Auto parts sales (outside)	1 space for every 1,000 square feet of floor area
Auto repair, major or minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Auto wrecking yard or junkyard	1 space for every 1,000 square feet of floor area
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Chemical manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Concrete, asphalt batching plant (permanent)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Cotton gin	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Creosote treatment	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Explosive or fireworks manufacturing or storage	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Fertilizer manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Fiberglass manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Garbage, offal or dead animal reduction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

Use	Parking Regulations
Grain elevator	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Herbicide manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Insect poison manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Junkyard or salvage yard	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Livestock feed yards	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Mines and quarries	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Portable building sales	1 space per 300 square feet of gross floor area

Use	Parking Regulations
Self-storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area
Servant's, caretaker's or guard's residence	1 space per unit
Sewage treatment plant	1 space per employee
Shooting range, target range	1 space per employee plus 1 space for every 5,000 square feet of floor area
Tire dealer (with or without outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Trailer rental	1 space per 200 square feet of gross floor area
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area
Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Vendor, stationary	1 space per 200 square feet of gross floor area
Wrecking yard (junkyard or salvage yard)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater

- (e) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the IND district.
- (f) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 linear feet
Minimum lot depth:	80 linear feet

Minimum front yard:	A 25-foot front yard is required except that a front yard of not less than 50 feet shall be provided upon that portion of a lot abutting a residential or commercial use or district (other than industrial).
Minimum side yard:	No side yard is required except that a side yard or a side street yard of not less than 50 feet in width shall be provided on the side of the lot abutting a residential or commercial use or district (other than industrial).
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 50 feet in depth shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	NA
Height:	45 linear feet

- (g) Screening devices. In the event that the IND district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the manufacturing/industrial use by the owner of the property.
- (h) Masonry requirements.
- (1) All single-story buildings hereafter constructed or placed in the IND district shall have at least 75 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.
 - (2) All buildings having more than a single story hereafter constructed or placed in the IND district shall have at least 50 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.
 - (3) All additions hereafter constructed to buildings in the IND district shall have at least 50 percent of those exterior wall surfaces fronting a public street constructed of masonry and/or glass pane.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2023-0016 adopted 7/17/2023; Ordinance 2024-0001 adopted 1/22/2024)

§ 42-33. CBDX Central business district (X).

- (a) Purpose. The CBDX district is established to accommodate the unique characteristic of the historical center of the city and to ensure that future development in the CBDX district is compatible with maintaining the economic and historic integrity of the area. The Central Business District (X) is designed to provide an area for shopping, dining, working, residing, and entertainment which will remain active during evenings and weekends as well as standard work hours. Historically, the retail and cultural core of the city, the CBDX district includes the central downtown area of the city, extending from Patton Street to Atchley Street and from Spears Street

to Sparks Street. The CBDX is projected as a mixed-use district that will including residential, retail and commercial uses as set forth in this section. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No. [REDACTED] on [REDACTED], no additional rezoning applications will be considered for rezoning to this district. Any CBDX zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No. [REDACTED] on [REDACTED]. Any CBDX zoned property may also be considered for rezoning to a non-legacy district, not marked with an “X” in the district name.

- (b) Permitted uses and parking regulations. The CBDX allows commercial, retail and residential-above- retail/commercial uses. Where a residential use occurs above a retail or commercial use, the facade of the building should differentiate between the two uses with architectural features, e.g., different window designs, contrasting exterior surfaces, harmonizing colors or other subtle distinctions. The minimum area for a residential unit that is located over a commercial/retail/office use shall be 650 square feet. In the CBDX business district, no buildings or land shall be used or undertaken, and no buildings shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (inside sales)	1 space for every 200 square feet of floor area
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barbershop	1 space per 200 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bowling alley	6 spaces for each lane
Building materials, hardware sales (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Building materials, hardware sales (outside and inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Business service	1 space per 300 square feet of gross floor area
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Custom personal service shop	1 space per 200 square feet of gross floor area
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Florist	1 space per 300 square feet of gross floor area

Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
General merchandise indoor auction	1 space per 300 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Local utility distribution lines	0 spaces
Mobile food vendor	0 spaces
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Office center	1 space per 300 square feet of gross floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Personal service shop	1 space per 200 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service, retail	1 space per 200 square feet of gross floor area
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Theater (indoor)	1 space for each 4 seats or bench seating spaces

- (c) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the CBDX district.

- (d) Dimensional standards.

Minimum lot area:	1600'
Minimum lot width:	20'
Minimum lot depth:	80'
Minimum front yard:	Setback averaging ¹
Minimum side yard for interior unit:	0'
Minimum side yard not abutting street:	5'
Minimum side yard abutting residential street:	10'
Minimum side yard abutting collector or major street:	15'
Minimum rear yard setback adjacent to DT boundary properties:	10'
Max imperious coverage:	90%
Max density/acre:	8 DU/A
Max height:	45'
Notes: ¹ The proposed building shall be located within the range of existing primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range. On an interior lot, the range of setbacks is measured on the basis of the two closest lots in either direction along the block face. On a corner lot, the range of setbacks is measured on the basis of the three closest lots along the block face.	

- (e) Specific uses. The following specific uses are allowed in the CBDX district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Arcade	1 space for every 200 square feet of floor area
Arts, crafts store (outdoor sales)	1 space for every 200 square feet of floor area or
Bakery and confectionery, commercial	1 space per 300 square feet of gross floor area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.

Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Dance hall	1 space per 100 square feet of gross floor area
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Food store; grocery store	1 space per 300 square feet of gross floor area
Forge plant	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Foundry (iron, steel, brass or copper)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Glass products	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Metal fabrication	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Musical instrument manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

(f) Masonry requirements.

- (1) All single-story buildings hereafter constructed or placed in the CBDX district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (2) All buildings having more than a single story hereafter constructed or placed in the CBDX district

shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

- (3) All additions hereafter constructed to buildings in the CBDX district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

- (g) Signs. Projection signs may be erected in the CBDX in accordance with the requirements of this subsection. The horizontal portion of any projecting sign shall not be more than six feet in length measured from the building face and shall not be closer than two feet from the back of the curb line. The height of a projection sign shall not exceed four feet and shall be an integral part of the architectural design of the attached building. The vertical clearance of a projection sign shall be as shown below:

Vertical Clearance	Maximum Projection
7 feet or less	3 inches
7 - 8 feet	12 inches
8 feet or more	4 inches

Signs on commercial buildings should fit within existing features of the building's facade and not detract from or hide significant architectural details of the building. Sign styles common between the 1880's and 1950's are appropriate for the CBDX.

- (h) Architectural guidelines.

- (1) New development sites within the CBDX shall not be permitted unless integrated with other historic buildings within the area to maintain the functional and visual appearance of the historic architectural style.
- (2) Buildings within the CBDX shall be oriented toward the streets and pedestrian traffic in order to create a cohesive, pedestrian-oriented development plan. Building fronts and sidewalks may also be maintained for outdoor uses such as cafes, restaurant seating, street side seating, etc. Parking areas may be located in the front or rear of buildings to improve the overall appearance of the development from the street.
- (3) New development/renovation in the CBDX may incorporate design elements dating from the 1800's and early 1900's. Retail uses are preferred with parking in common areas. Roof lines featuring parapets, articulated cornice line, articulated ground floor levels, and strong corner treatments are a few of the design options. Exterior finishes should utilize the classic base colors of the state environment, e.g., tan, ochre, beige and terra-cotta.
- (4) A high quality durable base material, such as terra-cotta, natural stone, cast stone, clay fired tile, or other approved masonry material, is suggested for building facades abutting the sidewalk. The base should be a minimum of 18 inches in height and appropriately proportioned and detailed for the facade of the building.

- (i) Design. A minimum of three of the following elements must be incorporated in the design of a new or refurbished building in the CBDX:

- (1) Overhangs.
- (2) Cornices.
- (3) String courses.
- (4) Peaked roof forms.

- (5) Arches.
 - (6) Lintels.
 - (7) Pilasters.
 - (8) Rustication.
 - (9) Canopies.
 - (10) Awnings or porticos.
 - (11) Outdoor patios.
 - (j) Pedestrian circulation requirements. Each lot within the CBDX must provide on-site pedestrian facilities or public plazas or spaces that encourage pedestrian traffic on and to adjacent properties.
 - (k) Street furnishings and lighting. Private new developments and expansions to existing developments within the CBDX shall coordinate the selection and installation of street furniture and lighting in accordance with the standards approved by the city for the public areas adjacent to streets, in order to maintain design continuity.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2022-004, sec. 1, adopted 3/21/2022; Ordinance 2024-0018 adopted 9/16/2024)

§ 42-34. INSX Institutional district (X).

Purpose. The INSX district is an overlay zone that is intended to provide for uses of a generally noncommercial institutional and/or group quarters character. Such uses typically involve densities or arrangements which are not permitted by right in low and medium density residential areas but which often have residential characteristics or have symbiotic relationships with residential neighborhoods. The INSX district is approved as a prefix on other zoning districts to allow in appropriate circumstances for institutional type uses that are typically regulated by state or federal law. This district is a legacy district that is not intended to be added to or expanded. Effective upon the adoption of Ordinance No. [REDACTED] on [REDACTED], no additional rezoning applications will be considered for rezoning to this district. Any INSX zoned property may continue to operate as configured in accordance with the regulations applicable prior to the adoption of Ordinance No. [REDACTED] on [REDACTED]. Any INSX zoned property may also be considered for rezoning to a non-legacy district, not marked with an “X” in the district name.

- (a) Permitted uses and parking regulations. When a zoning district is overlaid with the INSX institutional prefix, buildings or land may be used for the following uses, in addition to those uses allowed in the underlying zoning district:

(b)

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Assisted living facility	1 space per employee to be occupying the building
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.

College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Dormitory	1 space for each 2 beds
Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Garage, private	1 space per employee to be occupying the garage
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Local utility distribution lines	0 spaces
Mobile food vendor	0 spaces
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Retirement housing	1 space for each 6 beds per unit
Rodeo arena and grounds	1 space for every 4 seats or bench seating
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area

School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Sewage pumping station	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

- (c) Specific uses. The following specific uses are allowed in the INSX district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Boarding home facility	1 space per employee to be occupying the building
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Community home	1 space per employee to be occupying the building
Electrical substation	1 space per employee
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Gas metering station	1 space per employee
Heliport or helistop	1 space if located on the ground
Household care facility	1 space per employee
Household care institution	1 space per employee
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee

Racetrack	1 space for every 4 seats or bench seating
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Vendor, stationary	1 space per 200 square feet of gross floor area

- (d) Site plan required. A site plan, meeting the requirements of section 42-56, site plan requirements, shall be required for each development application for any permitted use in the INSX district.
- (e) Development requirements.

Minimum lot area:	None
Minimum lot width:	60 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet ¹
Minimum side yard:	Footnote [sic] 13/10/15 linear feet ²
Minimum rear yard:	Footnote [sic] 18
Maximum ground coverage:	None
Maximum density per acre:	NA
Height:	35 linear feet
¹ The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street. ² The first number in the column is the required setback for a side yard not abutting a street; the second number is the required setback for a side yard abutting a residential street; the third number is the required setback for a side yard abutting a collector or major street.	

- (f) Development criteria. Unless otherwise specifically provided in this section, every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
- (1) Off-street parking of motor vehicles in operable condition;
 - (2) Off-street loading; and
 - (3) Permitted display of merchandise for sale to the public.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-35. PD Planned development district.

- (a) Purpose. The PD district is intended to permit flexibility and encourage a more creative, efficient, and aesthetically desirable design and placement of buildings, open spaces and circulation patterns, and to best utilize special site features such as topography, size and shape. It is intended that the flexibility permitted by this zoning category extends to discretionary approval, in conjunction with development plan review, not limited to, but including such requirements as those relating to parking, building setbacks, square footage of buildings and structures, protective screening, sign placement, and other specifications in order to achieve the purposes and objectives stated in conformance with good planning practices. The PD district allows for combining and mixing of uses allowed in various zoning districts with appropriate regulations to govern the development of specific sites. The PD district may be a prefix to other zoning districts or a separate zoning district approved for a particular development.
- (b) Base zoning. PD districts shall have base zoning, of one or more straight zoning district(s) of this article, that correspond with the concept plan, development standards, and other potential exhibits and studies.
- (c) Permitted uses. The uses to be permitted in any PD district shall be consistent with the uses permitted in the base zoning district(s) as specified, unless otherwise enumerated in the PD district's development standards. The city council may approve any use or combination of uses in a PD district that are proposed to be developed under development controlled conditions designed to assure quality development and meet the purposes and requirements of this section. In reviewing an application for a PD district, the planning and zoning commission shall consider the nature and described performance of the proposed use and shall transmit its findings and recommendations to the city council.
- (d) 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) When a PD district is approved as a prefix to another zoning district, the particular district to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this chapter.
 - (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 of deviations in each district and a general statement citing the reason for the PD request.
 - (4) The PD district shall conform to all other sections of this chapter, unless specifically exempted in the granting ordinance.
- (e) Design. PD districts shall provide design and standards consistent with the following:
 - (1) Where development is adjacent to or has floodplains and/or large easements included, they shall be activated with a minimum eight-foot wide trail, a minimum of one trailhead, and off-spots spaced at a minimum of every quarter mile.
 - (2) PD districts shall include activated open spaces or parks that provide a park or activated open space within a quarter mile of each proposed dwelling unit. Golf courses, parks, and public open space areas near the PD district can assist in meeting the quarter mile walk shed requirement. Low-impact passive uses shall be permitted to meet the quarter mile walk shed requirement and include conservation of open land in its natural state (for

example, woodland, fallow field, or meadow), neighborhood squares, common areas, picnic areas, community gardens, walking trails, bikeways, other kinds of pathways, and similar low-impact passive recreational uses. Active recreation uses shall also be permitted (and are encouraged) to meet the requirement and include recreational playing fields, playgrounds, pickleball courts, neighborhood pools, and clubhouse structures. Each activated open space or park shall include, at minimum the following:

- a. One shaded bench, water fountain, trash receptacle, and a path that connects to a public sidewalk.
- b. For developments 10 acres or larger, a minimum of one playground to include play or recreation equipment shall be provided each half mile.
- c. Areas consistent with or similar to the following shall not be utilized to meet the quarter mile walk shed requirement:

Land areas reserved for the exclusive use and benefit of an individual owner or tenant;

Public or private street right-of-way, parkways, alleys, driveways, parking or loading areas;

Religious institutions or private school sites; or

Street medians or islands.

- d. The maximum amount of activated amenity used to meet the quarter mile walk shed requirement for stormwater detention or retention purposes shall not exceed twenty-five [percent] (25%) of the activated amenity area. If the activated amenity area contains a retention pond, the pond shall include at least one (1) aeration device, such as a fountain, waterfall or underwater device.
- e. Activated amenity areas adjacent to street rights-of-way shall be a minimum depth of twenty five (25) feet and shall be landscaped to include the retention or planting of one (1) three inch (3") caliper tree per each fifty (50) feet of street frontage, which may be clustered or distributed within the activated amenity area.

- (f) Conceptual and development plans. In establishing a PD district, the city council shall approve as part of the granting ordinance appropriate plans and standards for each PD district. During the review and public hearing process, the city council shall require a conceptual plan and a development plan (or detailed site plan).

- (1) Conceptual plan. This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed 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, streets, and preliminary plotting arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.
- 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, 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. After approval of a conceptual plan by the city council, 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 zoning administrator. 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 after a recommendation of the planning and zoning commission. A public hearing on approval of the development plan shall be required at the council level, unless such a hearing is waived pursuant to section 42-56 at the time of conceptual plan approval in the original granting 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 flood-prone areas.
 - b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location 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 PD district shall follow the procedure for zoning amendments as set forth in section 42-96. This procedure is expanded as follows for approval of conceptual and development plans.
- a. An application for a PD district shall be made to the planning and zoning commission in the same manner as an application for a zoning change. The application shall include and be accompanied by a conceptual plan, development standards, parks and amenity exhibit, and all other applicable exhibits/plans.

- b. Separate public hearings shall be held by the planning and zoning commission and 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:
 - 1. The applicant submits adequate data with the request for the PD district to fulfill the requirements for both plans; or
 - 2. 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
 - 3. The requirement is waived at the time the granting ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the granting ordinance.
- c. The ordinance establishing the planned development district shall not be approved until the conceptual plan is approved. The conceptual plan shall become a part of the granting ordinance.
- d. The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the planning and zoning commission and city council for the initial and subsequent sections will be required.
- e. An initial development plan shall be submitted for approval within six months from the approval of the PD ordinance. If the development plan is not submitted within six months, the conceptual plan is subject to reapproval by the city council. If the entire project is not completed within two years, the city council may review the original conceptual plan to ensure its continued validity.
- f. Regardless of whether the public hearing is waived for the development plan, approval by the city council is still required.
- (g) 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.
- (h) Planned developments to be recorded. All PD districts approved in accordance with the provisions of this chapter shall be referenced on the zoning map, and a list of such PD districts, together with the category of uses permitted therein, shall be maintained in an appendix attached to the zoning ordinance from which this division is derived.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-36. FN Floodplain and nature district.

- (a) Purpose. The FN district is intended to manage land use within identified flood hazard areas in a manner that protects public safety, preserves natural floodplain functions, and minimizes flood-related damages.
- (b) Permitted uses and parking regulations. In the FN zoning district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Bridle, bicycle or nature trail	0 spaces required

Electrical substation	1 space per employee
Local utilities (all types, including those requiring specific use permits)	1 space per employee
Parks, playgrounds, public golf courses (no structures), and other recreational areas	1 space per acre plus a minimum of 30 spaces for golf courses
Private open space as a part of a planned residential development	0 spaces required
Structures, installations and facilities for flood control purposes	1 space per employee

(c) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 feet
Minimum lot depth:	80 feet
Minimum front yard:	20 feet
Minimum side yard:	10 feet
Minimum rear yard:	10 feet
Maximum ground coverage:	30 percent
Maximum density per acre:	None
Height:	20 feet

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-37. TH Townhome Residential district.

- (a) Purpose. The TH district is established to provide adequate space for medium density, single-family attached type residential development, on lots of not less than 1,600 square feet.
- (b) Primary uses allowed. In the TH district, no building or land shall be used and no building constructed, reconstructed, altered or enlarged, unless otherwise provided in this section, except for one or more of the following uses:

Use	Parking Regulations
Accessory building to main use	0 spaces
Carport	0 spaces
Concrete, asphalt batching plant (allowed only on a temporary basis in a new subdivision composed of no less than 100 lots, to cease upon completion and dedication of the streets)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Electrical transmission line	0 spaces
Greenhouse or plant nursery, noncommercial	1 space per employee
Home occupation	0 spaces

Local utility distribution lines	0 spaces
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Private open space as a part of a planned residential development	0 spaces required
Railroad track and right-of-way	1 space per employee
Sewage pumping station	0 spaces
Single-family dwelling, detached	2 spaces per unit
Swimming pool, private	0 spaces
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Water pumping station or well	0 spaces

(b.1) Development requirements.

Minimum lot area:	1,600 square feet
Minimum lot width:	20 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	15/25 linear feet ¹
Minimum side yard:	0/5/10/15 linear feet ²
Minimum rear yard:	10/25 linear feet ³
Maximum ground coverage:	60
Height:	35 vertical feet

¹ The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

² The first number in the column is the required setback for a side yard for an interior unit, the second number is the required setback for a side yard not abutting a street; the third number is the required setback for a side yard abutting a residential street; the fourth number is the required setback for a side yard abutting a collector or major street.

³ A one-story wing or extension may be built to within 10 feet of the rear lot line.

(c) Special construction requirements.

- (1) All outside walls of the ground floor of every residential structure shall be constructed of 100 percent masonry, masonry-type products, and/or glass. It is provided, however, that up to, but not exceeding, 20 percent of the outside walls may be covered or constructed of other materials for decorative, architectural or other design purposes. Such other material shall be impervious material that is required for outside walls by the residential building code mandated by the state and the ordinances of the city.
- (2) Applicability of regulations. These construction requirements shall apply to all the following:
 - a. Newly constructed houses.
 - b. Houses moved into or within the city from a previous location.
- (3) Attic space. All residential structures must have at least six feet of attic space from the

attic floor to the highest point of the attic framing.

(d) Landscaping. Landscaping shall be in compliance with section 42-834.

(e) Parking. Parking shall be in compliance with Article III—Stopping, Standing and Parking.
(Ordinance 2016-010, sec. 1, adopted 5/16/2016)

§ 42-38. DT Downtown overlay district.

- (a) Purpose. The downtown overlay district is established to safeguard the core of downtown Alvarado and ensure that any new development is compatible with existing development and also reflects a historic character, is functional, and has organized design. The overlay district is intended to provide a framework for the thoughtful consideration of development and redevelopment, while preserving the downtown area's unique assets and character. Any regulations not mentioned within the overlay district shall default to the underlying zoning district. When there is a conflict, the most restrictive regulations shall apply.
- (b) Permitted uses and parking regulations. Within the overlay district encompassing the core of downtown Alvarado, the use and development of buildings and land shall adhere to standards contained herein. No buildings or land shall be used, and no buildings shall be erected, placed, reconstructed, altered, or enlarged, unless otherwise provided herein. Permitted uses include those as specified in the permitted uses and parking requirements table below. Minimum residential unit sizes shall be controlled only by the building code (outside any dimensional standards for lots and structures for any use contained herein). All buildings within the overlay district must harmonize with the downtown character through thoughtful design and architectural features that integrate development harmoniously. In cases where regulations from the underlying zoning districts conflict, the most restrictive requirement shall apply to ensure consistency and preserve the cohesive character of the area. Any land use within the below table that requires a specific use permit (S) shall only be permitted under the provisions of articles III and V of Alvarado's zoning ordinance, as applicable; except that the specific use permit application fee shall be waived for such requests within the downtown overlay district.

Use	Downtown Overlay	Minimum Parking Spaces Required
Accessory building to main use	S	
Amusement, commercial (indoor or outdoor)	S	None
Antique shop	P	None
Arcade	S	None
Arts, crafts store (inside sales)	P	None
Arts, crafts store (outdoor sales)	S	None
Assisted living facility		
Auto laundry		
Auto parts sales (inside)		
Auto repair, minor		
Automobile and trailer sales area, new or used		
Automobile service station (no garage or automobile repair facilities)	S	None
Bakery and confectionary, commercial	S	None

Bakery and confectionary, retail sales	P	None
Bank, savings and loan, credit union	S	None
Bar, tavern, nightclub	S	None
Barber school or college		
Barbershop	P	None
Beauty culture school; cosmetology spec. shop		
Beauty shop	P	None
Bed and breakfast inn	S	None
Boarding home facility	S	None
Boat sales and storage		
Bowling alley	S	None
Use	Downtown Overlay	Minimum Parking Spaces Required
Building materials, hardware (inside storage)	S	None
Building materials, hardware (outside storage)		
Business service	P	None
Cabinet and upholstery shop		
Candle manufacturing	S	None
Carport	P	None
Carwash		
Cemetery or mausoleum	S	None
Child-care center	S	None
Church, rectory, place of worship	P	None
Civic center	P	None
Cleaning and dyeing, small shop		
Clinic, medical or dental	S	None
College or university		
Community center, private	S	None
Community center, public	S	None
Community home	S	None
Concrete, asphalt batching plant (allowed only on a temporary basis in a new subdivision composed of no less than 100 lots, to cease upon completion and dedication of the streets)		
Concrete, asphalt batching plant (temporary)		
Construction yard (temporary)		
Convenience store	S	None
Country club (private)		

Custom personal service shop	P	None
Dance hall	S	None
Discount, variety, or department store of not greater than 20,000 square feet floor space	S	None
Dormitory		
Drapery, needlework, or weaving shop	P	None
Electrical substation	S	None
Electrical transmission line	S	None
Exhibition area	S	None

Use	Downtown Overlay	Minimum Parking Spaces Required
Fairgrounds	S	None
Farm, ranch, or orchard		
Feed and farm supply (inside sales/storage)		
Field or sales office, temporary	S	None
Florist	P	None
Food store; grocery store with floor space not greater than 20,000 square feet	S	None
Forge plant		
Foundry (iron, steel, brass or copper)		
Fraternal organization, lodge		
Fraternal organization, lodge or civic club		
Furniture, appliance store	S	None
Garage, private		
Garden center (retail sales)	S	None
Gas metering station	S	None
General merchandise indoor auction		
General merchandise store	P	None
Glass products		
Golf course		
Golf driving range		
Greenhouse or plant nursery, commercial		
Greenhouse or plant nursery, noncommercial		
Guest house	S	None
Gymnastic or dance studio	S	None
Handcraft shop	P	None
Health club; gymnasium	S	None
Heliport or helistop		
Home occupation	P	None
Hospital (acute care)		
Hospital (chronic care); long-term health care facility		
Hotel, motel, motor hotel, or motor lodge	S	None
Household care facility		

Use	Downtown Overlay	Minimum Parking Spaces Required
Household care institution		
Kennel (no outside pens)		
Laboratory, medical or dental		
Laundry and cleaning, commercial		
Library	P	None
Local utility distribution lines	P	None
Medical supplies, sales and service		
Metal dealer, crafted precious	S	None
Metal fabrication		
Mobile food vendor	S	None
Mortuary or funeral home		
Motorcycle sales and service		
Museum or art gallery	P	None
Musical instrument manufacturing		
Nonprofit animal shelter		
Nursery school, kindergarten	S	None
Office center	S	None
Office, professional or general administrative	S	None
Office-showroom/warehouse		
Oil, gas, other mineral extraction		
Park, playground or recreation center (private)	S	None
Park, playground or recreation center (public)	S	None
Parking lot or parking garage, automobile	S	None
Personal service shop	S	None
Pet shop		
Pharmacy		
Post office, government and private		
Print shop	S	None
Prison, jail or place of incarceration		
Private open space as a part of a planned residential development	P	None

Use	Downtown Overlay	Minimum Parking Spaces Required
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	S	None
Racetrack		
Racquetball facilities		
Radio, TV or microwave operation, amateur. (See further regulations in section 42-55(i))	S	None
Railroad track and right-of-way	S	None
Registered family home	S	None
Residence hotel		
Restaurant or cafeteria, with drive-in or drive-through service		
Restaurant or cafeteria, without drive-in or drive-through service	P	None
Retirement housing	S	None
Rodeo arena and grounds		
School, commercial		
School, private (primary and/or secondary)		
School, public (primary and/or secondary)		
School, trade	S	None
School, trade or commercial	S	None
Second hand store, furniture/clothing	S	None
Servant's, caretaker's or guard's residence	S	None
Service yards of government agency	S	None
Service, retail	S	None
Sewage pumping station	S	None
Sewage treatment plant		
Shooting range, target range		
Shopping center	S	None
Single-family dwelling, attached		
Single-family dwelling, detached	S	None
Stadium or playfield		
Studio (photographer, musician, artist)	P	None

Use	Downtown Overlay	Minimum Parking Spaces Required
Studio for radio and television		
Swimming pool, commercial	S	None
Swimming pool, private	S	None
Tanning salon		
Tattoo parlor/body piercing studio	S	None
Taxidermist		
Telephone exchange		
Telephone line	P	None
Theater (indoor)	S	None
Tire dealer (with outside storage)		
Tobacco sales		
Tool rental shop		
Townhouse or row dwelling	S	None
Transit station or turnaround	S	None
Two-family dwelling	S	None
Vendor, stationary	S	None
Veterinarian clinic (no outside pens)		
Washateria		
Water pumping station or well	S	None
Water storage, elevated	S	None
Water storage, ground		
Water treatment plant	S	None
Zero lot line house		

- (c) Shipping, Conex, and cargo containers. Shipping containers, Conex boxes, cargo containers, and like containers are limited to three days within any 30-day period throughout the downtown overlay district.

- (d) Dimensional standards.

Minimum lot area:	1600'
Minimum lot width:	20'
Minimum lot depth:	80'
Minimum front yard:	Setback averaging ¹

Minimum side yard for interior unit:	0'
Minimum side yard not abutting street:	5'
Minimum side yard abutting residential street:	10'
Minimum side yard abutting collector or major street:	15'
Minimum rear yard setback adjacent to overlay boundary properties:	10'
Minimum rear yard setback adjacent to overlay boundary properties:	25'
Max impervious coverage:	90%
Max density/acre:	8 DU/A
Max height:	45'
Notes: ¹ The proposed building shall be located within the range of existing primary street setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range. On an interior lot, the range of setbacks is measured on the basis of the two closest lots in either direction along the block face. On a corner lot, the range of setbacks is measured on the basis of the three closest lots along the block face.	

(e) Masonry requirements.

- (1) Masonry shall mean and include that form of construction defined below and composed of brick, stone, granite, marble, stucco (three-step hard coat), and exterior insulation finish systems (EIFS).
- (2) All single-story buildings hereafter constructed or placed in the overlay district shall have at least 75% of their front exterior wall surface constructed of masonry and/or glass pane.
- (3) All buildings having more than a single-story hereafter constructed or placed in the overlay district shall have at least 50% of their front exterior wall surface constructed of masonry and/or glass pane.
- (4) All additions hereafter constructed to buildings in the overlay district shall have at least 50% of their front exterior wall surface, if any, constructed of masonry and/or glass pane.

(f) Architectural guidelines.

- (1) New development sites, signage, and other structural elements within the overlay district shall not be permitted unless architecturally consistent with other historic buildings within the area to maintain the functional and visual appearance of the historic architectural style.
- (2) Buildings within the overlay district shall be oriented toward the street in order to create a cohesive, pedestrian-oriented development plan. Front building facades and sidewalks may be utilized for outdoor uses such as cafes, restaurant seating, street-side seating, etc., provided these uses do not obstruct pedestrian movement or disrupt the streetscape's aesthetic continuity. Parking areas shall be located primarily in the rear of buildings to preserve the visual integrity of the streetscape and minimize disruptions to the pedestrian environment.

- (3) New development/renovation in the overlay district shall incorporate design elements dating from the 1800's and early 1900's. Retail uses are preferred with parking in common areas. Roof lines featuring parapets, articulated cornice line, articulated ground floor levels, and strong corner treatments are a few of the design options. Exterior finishes should utilize the classic base colors of the natural environment, e.g., tan, ochre, beige, and terra cotta.
 - (4) A high quality durable base material, such as terra cotta, natural stone, cast stone, clay fired tile, or other approved masonry material is suggested for front building facades abutting the sidewalk. The base should be a minimum of 18 inches in height and appropriately proportioned and detailed for the front facade of the building.
- (g) Design. A minimum of three of the following elements must be incorporated in the design of a new or refurbished building in the overlay district:
- (1) Overhangs.
 - (2) Cornices.
 - (3) String courses.
 - (4) Peaked roof forms.
 - (5) Arches.
 - (6) Lintels.
 - (7) Pilasters.
 - (8) Rustication.
 - (9) Canopies.
 - (10) Awnings or porticos.
 - (11) Outdoor patios.
- (h) Window transparency. The following transparency standards apply to building facades to ensure visibility and engagement at the street level:
- (1) Transparency percentages refer to the area of clear, unobstructed glass that allows views into the building interior.
 - (2) Reflective, mirrored, or opaque treatments that obstruct visibility shall not qualify as transparent.
 - (3) The remaining window area may be used for signage, decorative elements, or illustrative graphics, provided they do not obstruct transparency minimums.

Level	Minimum Transparency Requirement
Floor 1	65%
Floor 2	30%

- (i) Signage. The types of signage listed in the table below shall be permitted within the overlay district,

provided all applicable requirements of this section are met.

- (1) Any permanent signage not explicitly listed herein shall be prohibited within the overlay district.
- (2) All permitted signage shall comply with the size, placement, design, and operational standards established by this section.
- (3) Any sign authorized by this section is allowed to contain a noncommercial message in place of any other authorized message.

Sign Regulation/Sign Type	Permit Required	Maximum Gross Surface Area (sq. ft.)	Sign Height	Number of Signs	Setback	Spacing of Signs
Wall	Yes	25% of wall	Attached to structure and not to exceed the roofline	One sign for each exterior wall; not to exceed four in total	—	—
Ground	Yes	Off-premises 150'; on-premises 300'	Off-premises 20' On-premises 25' 10' from bottom of sign to ground. [sic] On-premises signs on property with 1-35 or Hwy 67 frontage 70'	One for each premises, or for each street frontage	10' (any portion of the sign)	100' separation from adjacent ground sign on each premises. Minimum of 50' on adjacent premises
Wall—Residential	Yes	1'	Attached to structure and not to exceed the roofline	One sign for each exterior wall; not to exceed four in total.	—	—
Canopy, marquee or projection	Yes	50% of canopy, marquee or projection	—	One for each premises, or for each street frontage	—	—
Window	No	See window transparency standard listed in (g) above	—	—	—	—

Monument	Yes	Off-premises 150'; on-premises 300'	8 feet	One for each premises (multitenant sites see § 30-12)	10' (any portion of the sign)	No restrictions
Nameplate	No	5 sf in SF-1, -2, -3, MH-1X, MH-2X, MFX, DD10 sf in NC, RC, CF, IND	10' from top of roof, not to exceed a total distance of 40' from ground	One for each premises, or for each street frontage	—	—
Roof	Yes	200 sf in NC, RC, CBDX, CF, IND	10' from top of roof, not to exceed a total distance of 40' from ground	One for each main structure	—	—

(Ordinance 2025-0005 adopted 2/17/2025)

§ 42-39. NMU Neighborhood Mixed Use district

- (a) Purpose. The NMU district is to provide for low intensity mixed uses, including local shopping and dining destinations, residential, community amenity, and entertainment uses. It is intended for development in this district to be compatible with adjacent or nearby residential land uses. This district also provides an opportunity to include community gathering spaces, parks, and plazas for the residents and visitors in the district and in surrounding neighborhoods.
- (b) Permitted uses and parking regulations. In the NMU district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (inside sales)	1 space for every 200 square feet of floor area
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Automobile service station (no garage or automobile repair facilities)	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area
Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Bowling alley	6 spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Business service	1 space per 300 square feet of gross floor area
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Custom personal service shop	1 space per 200 square feet of gross floor area
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store of not greater than 20,000 square feet floor space	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee

Electrical transmission line	0 spaces
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store with floor space not greater than 20,000 square feet	1 space per 300 square feet of gross floor area
Fraternal organization, lodge	1.25 spaces per 200 square feet
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Garage, private	1 space per employee to be occupying the garage
Garden (patio) home	2 enclosed spaces per unit, must be attached to main structure
Gas metering station	1 space per employee
General merchandise indoor auction	1 space per 300 square feet of gross floor area
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Local utility distribution lines	0 spaces
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Multiple-family residence	For residence 1-99 units, 1.5 spaces per unit. For residence over 100 units, 1.5 spaces per unit with 20% being a covered space.

Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Nonprofit animal shelter	1 space per 200 square feet of floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Personal service shop	1 space per 200 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Racquetball facilities	4 spaces for each court
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
Sewage pumping station	0 spaces

Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Single-family dwelling, attached	2 enclosed spaces per unit, must be attached to the main structure
Single-family dwelling, detached	2 enclosed spaces per unit, must be attached to the main structure
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Tanning salon	1 space per 200 square feet of gross floor area
Telephone exchange	1 space per employee
Telephone line	0 spaces
Transit station or turnaround	1 space per intended user
Two-family dwelling	2 spaces per unit, 1 covered
Vertically mixed-use commercial and residential	The sum of the parking ratio for commercial use(s) and the parking ratio for residential uses within the building
Veterinarian clinic (no outside pens)	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, ground	0 spaces

(c) District restrictions. The following restrictions shall apply to uses in the NMU district.

- (1) The business shall be conducted wholly within an enclosed building;
- (2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;
- (3) All merchandise shall be sold at retail on the premises; and
- (4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

(d) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to the NMU district:

- (1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
 - a. Off-street parking of motor vehicles in operable condition;
 - b. Off-street loading;
 - c. Permitted display of merchandise for sale to the public; and
 - d. Drive-in type establishments.

- (2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and shall be maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.
- (3) No loading of materials or products shall be permitted in the required front yard.
- (4) Pedestrian walkways shall be provided along the perimeter of buildings (where feasible) and connect to walkways, sidewalks, and/or trails within the development.

(e) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 feet
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet ¹
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	20 du/ac
Height:	35 linear feet ²
¹ The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street. The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback.	
² No building shall exceed 35 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.	

- (f) Specific uses. The following specific uses are allowed in the NMU district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto laundry	1 space per 200 square feet of floor space
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area

Carwash	1 space per employee
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Feed and farm supply (inside sales/storage)	1 space per 300 square feet of gross floor area
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garden center (retail sales)	1 space per 200 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Hospital (acute care)	1 space for every 2 beds
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Kennel (no outside pens)	1 space per 200 square feet of floor area
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area

Pet shop	1 space per 300 square feet of gross floor area
Print shop	1 space per 300 square feet of gross floor area
Prison, jail or place of incarceration	1 space per employee plus 1 space for every 200 square feet of visitor floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Service, retail	1 space per 200 square feet of gross floor area
Sewage treatment plant	1 space per employee
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial or private	1 space for each 100 square feet of gross water surface and deck area
Theater (indoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tobacco sales	1 space per 200 square feet of gross floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Vendor, stationary	1 space per 200 square feet of gross floor area
Washateria	1 space per 200 square feet of gross floor area
Water storage, elevated	0 spaces
Water treatment plant	1 space per employee

- (g) Screening devices. In the event that this district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, MFX, or TH, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be

maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(h) Masonry requirements.

- (1) All single-story buildings hereafter constructed or placed in this district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (2) All buildings having more than a single story hereafter constructed or placed in the NMU district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (3) All additions hereafter constructed to buildings in the NMU district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

§ 42-40. RMU Regional Mixed Use district

- (a) Purpose. The RMU district is intended to provide for high intensity mixed uses, including highway-oriented commercial, residential, and hospitality uses. The uses permitted in the RMU district are not generally carried on completely within a building or structure and an expanded range of commercial uses is permitted. This district is reserved for areas adjacent to major highways and corridors.
- (b) Permitted uses and parking regulations. In the RMU district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Use	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Amusement, commercial (indoor or outdoor)	1 space for every 1,000 square feet of gross floor area
Antique shop	1 space for every 200 square feet of floor area
Arts, crafts store (indoor or outdoor sales)	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee, plus 1 space for each 6 beds
Auto laundry	1 space per 200 square feet of floor space
Auto parts sales (inside)	1 space for every 200 square feet of floor area
Auto repair, minor	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Automobile and trailer sales area, new or used	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Automobile service station	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Bakery and confectionery, retail sales	1 space per 300 square feet of gross floor area
Bank, savings and loan, credit union	1 space per 200 square feet of gross floor area

Bar, tavern, nightclub	1 space per 300 square feet of gross floor area
Barber school or college	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Barbershop	1 space per 200 square feet of gross floor area
Beauty culture school; cosmetology spec. shop	6 or 1 space per 300 square feet of gross floor area
Beauty shop	1 space per 200 square feet of gross floor area
Bed and breakfast inn	2 enclosed spaces per unit, must be attached to main structure
Boat sales and storage	1 space per 300 square feet of gross floor area
Bowling alley	6 spaces for each lane
Building materials, hardware (inside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Bus terminal	1 space per intended user
Business service	1 space per 300 square feet of gross floor area
Candle manufacturing	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Carwash	1 space per employee
Child care center	1 space per ten pupils/clients (design capacity)
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
Clinic, medical or dental	1 space per 200 square feet of gross floor area
Community center, private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Community center, public	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.

Concrete, asphalt batching plant (temporary)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Construction yard (temporary)	1 space per employee to be occupying the area
Convenience store	1 space per 300 square feet of gross floor area or 32 [sic]
Custom personal service shop	1 space per 200 square feet of gross floor area
Dance hall	1 space per 100 square feet of gross floor area
Discount, variety, or department store	1 space per 200 square feet of gross floor area
Drapery, needlework, or weaving shop	1 space per 300 square feet of gross floor area
Electrical substation	1 space per employee
Electrical transmission line	0 spaces
Engine and motor repair	3 spaces per service bay, plus 1 space per employee (maximum shift), plus 1 space per tow truck or other service vehicle
Exhibition area	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm equipment, sales and service	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Feed and farm supply (inside sales/storage)	1 space per 300 square feet of gross floor area
Feed and farm supply (outside sales/storage)	1 space per 300 square feet of gross floor area
Field or sales office, temporary	1 space per employee
Florist	1 space per 300 square feet of gross floor area
Food store; grocery store	1 space per 300 square feet of gross floor area
Fraternal organization, lodge or civic club	1.25 spaces per 200 square feet
Furniture and appliance repair and storage	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Furniture, appliance store	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Garage, private	1 space per employee to be occupying the garage
Garden (patio) home	2 enclosed spaces per unit, must be attached to main structure
Garden center (retail sales)	1 space per 200 square feet of gross floor area
Gas metering station	1 space per employee
General merchandise indoor auction	1 space per 300 square feet of gross floor area
General merchandise store	1 space per 200 square feet of gross floor area

Greenhouse or plant nursery, commercial	1 space per 200 square feet of floor area
Greenhouse or plant nursery, noncommercial	1 space per employee
Gymnastic or dance studio	1 space for each three seats at maximum seating capacity, plus 1 space for each 200 square feet
Handcraft shop	1 space per 300 square feet of gross floor area
Health club; gymnasium	1 space per employee plus 1 space per 100 square feet of floor area
Heliport or helistop	1 space if located on the ground
Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Hotel, motel, motor hotel, or motor lodge	1 space for each sleeping room, unit or guest accommodation, plus 1 space for each 300 square feet of commercial floor area
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Laundry and cleaning, commercial	1 space per 300 square feet of gross floor area
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Liquefied petroleum gas, storage and sale (no bulk plants)	1 space per employee plus 1 space for every 2,000 square feet of floor area
Local utility distribution lines	0 spaces
Medical supplies, sales and service	1 space per 300 square feet of gross floor area
Metal dealer, crafted precious	1 space per 300 square feet of gross floor area
Mobile food vendor	0 spaces
Mortuary or funeral home	1 space per 500 square feet of gross floor space in slumber rooms, parlors, or individual funeral service rooms
Motorcycle sales and service	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Multiple-family residence	For residence 1-99 units, 1.5 spaces per unit. For residence over 100 units, 1.5 spaces per unit with 20% being a covered space.

Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Nonprofit animal shelter	1 space per 200 square feet of floor area
Nursery school, kindergarten	1 space per 10 pupils/clients (design capacity)
Office center	1 space per 300 square feet of gross floor area
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Oil, gas, other mineral extraction	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space for each 1,000 square feet of gross floor area, whichever is greater
Park, playground or recreation center (public)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Pawn shop	1 space per 300 square feet of gross floor area
Personal service shop	1 space per 200 square feet of gross floor area
Pet shop	1 space per 300 square feet of gross floor area
Pharmacy	1 space per 300 square feet of gross floor area
Plumbing service	1 space per 300 square feet of gross floor area
Plumbing, heating, refrigeration or air conditioning business	1 space per 300 square feet of gross floor area
Post office, government and private	1 space per 300 square feet of gross floor area
Public or private franchised utility, excluding office buildings, garages, shops, railroad yards, loading yards, and warehouses	1 space per employee
Quick oil change facility	1 space per employee
Quick tune-up facility	1 space per employee
Racquetball facilities	4 spaces for each court
Radio, TV or microwave operation, amateur or commercial. (See further regulations in section 42-55(i).)	1 space per employee
Railroad station	1 space per employee, and if station is for public travel, 1 space for every 1,000 square feet of areas meant for public travel

Railroad team track and right-of-way	1 space per employee
Railroad track and right-of-way	1 space per employee
Residence hotel	1 space for each sleeping room per unit, plus 1 space for each 300 square feet of commercial floor area
Restaurant or cafeteria, with drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Second hand store, furniture/clothing	1 space per 200 square feet of gross floor area
Service, retail	1 space per 200 square feet of gross floor area
Sewage pumping station	0 spaces
Shopping center	1 space per 200 square feet of gross floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds 10 percent of the shopping center floor area, shall require an additional 1 parking space per 100 square feet of gross floor area.
Shops, office and/or storage area of public or private utility	1 space per employee
Single-family dwelling, attached	2 enclosed spaces per unit, must be attached to the main structure
Stadium or playfield	1 parking space for each 4 seats or bench seating spaces
Studio (photographer, musician, artist)	1 space per 200 square feet of gross floor area
Studio for radio and television	1 space per 200 square feet of gross floor area
Swimming pool, commercial	1 space for each 100 square feet of gross water surface and deck area
Tanning salon	1 space per 200 square feet of gross floor area
Tattoo parlor/body piercing studio	1 space per 200 square feet of gross floor area
Teen club	1 space for every 1,000 square feet of floor area
Telephone exchange	1 space per employee

Telephone line	0 spaces
Theater (indoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (with outside storage)	1 space for every 200 square feet of floor area
Tool rental shop	1 space per 200 square feet of gross floor area
Transit station or turnaround	1 space per intended user
Truck sales	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Vertically mixed-use commercial and residential	The sum of the parking ratio for commercial use(s) and the parking ratio for residential uses within the building
Washateria	1 space per 200 square feet of gross floor area
Water pumping station or well	0 spaces
Water storage, elevated or ground	0 spaces
Water treatment plant	1 space per employee

(c) District restrictions. The following restrictions shall apply to uses in the RC district:

- (1) The business shall be conducted wholly within an enclosed building;
- (2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;
- (3) All merchandise shall be sold at retail on the premises; and
- (4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

(d) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

- (1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
 - a. Off-street parking of motor vehicles in operable condition;
 - b. Off-street loading;
 - c. Permitted display of merchandise for sale to the public; and
 - d. Establishments of the drive-in type.
- (2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.

- (3) No loading or storage of material or products shall be permitted in the required front yard.
 - (4) Pedestrian walkways shall be provided along the perimeter of buildings (where feasible) and connect to walkways, sidewalks, and/or trails within the development.
- (e) Specific uses. The following specific uses are allowed in the RMU district when authorized under the provisions of section 42-45:

Use	Parking Regulations
Air conditioning and refrigeration contractor	1 space for every 200 square feet of floor area
Airport, landing field	1 space per employee, plus 1 space per stored vehicle
Arcade	1 space for every 200 square feet of floor area
Assisted living facility	1 space per employee to be occupying the building
Auto leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Brew pub	1 space per 100 square feet of gross floor area
Building materials, hardware (outside storage)	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet
Cabinet and upholstery shop	1 space per 300 square feet of gross floor area
Cemetery or mausoleum	1 space per employee plus 1 space for every 1,000 square feet of gross floor area
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Cleaning and dyeing, small shop	1 space per 300 square feet of gross floor area
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community home	1 space per employee to be occupying the building
Electric power generating plant	1 space per employee
Fairgrounds	1 space per employee, plus 1 space for each 2 patrons based on maximum patron load
Farm seed and/or fertilizer sales/storage (inside)	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Flea market	1.5 spaces for each 200 square feet of gross floor area or market area
Golf driving range	1 space per employee plus 1 space per 5,000 square feet of floor area
Heavy machinery sales	2 spaces plus 1 additional parking space for each 500 square feet of gross floor area over 1,000 square feet

Kennel (with or without outside pens)	1 space per 200 square feet of floor area
Microbrewery	1 space per 200 square feet of floor area
Microdistillery	1 space per 200 square feet of floor area
Newspaper printing	1 space per 300 square feet of gross floor area
Parking lot or parking garage, truck parking	1 space per employee, plus 1 space per vehicle to be parked
Pipe sales and supply	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Print shop	1 space per 300 square feet of gross floor area
Pump sales, repair and maintenance	1 space for each 2 employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than 1 space per 1,000 square feet of gross floor area, whichever is greater
Registered family home	1 space per employee
Retirement housing	1 space for each 6 beds per unit
Sand, gravel, stone or earth sales	1 space per 300 square feet of gross floor area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Self storage; mini-warehouse	4 spaces per complex, plus 1 space per 5,000 square feet of storage area
Servant's, caretaker's or guard's residence	1 space per unit
Service yards of government agency	1 space per employee
Sewage treatment plant	1 space per employee
Solid waste transfer station	1 space per employee
Storage/wholesale warehouse, light	1 space for each 2 employees, or 1 space per 1,000 square feet of total gross floor area, whichever is greater
Swimming pool, private	1 space for each 100 square feet of gross water surface and deck area
Theater (outdoor)	1 space for each 4 seats or bench seating spaces
Tire dealer (no outside storage)	1 space for every 200 square feet of floor area
Tobacco sales	1 space per 200 square feet of gross floor area
Trailer rental	1 space per 200 square feet of gross floor area
Travel trailer, manufactured housing or manufactured home display and sales	1 space per 200 square feet of gross floor area

Truck and bus leasing	1 space per employee, plus 1 space per stored vehicle, plus 1 space for each 500 square feet of indoor floor area or 1 space for each 1,000 square feet of outdoor area, whichever is greater
Truck or motor freight terminal	1 space per employee plus one space for each intended vehicle to be accommodated
Vendor, stationary	1 space per 200 square feet of gross floor area
Veterinarian clinic (with or without outside pens)	1 space per 200 square feet of gross floor area

(f) Development requirements.

Minimum lot area:	4,000 square feet
Minimum lot width:	50 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet ¹
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	90 percent
Maximum density per acre:	45 du/ac
Height	55 linear feet ²

¹ The first number in the column is the required setback for a front yard abutting a residential street; the second number in the column is the required setback for a front yard abutting a collector or major street.

² No building shall exceed 55 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.

- (g) Screening devices. In the event that the RC district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, TH, or MFX, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry or wood wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(h) Masonry requirements.

- (1) All single-story buildings hereafter constructed or placed in the RMU district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (2) All buildings having more than a single story hereafter constructed or placed in the RMU district

shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

- (3) All additions hereafter constructed to buildings in the RMU district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.

§ 42-41. INN Innovation district

- (a) Purpose. The INN district is intended to promote research, education, technology development, and emerging business creation by providing flexible, campus-style land use opportunities. Development within this district should foster a high-quality built environment and reinforce a connected and vibrant employment and institutional center. Uses are scaled to minimize off-site impacts and ensure compatibility with surrounding neighborhoods.
- (b) Permitted uses and parking regulations. In the INN district, no building or land shall be used and no building shall be hereafter erected, placed, reconstructed, altered or enlarged, unless otherwise provided in this chapter, except for the following uses:

Uses	Parking Regulations
Accessory building to main use	1 space per employee to be occupying the building
Child care center	1 space per ten pupils/clients (design capacity)
Church, rectory, place of worship	1 space for every 4 seats in the main auditorium
Civic center	10 spaces plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1 space for each 4 seats that it contains.
College or university	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Community center, public or private	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Dormitory	1 space for each 2 beds
Garage, private	1 space per employee to be occupying the garage
General merchandise store	1 space per 200 square feet of gross floor area

Hospital (acute care)	1 space for every 2 beds
Hospital (chronic care); long-term health care facility	1 space for each 2 beds
Laboratory, medical or dental	1 space per 300 square feet of gross floor area or 1 of the clinics
Library	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Mobile food vendor	0 spaces
Museum or art gallery	10 spaces plus 1 additional space for each 300 square feet of gross floor area in excess of 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 1 space for each 4 seats that it contains.
Office, professional or general administrative	1 space per 300 square feet of gross floor area
Office-showroom/warehouse	1 space per 1,000 square feet of gross floor area for storage and warehousing, plus 1 space for each 100 square feet of office, sales or display area
Park, playground or recreation center (public or private)	1 space per acre plus additional parking per facility constructed as herein provided
Parking lot or parking garage, automobile	1 space per employee, plus 1 space per vehicle to be parked
Restaurant or cafeteria, without drive-in or drive-through service	1 parking space per 100 square feet of gross floor area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, private (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater
School, public (primary and/or secondary)	1 space for each four seats in the main auditorium or 1 space for each classroom plus 1 space for each 2 students, whichever is greater

School, trade	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, trade or commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
School, commercial	1 space for each 2 students, plus 1 space for each classroom, laboratory or instruction area
Single-family dwelling, attached	2 enclosed spaces per unit, must be attached to the main structure
Two-family dwelling	2 spaces per unit, 1 covered
Vertically mixed-use commercial and residential	The sum of the parking ratio for commercial use(s) and the parking ratio for residential uses within the building
Zero lot line house	2 enclosed spaces per unit, must be attached to the main structure

(c) District restrictions. The following restrictions shall apply to uses in the INN district.

- (1) The business shall be conducted wholly within an enclosed building;
- (2) Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or refuse facilities;
- (3) Loading docks must be screened and oriented to interior drives;
- (4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance; and
- (5) Any development or phase of development containing residential units shall include a commercial component consisting of a minimum of ten percent of the total gross floor area of the development.

(d) Development requirements.

Minimum lot area:	2,500 square feet
Minimum lot width:	50 linear feet
Minimum lot depth:	80 linear feet
Minimum front yard:	25/35 linear feet ¹
Minimum side yard:	No side yard is required except that a side yard of not less than 15 feet shall be provided on the side of a lot abutting a residential use or district.
Minimum rear yard:	No rear yard is required except that a rear yard of not less than 25 feet shall be provided upon that portion of a lot abutting a residential use or district.
Maximum ground coverage:	80 percent

Maximum density per acre:	8 du/ac
Height:	35 linear feet ²
¹ The first number in the column is the required setback for a front yard abutting a residential street the second number in the column is the required setback for a front yard abutting a collector or major street. The front yard setback shall be 45 feet where parking is allowed in front of the building. Accessory buildings shall have a 60-foot front yard setback. ² No building shall exceed 35 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than 12 feet beyond the maximum building height. The height restrictions of this district shall not apply to church steeples.	

(e) Development criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:

- (1) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of ten feet in height. Such wall or fence shall completely screen all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards. All outside storage shall be placed upon an all-weather hard surface. The screening requirements set forth above shall not apply to:
 - a. Off-street parking of motor vehicles in operable condition;
 - b. Off-street loading;
 - c. Permitted display of merchandise for sale to the public; and
 - d. Establishments of the drive-in type.
- (2) The first ten feet of the required front yard setback, measured from the property line, shall be landscaped with trees, grass and shrubs, provided with pedestrian walks to the front of the building and maintained in a neat and attractive condition. The balance of said required setback may be utilized for off-street parking.
- (3) No loading or storage of material or products shall be permitted in the required front yard.
- (4) Pedestrian walkways shall be provided along the perimeter of buildings (where feasible) and connect to walkways, sidewalks, and/or trails within the development.

(f) Screening devices. In the event that this district abuts or is adjacent to a lot zoned SF-1, SF-2, GH, MH-1X, MH-2X, MH-3X, DD, MFX, or TH, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry or wood wall shall be constructed on the nonresidential property adjacent to the common property line. Except as provided by section 42-59, the wall shall have a minimum height of six feet above the average grade and shall taper to a height of three feet at the front building setback. Screening located exclusively along the front building setback must be an irrigated earthen berm, hedge, or decorative fencing only. This screening shall be maintained throughout the existence of the commercial use by the owner of the property or an associated property owners association.

(g) Masonry requirements.

- (1) All single-story buildings hereafter constructed or placed in this district shall have at least 75 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (2) All buildings having more than a single story hereafter constructed or placed in the INN district shall have at least 50 percent of their exterior wall surface constructed of masonry and/or glass pane.
- (3) All additions hereafter constructed to buildings in the INN district shall have at least 50 percent

of their exterior wall surface constructed of masonry and/or glass pane.

§ 42-42. through § 42-44 (Reserved)

ARTICLE III SPECIAL USES

§ 42-45. Additional regulations for special uses.

- (a) Generally. The following uses, where permitted in the various zoning districts, shall be operated only in accordance with the requirements set forth below.
- (b) Child care centers.
 - (1) No portion of a child care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
 - (2) Child care centers shall be located adjacent to a street having a pavement width of 27 feet or greater.
 - (3) Site plan approval by the planning and zoning commission and city council shall be required for all child care center sites, whether or not a specific use permit is required.
 - (4) Child care centers located within any single-family or two-family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.
 - (5) All child care centers shall comply with the following standards:
 - a. All vehicular entrances and exits shall be clearly visible from the street.
 - b. All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
 - c. Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the planning and zoning commission if the child care is provided for less than four hours per day for an individual person.
 - d. In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within 100 feet of the child care facility premises and safely accessible without crossing, at-grade, any major or secondary street.
 - e. No child care center shall be part of a one-family or two-family dwelling.
- (c) Construction yards, field offices, and other temporary buildings. Temporary permits for construction yards and field offices shall be issued for a period of time not to exceed 18 months. Extensions may be granted by the city council. Upon due notice and hearing before the city council, any such permit may be revoked if the city council finds the use is contrary to the intent of this chapter or results in noise, traffic, or other conditions considered to be a nuisance or hazard.
- (d) Residence hotels. Residence hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in section 42-28. Residence hotels constructed in the MFX, NC, RC, DT, NMU, and RMU districts shall comply with the MFX, NC, RC, DT, NMU, and RMU district

requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

- (e) Automobile service stations. Gasoline pump islands at automobile service stations and convenience stores may not be located nearer than 18 feet to the front property line. An unenclosed canopy for a gasoline pump island may extend beyond the front building line but shall not be closer than ten feet to the property line.
- (f) Swimming pools. It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.
 - (1) No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.
 - (2) A swimming pool may be constructed and operated when:
 - a. The pool is not located in any required front yard or side yard abutting a street;
 - b. A wall or fence, not less than four feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
 - c. All lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;
 - d. No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers;
 - e. The swimming pool is no closer than eight feet from any property line for all public and commercially owned pools; and
 - f. For private residential pools, the swimming pool is no closer than:
 - 1. Three feet from any property line, and
 - 2. Five feet from the main building.
- (g) Teen clubs. In order to provide a safe and secure environment, at least one uniformed security officer or off-duty police officer for every 100 occupants shall be working in the club during all hours of operation of a teen club; provided, however, the first security officer or off-duty police officer shall not be required until the building occupancy reaches 50.
- (h) Regulation of sexually oriented businesses.
 - (1) No sexually oriented business shall be allowed within 1,000 feet of:
 - a. A church, rectory or place of worship;
 - b. A public or private elementary or secondary school;

- c. A boundary of a residential district;
 - d. A public park;
 - e. A child care center;
 - f. The property line of a lot devoted to a residential use; or
 - g. Another sexually oriented business.
- (2) For the purpose of subsections (h)(1)a. through f., measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsections (h)(1)a. through f.. For the purpose of subsection (h)(1)g., the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - (3) No sexually oriented business shall be operated in any building or structure containing another sexually oriented business.
 - (4) No sexually oriented business shall begin operations until the applicant thereof provides proof of compliance with V.T.C.A., Local Government Code section 243.0075.
 - (5) Any sexually oriented business that is in violation of subsection (h)(1) or any other location requirement of any other city ordinance, that was legally operating on the effective date of adoption or amendment of such ordinance or regulation, shall be deemed a nonconforming use, except if two or more sexually oriented businesses are within 1,000 feet of each other, or are located in the same building or structure, and otherwise in a permissible location, the sexually oriented business that was first established and continually operating as a sexually oriented business at a particular location (regardless of which business was first located in the city), even if operating under a different name, ownership, or selling different sexually oriented merchandise or services, is the conforming use and the later-established business is nonconforming. The provisions of this subsection shall also apply to legally operating sexually oriented businesses made nonconforming by annexation into the city limits.
 - (6) Any sexually oriented business that is lawfully operating within the city as a conforming use on or after March 16, 2015 shall not be rendered a nonconforming use by the subsequent location of a protected use listed in subsection (h)(1) within 1,000 feet of the sexually oriented business.
 - (7) Nothing in this section shall be construed to limit the amortization of a nonconforming sexually oriented businesses pursuant to the procedures set forth in this chapter.
 - (8) A nonconforming sexually oriented business shall not be increased, enlarged, extended or altered except that the use may be changed to a use other than a sexually oriented business to the extent allowed by this chapter. A person commits an offense if he increases, enlarges, extends or alters, or causes to be increased, enlarged, extended or altered a nonconforming sexually oriented business.
- (i) Mobile food vendors.
 - (1) Vehicle requirements.
 - a. All mobile food units shall be readily identifiable by business name, printed in bold letters

not less than three inches in height, not less than one and one-half inches in width, permanently affixed, and prominently displayed upon at least two sides of the unit.

- b. All mobile food units shall maintain a current state motor vehicle inspection sticker and a current Texas motor vehicle license plate registration sticker.
 - c. All mobile food units must be readily moveable (capable of moving immediately upon the request of the code enforcement officer).
 - d. Mobile food vendors who only sell prepackaged goods on their mobile food units shall not remain parked in one location for longer than three hours. No time restriction shall apply for mobile food vendors who prepare food on their mobile food unit.
- (2) Restroom access and trash receptacles. Mobile food vendors who prepare food on their mobile food unit shall:
- a. Provide one or more trash receptacles for disposal of waste from customers, and shall provide for the disposal of such waste; and
 - b. Provide access to restroom facilities for customers within 300 feet of the mobile food unit.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-46. through § 42-54. (Reserved)

ARTICLE IV SUPPLEMENTARY REGULATIONS

§ 42-55. Supplementary district regulations.

- (a) Generally. To the extent applicable, the regulations set forth in this section shall supplement the general regulations set forth in the various zoning districts, and to the extent there is a conflict between such general regulations and these supplementary district regulations, these supplementary district regulations shall supersede them.
- (b) Calculation of setbacks.
 - (1) Front yards. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory 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 and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the yard.
 - a. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a final plat.
 - b. Where a building line has been established by a plat approved by the city council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than 20 feet, except as approved under a planned development. The board of adjustment may grant a variance to the required front yard as in other case.
 - c. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
 - d. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.
 - e. On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped terrace or embankment may be maintained higher than three feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point 30 feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.
 - f. Where a future right-of-way line has been established on a plat for future widening or opening of a street upon which a lot abuts, the front or side yard shall be measured from the future right-of-way line.
 - (2) Side yards. Every part of a required side yard shall be open and unobstructed except for:
 - a. Accessory buildings and swimming pools as permitted herein;
 - b. The ordinary projections of window sills, belt courses, cornices, and other architectural features not more than 12 inches into the required side yard; and

- c. Roof eaves projecting not more than 36 inches into the required side yard. Balconies shall not project into the required side yard.

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

- (3) Rear yards. The required rear yard shall be open and unobstructed by any object that is greater than 30 inches in height above the average grade of the yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet. Balconies shall not project into the required rear yard.
- (c) Exceptions to yard regulations. Chimneys shall be permitted to encroach 30 inches into any required yard in residential zoning districts.
- (d) Exceptions to height regulations. The general height limitations contained in the various zoning district height and area regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (e) Exceptions to lot width regulations. This chapter shall not prohibit the use of a lot that has less width than required in the applicable zoning district if such lot was a lot of record and in separate ownership at the time of adoption of this chapter.
- (f) Structure to have access. Every building hereafter erected, placed, reconstructed, altered or enlarged shall be on a lot adjacent to a public street, or with access to any approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- (g) Accessory buildings.
 - (1) Permanent accessory buildings, residential. Permanent accessory buildings which are placed on a permanent foundation shall be allowed in residential zoning districts subject to the following regulations:
 - a. Accessory buildings shall not exceed one story in height and must be located behind the primary structure.
 - b. Setbacks:
 - 1. Front yard: Must be located behind the primary structure.
 - 2. Side yard: Same as the primary structure.
 - 3. Rear yard: Minimum of five feet.
 - c. No separate accessory building shall be erected within six feet of any other building.
 - d. No accessory building shall be used as a place of habitation or for commercial purposes.
 - e. The total floor area of the accessory building on one lot shall not exceed 30 percent of the floor area of the main building on the lot, except that this requirement shall not limit the floor area of an accessory building to less than 200 square feet.

- f. Accessory buildings shall not occupy more than 50 percent of the rear yard.
 - g. An accessory building that exceeds 200 square feet must meet the masonry requirement of the primary structure.
 - h. An accessory building may be constructed as part of the main building, in which case the regulations controlling the primary structure shall apply.
 - i. No accessory building will be permitted without a primary structure being located on the same premises.
 - j. No such building shall be located within or encroach upon any utility or drainage easement.
 - k. No accessory building shall be placed or constructed on a lot until construction of the principal building has commenced, and no accessory building shall be occupied until the principal building is completed and is being used or occupied.
- (2) Temporary and portable type accessory buildings, residential. Temporary and portable accessory buildings which are not placed on a permanent foundation shall be allowed in any residential district subject to the following regulations:
- a. Accessory buildings shall not exceed 12 feet in height and must be located behind the primary structure.
 - b. Setbacks:
 - 1. Front yard: Must be located behind the primary structure and may not be located with the front yard or side yard adjacent to a street.
 - 2. Side yard: Minimum of five feet.
 - 3. Rear yard: Minimum of five feet.
 - c. Maximum floor area of 200 square feet.
 - d. Two per lot. Total area of accessory buildings shall not exceed 50 percent of the area behind the rear building face.
 - e. No separate accessory building shall be erected within six feet of any other building.
 - f. Construction material. Each accessory building must have an exterior finish of materials similar to the principal building on the lot on which it is located. A portable building less than 120 square feet may be of metal commercial kit construction and must be properly secured to prevent overturning, utilizing a method acceptable to the building official.
 - g. No accessory building will be permitted without a primary structure being located on the premises.
- (3) Residential detached garage and carport regulations. In all residential districts, detached garages shall not exceed 25 feet in height and must be located behind the primary structure:
- a. Setbacks:
 - 1. Front yard: Must be located behind the primary structure.
 - 2. Side yard: Same as the primary structure.
 - 3. Rear yard: Minimum of five feet.
 - b. No separate detached garage shall be erected within six feet of any other building.

- c. No detached garage or carport shall be used as a place of habitation or for commercial purposes.
 - d. The total floor area of the detached garage on one lot shall not exceed 30 percent of the floor area of the main building on the lot, except that this requirement shall not limit the floor area of an accessory building to less than 600 square feet.
 - e. A detached garage shall not occupy more than 50 percent of the rear yard.
 - f. A detached garage that exceeds 600 square feet must meet the masonry requirement of the primary structure. This requirement does not apply to lots greater than one-half acre.
 - g. No detached garage or carport is permitted without a primary structure being located on the same premises.
 - h. A detached garage shall provide space for not more than one motor vehicle for each 3,000 square feet of lot area.
- (4) Permanent accessory buildings, nonresidential. The following accessory building and use regulations apply only to property in a nonresidential zoning district.
- a. The height of accessory buildings shall be the same as the primary structure.
 - b. Setbacks:
 - 1. Front yard: Same as the primary structure.
 - 2. Side yard: Same as the primary structure.
 - 3. Rear yard: Same as the primary structure.
 - c. No separate accessory building shall be erected within six feet of any other building.
 - d. An accessory building shall meet the masonry requirements of the primary structure.
 - e. No accessory building will be permitted without a primary structure being located on the same premises.
 - f. No permanent accessory building shall be located within or encroach upon any utility or drainage easement.
 - g. The building may be used for any permitted accessory use allowed in the district in which the accessory building is located.
- (5) Nonresidential temporary and portable type accessory buildings. Temporary and portable accessory buildings which are not placed on a permanent foundation shall be allowed in any nonresidential district as follows:
- a. Construction purposes only. In all nonresidential zoning districts, a temporary building shall be permitted for construction purposes only, provided the building shall be removed upon completion or abandonment of construction work or removed upon request of the city manager.
 - b. Permit required. Permits shall be issued for temporary buildings on construction sites for a period of six months only, with a renewal clause for a similar period.
- (h) Performance standards. The following are maximum accepted levels of noise, vibration, smoke, particulate matter, and toxic and noxious matter allowable for all uses. To the extent these levels conflict with the levels of performance set forth in a specific zoning district, the more stringent

level shall apply. These levels shall be shown on the performance standards report submitted with the required site plan unless the submission of all or part of the report is waived by the zoning administrator, based upon his determination that the proposed use will not produce the listed effects.

- (1) Noise. The day-night average sound level at the property line shall not exceed 75 decibels, unless the property line abuts property zoned for residential uses where the maximum day-night average sound level shall not exceed 65 decibels. The day-night average sound level (LDN) is the 24-hour average sound level, in decibels, obtained after addition of ten sound decibels to sound levels in the night from 10:00 p.m. to 7:00 a.m.
- (2) Vibration. At the point of measurement taken on the property line of the source property which has the highest reading, the sound pressure level or impact level of any operation or plant shall not exceed the decibel limits for the octave bands designated in column I below, unless the point of measurement is located on a property line which is also the boundary line of a residential district in which case the limits set forth in column II shall apply.

Frequency (cycles/second)	Column I Displacement (in.)	Column II* Displacement (in.)
0 to 10	.0022	.0008
11 to 20	.0016	.0005
21 to 30	.0010	.0002
31 and Over	.0005	.0001

*Steady state—Vibrations, for the purpose of this chapter, which are continuous or, if in discrete pulses, are more frequent than 60 per minute. Impact vibrations, that is, discrete pulses which do not exceed 60 pulses per minute, shall not cause in excess of twice the displacement stipulated.

- (3) Smoke, particulate matter and visible emissions. Smoke or visible emissions emitted from any vent, stack, chimney, skylight, or window shall not exceed an opacity of 20 percent averaged over a five-minute period. Any emission of air pollutant must be in accordance with the requirements of the state. Emissions shall not exceed any of the following net ground level concentrations:
 - a. One hundred micrograms per cubic meter of air sampled averaged over any five consecutive hours.
 - b. Two hundred micrograms per cubic meter of air sampled, averaged over any three consecutive hours.
 - c. Four hundred micrograms per cubic meter of air sampled, averaged over any one hour.
- (4) Toxic and noxious matter. The handling processing, storage and disposal of hazardous, toxic, or noxious materials shall be in accordance with applicable state and federal laws and regulations. In addition, the city council may establish additional performance standards, including setbacks, berms, and buffers, for the siting of facilities which handle, treat, store, or dispose of potentially hazardous or dangerous materials.
- (5) Odor. No operation shall permit odors to be released which are detectable at the property line and which offensively affect the sense of smell.
- (6) Glare. All artificial light sources shall be shielded so as to prevent direct rays of light

from crossing a zoning district boundary line.

- (7) Effluent. If the proposed use is to emit sanitary sewage effluent containing industrial wastes or other effluent into the city's sanitary sewer system which is considered by the city engineer to be unusual to or be damaging to the sanitary sewer system, a description of methods of pretreatment of the effluent must accompany the development site plan.
 - (8) Additional standards. The city council may establish additional performance standards to protect neighboring areas and land uses from potential uses which may be hazards and nuisances.
- (i) Transmitting and receiving antennas and antenna facilities.
- (1) Purpose. The purpose of these regulations is to establish general guidelines for the siting of antennas and antenna facilities, including telecommunications antennas and towers, and to:
 - a. Protect residential areas and land uses from potential adverse impacts of antennas and antenna facilities;
 - b. Encourage the location of antenna facilities in nonresidential areas;
 - c. Minimize the total number of antenna facilities throughout the community;
 - d. Strongly encourage co-location on both new and existing antenna facility sites as a primary option rather than construction of additional single-use facilities;
 - e. Encourage the users of antenna facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - f. Encourage users of antenna facilities to configure them in a way that minimizes the adverse visual impact of the facility through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - g. Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
 - h. Consider the public health and safety of antenna facilities; and
 - i. Avoid potential damage to adjacent properties from facility failure through engineering and careful siting of facilities. In furtherance of these purposes, the city shall give due consideration to the city comprehensive land use plan, zoning map, existing land uses, and environmentally sensitive areas in considering sites for the location of antenna facilities.
 - (2) Amateur radio equipment and TV antennas (including ham radio and CB equipment but not including commercial uses) shall be permitted as a special exception within residential zoning districts in accordance with the following regulations:
 - a. Antenna facilities may be building attached, monopoles, or lattice towers;
 - b. Only one antenna facility per lot of record;
 - c. An antenna that is attached to a building shall not extend more than ten feet above the building on which it is mounted;
 - d. An antenna facility shall be limited to having the number and size of antenna attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;

- e. Setbacks:
 - 1. Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards. Guy wires are permitted in required side and rear yards;
 - 2. Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts;
- f. Separation. There will be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;
- g. Antenna facilities shall not be permitted in any easement;
- h. Lights. No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission;
- i. A building permit must be obtained prior to the construction and/or installation of an antenna facility except TV antennas;
- j. No part of an antenna, antenna facility or any attachment thereto may extend beyond the property line of the owner of such antenna or antenna facility.

(3) Satellite receive-only antennas.

- a. Satellite receive-only antennas are permitted as an accessory use as follows:
 - 1. Less than one meter in diameter: in any zoning district;
 - 2. Less than two meters in diameter: in a nonresidential district;
- b. A special exception is required for:
 - 1. A satellite receive-only antenna which exceeds one meter in diameter to be located in a residential zoning district;
 - 2. A satellite receive-only antenna which exceeds two meters in diameter to be located in a nonresidential zoning district except governmental antennas; and
 - 3. Any non-governmental independently supported commercial antenna facility.

(4) Commercial radio, television and microwave towers.

- a. No commercial radio, television, or microwave tower shall be located within a distance equal to at least the height of such tower from any residential structure or from any residential district. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of such area or residence.
- b. No commercial radio, television, or microwave reflector antenna support structure shall be closer to any residential district boundary line than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.
- c. The location of commercial radio, television, or microwave reflectors, antennas, or support structures and associated foundations and any support structures and associated

foundations and any support wires shall be prohibited within any required front or side yard.

- d. All commercial communication operations or radio, television, or microwave reflectors, antennas, or structures shall be prohibited in residential districts.
- e. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited.

(5) Telecommunications antennas and towers. Telecommunications antennas and towers shall be permitted as a special exception in accordance with the provisions in section 42-95(h).

(j) Outdoor display. The outside display or sale of goods, products, or inventory is not permitted within the nonresidential zoning districts except as set forth herein or as specifically authorized in each district.

(1) NC and RC commercial districts.

- a. Outside display or sale of goods, products, or inventory shall be permitted only on the sidewalk adjacent to the building; provided such goods, products or inventory shall not extend more than ten feet from the building and shall not be more than five feet in height; and provided further, that there shall be at least five feet in width of unobstructed sidewalk remaining.
- b. The restrictions in subsection (j)(1)a. shall not be construed to prohibit the following, provided the sidewalk clearances as stated in subsection (j)(1)a. are met:
 - 1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.
 - 2. Merchandise dispensing units placed adjacent to a building.
 - 3. Storage and display of merchandise normally placed on gasoline pump islands.
 - 4. Storage, display, and sale of newspapers in newspaper racks or the outside display of merchandise by a retail landscape nursery.
 - 5. "Sidewalk sales" for periods not exceeding five days in each month.
- c. The accessory seasonal display of plant and related landscape materials such as fertilizer, peat moss, and ornamental landscape items by a permitted retail use may be displayed upon approval by the zoning administrator only under the following conditions:
 - 1. The plants and related materials shall be located on an all-weather hard surface.
 - 2. All of the plants and related materials shall be located behind the front and side building lines.
 - 3. The storage area for display of plants and related materials shall not occupy any required parking spaces. Excess parking spaces may be used if all other requirements in this subsection (j) are met.
 - 4. The storage area for display of plants shall not occupy more than five percent of the total lot area.
- d. The restrictions in subsection (j)(1)a. shall be construed to prohibit the storage and display of rental trailers and trucks except in districts where such uses are indicated as permitted

uses.

- (2) CF and IND districts not abutting residential district. In districts CF and IND that do not abut a residential district, the following regulations shall apply:
- a. Outdoor display shall not be located in any required parking/loading space.
 - b. If display is located within the required front yard setback, the stacking height of merchandise/inventory shall not exceed five feet nor shall merchandise/inventory be located within the public open space easement or visibility triangle of a corner lot.
 - c. The restrictions in subsection (j)(2)b. shall not be construed to prohibit the following, provided the height restrictions as stated in subsection (j)(2)b. are met.
 1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.
 2. Merchandise dispensing units placed adjacent to a building.
 3. Storage and display of merchandise normally placed on gasoline pump islands.
 4. Storage, display, and sale of newspapers in newspaper racks or the outside display of merchandise by a retail landscape nursery.
- (3) CF and IND districts abutting residential district. In districts CF and IND that abut a residential district, the following regulations shall apply:
- a. Outdoor display shall not be located in any required parking/loading space.
 - b. Any property line of the nonresidential district adjacent to a residential district shall be screened from view with a screening device as defined in this chapter.
 - c. No stacking of outdoor displays shall exceed the height of the required screening device.
 - d. If display is located within the required front yard setback, the stacking height of merchandise/inventory shall not exceed five feet nor shall merchandise/inventory be located within the public open space easement or visibility triangle on a corner lot.
 - e. A ten-foot landscaped buffer strip shall be installed adjacent to the screening device. Said landscaped buffer strip shall consist of dense evergreen shrubs, each shrub being from no less than a five-gallon container, capable of growing a minimum of six feet in height within two years of planting. A combination of evergreen shrubs and trees accomplishing the same effect as stated above may be used.
 - f. The prohibition in subsection (j)(3)d. shall not apply to:
 1. Storage and display of Christmas trees for a period not to exceed 60 days prior to and five business days after Christmas Day each year.
 2. Merchandise dispensing units placed adjacent to a building.
 3. Storage and display of merchandise normally placed on gasoline pump islands.
 4. Storage display and sale of newspapers in newspaper racks.
- (4) In the CBDX, the following regulations shall apply:
- a. No less than fifty percent (50%) of all outdoor display and outdoor storage must be located on a paved concrete surface.

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

(l) Garage sales.

- (1) Definition. A garage sale is the sale of items normally accumulated by a household.

(2) Permits and conditions of sales.

- a. No person or business shall conduct a garage sale without a city-issued garage sale permit. A garage sale permit fee as adopted by resolution of the city council from time to time shall be paid to the city at the time application is made. The permit applicant must be at least 18 years of age, present a state-issued form of identification and provide a valid mailing address when obtaining a garage sale permit.
- b. No more than three garage sales shall be permitted for the same residence during any 12-month period. The duration of the garage sale shall not exceed three consecutive days.
- c. Garage sales are to be held on a lot that has a physical structure such as a home or business with a city utility account.
- d. No items shall be purchased for a garage sale for the purpose of resale.
- e. Signs advertising the garage sale shall comply with the sign code of the city.
- f. If a garage sale permit was purchased and the majority of the scheduled dates for the sale are affected by rain or other inclement weather, as determined by the city manager, a rain-out permit may be issued at no cost provided the applicant notifies the city the next business day following the expiration of the garage sale permit. A rain-out permit shall authorize the continuation of the garage sale for the number of days the sale was disrupted by inclement weather, as determined by the city manager. The new permit must be issued within 30 days of the date of issuance of the original permit. If the permit was issued for two or three days and the rain or inclement weather affects only one day during the permit period, a rain-out permit shall not be issued.

- (m) Parking of major recreational vehicles in street or public right-of-way. In all residential districts, major recreational vehicles may be parked on a street for the express purpose of being loaded or unloaded only. Such vehicles shall not be parked in any street or public right-of-way for a period exceeding 24 hours.

- (n) Parking of vehicles for the purpose of sale. No vehicle shall be parked on any property within the city for the principal purpose of displaying such vehicle for sale except:

- (1) On a property that is zoned and licensed for vehicle sales; or
- (2) On residentially zoned property not more than one vehicle may be displayed for sale at any time if such vehicle is owned by a resident on the residential premises. There shall be a rebuttable presumption that a vehicle is parked for the principal purpose of displaying said vehicle for sale if it is parked in such a location with a "for sale" sign or other indication that the vehicle is for sale.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015; Ordinance 2022-0020, sec. 1, adopted 11/21/2022; Ordinance 2024-0018 adopted 9/16/2024)

§ 42-56. Site plans.

- (a) Generally. Whenever a site plan is required by this chapter, the site plan must conform to the requirements of this section.
- (b) Administrative site plans. Site plans may be approved administratively by the zoning administrator unless approval is required under subsection 42-56(c). An aggrieved party may appeal the decision of the zoning administrator to the board of adjustment in accordance with the provisions of this chapter.
- (c) City council approval. The following site plans must be acted upon by the city council after recommendation by the planning and zoning commission:
 - (1) A site plan submitted in conjunction with an application for a specific use permit in any zoning district (public hearing required);
 - (2) A site plan submitted in conjunction with an application for a zoning change to GH, MH-1X, MH-2X, MH-3X, MFX, CF, IND, CBDX, or I.

Changes in any site plan approved by the city council shall be processed the same as the original approval of the site plan, unless a determination is made by the zoning administrator that a proposed change of detail does not alter the basic relationship of the proposed development to adjacent property, and does not alter the uses permitted or increase the density, floor-area ratio, height ratio, or reduce the yards provided at the boundary of the site as indicated on the approved site plan. Such changes may be authorized by the zoning administrator. An aggrieved party may appeal the decision of the zoning administrator to the zoning board of adjustment in accordance with the provisions of this chapter.

- (d) Site plan review. The purpose of site plan review is:
 - (1) To insure compliance with the zoning ordinance, while allowing for design flexibility;
 - (2) To assist in the orderly and harmonious development of the city;
 - (3) To protect adjacent uses from obstructions to light, air, and visibility;
 - (4) To provide protection from fire;
 - (5) To avoid undue concentrations of population and overcrowding of land; and
 - (6) To facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.
- (e) Notice and hearing. The following notice and hearing requirements shall apply to site plans requiring city council approval:
 - (1) Owners of record of property within 200 feet of the property under consideration will be notified of site plan consideration by the planning and zoning commission.
 - (2) The zoning administrator shall have at least one sign erected on the property for which site plan consideration of the planning and zoning commission has been requested. The sign shall have total area of at least four square feet and shall be located adjacent to streets, if possible. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the city council, or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of hearing on a site plan and the

telephone number of the public official from whom dates of public hearing may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the review or approval of any site plan or the holding of any public hearing.

- (3) Hearings held by the city council for consideration of site plans for specific use permits shall be conducted in accordance with the provisions of state law and section 42-96. An approved site plan for a specific use permit shall become part of the amending ordinance.
- (4) A separate notice and hearing shall not be required for site plan approval in connection with a zoning change or other action requiring notice and a hearing.
- (f) Form and content. The site plan shall contain the information listed below, as determined applicable by the zoning administrator. Any or all of the required features may be incorporated on a single drawing, if such drawing is clear and capable of evaluation by the planning and zoning commission, the city council, and the officers required to enforce and interpret this chapter.
 - (1) A scale drawing on a minimum sheet size of 18 inches by 24 inches is required, showing any proposed public or private street(s) and alley(s); building site(s) or building lot(s); any area(s) proposed for dedication, or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets and an accurate survey of the boundary of tract, as well as a ledger size (11 inches by 17 inches) for file purposes.
 - (2) Topography with contour interval of not less than two-foot intervals.
 - (3) Where multiple types of land use are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.
 - (4) Where building(s) are proposed, a site plan showing the location of each building and the minimum distance between building(s), and between building(s) and the property lines, street lines and/or alley lines, shall be submitted.
 - (5) The square footage of each proposed building on the site.
 - (6) Front, side, and rear building elevations of all proposed structures.
 - (7) The height of the building(s) and type of construction materials.
 - (8) A plan indicating the arrangement and provision of off-street parking, off-street loading, and points of entry from adjoining streets.
 - (9) Landscape plan.
 - (10) Fire lanes as designated by the fire department.
 - (11) The location of all fire hydrants.
 - (12) A table showing land area, building area, parking area and a ratio of building area and land area, and a ratio of building/parking area and land area.
 - (13) The location of all outside facilities for waste disposal.
 - (14) The type, location, height, and orientation of all external illumination facilities.
 - (15) The location, size, height, and orientation of all proposed signs.
 - (16) The 100-year floodplain and floodway limit locations and showing the floodplain map number and date.

- (17) A drainage plan shall be made a part of the site plan for development projects influenced by or containing major drainageways or containing flood-prone areas as determined by the city engineer.
- (18) A performance standards report if deemed necessary by the zoning administrator because of the characteristics of the activities to be conducted on the site.
- (19) All pedestrian walks, malls, and open area(s) for use by tenants or the public; the types of surfacing of such paving or turfing to be used at all locations on the site.
- (20) Scale, north arrow, date of site plan preparation, and name(s) and address(es) of those responsible for the preparation of the site plan.
- (21) Title block, name of owner/applicant, developer, land planner, and/or other relevant participant.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

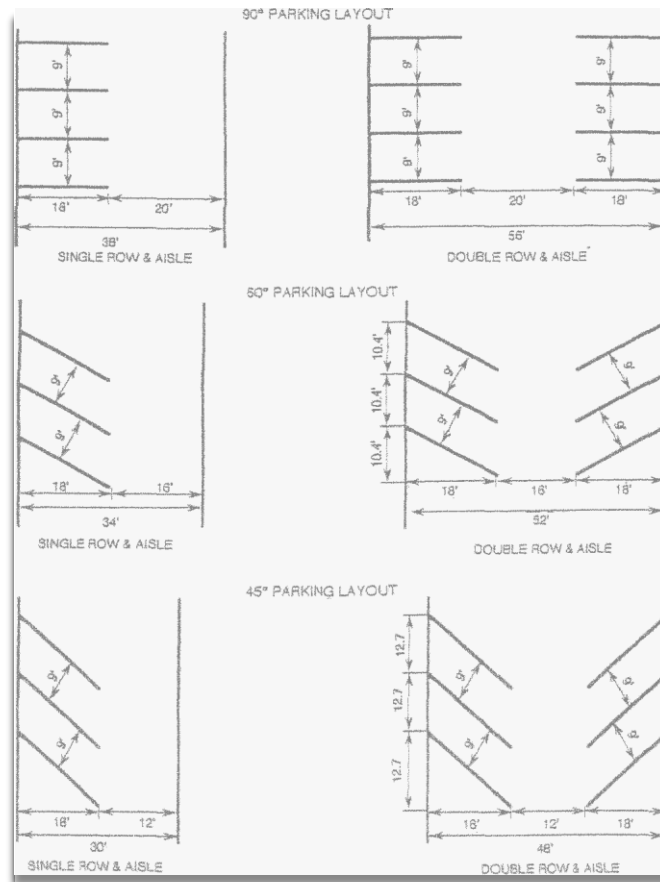
§ 42-57. Parking regulations.

- (a) General provisions. In all zoning districts there shall be provided, in connection with appropriate allowable use, off-street vehicle parking space in connection with the following requirements. In any case where specific requirements result in a fraction of a parking space the next larger whole number of spaces shall be required.
- (b) Certificate of occupancy. All land uses must provide paved parking areas at the time of the issuance of the certificate of occupancy. In situations that demonstrate unique and unusual circumstances, as determined by the zoning administrator, an administrative, one time extension may be given for an additional six-month period.
- (c) Off-street parking. Shall mean all areas dedicated to parking and maneuvering that are located on-site. Off-street parking will not be permitted in any street right-of-way.
- (d) Requirements for off-street parking spaces. For the purpose of this section, an off-street parking space shall be a minimum of nine feet in width and 18 feet in length as set forth below (see figure 57-1, which is incorporated in and made a part of this chapter).

Type and Angle	Length (ft.)	Width (ft.)
Single row 90 degree	18	38 including drive lane
Two rows 90 degree	18	56 including drive lane
Single row 60	18	34 including drive lane
Two rows 60	18	52 including drive lane
Single row 45	18	30 including drive lane
Two rows 45	18	48 including drive lane
Single parallel to aisle	20	9

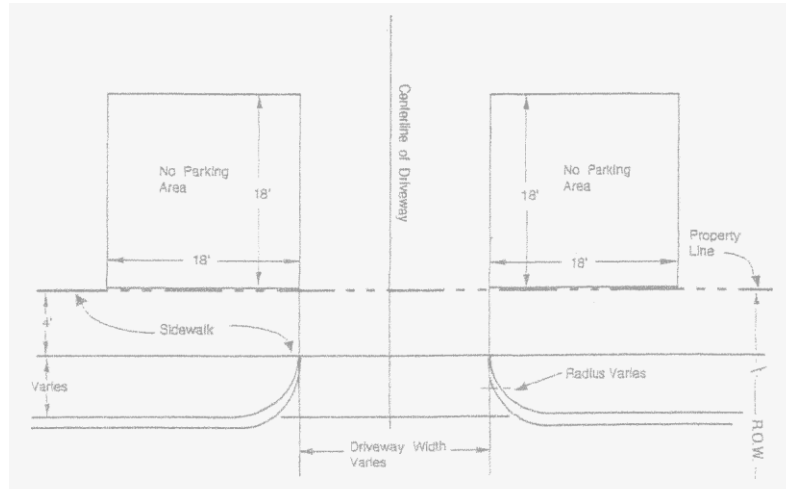
(See also figure 57-1, which is incorporated in and made a part of this chapter.)

FIGURE 57-1 PARKING LOT LAYOUT



- (c) Entrances, exits, and internal circulation in nonresidential districts. In nonresidential districts, when driveways are less than 20 feet in width, separate marked entrances and exits shall be provided so that traffic shall flow in one direction only. Entrances and exits to an alley may be provided if prior approval is obtained in writing from the city. When more than one aisle is provided, adequate internal circulation shall be provided between the aisles to allow movement between the aisles without using public right-of-way.
- (f) Non-parking areas and maneuvering space. No parking shall be allowed in nonresidential districts within an area measuring 18 feet square with one side of the square along a property line and a second side of the square along the width limit of a drive approach in any district. The above noted 18-foot square area of no parking shall be behind the property line and adjacent to the throat of a driveway. The requirements of this subsection are depicted on figure 57-2, which is incorporated in and made a part of this chapter. Maneuvering space shall be completely off the right-of-way of a public street, place or court.

FIGURE 57-2



- (g) **General parking surfaces.** In all zoning districts, parking areas, vehicle maneuvering areas, loading areas, driveways and approaches for all uses, including one- and two-family dwellings, shall be a paved surface, unless otherwise specified in this chapter. All parking requirements applying to a stated unit of measurement shall be understood to include a parking space for each unit or fraction thereof.
- (h) **Change in use.** In nonresidential zoning districts, when the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this section for the new use.
- (i) **Parking areas that utilize rights-of-way.** In nonresidential districts, parking areas which would require the use of public rights-of-way for maneuvering shall not be acceptable for the furnishing of required off-street parking spaces other than for one- and two-family dwellings. Parking parallel to the curb on a public street shall not be substituted for off-street requirements. Parking is limited to private property; the use of rights-of-way area between the property line and the back of the curb is contrary to this chapter.
- (j) **Loading and unloading requirements.** In nonresidential districts, all business uses shall provide and maintain, in addition to other parking requirements, off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public street. The loading and unloading zone must be distinct from the drive lane. No portion of the drive lane shall be included as part of the loading and unloading zone. Such space shall consist of a minimum area of ten feet by 25 feet and be provided as follows:

Gross Floor Space (sq. ft.)	Loading or Unloading Berths
25,000 feet or less	1
25,001 to 84,000	2
84,001 to 156,000	3
156,001 to 236,000	4
Each 100,000 additional	1 additional

- (k) Handicapped parking spaces. In each parking facility in districts MFX, NC, RC, CF, IND, CBDX, and I, a portion of the total parking shall be specifically designed, located, and reserved for vehicles licensed by the state for use by the handicapped. These spaces will be provided according to the following schedule:

Total Spaces in Lot	Minimum No. of Handicapped Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
Over 501	2% of total

Each parking space designated for use by the handicapped shall consist of a rectangular area not less than 13 feet wide by 18 feet long, with a vertical clearance of 7.5 feet, shall be located in an area not exceeding two percent slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons. Parking spaces for the handicapped shall be signed in accordance with state law and restricted for use by the handicapped only.

- (l) Landscaping of parking lots. It is the purpose of this section to require incorporation of landscaping into the design and construction of parking areas while maintaining standards necessary for safe parking and maneuvering space. Within parking lots, landscaping shall be provided as follows:
- (1) New trees from the approved tree list contained in section 42-58(g).
 - (2) Unless otherwise approved by the zoning administrator, trees planted to satisfy parking lot landscape requirements shall be chosen from the species specified by section 42-58(g).
 - (3) Existing, on-site trees of any species that are of six inches minimum caliper, measured 12 inches above grade may be counted towards landscaping requirements established for parking lots.
 - (4) An irrigation system must be provided with all landscape plans. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in Texas Administrative Code title 30, chapter 344, Landscape Irrigation.
 - (5) Landscaping adjacent to public rights-of-way.
 - a. A ten-foot landscaped strip shall be provided adjacent to all public and private rights-of-way on lots with an area greater than one acre, but less than five acres.
 - b. A twenty-foot landscaped strip shall be provided adjacent to all public and private rights-of-way on lots with an area greater than five acres.

- c. Within landscaped strips adjacent to rights-of-way, landscaping shall be required as follows:
 - 1. One canopy tree or two ornamental trees, at a minimum three-inch caliper, for each 60 linear feet of frontage.
 - 2. An average density of one five-gallon evergreen shrub for each five linear feet of frontage; provided, however, that any landscaping materials that will be located within ten feet of any public right-of-way shall not, at ultimate growth, exceed 30 inches in height above street grade unless otherwise permitted by the city. Shrubs may be grouped to provide variety in design.
 - 3. A landscaped berm may be provided in lieu of required shrubs. The berm must be an average height of three feet, but in no case less than 18 inches, above the average grade of the street and parking lot curbs, and must be planted with evergreen groundcover and/or shrubs to provide full plant coverage of the berm surface area. A variation in height of the berm is encouraged. Shrubs may be grouped to provide variety in design. The combined height of the berm and ultimate height of plant materials shall not exceed 30 inches in height from street grade in any area that is within ten feet of a public right-of-way.
- (6) Parking lot interior.
 - a. Developments with an area less than five acres shall be designed with a maximum of 20 parking spaces between landscape islands. Parking aisles of 20 or more spaces in length shall terminate in landscape islands.
 - b. Developments with an area five acres or greater shall provide one landscaped island at least 162 square feet in area for each 12 parking spaces.
 - c. Landscape islands are required at the terminus of every parking row.
 - d. Within parking lot interiors, landscaping shall be provided as follows:
 - 1. One canopy tree or one ornamental tree at a minimum three inches in caliper per landscape island.
 - 2. Grass, evergreen groundcover or shrubs to a maximum ultimate height of 30 inches from parking lot grade, of a type that will provide full coverage of the landscape island shall be provided. Planted area shall be exclusive of the area within 18-inch radius from each required tree.
 - 3. Areas that are not covered with live plant materials shall be permanently maintained with natural mulch materials such as hard wood, pine bark, or other typical mulch materials.
- (7) Exception: accessible parking. The design and location of accessible parking spaces shall comply with the State of Texas Architectural Barriers Act. A landscape island may be omitted at an aisle termination for the purpose of providing required access to accessible parking spaces.
- (8) Landscape material which is located within the interior of a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 24 inches in height and seven feet in height. No shrubs shall exceed 24 inches in height. Tree canopies shall be at least seven feet in height.

- (9) For large existing trees located in the parking area, which are being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
 - (10) For each landscaped island of at least ten feet by 20 feet located within a parking lot, credit for four parking spaces will be provided. Credit for parking spaces cannot reduce the overall parking requirement by more than ten percent or to less than ten total spaces.
 - (11) Curbing or other protective devices or barriers shall be installed to protect landscaped areas from vehicular encroachment.
 - (m) Safety standards for off-street parking.
 - (1) Safety barriers, protective bumpers or curbing shall be provided to prevent encroachment onto abutting public or private property.
 - (2) Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.
 - (3) Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.
 - (4) Lighting. Lights provided to illuminate any parking facility or paved area shall, to the maximum extent feasible, be designed to reflect away from any residential use, and shall not cause glare to traffic on a public roadway.
 - (5) Fencing and screening. A parking lot in any nonresidential district which abuts residentially zoned property shall have a wall or privacy fence not less than six feet in height located for the length of the common property line. However, such a fence shall not be required within the front or exterior setback area of the nonresidential use.
 - (6) Noise. Areas used for primary circulation, for frequent idling of vehicle engines, or for loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound reduction.
 - (7) Maintenance. All parking and loading facilities shall be maintained to assure desirability and usefulness of the facility. Such facilities shall be maintained free of refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading use for which they are required or intended.
 - (8) Drainage. All parking facilities shall be graded and provided with permanent storm drainage facilities, meeting the construction specifications set by the city engineer.
 - (n) Existing buildings. Nothing in this section shall require the furnishing of additional parking spaces for existing buildings which are not enlarged or changed to a new use.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-58. Landscaping and screening standards.

- (a) Purpose.
 - (1) It is the purpose of this section to establish certain regulations pertaining to landscaping within

the city. These regulations provide standards and criteria for new landscaping and the retention of existing trees, which are intended to:

- a. Promote the value of property, enhance the welfare, and improve the physical appearance of the city and protect the character and stability of residential, commercial, institutional and industrial areas within the city;
 - b. Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces within the urban environment; and
 - c. Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the city.
- (2) This section establishes landscaping requirements only in zoning districts DT, NC, RC, CF, IND, CBDX, INSX, NMU, RMU, and INN and for all specific uses that specify that the requirements of this section be met.
 - (3) Single-family, manufactured home subdivision and two-family residential uses shall be required to conform to the requirements of subsection 42-58(i).
 - (4) Developments within the MFX and MH-1X zoning districts shall be required to comply with the landscaping requirements set forth in section 42-58(j).
 - (5) Nonresidential uses located within the SF-1, SF-2, GH, DD, MFX, MH-1X, MH-2X, MH-3X, and TH zoning districts, which consist of principal structures, parking areas, and signage, shall be required to comply with the requirements contained in this section.
 - (6) Parking lot landscaping shall be provided as specified by Table 1, Summary of Landscape Requirements for Nonresidential Uses.
- (b) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Artificial plants means a manufactured or assembled representation of live plant material constructed from man-made material for the purpose of closely resembling live plant material and to be used as a substitute to live plant material.

Caliper means the diameter of the trunk of a tree measured 12 inches above the ground.

Canopy tree means a perennial woody plant single or multiple trunk, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as a shade tree.

Development means the changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property.

Grasses means thin and broad-bladed surface material typically planted from seed, sprigs, or plugs with the intention of providing a uniform and aesthetic groundcover very close to the surface of the ground.

Groundcover means and consists of low-growing, dense-spreading plants typically planted from containers.

Hydromulch means a planting process by which seed, water, fertilizer, fiber mulch, and sometimes lime are blended together in a tank and applied onto a prepared lawn area. This process is also known as hydraulic mulch seed, hydromulching, and hydroseeding.

Irrigation system means a method of conveyance and application of water to live plant material for the purpose of maintaining said plant material in a live and healthy condition.

Landscaping means the planting, arranging, cultivating, and maintenance of live plant material in such a manner that said material is aesthetically pleasing and contributes to the overall design of a development site.

Landscape area means and consists of an area included in and around a development site that has been planned to complement the development site with natural grass, groundcover, trees, or other natural plant materials.

Shrubs consists of plants that grow vertically in a multi-branched growth pattern from the ground level to heights usually not to exceed six feet. These plants may be sculpted and trimmed to present aesthetic shapes and forms.

Sod means grass and the part of the soil beneath it held together by its roots or another piece of thin material.

(Ordinance 2005-009, sec. 40.2, adopted 3/21/2005; Ordinance 2018-010, sec. 1, adopted 5/21/2018)

- (c) Events requiring compliance. Land uses not previously subject to landscaping requirements shall be required to comply with this section upon issuance of a building permit satisfying either of the following conditions:
 - (1) Remodeling, alterations or additions for which a site plan is required under the terms of this zoning chapter; or
 - (2) Remodeling or alterations taking place within a 12-month period the total value of which exceeds 25 percent of the valuation of property improvements (excluding land value) as shown on the current county tax rolls.
- (d) Landscaping. Landscape installation is required as follows:
 - (1) Landscaping of 20 percent of the total lot shall be required, unless credits are obtained by additional plantings as set forth in subsection 42-58(g). Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants in excess of the minimum standards established in this section may not reduce the landscape requirement to less than ten percent of the total lot area;
 - (2) Where the construction is to be a single-phase or multi-phase development, only the area being constructed in the current phase shall be required to comply with the landscape regulations. However, each phase will be required to meet the landscaping requirements as it is being developed;
 - (3) The use of native and adapted, drought-tolerant plants is encouraged to meet requirements of this section;
 - (4) Artificial plants or artificial turf are expressly prohibited;
 - (5) An irrigation system must be provided with all landscape plans for nonresidential development. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in Texas Administrative Code title 30, chapter 344, Landscape Irrigation;
 - (6) The term "ornamental tree" shall be defined as a single- or multi-trunk tree with a maximum height of approximately 30 feet and maximum crown diameter of approximately 30 feet, and a minimum height of approximately 20 feet and minimum crown diameter of approximately 15 feet;
 - (7) Grass, groundcover, trees, shrubs, flowering and non-flowering plants, stonework, and water features may all be used as components of required landscaping in conjunction with the following minimum planting standards:
 - a. Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required

landscape area.

- b. The credits listed in subsection 42-58(g) shall be used to calculate the area occupied by a tree or shrub. Trees and shrubs used to comply with minimum landscape requirements shall not be credited towards area reduction requirements set forth in subsection 42-58(g).

(8) Grasses shall be installed by laying sod. Spreading grass seed or use of hydromulch is expressly prohibited unless approved by the Zoning Administrator after consultation with the City Engineer.

(e) Landscaping plan required.

- (1) The landscape plan may be prepared by the applicant or his designee. The landscape design is not required to be prepared by a registered or certified professional. Any required irrigation system must be designed in accordance with the standards of the state commission on environmental quality, in Texas Administrative Code title 30, chapter 344, Landscape Irrigation.
- (2) The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this section shall be provided and approved prior to the issuance of a building permit.
- (3) The landscape plan shall contain the following information:
 - a. Scale of drawing;
 - b. Location of all trees to be preserved. The method of preservation during the construction phase of development shall be approved by the zoning administrator;
 - c. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
 - d. Species of all plant material to be used;
 - e. Size of all plant material to be used;
 - f. Spacing of plant material where appropriate;
 - g. Layout and description of irrigation, sprinkler or water system, including placement of water sources;
 - h. Description of a plan that will be implemented to maintain the landscaping and other landscape features shown on the landscape plan; and
 - i. Persons responsible for the preparation of the landscape plan.

(f) Location criteria.

- (1) Not less than 40 percent of the total landscaping shall be located in the designated front yard.
- (2) All landscape material shall comply with visibility requirements of the city regulations including the subdivision ordinance and this chapter.

(g) Credits for landscape area reduction. Required landscape area may be reduced to less than the 20 percent specified by subsection 42-58(d). As provided below, the application of credits shall not

reduce the required landscape area to less than ten percent of the total lot area. Reduction of area may be achieved by planting additional trees, shrubs, and flowering plants. Area reduction credits may be granted for additional enhancements in the following manner:

- (1) Three-inch caliper tree, planted or saved: 200 sq. ft.
- (2) Six-inch tree caliper, planted or saved: 400 sq. ft.
- (3) One shrub, less than five gallons: ten sq. ft.
- (4) One shrub, five gallons or greater: 25 sq. ft.
- (5) For each one square foot of drought tolerant area: two sq. ft.
 - a. Total landscaping on a lot shall not be reduced through credits by more than 50 percent of the landscaped area required.
 - b. Drought tolerant area and methodology shall be clearly located and detailed on the site plan.
 - c. Area reduction credit, based on tree size, shall be granted for all saved trees regardless of species.
 - d. Unless otherwise approved by the zoning administrator, area reduction credit for newly planted trees shall only be granted for installation of the following species:

Afghan pine

Bald cypress

Bigtooth maple

Bur oak

Caddo maple

Canopy trees

Chinese pistache

Crape myrtle

Dogwood

Eastern red cedar

Eve's necklace

Flowering crabapple

Forest pansy redbud

Lacebark elm

Little gem magnolia

Japanese maple

Mexican plum
Oklahoma redbud
Ornamental pear
Ornamental trees
Osage orange
Pecan
Shumard oak
Southern live oak
Southern magnolia
Texas red oak
Western soapberry

(h) Installation and maintenance.

- (1) All required landscaped area shall be permanently landscaped with living plant material, and shall have either have an irrigation system installed or shall be accessible to a hose bib, faucet, or other water source on the same lot or tract. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements.
- (2) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
- (3) All plant materials shall be maintained in a healthy, neat and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
- (4) Plant materials which die shall be replaced with plant materials of similar variety size within 90 days, with a one-time extension not exceeding 90 days being provided upon approval of the zoning administrator.

(i) Landscaping for single-family, manufactured home subdivision and two-family residential uses.

The landscaping requirements set forth in this subsection shall apply to SF-1, SF-2, GH, DD, MH-2X, MH-3X, and TH residential districts.

- (1) Lots shall have a minimum landscaping requirement of one canopy tree located in any required front yard.
- (2) Required canopy trees shall be a minimum of three caliper inches.
- (3) Existing trees of equal or greater size within the front yard area may be counted toward this requirement.
- (4) In cases when the applicant can show that required trees cannot reasonably be placed on the lot due to size, configuration or amenities, the zoning administrator may reduce the required number of trees to a number that can reasonably be accommodated on the subject lot.
- (5) Grasses shall be installed by laying sod. Spreading grass seed or use of hydromulch is expressly prohibited.

- (j) Landscaping in MFX and MH-1X districts. The following minimum requirements shall be observed for development located within the MFX and MH-1X districts.
- (1) Landscape buffer of 20 feet will be required along any property line abutting a SF-1, SF-2, GH, MH-2X, MH-3X or DD residential district.
 - (2) Not less than 20 percent of the gross site area shall be devoted to open space, including required yards and buffer areas. Open space shall not include areas covered by structures, parking areas, driveways, and internal streets.
 - (3) Landscaping consisting of the planting of new or retention of existing shrubs, trees, and flowering plants shall be placed in the yard facing any public roadway.
 - (4) Method of irrigation must be indicated on the site plan.
 - (5) All landscaping shall be permanently maintained. Should any plant material used in any landscaping required under this chapter die, the owner of the property shall have 90 days after notification from the city to obtain and install a suitable replacement plant material. Landscaped areas shall be kept free of trash, litter, weeds and other material or plants not a part of the landscaping.
 - (6) An irrigation system must be provided with all landscape plans in the MFX and MH-1X districts. Irrigation plans shall comply with the design standards set forth by the state commission on environmental quality, in Texas Administrative Code title 30, chapter 344, Landscape Irrigation.
- (k) Certificate of occupancy.
- (1) All landscaping shall be completed and installed in accordance with the approved landscape plan within 90 days of a certificate of occupancy being granted. A one-time extension not to exceed 90 days may be granted upon approval of the zoning administrator.
 - (2) If landscaping requirements have not been satisfied within the 90-day period from when the certificate of occupancy is issued, the property owner shall be considered in violation of this chapter.
- (l) Nonconforming uses and lots. All uses that were in existence at the time of the adoption of this section, which do not meet the landscape requirements, will be considered nonconforming. These nonconforming uses/lots will be subject to the following.
- (1) When the owners of properties that do not comply with the landscape requirements of this section are required to provide landscaping, the minimum standards in this subsection shall apply.
 - (2) A minimum of ten percent of total lot area must be devoted to landscaping. Grass, groundcover, trees, shrubs, flowering and non-flowering plants, stonework, and water features may all be used as components of required landscaping in conjunction with the following minimum planting standards:
 - a. Grass and/or groundcovers shall not be allowed to comprise over 90 percent of any required landscape area.
 - b. The credits listed in subsection 42-58(g) shall be used to calculate the area occupied by a tree or shrub. Trees and shrubs used to comply with minimum landscape requirements shall not be credited toward area reduction requirements set forth in subsection 42-58(g).

- (m) Modification of landscape requirements. The zoning administrator may approve minor variations in the location of required landscape materials due to unusual topographic constraints, setting requirements, preservation of existing stands of native trees or similar conditions, or to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the zoning administrator and shall specify the modifications requested and present a justification for such modifications.
- (n) Relief from landscaping requirements. The planning and zoning commission and city council may, upon completion of the following, grant relief from landscaping requirements in situations where the individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements:
- (1) Application for relief from landscaping requirements may be made by any property owner, or other person having a proprietary interest in the property for which relief is requested.
 - (2) Applications shall be made in writing and shall specify the property conditions or considerations that make the requested relief necessary.
 - (3) Applications shall include a proposed landscape plan, drawn to scale, illustrating the area available for landscaping and specifying proposed plantings by size, type and location. The proposed plan shall indicate the means by which irrigation will be provided and provide a phasing schedule for completion of the plan.
 - (4) Applications shall be accompanied by an application fee as currently established or as hereafter adopted by resolution of the city council from time to time.
 - (5) Applications shall be presented to the planning and zoning commission. Applications for relief shall not require a public hearing. The planning and zoning commission, after considering a proposed plan, may recommend that it be approved as presented, approved with modification, or denied.
 - (6) Following consideration by the planning and zoning commission, a proposed landscape plan shall be forwarded to the city council with the commission's recommendation. The city council shall act to approve a plan, as presented, approve it with modifications, or deny the application.
 - (7) City council's action regarding a proposed landscape plan shall be documented as follows:
 - a. If approved, the zoning administrator shall sign two copies of the approved plan. One copy shall be returned to the applicant. The second copy shall be retained as permanent record by the city.
 - b. If approved with modification, the applicant shall amend the plan to reflect the required modifications. The applicant shall return two copies of the amended plan to the city within 14 calendar days of the city council's action to approve the plan with modifications. The zoning administrator shall sign two copies of the amended plan. One copy shall be returned to the applicant. The second copy shall be retained as permanent record by the city.
 - c. If disapproved, the zoning administrator shall sign two copies of the plan that have been marked as being disapproved. A letter prepared by the zoning administrator, stating the reasons for disapproval, shall be attached to each signed plan. One copy of the plan shall be returned to the applicant. The second copy shall be retained as permanent record by the

city.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-59. Fences.

- (a) No fence or hedge shall exceed four feet in height in the required front yard in any district.
- (b) No fence shall exceed eight feet in height, except as otherwise provided in this chapter.
- (c) Fences shall be constructed of customary urban fencing materials and shall be aesthetically consistent with buildings and fences in the area.
- (d) Notwithstanding any other provision of this section, where subdivisions are platted so that the rear yards of residentially zoned lots, including but not limited to SF-1, SF-2, GH, DD, MH-1X, MH-2X, MH-3X, MFX, TH, and residential PD, are adjacent and back to a dedicated roadway, the developer shall provide, at his sole expense, a brick or decorative solid masonry wall with a minimum height of six feet located on the street right-of-way line.
 - (1) When a brick or masonry wall is erected adjacent to a dedicated roadway, the color of the wall shall be uniform and/or compatible on both sides of a street between two intersecting streets. When walls are built in sections, the color shall be as closely similar as possible, but shall in no case be incompatible.
 - (2) All brick and masonry screening walls shall be placed on an engineered concrete footing, with provision for drainage under the wall. Masonry or brick columns shall be expressed at a minimum of 30 feet on centers and should typically be taller than the remainder of the wall. The exterior of all sides of each wall shall be finished with the same material and shall be similar in appearance. Developers are encouraged to create offsets in brick or decorative masonry walls to provide visual variety. At development and subdivision entry features, all walls and raised planter beds shall be of brick or decorative masonry construction.
 - (3) Developers are encouraged to create offsets in brick or masonry walls to provide visual variety.
- (e) No fence shall impede the visibility of or from any point of ingress or egress to any parking lot or driveway or any intersection of a street or highway.
- (f) On any corner lot for which front and side yards are required, no wall or fence shall cause danger or hazard to traffic by obstructing the view of the intersection from a point 30 feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence or wall obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection.
- (g) Prohibited materials. Electrical fences or electrical attachments of any type designed to administer a shock, shall not be constructed within the legal limits of the city. Permanent barbed wire and razor wire fences of any type or dimension shall not be constructed within the legal limits of the city. Vee arms or base and arms with barbed wire not to exceed three strands will be permitted in all districts except SF-1, SF-2, GH, DD, MH-1X, MH-2X, MH-3X, MFX, or any residential planned development and said attachments shall be considered as part of the fence in determining the height of the fence and shall not protrude over property lines. The lowest strand of barbed wire shall be a minimum of six feet above ground level.
- (h) Temporary fences. Temporary fencing for the purpose of protecting or securing of construction sites shall be allowed and must be removed at the completion of the project.

- (i) Inspection. When a fence is completed it must be inspected. The office of the building official shall be notified upon completion of the fence. The building official will issue a card of acceptance if the fence complies with the provisions of this chapter or it will be rejected. All fences constructed under the provisions of this chapter shall be maintained so as to comply with the requirements of this chapter at all times.
 - (j) Existing fences. Any fence constructed prior to enactment or amendment of this chapter will not be restricted by this chapter. Any fence constructed at any time on property not within the city, but annexed by the city at a later date will not be restricted by this chapter. Any fence reconstruction, modifications, enlargements, extensions, alterations or any construction other than maintenance of the fence as it existed at the time of enactment or amendment of this chapter or annexation of property containing the fence shall be regulated by this chapter.
 - (k) Emergency ingress and egress required. In order to allow ingress/egress of emergency and maintenance personnel and equipment, at least one self-closing and self-latching gate or opening not less than three feet in width shall be required with each fence or wall that is adjacent to or running parallel with a public right-of-way, alley, drainage, utility or access easement. One such opening is required for each lot or in cases when the lot frontage is greater than 200 feet, an opening or gate shall be located not more than 200 feet from another opening on the same property. Double frontage lots shall be required to have an opening only on the street used as the frontage for the property.
 - (l) Property owners' responsibility. The construction of a fence or wall on the property line shall not negate the owners' responsibility to maintain and keep the following specified areas free and clear of debris and high weeds:
 - (1) The area between the fence and the extension of the property line to the back of curb or edge of pavement.
 - (2) The area between the fence and the property line or between parallel fences.
 - (m) Maintenance of fences. The owner or any person who has a fence shall be responsible for maintaining the fence in a neat and functional condition.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-60. through § 42-69. (Reserved)

ARTICLE V SPECIFIC USES PERMITS

§ 42-70. Purpose.

The purpose of the specific use permitting procedure is to allow for review of uses which would not be appropriate generally or without certain restrictions throughout a zoning district, but which, if controlled as to the number, area, location or relation to the neighborhood, would promote the health, safety, and welfare of the community. The procedure is intended to allow broad public review and evaluation of the proposed development and to ensure adequate mitigation of potentially unfavorable impacts.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-71. Submission and approval requirements and procedure.

- (a) A property owner may petition the city for a specific use of property, as authorized by the zoning district in which the property is located. An application for a specific use permit shall be submitted to the zoning administrator, along with any applicable fee. The application shall include a site plan meeting the requirements of section 42-56, and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet.
- (b) The same notice, hearing and approval requirements as for changes and amendments to a zoning district classification shall apply to approval of a specific use permit; provided, however, that the approval of a specific use permit shall not be considered a change in zoning.
- (c) The zoning administrator shall review the application and submit a report to the planning and zoning commission. This report shall be made available to the applicant prior to the public hearing. After proper notice and a public hearing, the planning and zoning commission shall make a recommendation to the city council regarding any application for a specific use permit. The planning and zoning commission may require information, operating data, and expert evaluation concerning the location, function and characteristics of any building or use proposed.
- (d) The city council may approve a specific use by adoption of an ordinance. The ordinance shall set forth any limitations or conditions which the city council may place upon the specific use. Only those specific uses authorized in the district in which the property is located may be approved.
- (e) The planning and zoning commission and the city council shall review the application against the review and evaluation criteria set forth below and approve, conditionally approve, or deny the specific use application.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-72. Review and evaluation criteria.

The specific use application shall be reviewed and evaluated using the following criteria:

- (1) Conformance with applicable regulations and standards in this zoning chapter.
- (2) Compatibility with existing or permitted uses on abutting sites in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation features.

- (3) Potentially unfavorable effects or impacts on existing or permitted uses on adjacent properties, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
 - (4) Location, lighting, and type of signs and relation of signs to traffic control and adverse effect on adjacent properties.
 - (5) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.
 - (6) The city council shall authorize issuance of a specific use permit only after determining that the proposed use or uses are harmonious with buildings and uses of adjacent property in the vicinity of the premises under consideration and that adequate provisions have been made for the paving of streets, alleys, and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, height of structures, and compatibility of buildings.
 - (7) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the permit, as attached to the site plan drawing and approved by the city council.
 - (8) When the city council approves a specific use permit, the zoning map shall be amended according to its legend to indicate that the property is subject to the specific use permit.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-73. Lapse of approval and modifications.

- (a) A specific use permit shall be valid for one year from the date of approval unless prior to such expiration date a building permit is issued and construction is commenced or the actual use, if not requiring a building permit, is commenced. The expiration date may be extended by the city council upon application. An inspection of the property granted a specific use permit shall be performed one year after such grant to determine whether the use has been commenced and whether all conditions of the permit have been complied with.
- (b) Approval of a specific use permit automatically expires upon any of the following:
 - (1) A change in use on the property; or
 - (2) A relocation of the use.

The city council may grant a continuance of the specific use upon application.

- (c) Minor modifications to a specific use permit may be made if the zoning administrator determines that such modifications will not change the intent and effect of the approval by the city council.
- (d) A specific use permit for a stationary vendor, as defined in subsection 42-9(b), shall be subject to the following additional conditions:
 - (1) The permit shall be limited to a period of one year unless additional time is allowed by the city council.
 - (2) The applicant must show that the applicant has the written permission of the property owner to engage in the vending activities.

- (3) Any temporary structures associated with the use must comply with the city's building code and must be removed within two days after the specific use permit expires.
- (4) Food vendors must comply with conditions established by the health officer.
- (5) The applicant must hold a valid sales and use tax permit from the state.

Exception: A specific use permit is not required for a stationary vendor to make sales at a special event if the city has issued a permit for the special event and the permit holder has authorized the stationary vendor to make sales at the special event.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-74. through § 42-79. (Reserved)

ARTICLE VI NONCONFORMING USES, LOTS AND STRUCTURES

§ 42-80. Purpose and intent.

Within the districts established by this chapter, there may exist buildings or uses of land and buildings (nonconforming uses) which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. Such nonconforming uses may be continued although they do not conform with the provisions of this chapter, subject to the limitations and conditions set forth in this section. However, such nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. With due regard for the property rights of the persons affected when considered in light of the public welfare, the character of the area surrounding the nonconforming use and the conservation and preservation of surrounding properties and their values, it is the declared purpose of this chapter that nonconforming uses be eliminated and be required to conform to the regulations prescribed in this chapter.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-81. Continuation of use.

- (a) Nonconforming uses or structures. Any use or structure that existed as a nonconforming or previously conforming use or structure under applicable zoning regulations prior to adoption of this chapter shall be permitted to continue as a nonconforming use or structure, subject to the provisions of this section.
- (b) Exemptions to nonconforming regulations. Any use that does not conform to the provisions of this chapter that require the use to have a specific use permit, but which existed as a conforming use without a specific use permit under applicable zoning regulations prior to the adoption of this chapter, shall be permitted to continue as a nonconforming use. In the event such a use is replaced by or changed to a use conforming to the provisions of this chapter, the nonconforming use shall be considered void and only uses conforming to this chapter will be permitted thereafter. The burden of proof that the exemption provided by this section exists shall rest on the property owner.
- (c) Illegal use or structures. By adoption of this chapter, no presently illegal use or structure shall be deemed to have been legalized unless such use or structure falls within a district where the actual use and structure conform to the provisions of this chapter.
- (d) Building on nonconforming lots of record. In any zoning district, buildings may be erected on any single lot of record, provided there is access to such buildings from a street and the lot is in the same ownership as recorded on the effective date of the ordinance from which this chapter is derived. This provision shall apply even though the lot fails to meet the minimum requirements for area, width, or depth for the district in which it is located; however, all other requirements shall still apply. All buildings constructed on nonconforming lots of record shall meet all development regulations in the district unless proper variances are granted by the board of adjustment. No building shall be constructed on multiple lots. Whenever construction is desired on multiple lots, the property owner shall replat the property into a single lot.
- (e) Nonconforming buildings. Repairs and alterations may be made to a nonconforming building, provided that no structural alterations shall be made except those required by law or ordinance, unless the building is brought into conformity with the provisions of this chapter.
- (f) Nonconforming use of buildings. A nonconforming use of a building shall not be increased or

enlarged and no occupancy of additional buildings or land by a nonconforming use shall be permitted except that a nonconforming use of a building may be extended throughout any parts of the building which were manifestly arranged or designed for such use and which were owned or leased by the owner of the nonconforming use on the effective date of the ordinance from which this chapter is derived, provided no structural alterations, except those required by law or ordinance, are made, and provided further that no additional dwelling units shall be added where the nonconforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. The board of adjustment shall have the authority to permit an extension of a building which is nonconforming as to uses not to exceed 25 percent of the existing floor area, subject to the development regulations applicable in the zoning district.

- (g) Nonconforming use of land. Unless otherwise provided in this section, a nonconforming use of land may not be expanded, extended or moved in whole or in part, beyond the area of land actually being occupied by the use at the time it becomes nonconforming, except to provide off-street loading or off-street parking space facilities. Notwithstanding the above, the board of adjustment may permit an expansion of a nonconforming use of land on a lot of record not to exceed 25 percent of the existing area of the land actually being occupied by the nonconforming use, subject to the development regulations applicable in the zoning district.
- (h) Legacy District. Notwithstanding anything to the contrary herein, any use or structure that exists in a legacy district, those districts marked with an “X” in the district name as of the adoption of Ordinance No. [REDACTED] on [REDACTED], shall be considered a legal use or structure and shall not be considered a nonconforming use or structure. Such use or structure may be expanded, extended, or moved in accordance with the applicable legacy district regulations as a legal use or structure.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-82. Discontinuance or abandonment.

- (a) Defined. A nonconforming use, when discontinued or abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this chapter. Discontinuance or abandonment shall be defined as follows:
 - (1) When land used for a nonconforming use shall cease to be used in a bona fide manner for the nonconforming use for six consecutive calendar months.
 - (2) When a building designed or arranged for a nonconforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of six consecutive calendar months.
 - (3) When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a nonconforming use for a period of six consecutive calendar months.
 - (4) When land or a building used only on a seasonal basis is not used in a bona fide manner as a nonconforming use during such season.
- (b) Presumption. There shall be a rebuttable presumption that the property owner intended to discontinue or abandon the nonconforming use if such use ceases for the above time periods.
- (c) Deemed to have occurred. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming use was dilapidated, substandard, or was not maintained in a suitable condition for occupancy during the above time periods.
- (d) Hardship. Upon evidence of hardship, the board of adjustment shall have the power to extend the time limits in subsection (a), not to exceed one year.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-83. Destruction of nonconforming use.

- (a) Destruction. If a nonconforming building is destroyed by fire, the elements, or otherwise, it may not be reconstructed or rebuilt except to conform with the provisions of this chapter unless the destruction amount is less than 50 percent of its fair market value at the time of destruction. If a conforming building occupied by a nonconforming use is destroyed by fire, the elements, or otherwise, it may be reconstructed in conformity with the provisions of this chapter; provided, however, if the destruction amount is more than 50 percent of its fair market value at the time of destruction, the nonconforming use may not continue in the building.
 - (b) Destruction greater than 50 percent. If the destruction is greater than 50 percent and less than total, the board of adjustment may, after a public hearing, authorize repair, taking into consideration the property owner's circumstances and the effect on surrounding properties.
 - (c) Destruction less than 50 percent. Upon submission by the owner of sufficient evidence to prove that the destruction of a nonconforming building amounts to less than 50 percent of the fair market value of the entire nonconforming use and that the destroyed building or structure constituted an integral part of the nonconforming use without which the nonconforming use cannot be profitably operated, the board of adjustment may permit the reconstruction of such destroyed building or buildings under conditions which reasonably allow the owner to recoup his original investment.
 - (d) Single-family residences. Notwithstanding anything herein to the contrary, a single-family residence which is destroyed shall be permitted to be reconstructed without board of adjustment approval regardless of the extent of destruction provided that the construction complies with all current building codes and is commenced within six months of the date of destruction. The failure of the owner to start such reconstruction within six months shall forfeit the owner's right to restore or reconstruct the dwelling except in conformance with this chapter.
 - (e) Time limit for reconstruction. If the owner of a nonconforming use fails to begin reconstruction of the destroyed building (when permitted to do so by the terms of this chapter) within six months of the date of destruction or approval by the board of adjustment, the nonconforming building or use shall be deemed to be discontinued or abandoned as provided in section 42-82.
- (Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-84. Expedited compliance.

It is the policy of the city to allow the continuance of nonconforming uses but not to encourage their survival. It is recognized that a nonconforming use shall be permitted to continue for the life of the investment made by the original builder or operator. No improvements or structural alterations that extend the life or expand the degree of noncompliance shall be permitted as a general rule. Under certain conditions the continued existence of a nonconforming use may create such a degree of incompatibility with surrounding land uses and with the intent of the city's short range, medium range and long range comprehensive planning that a requirement for expedited compliance with the zoning district regulations is necessary in the public interest. A decision of this nature may affect vested property rights of the property owner and, therefore, the following procedural requirements shall apply.

- (1) Determination of need for expedited compliance. Any city officer, board, commission or the city council may request that the board of adjustment establish a zoning compliance date for a nonconforming use. Upon receiving such a request, the board shall determine whether there is a public necessity for expedited compliance with the zoning regulations. The board will schedule a public hearing in conformance with the notice and procedural requirements established by this chapter and the rules of the board. The following factors must be considered by the board in determining the public necessity for expedited compliance:

- a. The character of the surrounding neighborhood.
- b. The degree of incompatibility of the nonconforming use to the zoning district in which it is located.
- c. The effect of the nonconforming use on the surrounding area and the effect of its cessation on that area.

(2) Hearing requirements.

- a. Notice of the public hearing shall be given to the owner of the affected property and all surrounding property owners within 200 feet of the subject property as prescribed for other cases heard by the board of adjustment. All interested citizens, individuals and organizations will be given the opportunity to appear before the board and present evidence that they deem relevant and appropriate for the board to consider in determining the need for the establishment of a compliance date for the specific nonconforming use.
- b. At the conclusion of the public hearing the board shall make a finding as to whether or not there is a need for expedited compliance with the zoning ordinance and shall determine whether or not it is appropriate to set a date certain for the use or activity to come into compliance with the current requirements of the ordinance. If the board determines that there is no need for expedited compliance, it shall provide written notice to the party who requested the hearing that the board has found that expedited compliance is not necessary at the present time. No further action shall be taken by the board and the nonconforming use shall retain its existing status. Any party who disagrees with this determination by the board shall have the right to appeal such decision to state district court in the same manner as any other decision of the board may be presented for judicial review. Review is by writ of certiorari and shall be presented in the manner set forth in V.T.C.A., Local Government Code, section 211.011.

(3) Expedited compliance—Procedure for determining amortization value.

- a. If the board determines that expedited compliance is necessary and appropriate in the public interest, it shall commence the proceedings necessary to establish the value of the nonconforming use and a reasonable amortization period for that use. The board shall initially establish a time for hearing evidence on the various value and income issues necessary to comply with the amortization process. The board shall give the various parties to an amortization case sufficient time to conduct discovery and to prepare evidence of value, depreciation and income. To the extent deemed reasonable, the board shall establish a hearing date within 60 days following the determination of a need for expedited compliance. If a party believes more time is necessary to prepare for the hearing, a request for continuance of the hearing may be made to the chairman of the board who shall have the authority to grant a reasonable extension of time.
- b. The parties may exchange written discovery requests and take, as appropriate, depositions of potential witnesses. Discovery disputes will be presented to the chairman of the board for resolution. The hearing to determine value and income matters relating to amortization shall be subject to the same notice requirements as those established for the expedited compliance hearing. The purpose of the second hearing shall be to determine the value of the interest taken, if any, and whether the owner has had a reasonable opportunity to recoup that value; and a reasonable compliance date. The value is determined in the following manner:
 - 1. The board first determines the date upon which the nonconforming use came into existence

and/or operation.

2. The purpose of amortization value determination is to fully recognize the investment the owner made at the time that the use was legally permitted. A determination is made, based on the presentment of evidence, of the initial investment made by the original owner in the construction and establishment of the nonconforming use. Land value is not a factor as the property owner or his successor will retain ownership and the right to use the land for a legal use. The board should consider any evidence establishing the amount of the investment made in the establishment of the nonconforming use prior to the point in time at which it became nonconforming. Any improvement, addition, expansion or change made after the date of its nonconformity shall not be considered by the board, as it was made by the owner with knowledge of the limited life expectancy and use of the property. Initial investment value shall not be given to items that may be transported to a new site. Compensation for these items is addressed as a relocation cost below.
3. The board shall then determine the income that the property has produced annually since the nonconforming use commenced. The board, at its discretion, may make findings as to the annual operating cost of the nonconforming use to determine income over purely operating revenue. The board shall prepare a written finding stating clearly for each year that the nonconforming use has been in existence, the annual income it has produced and shall further make a finding of its current annual income based upon the income it produced at the close of the most recent calendar year or fiscal year for which it has been in operation. If due to the age of the nonconforming use, changes of ownership, or the loss or destruction of records it is not possible to prepare an income finding for each year of the nonconforming use the board will make a finding for each year that can be documented and will note why the missing years have not been addressed. The board shall use that annual income as the current and future income projection of the nonconforming use for determining amortization of any remaining investment value. Any party to these proceedings shall have the right to offer evidence as to why that projection is no longer realistic based upon evidence of economic change.
4. The board shall determine whether the original investment in the nonconforming use is subject to depreciation due to physical and/or market conditions. The board shall look at standard industry practices in determining a reasonable depreciation schedule.
5. The board may consider any other factors or evidence that shows that the owner has had a reasonable opportunity to recoup his investment in the nonconforming use.
6. The board shall then take the original investment value determined in step number 2 of this process and then subtract from that number the income of the nonconforming use as determined in step 3 and any depreciation of the nonconforming use as determined in step 4. If the subtraction of the income of the nonconforming use from the original investment value less depreciation leaves a positive figure of value remaining in the tract, the board shall make a determination that there is unamortized value in the nonconforming use that must be addressed by the city prior to expedited compliance. If the subtraction of the income streams from the initial investment value produces a negative number, then no unamortized value will remain and the board shall establish a date for expedited compliance without the need to address unamortized value.
7. All findings of the board pertaining to the value of the investment in the nonconforming use and the rate of return derived by the owner must be reasonable and in accordance with

accepted industry practices for that type of nonconforming use. Any party may offer evidence to the board in order to substantiate a reasonable value of the initial investment and/or a reasonable rate of return for such nonconforming use.

8. The board shall next determine whether the property owner will incur any costs of closing down or relocating the nonconforming use. Closure or relocation cost shall include only the reasonable and necessary expenses to transport items and material from the site to a new location. Relocation cost does not include the cost of acquiring alternate land as the property owner is retaining the land at the existing site to convert to a conforming use. The cost of relocation does not include the cost of removing permanent improvements such as buildings, parking areas, or public works facilities that will remain on the original site for use by the owner in a conforming business activity.
- c. Board findings on unamortized value and the cost of relocation. If the board makes a determination that unamortized value remains in the nonconforming use by determining that the original investment value minus depreciation exceeds the amount of income derived from the nonconforming use during its operation through the date of the amortization hearing, the board shall make the following findings as a matter of record:
 1. The dollar value of the unamortized interest remaining in the nonconforming use (original investment value, minus depreciation and minus income earned during historic operation of the nonconforming use).
 2. The dollar income the nonconforming use produced during its last full calendar year of operation prior to the date of the hearing
 3. The dollar cost of relocating business assets or inventory.
 4. Other factors that show whether the owner has had a reasonable opportunity to recoup his investment in the nonconforming use.
 - d. Based upon the above factors, the board determines a calendar date upon which amortization shall be deemed complete. The calendar date determined herein shall be the date upon which the board determines is a reasonable period of time for the owner to have fully amortized the original investment value of the nonconforming use together with the closure/relocation costs that are properly chargeable to the nonconforming use.
 - e. The board shall make these findings a matter of record in the minutes of the board meeting in which such final determination was reached. The date upon which final amortization occurs shall be the date upon which the nonconforming use shall cease to operate in a nonconforming status.
 - f. Under no circumstance shall a nonconforming use be given less than 90 days to cease operation irrespective of the date determinations made above. The 90-day minimum is to provide the nonconforming use business with the opportunity to give its customers, suppliers and vendors proper notice and to permit an orderly closure and transfer of business operations.
 - g. The board of adjustment shall cause its findings to be transmitted to the city council including whether any unamortized value remains in the nonconforming use identified for expedited compliance. The city council in its sole discretion shall have the right to determine if the city should appropriate funds to purchase the remaining unamortized value of the nonconforming use, thereby instituting immediate closure rather than waiting for the expiration of the time

necessary for the automatic amortization of remaining value.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-85. Additional limitations and provisions regarding nonconforming uses.

- (a) Change to conforming. A nonconforming use or building, if changed to a conforming use or building, may not be changed back to a nonconforming use or building.
- (b) Accessory uses or structures. No nonconforming accessory use or structure shall continue after the principal use or structure shall have ceased or terminated unless the accessory use or structure shall thereafter conform to the provisions of the zoning district in which it is located.
- (c) Vested rights. Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building or land development project for which a building permit was lawfully issued no more than six months prior to the adoption or amendment of this chapter, provided that such construction shall have been started at the time such use became nonconforming and shall have been diligently prosecuted to completion.
- (d) Future nonconformities. The foregoing provisions of this article shall also apply to uses made nonconforming by subsequent amendments to the zoning regulations or by annexation into the city limits.
- (e) Special exceptions. Any use which is approved as a specific use permit by the city council or as a special exception use by the board of adjustment shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be interpreted as to waive any conditions placed on the specific use or special exception use.
- (f) Replacement of manufactured home. Notwithstanding anything in this article to the contrary, a nonconforming manufactured home may be exchanged or replaced by another manufactured home, provided the replacement manufactured home is owner-occupied.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-86. Waiver.

The board shall have the power to approve a waiver of any required yard area or setback requirement when such a waiver is necessary due to a surveying or construction error in the placement of the original foundation or site improvement.

(Ordinance 2014-010, sec. 1, adopted 4/21/2014)

§ 42-87. through § 42-94. (Reserved)

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

§ 42-95. Board of adjustment.

(a) Creation, membership and procedures.

- (1) Zoning board of adjustment established. A board of adjustment is hereby established in accordance with the provisions of V.T.C.A., Local Government Code section 211.008 and shall have the powers and duties as provided in said statute and this chapter.
- (2) Membership.
 - a. The zoning board of adjustment shall consist of five members, each to be appointed by the city council for a term of two years and removable for cause by the city council upon written charges and after public hearing. If a member is absent for three consecutive meetings, or if the member misses more than 50 percent of the meetings in a calendar year, reasonable cause exists for the removal of the member unless the board has granted the member a leave of absence at a meeting due to illness or other good cause.
 - b. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. Three members shall serve until January 1 of odd-numbered years, as heretofore appointed, and two members, as heretofore appointed, shall serve until January 1 of even-numbered years. Thereafter each member reappointed or each new appointee shall serve for a full term of two years unless removed as hereinabove provided.
 - c. The city council may also appoint up to four alternate members of the board who shall serve in the absence of one or more of the regular members when requested to do so by the chairperson of the board, so that all cases to be heard by the board will always be heard by a minimum number of four members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner and they shall be subject to removal by the same means and under the same procedures as the regular members.
- (3) Hearings. The hearings of the board shall be public. The board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four members of the board.
- (4) Meetings. Regular meetings of the board shall be held at such times as the board may determine. Special meetings of the board shall be held at the call of the chairperson or at the written request of two regular members of the board, said request to be submitted to the chairperson.
- (5) Rules and regulations. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city secretary and shall be public record. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of this chapter, and shall furnish a copy of the same to the zoning administrator, all of which rules and regulations shall operate uniformly in all cases. All of its orders shall be

in accordance therewith.

- (b) Jurisdiction and powers. The board of adjustment shall have all powers granted by the provisions of V.T.C.A., Local Government Code sections 211.008 through 211.011. The board may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, take the following actions:
- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator or other city officer or department in the enforcement of this chapter;
 - (2) Hear appeals on zoning boundary disputes;
 - (3) Hear requests by a city officer, board, commission or city council to abate, remove, limit or terminate a nonconforming use or building through expedited compliance procedures to require the discontinuance of a nonconforming use or building under a reasonable plan whereby the owner's investment in the nonconforming use or building can be recouped through amortization over a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter.
 - (4) Permit the expansion or extension of a nonconforming use in accordance with the provisions of section 42-83 [42-81].
 - (5) Within the limits prescribed in section 42-82, the board may review nonconforming uses which have been abandoned or discontinued to determine whether such uses should be allowed to resume operation. Such action by the board shall consider any unnecessary hardship on the property owner if the use is discontinued and shall have due regard for the public welfare, the character of the area surrounding such use, and the conservation, preservation and protection of surrounding properties and their values;
 - (6) Permit the repair or reconstruction and occupancy of a nonconforming building or a building containing a nonconforming use where the building has been destroyed in excess of 50 percent, but less than the total value as provided in section 42-83, provided such reconstruction does not, in the judgment of the board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming building beyond what is permitted by article VI. Such action by the board of adjustment shall have due regard for the property rights of the person or persons affected, when considered in light of the public welfare, the character of the area surrounding such structure, and the conservation, preservation and protection of surrounding properties and their values;
 - (7) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated or substandard;
 - (8) Permit variances to the development regulations in this chapter such as front yard, side yard, rear yard, lot width, lot depth, lot coverage, minimum setback, off-street parking, off-street loading, lot area, maximum height, or other development regulations where such variance is necessary to permit the reasonable development of a specific parcel of land which differs from other parcels of land in the same zoning district by being of such area, shape, topography, slope or condition that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same zoning district, or where, due to special conditions:

- a. The literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district and would result in an unnecessary and/or unreasonable hardship;
- b. The special conditions are not the result of the applicant's actions, but are peculiar to the land, structure or building involved;
- c. The variance requested is the minimum necessary; and
- d. No special privilege is granted which is denied to other similarly situated uses.

Any variance granted shall not adversely affect adjoining property, shall not be contrary to the public interest and shall insure that the spirit of the ordinance is observed and substantial justice is done.

- (9) Approve special exception uses which are specifically authorized by this chapter. A site plan meeting the requirements of section 42-56 shall be required to be submitted with each application for a special exception. Any special exceptions authorized by the board, either under the provisions of this chapter, or under the authority granted to the board under the statutes of the state, shall authorize the issuance of a building permit for a period of 90 days from the date of the favorable action on the part of the board of adjustment, unless the board in its minutes shall, at the same time, grant a longer period. If a building permit shall not have been issued within said 90-day period or such other period as the board of adjustment may specifically grant, the special exceptions shall be deemed waived, and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal to said board of adjustment in accordance with the rules and regulations regarding appeals.

(c) Appeals.

- (1) Except as limited for specific appeals, appeals to the board of adjustment can be taken by any person aggrieved or by any officer, department, or board of the municipality affected by any decision of the zoning administrator or any official authorized to make a decision under this chapter. Such appeal shall be taken within 15 days after the decision has been rendered by the zoning administrator or other official by filing with the official from whom the appeal is taken and with the city secretary a notice of appeal specifying the grounds thereof. The official from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.
- (2) A written application for appeal shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings, and other data or information relevant to the appeal.
- (3) An appeal shall stay all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case proceedings may be stayed only by a restraining order granted by the board of adjustment or by a court of record on application after notice to the official and upon a showing of due cause.
- (4) Limitation on reapplications. When the board has denied an appeal, no new applications of similar nature shall be accepted by the board or scheduled for 12 months after the date of board denial. Applications which have been withdrawn at or before the board meeting or that have been expired after approval by the board, may be resubmitted at any time for hearing before the

board.

- (d) Hearing. The board of adjustment shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing any party may appear in person or by attorney or agent. The notice provided in this section shall be given by publication in the official city publication stating the time and place of such hearing, which shall not be earlier than ten days from the day of such publication, and in addition, the board of adjustment shall mail notices of such hearing to the petitioner and the owners of property lying within 200 feet of any point of the lot or portion thereof, on which an appeal is taken, and to all persons deemed by the board of adjustment to be affected. Such owners and persons shall be determined according to the current tax rolls of the city and substantial compliance therewith shall be deemed sufficient, provided, however, that the depositing of such written notice in the mail by the board of adjustment shall be deemed in compliance with this section.
- (e) Decision of the board. The board shall decide the appeal within a reasonable time. The board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken. In granting any appeal, the board may place reasonable conditions and restrictions on the property that the board deems appropriate to assure that the spirit and intent of this chapter is observed.
- (f) Vote of four members required. The concurring vote of four members of the board 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 pass; or
 - (3) Authorize a variation from the terms of this chapter.
- (g) Appeals to court. Any person or persons, jointly or separately, aggrieved by any decision of the board of adjustment or any taxpayer or any officer, department or board of the city may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten days after the rendering of the decision complained of by the board of adjustment, and not thereafter.
- (h) Authorized special exceptions. The following special exceptions may be permitted by the board of adjustment, in the district specified, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the board of adjustment may impose:
 - (1) Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformity with the city comprehensive plan and present no conflict or nuisance to adjacent properties.
 - (2) Permit a public utility or public service building in any zoning district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - (3) Grant a permit for the extension of a use, height, or area regulation into an abutting district where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this chapter is derived.

- (4) Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- (5)
- (6) Approve the location of amateur radio equipment and TV antennas (including ham radio and CB equipment but not including commercial equipment) in a residential district subject to the restrictions in this chapter.
- (7) Approve the location of satellite receive-only antennas which exceed one meter in diameter in residential districts or two meters in diameter in nonresidential districts subject to the following conditions: To receive a special exception, a satellite receive-only antenna which exceeds:
 - a. One meter in diameter located in a residential zoning district, or
 - b. Two meters in diameter located in a nonresidential zoning district (except governmental antennas), must comply with the following requirements:
 - 1. Height. A satellite receive-only antenna shall not exceed 12 feet in height; however, satellite receive-only antennas may be placed on the roof of commercial structures if screened from public view from line of sight at ground level from the property line.
 - 2. Setbacks.
 - i. Front and side. Satellite receive-only antennas shall not be permitted in front or side yards;
 - ii. Rear. Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as required for accessory buildings in residential districts and as for all buildings in nonresidential districts.
 - 3. Separation. There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record.
 - 4. Satellite receive-only antennas shall not be permitted in easements.
 - 5. Lights. No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.
 - 6. Construction standards. Except for satellite receive-only antennas installed by a governmental entity, a building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna.
 - 7. No part of an antenna, or any attachment thereto, may extend beyond the property lines of the owner of such antenna site.

(8) Approve the location of telecommunications antennas and towers.

- a. Application. To properly evaluate applications to locate telecommunications antennas or towers, the following information must be provided by the applicant, as applicable:
 1. A description of the nature of the antenna or tower site. Indicate whether the proposed structure is a monopole or lattice tower. Indicate the proposed height;
 2. Provide photos or drawings of all equipment, structures and antennas;
 3. Describe why the antenna or tower is necessary;
 4. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user;
 5. Indicate if this antenna or tower site will be connected to other sites; and if so, describe how it will be connected and who will provide the backhaul network;
 6. The applicant must address whether an effort has been made to co-locate the facility proposed for this antenna or tower on existing towers or facilities in the same general area. Identify the location of existing sites. Describe in detail efforts made and explain in detail why existing site were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites' owners and/or operators which confirm the statements provided. Indicate whether or not the existing sites allow or promote co-location and, if not, describe why not;
 7. Indicate whether or not co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason;
 8. If the requested location is in a residential district the applicant must address whether an effort has been made to locate the facility in a commercial or industrial district. Identify the location of the commercial and/or industrial district sites. Describe in detail efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners and/or operators which confirm the statements provided;
 9. Indicate the applicant's current coverage area for the city. Attach maps showing the areas the applicant's existing antennas currently cover, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover;
 10. Describe the applicant's master antenna and tower plan for the city. Attach maps and other related documentation. Provide information indicating each phase of the plan;
 11. Describe the applicant's plan to minimize the number of telecommunications towers need to cover the city.
- b. Conditions of approval. The board of adjustment will approve a requested application for a special exception to locate a telecommunications antenna or tower subject to the finding

that co-location of this facility with a nearby existing antenna facility is not feasible and subject to the following conditions:

1. Applicant will permit co-location of others at the site;
 2. Applicant will configure its antenna and other equipment to accommodate other providers;
 3. Applicant will identify its backhaul network connecting antenna sites;
 4. Applicant will give notice to the city identifying any providers who co-locate on the site and identify their backhaul network; and
 5. Applicant shall meet the height, area, separation, and other requirements as listed in section 42-45.
- c. Written report upon denial of request. The city shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing, stating the reason for denial and indicating substantial evidence that supports the denial.
- d. Abandoned antenna facilities. Any antenna or antenna facility that is not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove it within 90 days of receipt of notice from the city.
- (9) To grant a permit for the extension of a use, height or area regulation into an abutting district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this chapter is derived.
- (10) To waive or reduce the parking and loading requirements in any of the districts, when:
- a. The character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or
 - b. When such regulations would impose an unreasonable hardship upon the use of the lot.

The board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

(i) Limitations on jurisdiction.

- (1) The board shall have no authority to change any provisions of this chapter and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The board may not change the district designation of any land either to a more or less restrictive zone.
- (2) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the zoning administrator, that such questions shall be presented to the board only on appeal from the decision of the zoning administrator and that recourse from the decisions of the zoning board of adjustment shall be to the courts as provided by the laws of the state.

(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-96. Changes and amendments.

- (a) Authority to amend. The city council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of

the zoning districts. Any amendment, supplement, or change to the text of this chapter and any change in the classification or boundaries of the zoning districts, may be initiated by the planning and zoning commission, the city council, or may be requested by the owner of real property or the authorized representative of an owner of real property.

(b) Application for rezoning.

- (1) Each application by a property owner for rezoning or an application for a specific use permit shall include a signed, notarized statement of ownership of the property in the following format:

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

Name

Sworn to and subscribed before me on this _____ day of _____, 20__, by the person whose signature appears directly above.

{SEAL}

Notary Public in and for the State of Texas

Upon filing of an application for an amendment to the zoning ordinance or a change in the classification or boundaries of a zoning district map, the planning and zoning commission shall call a public hearing on said application.

- (2) For changes to a zoning classification or district boundary, written notice of such hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within 200 feet of the property on which the change in classification is proposed, such notice to be given not less than 11 days before the date of such hearing, to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Where property lying within 200 feet of the property proposed to be changed is located outside the city limits or in territory which was annexed to the city after the final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given by one publication in the official newspaper at least 16 days before the time of hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.
- (3) If, at the conclusion of the hearing, the planning and zoning commission recommends amendment of this chapter to the city council, said recommendation shall be by resolution of the planning and zoning commission carried by the affirmative votes of not less than a majority of the members present and voting. A copy of any recommended amendment shall be submitted to the city council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
- (4) If, after public hearing, the planning and zoning commission recommends denial of an application, the applicant may appeal said determination to the city council by filing a written notice of appeal with the city clerk within ten days after the determination of the planning and zoning commission.

- (5) The planning and zoning commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the commission recommends denial of the application and fails to clearly state the same is being denied without prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refiling. If the planning and zoning commission recommends denial with prejudice, if it is later determined by the commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period. Newly annexed land which has been given agricultural zoning is exempt from the one-year waiting period.

(c) Action by city council.

- (1) If the planning and zoning commission has recommended approval of an application or if the planning and zoning commission has recommended denial of an application and a notice of appeal has been filed pursuant to subsection (b), the city council shall set said application for public hearing and shall give notice of the time and place of the hearing by publication one time in the official newspaper at least 16 days prior to such hearing.
- (2) If the planning and zoning commission has recommended to the city council that a proposed amendment be disapproved, the city council may refuse to adopt the amendment by a simple majority vote of the councilmembers present and voting. However, in order to adopt the amendment which has been recommended for disapproval by the planning and zoning commission, the amendment shall not become effective except by the favorable vote of three-fourths of all members of the city council.
- (3) When the planning and zoning commission has recommended to the city council that a proposed amendment be approved, the city council may either approve or disapprove the petition or application for amendment by a simple majority vote of the city councilmen present and voting. In the event of a tie vote of the city councilmen present and voting, the mayor may cast the deciding vote.
- (4) In the case of a protest against an amendment to the ordinance signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area included in the proposed change and extending 200 feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the city council.
- (5) In making its determination, the city council shall consider the following factors:
 - a. Whether the use permitted by the proposed change will be appropriate in the immediate area concerned and its 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 unsuitable for development.
 - d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

- e. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
 - f. Any other factors which will substantially affect the public health, safety, morals or general welfare.
- (6) In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the city council shall further consider whether said application shall be denied with or without prejudice against refiling. If the city council shall deny the application and fail to clearly state the same is being denied without prejudice, then it shall be deemed that said application is being denied with prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or a part of the subject tract of land for a period of one year from the date of denial by the city council unless the new application is substantially different, as determined by the city council. If it is determined by the city council that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period. Newly annexed land which has been given agricultural zoning is exempt from the one-year waiting period.
- (d) Changes in zoning regulations. Amendments to this zoning chapter not involving a particular property but involving a change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing before the city council shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, at least 16 days prior to the date of the hearing.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-97. Fees, charges, and expenses.

- (a) Establishment of schedule of fees. The city council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, applications, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the city secretary and may be altered or amended only by the city council.
- (b) Fee payment required. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-98. Violations, penalties, and enforcement.

- (a) Fines. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall be fined not more than \$2,000.00 for each offense. Each day that a violation exists shall constitute a separate offense. The penalty should not be construed as exclusive, and the city hereby provides that any other remedy available to it, in law or in equity, is not intended to be, and is not, foreclosed by the provision of such penalty.
- (b) Enforcement. The provisions of this chapter shall be enforced by the city manager or his duly authorized representatives. The city manager's authorized representatives shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the enforcement of this chapter.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-99. Injunction.

The city shall have and retain the right for injunctive relief against any person, firm, or corporation who is in the process of or about to violate any section, paragraph, or part of this chapter; such right for injunctive relief shall exist independent of the other penalty provisions of this chapter and not in lieu thereof. The right of injunctive relief is essential to the city in order that it may maintain an orderly and properly planned control over all land uses, thus protecting the health, morals, safety, and wellbeing of the citizens and halting any attempt by any person, firm, or corporation to inflict temporary or permanent injury on the general public by a failure to comply with the terms of this chapter.
(Ordinance 2015-005, sec. 1, adopted 4/20/2015)

§ 42-100. Planning and Zoning Commission.

- (a) Organization and appointment. There is hereby created a planning and zoning commission which shall be organized, appointed, and function as follows:
- (1) Membership. The planning and zoning commission shall consist of five (5) members who are residents of the city or its extraterritorial jurisdiction, each to be appointed by the city council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Appointees shall fill positions which shall be designated by place numbers (e.g., place 1, place 2, etc.). Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made. The city council may appoint two (2) alternate members of the planning and zoning commission who shall serve in the absence of one or more of the regular members when requested to do so by the chairman of the planning and zoning commission. If a member is absent for three consecutive meetings, or if the member misses more than 50% of the meetings in a calendar year, the member's office is considered vacant unless the member is sick or has first obtained a leave of absence at a meeting.
 - (2) Terms. The terms of members filling places 1, 3, and 5 shall expire on June 30th of each odd-numbered year and the terms of members filling places 2 and 4 shall expire on June 30th of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no member shall be appointed for a term in excess of two (2) years. Newly-appointed members shall be installed at the first regular commission meeting after their appointment.
 - (3) Organization. The commission shall hold an organizational meeting in July of each year. The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of law. The planning and zoning commission shall elect a chairman from its own membership at its annual organizational meeting.
 - (4) Quorum and compensation. A quorum for the conduct of business shall consist of three members and/or alternate members of the commission. The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.
- (b) Duties and authority. The planning and zoning commission is hereby charged with the duty and invested with the authority to:
- (1) Formulate and recommend to the city council for its adoption a city plan for the orderly growth

and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.

- (2) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as authorized under state law.
- (3) Exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as authorized under state law.
- (4) Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.
- (5) Study and make recommendations regarding the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.
- (6) Initiate, in the name of the city, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change of zoning district boundaries on an area-wide basis.
- (7) Formulate and recommend to the city council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- (8) Submit each May a progress report to the city council summarizing its activities for the past year and a proposed work program for the coming year.

(Ordinance 2024-0022 adopted 11/18/2024)

§ 42-101. Occupancy Permits (or Certificates of Occupancy)

- (a) Required. An occupancy permit (CO) shall be required in the city limits of the City of Alvarado:
 - (1) prior to the occupancy and use of any and all buildings or real property, and
 - (2) to update a change of use of any and all buildings or real property, and
 - (3) to lessen or expand space occupied, and
 - (4) to update a change of real property ownership, and
 - (5) to update a change of business name, and
 - (6) to update a change of property management, and
 - (7) prior to connection of temporary utility service for the purpose of cleanup, property improvements or alterations (90-day clean & show).
- (b) Procedures and requirements established. The procedures and requirements set out in this ordinance shall be established for the approval and issuance of occupancy permits.
- (c) Application requirements.
 - (1) An application for an occupancy permit (CO) shall be submitted prior to the intended occupancy of the premises.
 - (2) The following information shall be provided by the applicant. If this information is not provided, the application will be considered incomplete and will not be processed.
 - a. The name, address, and phone number of the applicant

- b. The name and address of the property owner and the property owner's phone number
 - c. The name, address, and phone number of the business owner
 - d. The name of the occupant
 - e. Full disclosure of the intended use of the building and/or property
 - f. The address and/or legal description of the property for which the occupancy permit is being requested
 - g. The square footage of the building
 - h. The number of employees per shift
 - i. Chemicals used under SARA title III
 - j. Certification by signature on the application that the applicant will not, nor will they permit any other person or persons to, use the described property for any other purpose than that stated on the occupancy permit and that the use of the property will be in conformance with all applicable city ordinances and state, federal and county law
 - k. Retail sales permit, if required under state law
 - l. Certificate of Occupancy Questionnaire provided with the CO application
 - m. Floor plan with all rooms labeled and dimensioned with equipment/seating layout
 - n. Building suite layout if part of a multi-tenant building
 - o. Title survey, as-built survey, improvement surveyor, or site plan
- (3) Each occupancy permit (CO) application shall be accompanied by a fee as provided for in the city adopted fee schedule.
- (4) The date of acceptance of the application will be the date on which the Building Official or his appointee determines that the application is complete, and the requirements of the zoning district are met as determined by the Community Development Director.
- (d) Temporary utility service. The connection of temporary utility service for the purpose of cleanup, property improvements or alterations (clean & show) may be authorized by the Building Official or his appointee, for a 90-day period beginning with the date of acceptance of the application.
- (e) Administrative review of application; inspections
- (1) Review of application. On or after the date of acceptance of the application, the application will be reviewed by the Community Development Director and the Building Official or his appointee, to ensure compliance with applicable zoning ordinances and building codes. Other city departments or state, federal or county agencies may be asked to review the application, as warranted by the nature of the business or type of occupancy for which application is made.
 - (2) Inspections. The city fire and building safety departments shall be provided access to the property for a physical inspection of the premises to assure adherence to the requirements of the International Fire Code and the International Building Code and associated trade codes. Access to the property for a physical inspection of the premises shall be given to the city's third-party health department provider, the city police department, and any other city department, or state, federal or county agency, if such inspections are warranted by the nature of the business or type of occupancy for which application is made.
 - (3) Failure to make premises available for inspection. It is the responsibility of the applicant to make the premises available for inspection during regular working hours by all applicable departments or

agencies. Failure to do so within thirty (30) calendar days of the date of acceptance of the application will result in the voiding of the application. A new application will need to be submitted along with the applicable fee provided for in the city adopted fee schedule.

- (4) Proof of valid permits, licenses and certificates. The applicant must have all federal, state, county and city permits, licenses, and/or certificates that pertain to the use stated in the occupancy permit (CO) application.
- (5) Failure to pass inspections. If the building or structure does not pass all applicable inspections for what the applicant is applying for, an occupancy permit will not be issued.
- (f) Extension of application period. Upon authorization by the Building Official or his appointee, and for good cause shown, the application for an occupancy permit (CO) and temporary services may be continued for an additional thirty (30) days beyond the original date of acceptance of the application while compliance is sought.
- (g) Issuance. An occupancy permit (CO) will be issued to the applicant by the Building Official or his appointee when all of the requirements of this ordinance, and any other city, state, county or federal requirements which pertain to the use of the property for which application has been made, have been met.
- (h) Existing occupancy permits. Valid occupancy permits issued prior to the effective date of the ordinance codified in this ordinance will remain in effect until such time as the use of the property for which the permit was issued ceases to operate, or there is a change of ownership of the business, or a change in use. Subsequent occupancy permits will not be issued until the requirements of this ordinance are met. Occupancy permits issued prior to the effective date of the ordinance codified in this ordinance which are found to be invalid are subject to revocation.
- (i) Revocation.
 - (1) The Building Official or his appointee may, in writing, suspend or revoke an occupancy permit (CO) whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or any portion thereof is in violation of any ordinance or regulation. Occupancy permits which are subject to revocation under the terms of this subsection are invalid occupancy permits.
 - (2) A decision by the Building Official or his appointee to revoke an occupancy permit (CO) because it was issued in error may be appealed to the city council.
- (j) Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises at or near the front entrance of the building.
- (k) Denial of permit and city services. If all the provisions of this ordinance are not met, an occupancy permit (CO) will not be issued and city services, such as, but not limited to, water, sewer, and sanitation, will not be permitted to be used on or connected to the premises.

§ 42-102. through § 42-175. (Reserved)

ARTICLE VIII DISTRICT REGULATIONS¹

DIVISION 1

Reserved²

§ 42-176. through § 42-208. (Reserved)

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1. Editor's Note—Art. III Was Renumbered As Art. VIII Pursuant To The Inclusion Of Ord. 2015-005, Adopted April 20, 2015. See The Editor's Note At Beginning Of This Chapter.
 2. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 1, secs. 42-176—42-185, in its entirety. Former div. 1, "Generally", was derived from Ord. 2004-028, secs. 2-1, 2-2, 3—6, 27—38, adopted February 17, 2004; Ord. 2005-010, adopted March 21, 2005; Ord. 2009-002, secs. 2A, 2B, adopted January 19, 2009; and Ord. 2011-002, sec. 12, adopted February 21, 2011.

DIVISION 2

Reserved³

§ 42-209. through § 42-234. (Reserved)

3. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 2, secs. 42-209—42-213, in its entirety. Former div. 2, "A—Agricultural District", was derived from Ord. 2004-028, secs. 7.1—7.5, adopted February 17, 2004.

DIVISION 3

Reserved⁴

§ 42-235. through § 42-258. (Reserved)

4. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 3, secs. 42-235—42-240, in its entirety. Former div. 3, "SF-1—Single-Family Residential District-1", was derived from Ord. 2004-028, secs. 8.1—8.6, adopted February 17, 2004; Ord. 2009-002, secs. 2C(8.5), 2C(8.6), adopted January 19, 2009; and Ord. 2011-002, sec. 1, adopted February 21, 2011.

DIVISION 4

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5. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed secs. 42-259—42-263. Former secs. 42-259—42-263, "General purpose and description", "Permitted uses", "Permitted specific uses", "Height and area regulations", and "Parking regulations", were derived from Ord. 2004-028, secs. 9.1—9.5, adopted February 17, 2004, and Ord. 2009-002, sec. 2D(9.5) adopted January 19, 2009.

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6. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed secs. 42-292—42-296. Former secs. 42-292—42-296, "General purpose and description", "Permitted uses", "Permitted specific uses", "Height and area regulations", and "Parking regulations", were derived from Ord. 2004-028, secs. 11.1—11.5, adopted February 17, 2004.

DIVISION 6

Reserved⁷

§ 42-328. through § 42-354. (Reserved)

7. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 6, secs. 42-328—42-333, in its entirety. Former div. 6, "MH-1X—Manufactured Home Park District (X)", was derived from Ord. 2004-028, secs. 12.1—12.6, adopted February 17, 2004, and Ord. 2009-002, sec. 2G(12.5), adopted January 19, 2009.

DIVISION 7

Reserved⁸

§ 42-355. through § 42-364. (Reserved)

8. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 7, secs. 42-355—42-360, in its entirety. Former div. 7, "MH-2X—Manufactured Home Subdivision District", was derived from Ord. 2004-028, secs. 13.1—13.6, adopted February 17, 2004 and Ord. 2009-002, sec. 2H(13.5), adopted January 19, 2009.

DIVISION 8

Reserved⁹

§ 42-379. through § 42-417. (Reserved)

9. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 8, secs. 42-379—42-387, in its entirety. Former div. 8, "MFX—Multifamily Residential District (X)", was derived from Ord. 2004-028, secs. 14.1—14.9, adopted February 17, 2004; Ord. 2009-002, secs. 21(14.5), (14.9), adopted January 19, 2009; and Ord. 2011-002, sec. 4, adopted February 21, 2011.

DIVISION 9

Reserved¹⁰

§ 42-418. through § 42-444. (Reserved)

10. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 9, secs. 42-418—42-423, in its entirety. Former div. 9, "NC—Commercial District—Office, Light Retail And Neighborhood Services", was derived from Ord. 2004-028, secs. 15.1—15.6, adopted February 17, 2004; Ord. 2009-002, secs. 2J(15.6), adopted January 19, 2009; and Ord. 2011-002, sec. 5, adopted February 21, 2011.

DIVISION 10

Reserved¹¹

§ 42-445. through § 42-468. (Reserved)

11. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 10, secs. 42-445—42-450, in its entirety. Former div. 10, "RC—Regional Commercial District", was derived from Ord. 2004-028, secs. 16.1—16.6, adopted February 17, 2004; Ord. 2009-002, secs. 2K(16.6), adopted January 19, 2009; and Ord. 2011-002, sec. 6, adopted February 21, 2011.

DIVISION 12

Reserved¹³

§ 42-500. through § 42-531. (Reserved)

12. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 12, secs. 42-500—42-505, in its entirety. Former div. 10, "CF—Commerce Flex District", was derived from Ord. 2004-028, secs. 17.1—17.5, adopted February 17, 2004, and Ord. 2011-002, sec. 8, adopted February 21, 2011

13. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed secs. 42-532—42-536. Former secs. 42-532—42-536, "General purpose and description", "Permitted uses", "Permitted specific uses", "Height and area regulations", and "Parking regulations", were derived from Ord. 2004-028, secs. 18.1—18.5, adopted February 17, 2004.

DIVISION 14

Reserved¹⁵

§ 42-566. through § 42-590. (Reserved)

14. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 14, secs. 42-566—42-571, in its entirety. Former div. 14, "INSX—Institutional District (X)", was derived from Ord. 2004-028, secs. 19.1—19.6, adopted February 17, 2004, and Ord. 2009-002, sec. 2L(19.6), adopted January 19, 2009.

DIVISION 15

Reserved¹⁶

§ 42-591. through § 42-625. (Reserved)

15. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 15, secs. 42-591—42-596, in its entirety. Former div. 15, "PD—Planned Development District", was derived from Ord. 2004-028, secs. 20.1—20.6, adopted February 17, 2004.

DIVISION 16

Reserved¹⁷

§ 42-626. through § 42-659. (Reserved)

16. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 16, secs. 42-626—42-628, in its entirety. Former div. 16, "FN—Floodplain and Nature District", was derived from Ord. 2004-028, secs. 21.1—21.3, adopted February 17, 2004.

DIVISION 17

Reserved¹⁸

§ 42-660. through § 42-672. (Reserved)

17. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 17, secs. 42-660—42-662, in its entirety. Former div. 17, "Schedule of Uses/Tables", was derived from Ord. 2004-028, sec. 22, adopted February 17, 2004; Ord. 2005-002, adopted October 18, 2004; Ord. 2009-002, sec. 2M, adopted January 19, 2009; Ord. 2010-001, sec. 2(A), adopted February 15, 2010; Ord. 2010-003, sec. 2(A), adopted February 15, 2010; Ord. 2010-006, sec. 1(exh. A), adopted April 19, 2010; Ord. 2010-025, sec. 2A, adopted October 18, 2010; Ord. 2011-003, sec. 2, adopted February 21, 2011; Ord. 2011-024, sec. 1, adopted July 18, 2011; Ord. 2011-028, sec. 1, adopted August 15, 2011; Ord. 2011-032A, sec. 1A, adopted September 19, 2011; and Ord. 2011-033, secs. 1A—C, adopted September 19, 2011.

DIVISION 18

Reserved¹⁹

§ 42-673. through § 42-683. (Reserved)

18. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 18, sec. 42-673, in its entirety. Former div. 18, "Descriptions/Definitions of Uses", was derived from Ord. 2003-012, adopted February 17, 2003; Ord. 2004-028, sec. 23, adopted February 17, 2004; Ord. 2005-001, adopted October 18, 2005; Ord. 2006-007, adopted November 21, 2005; Ord. 2006-008, adopted November 21, 2005; Ord. 2009-002, sec. 2N(23.1.15—23.1.16), adopted January 19, 2009; Ord. 2010-003, sec. 2(B), adopted February 15, 2010; Ord. 2010-025, secs. 2B, 2C, adopted October 18, 2010; Ord. 2011-024, sec. 2, adopted July 18, 2011 and Ord. 2011-034, sec. 2, adopted September 19, 2011.

DIVISION 19

Reserved²⁰

§ 42-684. through § 42-714. (Reserved)

19. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 19, secs. 42-684—42-695, in its entirety. Former div. 19, "Special Uses", was derived from Ord. 2004-028, secs. 24.1—24.11, adopted February 17, 2004; Ord. 2005-002, adopted October 18, 2004; Ord. 2006-008, adopted November 21, 2005; Ord. 2011-002, sec. 14, adopted February 21, 2011; Ord. 2011-019, sec. 2, adopted June 20, 2011; Ord. 2011-021, sec. 1, adopted July 18, 2011; and Ord. 2013-031 adopted July 15, 2013.

DIVISION 20

Reserved²¹

§ 42-715. through § 42-736. (Reserved)

20. Editor's note—Ord. 2015-005, sec. 1, adopted April 20, 2015, repealed art. VIII (formerly art. III), div. 20, secs. 42-715, 42-716, in its entirety. Former div. 20, "Specific Use Permit", was derived from Ord. 2004-028, secs. 25.1, 25.2, adopted February 17, 2004; Ord. 2010-003, sec. 2(C), adopted February 15, 2010 and Ord. 2010-024, sec. 2, adopted October 18, 2010.

ARTICLE IX MANUFACTURED HOMES ²²

§ 42-737. Definitions.

For the purposes of this article, the following terms shall have the respective meanings ascribed to them:

License means a written license issued by the city allowing a person to operate and maintain a manufactured home park under the provisions of this article.

Manufactured home lot means a parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

Manufactured home stand means that part of an individual lot which has been reserved for the placement of one manufactured home unit.

Park management means the person who owns or has charge, care, or control of the manufactured home park.

Park street means a private way which affords principal means of access to individual manufactured home lots or auxiliary buildings.

Permanent manufactured home means a manufactured home parked or placed on a separate vacant platted city lot or a plot containing at least 5,000 square feet of land and outside a manufactured home park in which the setback requirements for said manufactured home as specified for manufactured homes located in residential zoning districts as set out in this article. The manufactured home shall have the wheels removed and be underpinned, underskirted, and anchored to the ground in a permanent fashion, using solid concrete blocks and bases and having separate water, sewer, gas, and electrical connections approved by the city.

Permit means a written permit or certification issued by the city permitting the construction, alteration, and extension of a manufactured home park or placement of a permanent manufactured home under the provisions of this article and regulations issued hereunder.

Service building means a structure housing toilet, lavatory, and such other facilities as may be required by this article.

Sewer connection means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the manufactured home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the manufactured home park.

Sewer riser pipe means the portion of the sewer system serving a manufactured home park which extends vertically to the ground elevation and terminates at a designated point on each manufactured home lot.

Trailer or travel trailer means a vehicle used for temporary living quarters and designed to be used for camping and vacations and to be stored in the vicinity of a permanent residence, and no living quarters maintained therein.

Water connection means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home.

Water riser pipe means that portion of the water supply system serving the manufactured home park which extends vertically to the ground elevation and terminates at a designated point at each manufactured home lot.

21. Editor's Note—Art. IV Was Renumbered As Art. IX Pursuant To The Inclusion Of Ord. 2015-005, Adopted April 20, 2015. See The Editor's Note At Beginning Of This Chapter.

(2008 Code, sec. 152.01)

§ 42-738. Manufactured homes to be located in manufactured home parks or subdivisions; exception.

It shall be unlawful for any person to connect utilities or to occupy a manufactured home within the city, except where it is located in a duly licensed manufactured home park or manufactured home subdivision under the terms of this article, and has been approved in the manner prescribed herein, except where the manufactured home meets the definition of a permanent manufactured home under this article and the city zoning regulations, and a valid permit has been granted and a certificate of occupancy has been issued by the city.

(2008 Code, sec. 152.02)

§ 42-739. Utility service contingent on obtaining certificate of occupancy.

The city will provide for electric, water, and sewer service to the site of manufactured home parks or permanent manufactured homes only after a permit has been granted and a certificate of occupancy has been issued by the city. Water and sewer service will be provided in accordance with the policy of this city concerning water supply to permanent structures and electric service will be provided upon receipt of deposit by the city.

(2008 Code, sec. 152.03)

§ 42-740. Permits.

- (a) It shall be unlawful for any person to place, construct, alter, or extend any manufactured home park within the city unless the plan for the park is approved by the city's planning and zoning commission and unless such person holds a valid permit issued in that person's name for the specific construction, alteration, and/or extension proposed and has paid other charges for normal utility connections.
- (b) All applications for permits shall contain the following:
 - (1) A formal written request by applicant containing the name and address of the applicant.
 - (2) Location and legal description of the manufactured home park.
 - (3) Plans and specifications of the water supply system, refuse and sewer disposal facilities, and lighting and electrical systems.
 - (4) Plans and specifications of all buildings constructed or to be constructed within the manufactured home park.
 - (5) Plans and specifications of roadways, walkways, driveways and parking areas.
- (c) All applications shall be accompanied by the deposit of a fee as currently established or as hereafter adopted by resolution of the city council from time to time.
- (d) When, upon review of the application, the city's building official is satisfied that the proposed plan meets the requirements of this article, a permit shall be issued.
- (e) Any person whose application for a permit under this article has been denied may request and shall be granted a hearing on the matter before the city council under the procedure provided by section 42-744.

(2008 Code, sec. 152.04)

§ 42-741. Certificate of occupancy for permanent manufactured home.

No permanent manufactured home shall be occupied nor shall any city utility be connected to any permanent manufactured home unless or until a certificate of occupancy for the permanent manufactured home has been issued. The city's building officials shall, after an application therefor has been filed by the owner or his agent, issue a certificate of occupancy if, after inspection of the premises, it is found that same complies with the provisions of this chapter and any other applicable codes and ordinances relative to location, construction, arrangement, safety, and sanitary facilities of manufactured homes.
(2008 Code, sec. 152.05)

§ 42-742. Licenses.

- (a) It shall be unlawful for any person to operate any manufactured home park within the city, unless he holds a valid license issued annually by the city in the name of such person for the specific manufactured home park. All applications for licenses shall be made to the city's building official, who shall issue a license upon compliance by the applicant with the provisions of this article.
- (b) Every person holding a license shall give notice in writing to the city within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any manufactured home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such manufactured home park. Upon application in writing for transfer of the license and deposit of a fee as currently established or as hereafter adopted by resolution of the city council from time to time, the license shall be transferred if the manufactured home park is in compliance with all applicable provisions of this chapter.
- (c) Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee as currently established or as hereafter adopted by resolution of the city council from time to time, and shall contain:
 - (1) The name and address of the applicant;
 - (2) The location and legal description of the manufactured home park; and
 - (3) A site plan of the manufactured home park showing all manufactured home lots, structures, roads, walkways, and other service facilities.
- (d) Applications for renewal of license shall be made in writing by the holders of the license, shall be accompanied by the deposit of a fee as currently established or as hereafter adopted by resolution of the city council from time to time and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.
- (e) Any person whose application for a license under this chapter has been denied may request and shall be granted a hearing on the matter before the city council under the procedure provided by section 42-744.
- (f) Whenever, upon inspection of any manufactured home park, the city's building official finds that conditions or practices exist which are in violation of any provision of this article, the building inspector shall give notice in writing in accordance with section 42-744(a) to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by said building official, the license shall be suspended. At the end of such period, the building official shall re-inspect such manufactured home park and, if such

conditions or practices have not been corrected, such officials shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such manufactured home park except as provided in section 42-744(b).

(2008 Code, sec. 152.06)

§ 42-743. Inspection of manufactured home parks.

- (a) The city's director of community development and such other designated city officials are authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this article.
- (b) Such officials shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.
- (c) Such officials shall have the power to inspect the register containing a record of all residents of the manufactured home park.
- (d) It shall be the duty of the park management to give such officials free access to all lots at reasonable times for the purpose of inspection.
- (e) It shall be the duty of every occupant of a manufactured home park to give the owner thereof or his agent or employee access to any part of such manufactured home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this article.

(2008 Code, sec. 152.07)

§ 42-744. Notice, hearings, and orders.

- (a) Whenever the city officials determine that there are reasonable grounds to believe there has been a violation of any provision of this article, the city's director of community development, or designated building official, shall give notice of such alleged violation to the person to whom the permit and/or license was issued, as hereinafter provided. Such notice shall:
 - (1) Be in writing;
 - (2) Include a statement of the reasons for its issuance;
 - (3) Allow a reasonable time for the performance of any act it requires;
 - (4) Be served upon the owner or his agent as the case may require. Such notice or order shall be deemed to have been proper if served upon such owner or agent when a copy thereof has been sent by certified mail to his last-known address, or when he has been served with such notice by any method authorized or required by the laws of this state;
 - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.
- (b) Any person affected by any notice issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the city council, provided that such person shall file in the office of the city secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of any order issued under subsection (e) of this section. Upon receipt of

such petition, the city secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed, provided that upon application of the petitioner the city secretary may postpone the date of the hearing for a reasonable time beyond such ten-day period when it is determined that the petitioner has submitted good and sufficient reasons for such postponement.

- (c) After such hearing, the city secretary shall make findings regarding compliance with the provisions of this article and shall issue a written order sustaining, modifying, or withdrawing the notice, which shall be served as provided in subsection (a) of this section. Upon failure to comply with any order sustaining or modifying a notice, the license of the manufactured home park affected by the order shall be revoked.
- (d) The proceedings at such a hearing, including the findings and decision of the city council, and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the city secretary. The transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the city council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- (e) Whenever the director of community development or other designated building inspector finds that any emergency exists which requires immediate action to protect the public health, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the city secretary, shall be afforded a hearing before the city council as soon as possible. The provisions of subsections (c) and (d) of this section shall be applicable to such hearing and the order issued thereafter.

(2008 Code, sec. 152.08)

§ 42-745. Miscellaneous manufactured home regulations.

- (a) It shall be unlawful for any person to park any trailer or manufactured home on any street, alley, or highway, or other public place or on any tract of land owned by any person, occupied or unoccupied, within the city, except as provided in this article and this chapter.
- (b) Temporary stopping or parking is permitted on any street, alley, or highway for not more than two hours subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, or highway.
- (c) Each manufactured home that meets the definition of a permanent manufactured home shall be underpinned and underskirted and shall be anchored according to the following:
 - (1) Length up to 30 feet: two per side, including one on each corner;
 - (2) Length 30 to 50 feet: three per side, including one on each corner;
 - (3) Length 50 to 70 feet: four per side, including one on each corner;
 - (4) Length over 70 feet: five per side, including one on each corner.

- (d) It shall be unlawful to occupy a manufactured home as any type occupancy other than as a private dwelling, with the following exceptions: Not more than one manufactured home may be used for demonstration and office at a manufactured home sales lot or manufactured home park.

(2008 Code, sec. 152.09)

§ 42-746. Nonconforming manufactured home parks constitute public nuisances.

Any manufactured home park or permanent manufactured home in violation of the terms and provisions of this article is hereby declared to be a public nuisance and the appropriate officers of the city are hereby authorized to institute any action necessary to restrain or abate such violation. Owners of manufactured home parks shall have filed with the city a survey showing all the property they own intended for use as a manufactured home park, and the improvements existing on the property, and a schedule of changes to be made during a period of time not more than five years to bring the manufactured home park to a conforming status.

(2008 Code, sec. 152.10)

§ 42-747. Revision of plan after approval.

No changes, erasures, modifications, or revisions shall be made in any plan of a manufactured home park after approval has been given by the planning and zoning commission, unless said change, modification, or revision is first submitted to and approved by said commission.

(2008 Code, sec. 152.11)

§ 42-748. Temporary exemptions.

- (a) If it is found that compliance with provisions of this article would result in undue hardship, an exemption may be granted by the planning and zoning commission if such exemption does not impair the intent and purpose of this article and except where exemptions or variances affect the city's zoning regulations and come under the purview of the board of adjustments. Deviations from design, construction, and installation provisions shall be brought into compliance with this article within a reasonable period of time based on economic feasibility of improvement, nature, significance, and extent of deviation, depreciation of material, improvement, layout in use, and other similar factors, within a period not exceeding five years.
- (b) Such period shall begin after city officials have given notice of a certain and specific deviation from this article to the person to whom the permit or certification was issued.
- (c) Gradual improvements to a higher degree of conformity shall be permitted, provided that there shall be complete conformity at the end of a period prescribed by the exemptions granted.

(2008 Code, sec. 152.12)

§ 42-749. Environmental, open space, and access requirements.

- (a) General requirements. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influence, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- (b) Soil and groundcover requirements. Exposed ground surfaces in all parts of every manufactured home park shall be paved, covered with stone screenings or other solid materials, or protected with a

vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

- (c) Site drainage requirements. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
- (d) Park areas for nonresident uses.
 - (1) No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
 - (2) Nothing contained in this section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and connected to the pertinent utilities.
- (e) Required separation between manufactured homes. Manufactured homes shall be separated from each other by 15 feet and from other buildings and structures by at least ten feet; provided that manufactured homes placed end-to-end may have a clearance of ten feet where opposing rear walls are staggered. In determining these distances, manufactured home shall include any structure that is attached to the manufactured home.
- (f) Required recreation areas.
 - (1) In all parks accommodating or designed to accommodate 15 or more manufactured homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.
 - (2) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet.
 - (3) Recreation areas shall be so located as to be free of traffic hazards and should be centrally located, where topography permits.
- (g) Required setbacks, buffer strips, and screenings.
 - (1) All manufactured homes shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway and at least five feet from other park property boundary lines.
 - (2) There shall be a minimum distance of ten feet between the manufactured home stand and abutting park street.
 - (3) All manufactured home parks located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary line separating the park and such adjacent nonresidential use.
- (h) Park street system and car parking.
 - (1) General requirements. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways, or other means.
 - (2) Park entrance. Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning, unless the park entrance is at least 34 feet wide.

- (3) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
- a. All streets, except minor streets (from back of curb to back of curb, if provided: 25 feet width.
 - b. Minor streets (acceptable only if less than 500 feet long and serving less than 15 manufactured homes or of any length if manufactured home lots abut on one side only): 20 feet width.
 - c. Dead-end streets shall be limited in length to 500 feet; dead-end streets shall be provided, at the closed end, with a turnaround having an outside roadway diameter of at least 80 feet.
 - d. The minimum street width requirement above shall be increased by eight feet if on-street parking is the only type parking provided in a manufactured home park.
 - e. Off-street parking areas or on-street parking lanes shall be provided for the use of park occupants and guests. Such areas shall:
 1. Be furnished at a rate of at least 1-1/4 car spaces for each manufactured home lot.
 2. Be located within a distance of 200 feet from the manufactured home to be served, unless other vehicular access is provided.
 - f. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
 1. All parts of the park street system: 0.6 footcandle with a minimum of 0.1 footcandle.
 2. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.3 footcandle.
 - g. Street construction and design standards:
 1. Pavements. All streets shall be provided with a smooth, hard, and dense surface which shall be durable and well drained under normal use and weather conditions. A suggested minimum construction detail shall be furnished by the director of public works. Street surfaces shall be maintained free of holes and other hazards.
 2. Grades. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent. Short runs with a maximum grade of 12 percent may be permitted, provided traffic safety is assured by appropriate paving, adequate leveling areas, and avoidance of lateral curves.
 3. Intersections. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between centerlines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.
- (i) Walks.
- (1) General requirements. All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between

individual manufactured homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

- (2) Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four feet.
 - (3) Individual walks. All manufactured home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.
 - (j) Manufactured home stands. The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. The manufactured home stand shall not heave, shift, or settle unevenly under the weight of the manufactured home due to inadequate drainage or other forces acting on the structure.
- (2008 Code, sec. 152.13)

§ 42-750. Water supply.

- (a) General requirements. An accessible, adequate, safe, and potable supply of water shall be provided in each manufactured home park and shall conform to the city's water system regulations. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.
- (b) Source of supply. The water supply shall be capable of supplying a minimum of 150 gallons per day per manufactured home.
- (c) Water storage facilities. All water storage reservoirs shall be covered, watertight, and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.
- (d) Water distribution system.
 - (1) The water supply system of the manufactured home park shall be connected by pipes to all manufactured homes, buildings, and other facilities requiring water.
 - (2) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and city regulations and shall be of a type and in locations approved by the public works director.
 - (3) The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.
 - (4) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions at service buildings and other locations requiring potable water supply.
- (e) Individual water riser pipes and connections.
 - (1) Individual water riser pipes shall be located within the confined area of the manufactured home stand at a point where the water connection will approximate a vertical position.

- (2) Water riser pipes shall extend at least four inches above ground elevation. The pipe diameter shall be at least three-fourths of an inch. The water outlet shall be capped when a manufactured home does not occupy the lot.
 - (3) Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
 - (4) A shutoff valve shall be provided near the water riser pipe on each manufactured home lot.
 - (5) Underground stop and waste valves shall not be installed on any water service.
- (2008 Code, sec. 152.14)

§ 42-751. Sewage disposal.

- (a) General requirements. An adequate and safe sewerage system shall be provided in all manufactured home parks for conveying and disposing of all sewage and conforming to the city's sewage disposal regulations. Such systems shall be designed and constructed and maintained in accordance with state and city regulations.
 - (b) Sewer lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system by a safe distance as approved by the city's director of public works. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the director of public works, shall be adequately vented, and shall have watertight joints.
 - (c) Individual sewer connections.
 - (1) Each manufactured home stand shall be provided with at least one four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position.
 - (2) The sewer connection (see definition) shall have a nominal inside diameter of at least three inches and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipeline only without any branch fitting. All joints shall be watertight.
 - (3) All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.
 - (4) Provision shall be made for plugging the sewer riser pipe when a manufactured home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least two inches above ground elevation.
 - (d) Sewage treatment and/or discharge. Where the sewer lines of the manufactured home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the director of public works prior to construction. Effluents from sewer treatment facilities shall not be discharged into any waters of the city, county, or state except with prior approval of the city and the appropriate state agency.
- (2008 Code, sec. 152.15)

§ 42-752. Electrical distribution systems.

- (a) General requirements. Every park and every manufactured home shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the city electrical code.
 - (b) Power distribution lines.
 - (1) Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of three feet between overhead wiring and any manufactured home, service building or other structure.
 - (2) All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one-foot radial distance from water, sewer, gas, or communications lines, and in conformance with the city electrical code.
 - (c) Individual electrical connections.
 - (1) Each manufactured home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 50 amperes. Wherever wires are exposed at any connection, then a locking device shall be required to cover the connection.
 - (2) Outlets (receptacles or pressure connectors) shall be housed in a waterproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the manufactured home. A three-pole, four-wire grounding type shall be used.
 - (3) Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1.
 - (4) Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the manufactured home is more than 50 amperes.
 - (5) The manufactured home shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug or with pressure connectors.
 - (d) Required grounding. All exposed non-current-carrying metal parts of manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for manufactured homes or other equipment.
- (2008 Code, sec. 152.16)

§ 42-753. Service building and other community service facilities.

- (a) Applicability. The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities, such as:
 - (1) Management offices, repair shops and storage areas;
 - (2) Sanitary facilities;
 - (3) Laundry facilities;
 - (4) Indoor recreation areas;

- (5) Commercial uses supplying essential goods or services for the exclusive use of park occupants.
- (b) Structural requirements for buildings.
 - (1) All portions of the structure shall be properly protected from damage by ordinary use or by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
 - (2) All rooms containing sanitary or laundry facilities shall have:
 - a. Sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material, or covered with moisture-resistant material;
 - b. At least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent of the floor area served by them; and
 - c. At least one window which can be easily opened or a mechanical device which will adequately ventilate the room.
 - (3) Toilets shall be located in separate compartments. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
 - (4) Illumination levels shall be maintained as follows:
 - a. General seeing tasks: five footcandles;
 - b. Laundry room work area: 40 footcandles;
 - c. Toilet room, in front of mirrors: 40 footcandles.
 - (5) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.
 - (6) All structures shall comply with the building codes of the city.
- (c) Barbeque pits, fireplaces, stoves and incinerators. Cooking shelters, barbecue pits, fireplaces, and woodburning stoves shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. The use of open fires and burning of materials shall conform strictly to the city's zoning, health, sanitation, and nuisance regulations.

(2008 Code, sec. 152.17)

§ 42-754. Refuse handling.

- (a) The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident, or fire hazards or air pollution.

- (b) All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 150 feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
 - (c) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
 - (d) All refuse containing garbage shall be collected at least twice weekly. All refuse shall be collected and transported in covered vehicles or covered containers.
 - (e) All manufactured home parks must conform to the city's refuse and garbage collection system and regulations.
- (2008 Code, sec. 152.18)

§ 42-755. Insect and rodent control.

- (a) Grounds, buildings, and structures shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the city's health and sanitation regulations.
 - (b) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - (c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.
 - (d) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
 - (e) The growth of bushes, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
- (2008 Code, sec. 152.19)

§ 42-756. Fuel supply and storage.

- (a) Natural gas system.
 - (1) Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems and conform to state and city regulations.
 - (2) Each manufactured home lot provided with piped gas shall have an approved manual shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
- (b) Liquefied petroleum gas system.
 - (1) Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems and conform to state and city regulations.
 - (2) Systems shall be provided with safety devices to relieve excessive pressures and shall be

arranged so that the discharge terminates at a safe location.

- (3) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition.
- (4) All liquefied petroleum gas piping outside of the manufactured homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes.
- (5) Liquefied petroleum gas containers installed on a manufactured home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 12 or more than 60 U.S. gallons gross capacity.
- (6) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home, or any other structure, unless such installations are approved by the building official.

(c) Fuel oil supply systems.

- (1) All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems and conform to state and city regulations.
- (2) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be permanently installed and securely fastened in place.
- (3) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any manufactured home or less than five feet from any manufactured home exit.
- (4) Storage tanks located in areas subject to traffic shall be protected against physical damage.

(2008 Code, sec. 152.20)

§ 42-757. Fire protection.

- (a) Manufactured home parks shall be kept free of litter, rubbish, and other flammable materials and shall comply with the standards found in the International Fire Code.
- (b) Portable fire extinguishers rated for classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. There shall be one such fire extinguisher for each ten manufactured homes, not being located further than 200 feet from any manufactured home stand.
- (c) Fire hydrants shall be located within 500 feet of any manufactured home stand, service building, or other structure in the park, and shall be subject to inspection by the building official.

(2008 Code, sec. 152.21)

§ 42-758. Construction and additions.

It shall be unlawful for any person operating a manufactured home park or owning or occupying a manufactured home to construct, or permit to be constructed in such park or in connection with such manufactured home, any additional structure, building, or shelter in connection with or attached to a manufactured home, except that suitably constructed awnings of canvas or metal may be attached to such manufactured homes, as well as portable, prefabricated, temporary rooms (commonly called "cabanas")

for the express purpose of increasing a manufactured home's living area. These additions must meet the following requirements:

- (1) Construction shall be of metal only, fire-resistant, double-walled, mechanical joint panels (no welding joints between panels permitted);
 - (2) Strength of material and structure shall meet minimum standards of the building code;
 - (3) Construction shall be capable of being dismantled when moved;
 - (4) Any structure shall be completely dismantled and removed from the site at the time the manufactured home to which it is accessory is moved;
 - (5) Finish and appearance shall match, as near as possible, the finish of the manufactured home to which it is accessory;
 - (6) The length of the structure shall not exceed the length of the manufactured home to which it is accessory; and
 - (7) Only one such structure per manufactured home shall be permitted.
- (2008 Code, sec. 152.22)

§ 42-759. Responsibility of park management and occupants.

(a) Responsibilities of the park management.

- (1) The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this article and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The park management shall notify park occupants of applicable provisions of this article and inform them of their duties and responsibilities under this article.
- (3) The park management shall supervise the placement of each manufactured home on its manufactured home stand which includes securing its stability and installing all utility connections.
- (4) The park management shall maintain a register containing the following information:
 - a. Name and address of each occupant.
 - b. Make, model, year, and license number of all automobiles and manufactured homes of owners and occupants residing in the park.
 - c. The state issuing such license.
 - d. The date of arrival and of departure of each manufactured home;
- (5) The park manager shall keep the register available at all times for inspection by law enforcement officers, public health officials, and other city officials whose duties necessitate acquisition of the information contained in the register.
- (6) The register records shall not be destroyed for a period of three years following the date of registration.

- (7) The park management shall notify the city's health authorities immediately of any suspected communicable or contagious disease within the park.

(b) Responsibilities of park occupants.

- (1) Park occupants shall comply with all applicable requirements of this article and shall maintain their manufactured home lots and facilities and equipment in good repair and in a clean and sanitary condition.
- (2) Park occupants shall be responsible for proper placement of their manufactured homes on manufactured home stands and proper installation of all utility connections in accordance with the instructions of the park management and state and city regulations.
- (3) Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a manufactured home shall be used for storage only if permitted by the park management and city codes and regulations. If permitted, the following conditions shall be satisfied for storage:
 - a. The storage area shall be provided with a base of impervious material.
 - b. Stored items shall be located so as not to interfere with the underneath inspection of the manufactured home.
 - c. The storage area shall be enclosed by skirting.
- (4) Park occupants shall store and dispose of all their rubbish and garbage in a clean, sanitary, and safe manner. The garbage container shall be rodentproof, insectproof, and watertight.

(2008 Code, sec. 152.23)

§ 42-760. through § 42-779. (Reserved)

ARTICLE X OFF-STREET PARKING AND LOADING²³

§ 42-780. Purpose.

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

(Ordinance 2005-009, sec. 26.1, adopted 3/21/2005)

§ 42-781. Special off-street parking provisions in residential districts.

- (a) Required off-street parking shall be provided on the same site as the use it serves.
- (b) No parking shall be allowed except on a paved concrete or asphalt parking space surface.
- (c) In residential districts, a boat, trailer or recreational vehicle may be parked or stored on the residential premises of the owner, provided that the boat, trailer or recreational vehicle is within the rear yard or side yard not abutting a street, or in the driveway in the front yard.
- (d) All driveways shall be a minimum width of 12 feet.

(Ordinance 2005-009, sec. 26.2, adopted 3/21/2005; Ordinance 2011-002, sec. 13, adopted 2/21/2011)

§ 42-782. Size of space.

- (a) Standard off-street measurements. Each standard off-street surface parking space shall measure not less than nine feet by 18 feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way, or adjacent property, the length of the standard space may be reduced to 18 feet.
- (b) Small car off-street measurements. Each small car off-street parking space shall measure not less 8.5 feet by 16 feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way or adjacent property, the length of the small car space may be reduced to 15 feet. All small car parking spaces shall be grouped and located in specific areas so as not to be scattered throughout a parking lot.
- (c) Required parking for a general office or light manufacturing plant.
 - (1) A maximum of 50 percent of the required parking for a general office or light manufacturing plant may be permitted as small car spaces upon approval of a site plan but only when both of the following conditions are met:
 - a. Signage will identify the small car spaces; and
 - b. The entire grounds and building served by the small car spaces are occupied and controlled by one tenant who shall be responsible for policing the use of the small car spaces.

22. Editor's Note—Art. V Was Renumbered As Art. X Pursuant To The Inclusion Of Ord. 2015-005, Adopted April 20, 2015. See The Editor's Note At Beginning Of This Chapter.

- (2) Each parking space (on-street or off-street) designed for parallel parking shall have a minimum dimension of eight feet by 22 feet.
 - (3) Each standard parking space located in a parking garage shall measure not less than nine feet by 18 feet, exclusive of access drives or aisles.
- (d) Parking area standards.
- (1) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties. For safety and firefighting purposes, free access through to adjacent parking areas shall be provided, where practical.
 - (2) Except for single-family and duplex uses, parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent-type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
 - (3) Except for single-family residences, parking areas must be constructed of asphalt paving or concrete and built to the same specification as streets further described in the design and construction guidelines as adopted by the city.
- (e) Off-street parking incidental to main use. Off-street parking shall be provided in accordance with the requirements specified by this article and located on the lot or tract occupied by the main use or in accordance with subsection (i) of this section and located within the same zoning district as the main use.
- (f) Schedule of parking requirements based on use. Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated. Where a calculation results in requiring a fractional space, one additional space shall be required. The following parking requirements are to be utilized when a requirement is not explicitly stated in the applicable zoning district.
- (1) Bank, savings and loan or similar financial establishment: one space for each 200 square feet of total floor area.
 - (2) Business or professional office, studio, medical or dental clinic: three parking spaces, plus one additional parking space for each 200 square feet of floor area over 500 feet.
 - (3) Church or other place of worship: one parking space for each four seats in the main auditorium.
 - (4) Clinic of doctor's or dentist's office: one space for each 200 square feet of total floor area.
 - (5) Community center, library, museum or art gallery: ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 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 space for each four seats that it contains.
 - (6) College or university: one space for each two students, plus one space for each classroom, laboratory or instruction area.
 - (7) Commercial amusement (indoor):
 - a. Bowling alley: six spaces for each lane;
 - b. Racquetball or handball courts: four spaces for each court;

- c. Indoor tennis courts: six spaces for each court;
 - d. Gymnasium, skating rinks, and martial arts schools or areas: one space for each three seats at maximum seating capacity, plus one space for each 200 square feet;
 - e. Swimming pool: one space for each 100 square feet of gross water surface and deck area;
 - f. Weight lifting or exercise areas: one space for each 100 square feet;
 - g. Bingo parlors: one space for three seats (design capacity) or one per 100 square feet of total floor area, whichever is greater;
 - h. Indoor jogging or running tracks: one space for each 100 linear feet;
 - i. All areas for subsidiary uses not listed above or in other parts of article III, division 20 of this chapter (those noted uses such as restaurants, offices, etc., shall be calculated with the minimum specified for those individual uses): one space for each 1,000 square feet;
- Editor's note**—Article III, division 20 was repealed by Ord. 2015-005, adopted April 20, 2015.
- j. Other: one space for each three persons accommodated (design capacity).
- (8) Dance hall, assembly or exhibition hall (without fixed seats): one parking space for each 100 square feet of floor area used thereof.
- (9) Day nursery, day care, kindergarten school: one space per ten pupils/clients (design capacity).
- (10) Dwellings.
- a. Single-family, development involving ten or more lots. Two enclosed parking spaces for each dwelling unit, must be attached to main structure.
 - b. Single-family, development involving one to nine lots. One covered parking space for each dwelling unit.
 - c. House moved into or within the city from a previous location. One covered parking space for each dwelling unit (see additional carport requirements in section 42-182).
- Editor's note**—Section 42-182, referenced in subsection c., was included in article VIII, division 1, "Generally". Division 1 was repealed by Ord. 2015-005 adopted 4/20/2015.
- d. Multiple-family residence one to 99 units. 1.5 parking spaces per unit.
 - e. Multiple-family residence over 100 units. 1.5 spaces per unit with 20 percent being a covered space.
 - f. Two-family dwelling (duplex). Two parking places per unit, one enclosed, must be attached to main structure.
 - g. Townhouses or row dwellings. Two parking spaces per unit, one covered.
- (11) Flea market: 1.5 spaces for each 200 square feet of floor area or market area.
- (12) Fraternity, sorority or dormitory: one parking space for each two beds.

- (13) Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service: two parking spaces plus one additional parking space for each 500 square feet of floor area over 1,000 square feet.
- (14) Gasoline service station: minimum of five spaces.
- (15) Golf course: minimum of 30 spaces.
- (16) Health care facility: one space for each four rooms or beds, whichever is greater.
- (17) Hospital: one space for each two beds.
- (18) Hotel or motel: one parking space for each sleeping room, unit, or guest accommodation, plus one space for each 300 square feet of commercial floor area contained therein.
- (19) Lodge, or fraternal organization: 1.25 spaces per 200 square feet.
- (20) Manufacturing, processing or repairing: one parking space for each two employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than one parking space for each 1,000 square feet of floor area, whichever is greater.
- (21) Massage establishment: one space for each 200 square feet of floor area.
- (22) Mini-warehouse: four spaces per complex plus one space per 5,000 square feet of storage area.
- (23) Mortuary or funeral home: one parking space for each 50 square feet of floorspace in slumber rooms, parlors, or individual funeral service rooms.
- (24) Motor vehicle salesrooms and used car lots: one parking space for each 500 square feet of sales floor for indoor uses, or one parking space for each 1,000 square feet of lot area for outdoor uses.
- (25) Office, general: one space for each 300 square feet of total floor area.
- (26) Office, medical: one space for each 175 square feet of floor area.
- (27) Office-showroom or office-warehouse: One space for each 1,000 square feet of floor area for storage and warehousing, plus one space for each 100 square feet of office, sales or display area.
- (28) Private club:
 - a. If free standing or located in a shopping center of 150,000 square feet or less, one space for each ten square feet of bar, lounge and waiting areas, plus one space for each 100 square feet of remaining floor area.
 - b. If located in a shopping center of greater than 150,000 square feet, one space for each 100 square feet of gross floor area.
- (29) Private country club or golf club: one parking space for each 250 square feet of floor area or for every five members, whichever is greater.
- (30) Recreational area or building (other than listed): one space for each two persons to be normally accommodated in the establishment.
- (31) Restaurant, cafeteria, cafe, or similar establishment: one parking space for every 100 square feet of floor area.

- (32) Retail store or personal service establishment, except as otherwise specified herein: one parking space for each 200 square feet of floor area.
 - (33) Sanitarium, convalescent home, home for the aged or similar institutions: one parking space for each six beds.
 - (34) School, elementary and middle: one parking space for each five seats in the auditorium or main assembly room, or one space for each classroom, plus ten spaces, whichever is greater.
 - (35) School, secondary (grades nine through 12): one parking space for each four seats in the main auditorium, or one space for each classroom, plus one space for each two students accommodated in the institution, whichever is greater.
 - (36) Shopping center: one space for each 200 square feet of floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds ten percent of the shopping center floor area, shall require additional parking to be provided in accordance with the requirements for restaurants.
 - (37) Storage or warehousing: one space for each two employees, or one space for each 1,000 square feet of total floor area, whichever is greater.
 - (38) Theater, auditorium (except school), meeting room, sports arena, stadium, gymnasium, or other places of public assembly: one parking space for each four seats or bench seating spaces.
 - (39) Vehicle repair garage: three spaces per service bay, plus one space per employee (maximum shift), plus one space per tow truck or other service vehicle.
- (g) Off-street parking requirements for uses not listed. For those uses which are not matched with a parking requirement in subsection (f) of this section, the following standards shall apply:

General Use Category	Parking Space Requirements
Educational, institutional, and special uses	One space per employee
Transportation, utility and communications uses	One space per employee, plus one space per stored vehicle
Accessory and incidental uses	One space per employee
Office and professional uses	One space per 300 square feet of gross floor area
Automobile and related uses	One space per employee, plus one space per stored vehicle
Retail uses	One space per 200 square feet of gross floor area
Service uses	One space per 200 square feet of gross floor area
Wholesale uses	Same as for storage or warehousing
Contract construction uses	One space per employee
Commercial, manufacturing, and industrial uses	Same as for Manufacturing, processing, or repairing

- (h) Rules for computing number of parking spaces. In computing the number of parking spaces required

for each of the uses in sections 42-780 through 42-782, the following rules shall govern:

- (1) The term "floor area" shall mean the gross floor area of the specific use.
 - (2) Where fractional spaces result, the parking spaces required shall be rounded to the nearest whole number.
 - (3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
 - (4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (i) Location of parking spaces. All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:
- (1) Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not more than 300 feet from an institutional building served and not more than 300 feet from any other nonresidential building served.
 - (2) Not more than 50 percent of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than 80 percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified in subsection (i)(3) of this section.
 - (3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby ensuring retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned, and shall be filed with the application for a building permit.
- (j) Use of parking spaces, all districts. Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.
- (k) Special off-street parking regulations.
- (1) In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements, unless specific areas of different uses are delineated by floor or building segment.
 - (2) Wherever a parking lot is located across the street from or adjacent to residentially zoned property and is designed so that headlight beams will shine into residences (whether or not such residences have been built at the time the parking lot is constructed), an irrigated earthen berm or a solid masonry wall or reinforced concrete fence having a minimum height of six feet above the finished grade of the off-street parking area and tapering to a height of three feet at the front building setback shall be erected and maintained so as to provide a headlight screen for the residential district. Fencing located exclusively along the front building setback shall be three feet in height and must be an irrigated earthen berm, hedge, or decorative fencing only.

- (3) The off-street parking spaces designated for each apartment (multifamily) dwelling unit shall be located within 100 feet of the dwelling unit served by such spaces.
- (4) In all residential districts, no heavy load vehicle, motor home, camper, trailer, or boat (collectively called "equipment") shall be parked or left standing for more than two days out of any consecutive seven-day period within the public street or alley.
 - a. Equipment may be parked on a lot located in a residential district if the lot contains a residential structure. In no event shall equipment, including motor vehicles, trucks, and vans be parked or left standing at any time on a surface other than a paved or gravel driveway or paved parking lot.
 - b. No more than one of each of the following may be parked on a residential lot at any one time: one motor home, one boat, and one trailer.
 - c. No more than 50 percent of the front yard shall be a driveway. In no event shall vehicles or equipment be parked or left standing closer than five feet from the front property line.
 - d. A camping trailer parked on a residential lot shall in no way be utilized for living quarters or office space. The connection of any utility to a camping trailer on any residential lot shall constitute prima facie evidence that the trailer is being utilized as living quarters or office space. Notwithstanding the foregoing, a motor home or camping trailer may be used as temporary living quarters for a single-family engaged in the construction, repair, or renovation of a permanent dwelling upon the same lot provided that this use shall not be permitted for a period greater than six months in the aggregate within any four-year period beginning on the first date so used.
- (5) Parking spaces in nonresidential districts shall be provided with sufficient space for entering and exiting without backing onto a public street. Parking spaces on the perimeter of the parking lot and abutting a property line shall have a wheel stop barrier two feet from the end of the parking space.
- (6) Off-street parking requirements for uses in the CBDX zone are not subject to the provisions of this section. The zoning administrator shall be responsible for periodically (not less than annually) reporting to the planning and zoning commission regarding the availability of parking in the CBDX and the possible need for changes in this provision.
- (l) Design standards for parking structures.
 - (1) In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.
 - (2) The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards contained in the subdivision chapter.
 - (3) Ramps shall not be constructed with slopes exceeding 15 percent and single lane entrances shall not be less than 12 feet wide at the street.
 - (4) A minimum of one car length shall be provided between an exit control gate and the inside edge of a sidewalk to minimize conflicts between exiting cars and pedestrians.
 - (5) Parking structure facades shall be left 50 percent open and interior light levels shall be maintained at ten footcandles to enhance security and safety. All parking structure lighting shall

be designed so as not to reflect or shine on adjacent properties.

- (6) Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinklered and mechanically ventilated.

(m) Off-street loading.

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

- a. At least one-half of such loading spaces shall have a minimum dimension of ten feet by 40 feet, and the remaining spaces shall have a minimum dimension of ten feet by 20 feet.
- b. Where such loading space is located adjacent to a residential district, the space shall be enclosed on three sides.
- c. Loading spaces shall be provided in accordance with the following schedule:
 1. For all retail, commercial and industrial uses:

Gross Floor Area in Structure (square feet)	Minimum Required Spaces or Berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 100,000	1 additional

2. For all hotels, office buildings, restaurants, similar establishments:

Gross Floor Area in Structure (square feet)	Minimum Required Spaces or Berths
0 to 50,000	None
50,000 to 150,000	1
150,000 to 300,000	2
300,000 to 500,000	3
Each additional 500,000	1 additional

- (2) Kindergartens, day schools, and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street, to accommodate one motor vehicle for each ten students or children cared for by the establishment.
- (3) Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m., and is adjacent to a residential use or district, shall be designed and constructed so as to fully enclose the loading operation in order to reduce the effects of the noise

of the operation on adjacent residences.

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

(n) Stacking requirements for drive-through facilities.

- (1) A stacking space shall be an area on a site measuring eight feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- (2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces (from the right-of-way line).
- (3) For each service window of a drive-through restaurant, a minimum of seven stacking spaces (from the right-of-way line) shall be provided.
- (4) For kiosks, a minimum of two stacking spaces (from the right-of-way line) for each service window shall be provided.

(Ordinance 2005-009, secs. 26.3—26.14, adopted 3/21/2005; Ordinance 2009-002, sec. 2O(26.2.2), (26.6.10), (26.6.11), (26.11.4), adopted 1/19/2009; Ordinance 2010-001, sec. 2(B), adopted 2/15/2010; Ordinance 2011-002, secs. 10, 15, adopted 2/21/2011)

§ 42-783. through § 42-803. (Reserved)

ARTICLE XI NONCONFORMING USES AND STRUCTURES²⁴

§ 42-804. Uses in existence at time of adoption of ordinance.

A nonconforming status shall exist when a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the ordinance from which this chapter is derived.

(Ordinance 2005-009, sec. 31.1, adopted 3/21/2005)

§ 42-805. Expansion of nonconforming use prohibited.

No nonconforming use or structure may be expanded or increased except to provide off-street loading or off-street parking upon approval of the city council.

(Ordinance 2005-009, sec. 31.2, adopted 3/21/2005)

§ 42-806. Repairs, normal maintenance on nonconforming uses permitted.

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

(Ordinance 2005-009, sec. 31.3, adopted 3/21/2005)

§ 42-807. Change of nonconforming to conforming use.

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

(Ordinance 2005-009, sec. 31.4, adopted 3/21/2005)

§ 42-808. Abandonment or discontinuation of nonconforming use.

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

(Ordinance 2005-009, sec. 31.5, adopted 3/21/2005)

§ 42-809. Accidental destruction of nonconforming use.

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except in conformance to the provisions of this article, unless permitted by the zoning board of adjustment, taking into consideration the property owner's circumstances and the effect on surrounding properties, after a public hearing with notice provided in accordance with section 42-82(c) [42-95(c)] for appeals before the zoning board of adjustment. The zoning board of adjustment may provide restrictions on such rebuilding. Such nonconforming use or structure may be

23. Editor's Note—Art. VI Was Renumbered As Art. XI Pursuant To The Inclusion Of Ord. 2015-005, Adopted April 20, 2015. See The Editor's Note At Beginning Of This Chapter.

rebuilt without such permission if such destruction does not exceed 50 percent of its reasonable value so long as permits for such rebuilding are obtained within six months of such destruction, and the size and function of the nonconforming use are not expanded.

(Ordinance 2005-009, sec. 31.6, adopted 3/21/2005; Ordinance 2012-026, sec. 1, adopted 9/17/2012)

§ 42-810. Replacement of nonconforming HUD-code manufactured home.

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

(Ordinance 2005-009, sec. 31.7, adopted 3/21/2005)

§ 42-811. through § 42-830. (Reserved)

