CITY OF BRECKENRIDGE, TEXAS

ORDINANCE NO. 2026-03

ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS, REPEALING AND REPLACING CHAPTER 22 “ZONING” OF THE BRECKENRIDGE CODE OF ORDINANCES TO ADOPT A NEW COMPREHENSIVE ZONING ORDINANCE AS CHAPTER 22; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN FUTURE LAND USE MAP; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY RESTRICTIONS, OPEN SPACE, SCREENING AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE CONSTRUCTION, REPAIR AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR CONDITIONAL USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; ESTABLISHING PROCEDURES FOR APPOINTMENTS TO A PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; CREATING A BOARD OF ADJUSTMENT AND SETTING FORTH RULES FOR ITS ORGANIZATION, JURISDICTION AND POWERS; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING A METHOD OF AMENDMENT; PROVIDING FOR PUBLICATION; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00) FOR EACH AND EVERY OFFENSE AND FOR INJUNCTIVE RELIEF; PROVIDING SEVERABILITY AND REPEALER CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in order to promote the utilization of land in a manner to assure the best possible community environment in accordance with the Comprehensive Plan of the City of Breckenridge, Texas; and

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

WHEREAS, the City is authorized and empowered to adopt zoning regulations to promote the utilization of land within the City in a manner to assure the best possible community environment in accordance with the Comprehensive Plan of the City, pursuant to Section 3.30 of the City’s Charter and Chapter 211 of the Texas Local Government Code;

WHEREAS, pursuant to this authority, the City Commission of the City (the “City Commission”) has adopted comprehensive zoning regulations and an official zoning map in Chapter 22 “Zoning” of the Breckenridge Code of Ordinances;

WHEREAS, the City has obtained the assistance of Public Management to prepare an updated Comprehensive Plan, an updated Zoning Map, and a comprehensive update to Chapter 22 to generally modernize the City's zoning regulations; and

WHEREAS, the City Commission has determined that the adoption of this ordinance is in the best interest of the health, safety, and welfare of its residents.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, that:

I. Findings Incorporated. All of the above premises are found to be true and correct findings of the City Commission and are incorporated into the body of this Ordinance as if fully set forth herein.

II. Repeal of Chapter 22. Chapter 22 "Zoning" of the Breckenridge Code of Ordinances is hereby repealed.

III. Adoption of Chapter 22. The provisions attached to this Ordinance as **Exhibit "A"** are hereby adopted as the new Chapter 22 "Zoning" of the Breckenridge Code of Ordinances to read as provided therein.

IV. Repeal. All ordinances or parts of ordinances not consistent, or conflicting with, the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

V. Severability. That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Commission without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

VI. Effective Date. This Ordinance shall take effect upon adoption by the City Commission after publication as required by the City Charter and State law.

PASSED AND APPROVED on this the 3rd day of February, 2026 by the City Commission of the City of Breckenridge, Texas,

_____
Bob Sims, Mayor

ATTEST:

_____
Jessica Sutter, City Secretary

EXHIBIT “A”

CHAPTER 22 – ZONING

ARTICLE I: IN GENERAL

SECTION 1: ADMINISTRATIVE CLAUSES

A. Authority: This Chapter is adopted under the authority of Chapter 211, Texas Local Government Code, of the State of Texas, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

B. Purpose: These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public necessities. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

C. Administration, Enforcement And Fees:

(1) ADMINISTRATION - The City Manager, or designee, is hereby designated by the City Commission as the administrative official to supervise the administration and enforcement of this Chapter. If the administrative official finds that any of the provisions of this Chapter are being violated, the official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The City Manager, or designee, shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

(2) INTERPRETATION AND APPEALS - It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

(3) CITY COMMISSION DUTIES - It is further the intent of this Chapter that the duties of the City Commission in connection with this Chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Chapter. Under this Chapter, the City Commission shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Chapter, as provided by law, and, of establishing a schedule of fees and charges as stated in subsection (4) here below.

(4) FEES - The City Commission shall, by ordinance, establish a schedule of fees, charges, and expenses and a collection procedure for administration, permits, certificates of occupancy, zoning change requests, Board of Adjustment appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning administrative official, and may be altered or amended only by action of the City Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

D. Compliance With Regulations - The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

(1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or be subject to penalties as per this ordinance and other such civil remedies as provided for by law.

(2) No building or other structure shall hereafter be erected or altered to exceed the height or size, to accommodate or house a greater number of families or occupants, or to occupy a greater percentage of lot area than that specified herein for the district in which it is located.

(3) No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Chapter.

(4) No part of a yard, other open space, off-street parking or loading space, required about or in connection with any building for the purpose of complying with this section, shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.

(5) COMPLIANCE WITH OTHER ORDINANCES

(a) In addition to the zoning regulations delineated herein all development, construction, land uses, structures and building occupancies shall comply with all other applicable ordinances, codes, and regulations as adopted or amended including Local, State and Federal statutes.

(b) Other ordinances and regulations may include but are not limited to:

(i) Comprehensive Plan and Future Land Use Map
(ii) Thoroughfare Plan

(iii) Subdivision Regulations
(iv) Adopted Building Codes including local amendments
(v) Drainage Ordinance
(vi) Fence Ordinance
(vii) Sign Ordinance
(viii) Fee Schedule
(ix) Animal Control Ordinance
(x) Texas Commission on Environmental Quality (TCEQ) Rules
(xi) Federal Emergency Management Administration (FEMA) regarding floodplain development or permitted uses.

(c) In the case of a conflict between this ordinance and any other ordinance, code, regulation or statute this ordinance shall prevail except when specifically preempted by said ordinance.

SECTION 2: GENERAL PROVISIONS

A. OFFICIAL ZONING MAP - The City is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this ordinance.

B. MAP CERTIFIED - The official zoning map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map adopted as part of Ordinance No. 2026-03 of the City of Breckenridge, Texas".

C. LOCATION OF MAP - The official zoning map shall be in the custody of, and shall remain on file in the office of, the City Secretary.

D. PUBLIC INSPECTION OF MAP - The official zoning map, or a copy, shall be available for public inspection for all matters which are of public record.

E. AMENDMENT OF OFFICIAL ZONING MAP - When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Commission.

F. OFFICIAL ZONING MAP REPLACEMENT - The City Commission may, by ordinance, adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as a part of the Zoning Ordinance of the City of Breckenridge, Texas."

G. INTERPRETATION:

(a) When the district boundaries are highways, roadways, streets, or alleys, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a highway, roadway, street line or alley, the center line of such rights-of-way shall be construed to be the district boundary line.

(b) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.

(c) Where the district boundaries are not otherwise indicated for un-platted property, the district boundaries are property lines, city limit boundaries, or other established or natural boundary.

(d) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map, or in other circumstances not covered in this section, the dispute shall be processed as a routine amendment to the Zoning Ordinance in which after the required public notices are given and a public hearing conducted, the City Commission shall determine the district boundaries.

(e) Where a development or existing use is divided by a boundary line of another jurisdiction or city limits boundary with a different zoning classification or no zoning classification the physical 911 address shall determine which zoning classification applies, otherwise, the Planning and Zoning Commission shall make a recommendation to the City Commission who shall then make a final determination of zoning classification of that portion within the jurisdiction of the City of Breckenridge.

(8) RULES FOR WORDS AND PHRASES - For the purposes of this Chapter, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation, as well as, an individual; the word "used" includes designed and intended or arranged to be used; the word "building" includes the word "structure"; the word "lot" includes "building lot" or parcel. Wherever this ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this ordinance shall govern.

(9) STRUCTURES TO HAVE ACCESS - Every building, hereafter erected or moved, shall be on a lot adjacent to a public street or with access to an 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.

H. Violation and Penalties - The owner or general agent of a building, premises, lot or parcel where a violation of any provision of the regulations of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall

exist shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars ($2,000.00) per offense, and each day any violation of non-compliance continues shall constitute a separate and distinct offense.

ARTICLE II: ZONING PROCEDURES & ADMINISTRATION

SECTION 3: NONCONFORMING USES AND STRUCTURES

A. INTENT OF PROVISIONS:

(1) Within the districts established by this Chapter or amendments thereto, there may exist lots, structures, uses of land and structures in combination, and characteristics of use which were lawfully in existence and operating before this Chapter was enacted, amended or otherwise made applicable to such lots, structures or uses, but which would be prohibited, regulated or restricted under the terms of this ordinance and do not now conform to the regulations of the district in which they are located. It is the intent of this Chapter to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Chapter are met.

(2) It is further the intent of this Chapter that nonconforming uses shall not be enlarged upon, added, expanded or extended, and shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(3) The prohibition of the expansion, addition, enlargement or extension of nonconforming uses above shall also apply to all signage attached to structures or freestanding on the premises intended to be visible from off the premises.

(4) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

B. NONCONFORMING STATUS:

(1) Any use, platted lot or structure which does not conform with the regulations of this Chapter on the effective date hereof or any amendment hereto, except as expressly provided in Subsection (3) below, shall be deemed a nonconforming use, platted lot or structure provided that:

(a) Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or

(b) Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior zoning ordinance; or

(c) Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.

(d) To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which a valid permit has been issued and is in good standing.

(2) Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Chapter or any amendment hereto, and except as provided in Subsection (3) below, shall be deemed to be in violation of this Chapter, and the City shall be entitled to enforce fully the terms of this Chapter with respect to such use, platted lot or structure.

(3) The following types of platted lots shall be deemed in conformance with the provisions of this Chapter, notwithstanding the fact that such lot does not meet the standards of this Chapter in the district in which it is located:

(a) Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or

(b) Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

(c) Qualifying exemptions as provided for in Chapter 245.004 of the Texas Local Government Code as amended.

(d) Notwithstanding any qualified exemption provided for herein or by State Law variances may be required which shall only be granted by the Board of Adjustment in accordance with this ordinance.

(e) Lots located partially or wholly within the 100 year floodplain shall be considered nonconforming and shall be developed only in compliance with State, Federal or local regulations.

C. CONTINUING LAWFUL USE OF LAND AND STRUCTURES:

(1) A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.

(2) A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

(3) A lawful use which becomes nonconforming by the adoption of this Chapter which was operating under a valid Conditional Use Permit issued prior to the adoption of this Chapter may continue such use under those conditions as specified by the Conditional Use Permit.

(4) The Board of Adjustment shall not have the authority to grant conforming status to a nonconforming use as this shall be considered a zoning change which shall be considered by the Planning and Zoning Commission and City Commission in accordance with the procedures delineated in Section 4 of this Chapter.

D. ABANDONMENT OF NONCONFORMING USES AND STRUCTURES, AND CESSATION OF USE OF STRUCTURE OR LAND:

(1) If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Chapter, as amended, and with any other

applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

(2) A nonconforming use or structure shall be deemed “abandoned” in the following circumstances:

(a) The use ceases to operate for a continuous period of six (6) months (i.e., 180 calendar days);

(b) The structure remains vacant for a continuous period of six (6) months (i.e., 180 calendar days); or

(c) In the case of a temporary use, the use is moved from the premises for any length of time.

(d) The disconnection or cessation of utility services for the applicable period of time shall be prima facie evidence of abandonment.

E. CHANGING NONCONFORMING USES:

(1) A nonconforming use shall not be changed to another nonconforming use.

(2) A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.

(3) A conforming use located in a non-conforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

F. EXPANSION OF NONCONFORMING USES AND STRUCTURES:

(1) A nonconforming use may be extended throughout the structure in which it is located, provided that:

(a) The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;

(b) No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and

(c) The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.

(2) A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.

(3) A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this Ordinance.

G. RECONSTRUCTION OR REPAIR OF NONCONFORMING STRUCTURE:

(1) If sixty percent (60%) or more of the total appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this Ordinance.

(2) If less than sixty percent (60%) of the total appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one (1) year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the City Commission based on a written estimate by the contractor of record of an estimated completion date.

(3) If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in Subsection F. above.

(4) Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this Chapter and the then-current building codes.

(5) Nothing in this Chapter shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe, substandard or uninhabitable by the proper authority, unless such repairs or maintenance are estimated to exceed sixty percent (60%) of the structure's appraised value, as determined by the County Appraisal District, at which point the entire structure and all repairs and maintenance shall be reconstructed in conformity with the standards of this ordinance. Cost estimate documentation (bids) shall be submitted with the building permit application in order to verify compliance with this section.

H. MOVING OF NONCONFORMING STRUCTURES:

(1) No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot within the city, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site pursuant to Chapter 18 of this Code as well as approval of a building permit application in accordance with building permit requirements and adopted codes.

(2) **Manufactured Housing.** Upon the adoption of this Chapter, existing manufactured housing located in any zoning district other than the Manufactured Home Subdivision (MH-6) District and all mobile homes are hereby declared to be nonconforming structures. No new or used manufactured homes shall be moved into the city or moved from one location in the city to another location and placed upon a lot which is not located in a platted Manufactured Home Subdivision (MH-6). EXCEPTION: If an existing manufactured home or mobile home is rendered nonconforming by the adoption of this ordinance it may be

replaced on a one time basis only by a new “double-wide” manufactured home with a minimum of 1,200 square feet regardless of the district it is located in.

I. NONCONFORMING LOTS:

(1) Nothing in this Chapter shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Chapter. See Subsection B.(3).c. above.

(2) Nothing contained in this Section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

SECTION 4: ZONING CHANGE & AMENDMENT PROCEDURES

A. GENERAL

The zoning regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the Comprehensive Plan of the City and shall become a part of such Comprehensive Plan and Future Land Use Map and other such applicable exhibits or attachments thereto. All applications shall be made to the Planning and Zoning Commission whose composition and duties are established by the City Commission as set forth in Chapter 2 of this Code. All zoning change requests, proposals or applications shall be in accordance with the Comprehensive Plan by State Law.

B. AMENDMENT INITIATION

An amendment to this ordinance may be initiated by:
(1) City Commission on its own motion;
(2) Planning and Zoning Commission; or
(3) Request by owner or agent of owner of property to be changed.

C. PROCEDURE

All requests for amendments to zoning district boundaries shall be submitted, together with required fees, to the administrative official, which officer shall cause notices to be sent and the petition placed on the Planning and Zoning Commission agenda.

The City Commission may not enact any proposed amendment until the Planning and Zoning Commission makes its final report to the City Commission. The City Commission may refer proposed amendments to the Planning and Zoning Commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment; however, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

D. PUBLIC HEARING AND NOTICE

Prior to making its report to the City Commission, the Planning and Zoning Commission shall hold at least one (1) public hearing thereon. Publication of a Public Hearing Notice shall be made in the official newspaper of record before the fifteenth (15^{th}) day before the day of the hearing according to State Law. Written notice of all public hearings on proposed changes in district boundaries or zoning classifications shall be sent not less than ten (10) days before such hearing is held to all owners of property which is located within the area proposed to be changed, within two hundred feet (200') of such property or within two hundred feet (200') of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken inclusive of public streets. Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States Mail.

E. PLANNING AND ZONING COMMISSION REPORT

The Planning and Zoning Commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the City Commission. Such report may recommend for or against such proposed change and may but need not include reasons for such decision. The Planning and Zoning Commission may defer its report for not more than sixty (60) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the Planning and Zoning Commission fails to finally report after sixty (60) days, it would be deemed to have recommended negatively to the proposal.

F. FORWARDING FINAL REPORT

Every proposal, receiving a final report by the Planning and Zoning Commission, shall be forwarded to the City Commission for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

G. WITHDRAWAL

Any proposal or application may be withdrawn by the proponent after the Planning and Zoning Commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the City Commission will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

H. CITY COMMISSION HEARING AND NOTICE

The City may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the City Commission. Notice of City Commission hearing shall be given by publication one (1) time in the official newspaper of the City, stating the time and place of such hearing, which time shall be before the fifteenth (15th) day before the date of the first public hearing. No such amendment, supplement, or change shall be considered unless and until the Planning and Zoning Commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the Comprehensive Zoning Ordinance and/or Official Zoning Map to incorporate the change.

I. APPLICATION NOT TO BE CONSIDERED FOR ANOTHER TWELVE MONTHS AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be reconsidered within twelve (12) months of denial of a request by the City Commission for the same classification on the same property.

J. PROTEST AGAINST CHANGE

In case of a protest against such change, signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred feet (200') thereof, including any intervening public street, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Commission.

K. COMMISSION ACTION ON APPLICATION

The proponent of any zone change shall satisfy the City Commission that either the general welfare of the City affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the City Commission's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

L. SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED; PETITION FOR ZONING DISTRICT CHANGE OR CONDITIONAL USE

When in the opinion of the Planning and Zoning Commission or the City Commission that greater information is required from the petitioner concerning the nature, extent, and impact of his or her request than supplied with his or her application for a change in zoning or conditional use permit, in order for the application to be properly reviewed and evaluated, the Planning and Zoning Commission or City Commission may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

The petitioner is encouraged to meet with City staff to ascertain the exact extent of plans and documents required, if any, prior to the City initiating the advertisement for public hearing on the petition.

The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

(1) **Site Plan**

A site plan meeting all of the requirements of a "preliminary plat", as described in Chapter 18 of this Code, must be submitted, except that topographic and drainage map information provisions may be waived by the City when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the City may require include:

(a) Existing and proposed zoning district;

(b) General outline of extensive tree cover areas;

(c) Drainage ways and 100-year flood plain limits;

(d) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;

(e) Locations and dimensions of primary and secondary vehicular ingress and egress drives and entrances including fire lanes, parking spaces and loading areas.

(f) Show all existing perimeter roadways and label adjacent land uses. Provide a location map of the project of its relative location in the city. Provide a scale and north arrow for orientation purposes.

(g) Location, type, dimensions and proposed uses of all structures on the site.

(h) Proposed internal, non-vehicular circulation linkages, such as, pedestrian paths and hiking trails, bicycle trails, and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;

(i) A tabular summary schedule indicating:

(i) The gross acreage and percent of each type of zoning category proposed;

(ii) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family townhouse, etc., including the total gross project acreage;

(iii) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street;

(iv) The quantitative number of dwelling units proposed for each residential dwelling type (i.e., single family, two-family, etc.);

(v) Proposed maximum lot coverage by building types (i.e., SF, TH or MF, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

(2) **Architectural Drawings**

Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

(3) **Written Documents**

In narrative form on 8 ½" X 11" sheets:

(a) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;

(b) Legal description of the total site area proposed for rezoning, development, or conditional use permit;

(c) A development schedule indicating the approximate dates(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;

(d) A full legal description of the present and proposed ownership of the site or

parcels thereof embraced by the application;

(e) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;

(f) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when required by law to properly assess the impact of the proposed development/land use on the existing environment;

(g) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

(h) Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

SECTION 5: ZONING UPON ANNEXATION

A. ANNEXED TERRITORY TO BE ZONED AG

All territory, hereafter annexed to the City, shall be temporarily classified as Agricultural (AG) District until permanent zoning is established by the City Commission, except as provided in Section 5.C below. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

B. REGULATIONS FOR TEMPORARY AG DISTRICTS

In an area temporarily classified as AG:

(1) No person shall erect, construct or add to any building or structure, or cause same to be done in any newly annexed territory, without first applying for and obtaining a building permit or certificate of occupancy from the City, as required herein.

(2) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in AG district(s), unless and until, such territory has been classified in a zoning district other than an agricultural district.

(3) An application for a permit for any use, other than that specified above, shall be made to the administrative official and referred to the Planning and Zoning Commission for consideration and recommendation to the City Commission. The Planning and Zoning Commission, in making its recommendation, shall take into consideration the appropriate land use for the area and the adopted Comprehensive Plan for the City. The City Commission, after receiving and reviewing the recommendations of the Planning and Zoning Commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy, or may disapprove the application as their findings may indicate appropriate in the public interest.

C. CONCURRENT REZONING AND ANNEXATION

Application(s) for permanent zoning of a newly annexed area may be considered by the City at the same time as the area is being considered for annexation provided that sufficient detail has been submitted to fully assess and vet the impact and quality of the development.

ARTICLE III: ZONING DISTRICT REGULATIONS

SECTION 6: DISTRICTS ESTABLISHED

A. For the purpose of this ordinance, the City is hereby divided into fourteen (14) Zoning Districts and two (2) Overlay and Special Districts as follows:

ZONING DISTRICTS:

AG	Agricultural District
SF 5.0	Single-Family Residential – 5,000 square foot lots
SF 6.0	Single-Family Residential – 6,000 square foot lots
SF 7.5	Single-Family Residential - 7,500 square foot lots
SF 10.0	Single-Family Residential - 10,500 square foot lots
SF 15.0	Single-Family Residential - 15,000 square foot lots
TH	Townhouse Residential – Maximum 12 Units/Acre
DUP	Two Family Residential
MF	Multiple Family Residential – Maximum 36 Units/Acre
MH	Manufactured Home Subdivision – 7,500 sq. ft. Lot Minimum
C	General Commercial District
R	Retail District
DT	Downtown Business District
REC	Recreational Commercial District
I	Industrial District
LI	Light Industrial District

OVERLAY AND SPECIAL DISTRICTS:

PD	Planned Development District
CUP	Conditional Use Permit

B. FLOODPLAIN DESIGNATION OVERLAY

Notwithstanding the foregoing, there may be areas known as a "FP" floodplain district, which may be coextensive with, or overlap any or all of the foregoing districts, or portions thereof, and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing district and be zoned FP" floodplain.

Where a tract of land or portion thereof is zoned for the uses of one of the foregoing districts and also has a "FP" floodplain designation, the restrictions contained in the "FP" floodplain district shall be applicable to said tract or portion thereof and shall take precedence over the other zoning districts where Federal and State Laws apply.

TABLE 6-1 - SUMMARY OF ZONING DISTRICT REGULATIONS

This is a chart for general comparison purposes only and is incomplete.
For complete requirements see the body of the Zoning Ordinance.

District	Minimum Lot Area	Minimum Dwelling Unit Size	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Rear Yard*	Minimum Side Yard*	Max. Height of Building	Maximum Impervious Cover
AG	3 Acre	2,000 Sq. Ft.	200 Ft.	250 Ft.	60 Ft.	50 Ft.	25 Ft.	3 stories/ 45 Ft.	30%
SF 5.0	5,000 Sq. Ft.	900 Sq. Ft.	55 Ft.	80 Ft.	20 Ft.	20 Ft.	5 Ft.	2.5 stories/ 36 Ft.	70%
SF 6.0	6,000 Sq. Ft.	1,000 Sq. Ft.	65 Ft.	90 Ft.	20 Ft.	20 Ft.	8 Ft.	2.5 stories/ 36 Ft.	65%
SF 7.5	7,500 Sq. Ft.	1,200 Sq. Ft.	80 Ft.	100 Ft.	25 Ft.	25 Ft.	10 Ft.	2.5 stories/ 36 Ft.	60%
SF 10.5	10,500 Sq. Ft.	1,400 Sq. Ft.	150 Ft.	160 Ft.	40 Ft.	35 Ft.	10 Ft.	2.5 stories/ 36 Ft.	50%
SF 15.0	15,000 Sq. Ft.	1,600 Sq. Ft.	200 Ft.	240 Ft.	50 Ft.	50 Ft.	15 Ft.	2.5 stories/ 36 Ft.	40%
TH**	PH- 4,500 sf SFA – 3,000 sf 2F – 3,500 sf	900 Sq. Ft.	PH – 45' SFA – 30' 2F – 35'	100 Ft.	15 Ft.	15 Ft.	PH - 0-10' SFA – 5' 2F – 5'	2.5 stories/ 36 Ft.	60% Max. – 12 D.U./acre
DUP	6,000 Sq. Ft.	1200 Sq. Ft./Unit	60 Ft.	100 Ft.	25 Ft.	7 Ft.	7 Ft.	2.5 stories/ 36 Ft.	60%
MF	1 acre	550sf-Effic'y. 650sf-1 B.R. 780sf-2 B.R. 930sf-3 B.R.	100 Ft.	100 Ft.	Variable	15 Ft.	15 Ft.	3 stories/ 45 Ft.	75%
MH	7,500	1,200 Sq. Ft.	80 Ft.	100 Ft.	25 Ft.	20 Ft.	8Ft./ 15 Ft. corner lot	1 story/ 18 Ft.	60%
C***	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	Depends on Bldg. Ht.	Depends on Bldg. Ht.	2stories/ 35 Ft.	80%
R	8,000 Sq. Ft.	N/A	80 Ft.	100 Ft.	25 Ft.	7 Ft.	7 Ft.	2 stories/ 35 Ft.	90%
DT	N/A	N/A	20 Ft.	50 Ft.	N/A	10 Ft.	0 Ft.	3 stories/ 45 Ft.	90%
REC	2 Acres	N/A	100 Ft.	150 Ft.	25 Ft.	25 Ft.	15 Ft.	2.5 stories/ 36 Ft.	40%
LI***	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	Depends on Bldg. Ht.	Depends on Bldg. Ht.	3 stories/ 45 Ft.	90%
I***	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	Depends on Bldg. Ht.	Depends on Bldg. Ht.	3 stories/ 45 Ft.	90%

* Note: See text of the Ordinance for additional or supplemental requirements. Additional setback distance for side and rear yards is required for corner lots, when adjacent to a street, or adjacent to another more restrictive district, etc.

** Note: Townhouse consists of three types of housing:

1. PH = Zero lot line Patio Home
2. SFA = Single-Family Attached
3. 2F = Duplex

***Note: Side and rear side yard setbacks are determined by fire lane width requirements based on height of building, otherwise the side and rear yards when no fire lane is required shall be a minimum of fifteen (15') feet for interior lots and twenty-five (25') feet for any yard adjacent to a street or alley.

SECTION 7: SCHEDULE OF PERMITTED USES

A. USE TABLES - The use of land and/or buildings shall be in accordance with those listed in the following Use Tables. No land or building shall hereafter be occupied or used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. See Section 30 – Definitions for further descriptions of uses. The legend for interpreting the permitted uses in the Use Tables (Section 7.E. 1-13) is:

Designates use	**P**	permitted in the zoning district indicated.
		Designates use prohibited (i.e., not allowed) in the zoning district indicated.
Designates a approved	**C**	use which may only be permitted in the zoning district indicated with an Conditional Use Permit (also see Section 22).
Temporary Use	**T**	– Activities or Uses not lasting more than 60 days

B. PROHIBITED USES - If a use is not listed (or blank) in the Use Tables, it is not allowed in any zoning district (see Section 7.D below).

C. USE TABLE ORGANIZATION - The following use categories are listed in the Use Tables (Section 7.E):

Agricultural Uses
Residential Uses
Institutional Uses
Accessory and Temporary Uses
Amusement and Recreational Uses
Personal Service Uses
Professional and Office Uses
General Business Retail Uses
Automotive Uses
Governmental and Utility Uses
Commercial and Wholesale Uses
Light Industrial and Manufacturing Uses

D. Classification of New and Unlisted Uses

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

(1) The zoning administrative official shall refer the question of 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 or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated, and the general requirements for public utilities, such as, water and sanitary sewer.

(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, after public hearing, 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 Commission as to the classification proposed for any new or unlisted use. The City Commission may approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use, as is determined appropriate after giving consideration to the facts and recommendations.

SECTION 7.E – USE TABLES

TABLE 1 AGRICULTURAL USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Bulk Grain and/or Feed Storage	P														P	
Farms, General (Crops)	P														C	
Farms, General (Livestock/Ranch)	P														C	
Feed Lots, Dairy Farms, Slaughter Pens, Swine Farms, Poultry Farms or other high concentrations of animals																
Greenhouse (Non-Retail/Hobby)	P			P	P	P	P		P							
Greenhouse (Commercial/Wholesale)	P											P			P	
Hay, Grain, and/or Feed Sales (Wholesale)	P											C			P	
Feed, Grain or Farm Supply Retail Store	P											P			P	
Kennels (Indoors)	P											P			P	
Kennels (Outdoors)	P											C			C	
Livestock Auction Sales (no raising of animals on site)	P														C	
Orchard/Crop Propagation	P															
Plant Nursery (growing for commercial purposes)	P														C	
Stables (As A Business)	P															
Stables (Private, Accessory Use)	P															
Stables (Private, Principal Use)	P															
Veterinarian (Indoor Kennels)	P											P			P	
Veterinarian (Outdoor Kennels)	P											C			P	

TABLE 2 RESIDENTIAL USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Bed and Breakfast Inn	P								P							
Boarding/Rooming House									P							
Independent Living Facility For Elderly/Seniors									P	C		P			P	
Live/Work Dwelling Units								C	P			C			C	
Manufactured Home (HUD CODE)	P									P						
Mixed Use Residential (above first floor)												C			C	
Mobile Home																
Multi-Family Residential									P							
Recreational Vehicles (RV)																
Single-Family Detached Dwelling	P	P	P	P	P	P	P	P	C	C						
Single-Family Attached Dwelling (Townhouse)							P	P	P							
2-Family Dwelling (Duplex)							P	P	P							
3-Family Dwelling (Triplex)									P							
4-Family Dwelling (Quadruplex)									P							
Zero Lot Line Single-Family Dwelling (Patio Home)							P	P	P							

TABLE 3 INSTITUTIONAL USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Animal Cemetery	C														C	
Art Gallery or Museum												P	P		P	
Assisted Living Facility (7 or more Elderly/Senior or Disabled Persons)							C		P			P				
Cemetery and/or Mausoleum	C														C	
Church/Temple/Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Civic/Fraternal Organization												P			P	
Clinic (Minor Emergency)												P			P	
College or University	C											P			P	
Community Home (6 or Less Elderly/Senior or Disabled Persons Licensed by the State)	P			P	P	P	P	P	P	P						
Day Care Center (Child Care for 7 or More Unrelated Children)									P			P			P	
Family Home (Child Care for 6 or Less Unrelated Children)	P			P	P	P	P	P	P	P						
Hospital (Acute care / Chronic Care)												P			P	
Humane Society/Animal Pound	C														C	
Library (Public)	P						P	P	P	P		P			P	
Philanthropic, Charitable or Nonprofit Organization	P			P	P	P	P	P	P	P		P			P	
Psychiatric, Alcoholic or Narcotic Treatment/Care Facility												C			C	
Nursing/Convalescent Home or Hospice									P			P			C	
Orphanage									C			C				
Public Health Center												P			P	
Rectory/Parsonage	P			P	P	P	P	P	P	P		P			P	
Rehabilitation Care Facility (Halfway House)									C			C			C	
Retirement Home/Home for the Aged								C	P			P			C	
School, K through 12 (Private)	P			P	P	P	P	P	C			P			C	
School, K through 12 (Public)	P			P	P	P	P	P	P			P			P	
School, Vocational (Business/Commercial Trade)												P			P	

TABLE 4 ACCESSORY & TEMPORARY USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Accessory Building/Structure (Residential)	P			P	P		P	P	P	P						
Accessory Building/Structure (Non-residential)												P			P	
Accessory Dwelling (Garage Apartment)	P															
Batch Plant – Asphalt/Concrete – Temporary	T														T	
Caretaker's/Guard's Residence	P								P	P		P			P	
Contractor's Temporary On-Site Construction Office	T			T	T		T	T	T	T		T			T	
Home Occupation	P	P	P	P	P	P	P	P	P	P						
Itinerant Vendor/Vending	T											T			T	
Market (Public, Flea, Produce, etc.) – seasonal	T											T			T	
On-street Parking (subject to no parking Ordinances and/or street design standards)				P	P		P		P							
Private Party (Wedding) Rental Facility	T											C	C		T	
Special Events, Carnivals or Festivals	T											T			T	
Temporary Classroom Structures (Churches and Schools)	P			P	P		P	P	P	P		P			P	
Temporary Outside Retail Display/Sales (No Overnight Display)												P			P	

TABLE 5 AMUSEMENT & RECREATIONAL USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Amusement Devices/Arcade (Four or More Devices, Indoors only-Age Restricted Premises)												C			C	
Amusement, Commercial (Indoors)												P			P	
Amusement, Commercial (Outdoors)												C			P	
Athletic Field or Stadium (Public)	P			P	P	P	P	P	P	P		P			P	
Billiard / Pool Facility (Three or More Tables-Age Restricted Premises)												C			C	
Dance Hall															C	
Day Camp for Children	P															
Dinner/Live Drama Theatre												P	P		P	
Driving Range	C														P	
Fair/Rodeo Grounds or Exhibition Hall or Arena	C														C	C
Game Room												C			P	P
Golf Course or Country Club (Private)	C			C	C										C	
Golf Course (Public)	P			P	P										P	
Health Club (Physical Fitness; Indoors Only)												P			P	
Motion Picture Theater (Indoors)												P	P		P	
Motion Picture Theater (Outdoors)	C											C			C	
Park and/or Playground (Private)	P	P	P	P	P	P	P	P	P	P						
Park and/or Playground (Public/Municipal)	P	P	P	P	P	P	P	P	P	P		P			P	
Private Club (Restaurant Alcohol Sales)												C				
RV or Travel Trailer Park (Short-Term Stay)									C						C	
RV or Travel Trailer Park (Long-Term Stay)									C						C	
Swimming Pool (Private, Membership)	C	C	C	C	C	C	C	C	P	C		P			C	
Swimming Pool (Public)	P	P	P	P	P	P	P	P	P	P		P		P	P	
Tennis Court (Private/Lighted)	P	C	C	C	C	C	C	C	P	C						
Tennis Court (Private / Not Lighted)	P	P	P	P	P	P	P	P	P	P						
Video Rental / Sales (For All Audiences)												P			P	
Zoo (Public or Private)	C														C	

TABLE 6 PERSONAL SERVICE USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Ambulance Service												P			P	
Artist/Photography Studio												P	P		P	
Automobile Driving School												P			P	
Automatic Teller Machines (ATM's)												P			P	
Barber/Beauty Shop		C	C	C	C	C						P			P	
Dance/Drama/Music Schools (Performing Arts Studio)												P			P	
Electronic Sales/Service (Computers, Entertainment or Telephones)												P			P	
Exterminator Service (No outdoor sales or storage)												C			P	
Funeral Home												C			P	
Hotel/Motel												C			P	
Martial Arts School / Dance Studio												P			P	
Laundromat (or Self-Service Washateria)												P			P	
Laundry/Dry Cleaning (Drop Off/Pick Up)												P			P	
Limousine / Taxi Service												C			P	
Locksmith												P			P	
Mailing Service (Private)												P			P	
Massage Establishment (as defined within this Ordinance)															C	
Mini-Warehouse/Self Storage												C			P	
Personal Service Shops (Tailor, Shoe Repair, Seamstress, etc.)												P			P	
Print Shop/Reprographics												P			P	
Security Systems Installation and Monitoring Company												P			P	
Sexually Oriented Business (Regulated by Additional City Codes)															P	
Tattoo Studio or Body Piercing															C	
Tool Rental (Indoor Storage only)												P			P	
Tool Rental (with Outdoor Storage- No Heavy Equipment)												C			P	

TABLE 7 OFFICE & PROFESSIONAL USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Depository Financial Institution (With Drive-Thru Service)												P			P	
Depository Financial Institution (Without Drive-Thru Service)												P			P	
Medical Office (Doctor, Dentist, Optician or Other Outpatient Only)												P			P	
Medical Laboratory												C			P	
Motion Picture Studio, Commercial Film															P	
Non-depository Financial Establishment															C	
Office (General Business or Professional)												P			P	
Radio or Television Broadcasting Studio (With Tower)															C	
Radio or Television Broadcasting Studio (Without Tower)												P			P	
Telemarketing Agency																

TABLE 8 R GENERAL BUSINESS RETAIL USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Alcoholic Beverage Retail Sales*												C				
Antique/Consignment Shop (No Outside Storage)												P			P	
Antique/Consignment Shop (With Outside Storage)															P	
Appliance (Major) Sales, Rental, Repair (With Outside Storage)												P			P	
Appliance (Minor) Sales, Rental, Repair (No Outside Storage)												P			P	
Bakery or Confectionery Shop (Retail)											P	P	P		P	
Convenience Store (with Gasoline Sales)												P			P	
Convenience Store (without Gasoline Sales)											P	P			P	
Garden Center/Nursery/Florist With No Outside Storage)												P			P	
Garden Center/Nursery w/ Outside Storage)												C			P	
Gravestone/Tombstone Sales												C			P	
General Merchandise (Dry Goods) – Stores Less Than 12,000 Sq.Ft.											P	P			P	
General Merchandise (Dry Goods) – Stores 12,000 Sq.Ft. or Larger											P	P			P	
Grocery/Food Store – Less Than 12,000 Sq.Ft.												P			P	
Grocery/Food Store – 12,000 Sq.Ft. or Larger												P			P	
Light Equipment Sales or Service (No Outside Storage)												P			P	
Light Equipment Sales or Service (With Outside Storage)												C			P	
Market (Public, Flea, Produce, etc.) permanent	C														P	
Pawn Shop												P			P	
Pet Shop / Supplies / Grooming											P	P			P	
Pharmacy											P	P			P	
Recycling Kiosk												C			P	
Restaurant (Without Drive-Thru Service)											P	P			P	
Restaurant (With Drive-Thru or Drive-In Service)												P			P	
Second Hand Thrift Store or Used Merchandise (Inside Only)											P	P			P	

*Note: Alcohol sales shall be in accordance with TABC Rules and Chapter 3 of this Code and other local ordinances as adopted or amended.

TABLE 9 AUTOMOTIVE USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Auto Auction/Storage															P	
Auto Dealership (Used Auto Sales as Accessory Use Only)												C			P	
Auto Dealership (Used Auto Sales)															P	
Auto Muffler Shop (With Outside Storage)															P	
Auto Paint and Body Shop (With Outside Storage)															P	
Auto Parts and Accessories Sales (Indoors Only – No Repair Bays)												P			P	
Auto Parts Sales/Repair (With Service Bays – No Outside Storage)												P			P	
Auto Rental or Leasing												C			P	
Auto Repair (Major)															P	
Auto Repair (Minor)												C			P	
Auto Wrecker Service (Limited to Ten Vehicles Stored Onsite)															C	
Auto Wrecking/Salvage Yard																
Boat (Marine) Dealership															P	
Car Wash (Self Service; Automated)												P			P	
Car Wash (Full Service; Detail Shop)												C			P	
Gasoline Service Station												P			P	
Motorcycle/All Terrain Dealership															P	
Public Garage / Parking Structure												P	P		P	
Quick Lube/Oil Change/Minor Inspection												C			P	
Recreational Vehicle Dealership (RV's, Campers, Travel Trailers, etc.)															P	

TABLE 10 GOVERNMENT & UTILITY USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Antenna/Tower (Non-Commercial)	(See – Supplementary Regulations)															
Antenna/Tower (Commercial)	(See – Supplementary Regulations)															
Electrical Generating Plant	C														P	
Electrical Substation	C			C	C		C	C	C	C		C			P	
Electrical Transmission Line (Towers)	C				C		C	C	C	C		C			P	
Fire Station	P			P	P		P	P	P	P		P			P	
Franchised Private Utility (not listed)	P			P	P		P	P	P	P		P			P	
Gas Transmission Line (Regulating Station)	C			C	C		C	C	C	C		C			C	
Governmental Office Building (Municipal, County, State or Federal)	P			P	P		P	P	P	P		P			P	
Governmental Service Facility or Use (Municipal, County, State or Federal)	C											P			P	
Onsite Septic System (Private)	C			C	C		C	C	C	C					C	
Phone Exchange/Switching Station	C											C			C	
Police Station	P			P	P		P	P	P	P		P			P	
Post Office (Governmental – not leased)**	P			P	P		P	P	P	P		P			P	
Propane Sales (Retail)															P	
Radio/Television Tower (Commercial – Stand Alone)	(See – Supplementary Regulations)															
Sewage Lift/Pumping Station	P			P	P		P	P	P	P		P			P	
Transfer Station (Refuse/Pick-up)															C	
Utility Distribution Line	P			P	P		P	P	P	P		P			P	
Water/Wastewater Treatment Plant (Public)	C														C	
Water Supply Facility (Public; includes Elevated Water Storage)	P			P	P		P	P	P	P		P			P	
Water Supply Facility (Private) ***	P			P	P		P	P	P	P		P			P	
Wind Turbine (Electrical Generation)															C	C

**Note: Federal or State Facilities in a privately owned leased building shall only be located in non-residential districts.
***Note: Private water systems including wells are regulated by State and Federal Laws

TABLE 11 COMMERCIAL & WHOLESALE USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Bakery or Confectionery (Commercial/Wholesale)																P
Book Bindery/Publishing/Newspaper												C				P
Cleaning Plant (Commercial/Wholesale)																P
Contractor's Office/Shop, (No Outside Storage Including equipment)												C				P
Contractor's Office/Shop (With Outside Storage)																P
Contractor Supply Warehouse (Wholesale – No Outside Storage)												C				P
Contractor Supply Warehouse (Wholesale – With Outside Storage)																P
Heating & Air-conditioning Sales / Services												C				P
Heavy Equipment Sales or Service																P
Heavy Equipment Rental or Leasing																P
Machine Shop																P
Manufactured Home Sales (New)																C
Manufactured Home Sales (Used)																
Micro Brewery (onsite mfg. & sales)*												C	C			
Office Showroom Warehouse												C				P
Outside Storage of Equipment or Materials (More Than 24 Hours)																P
Petroleum Distribution/Storage/Wholesale Facility																
Portable Building Sales																P
Research/Diagnostic Lab (Non-Hazardous)																P
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)												P				P
Sign Manufacturing (large scale)																P
Taxidermist																P
Welding Shop																P
Wholesale Warehouse Distribution Center												C				P

*Note: Alcohol sales shall be in accordance with TABC Rules and Chapter 3 of this Code and other local ordinances as adopted or amended.

TABLE 12 LIGHT INDUSTRIAL & MANUFACTURING USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Airport, Heliport or Landing Field																C
Animal Rendering Plant (Slaughterhouse)																
Assembly & Fabrication Processes (inside only)																P
Batch Plant – Asphalt/Concrete (Permanent)																
Bottling Works (Including Brewery or Winery)																P
Bus Station or Terminal												C				P
Commercial Dairy Processing Plant																C
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair																P
Food Processing (No Animal Slaughtering)																P
Heavy Industrial Processes (Smokestack)																
Helistop or Helicopter Landing Pad																C
Industrial Processes (Wholly Enclosed Within a Building)																C
Industrial Processes (Not Wholly Enclosed Within a Building)																C
Laboratory Equipment Manufacturing																P
Maintenance & Service for Buildings												C				P
Manufacturing, General																P
Mineral Extraction (Including Gas & Oil – no open pit mines)																C
Motor Freight (Trucking) Company																C
Moving and Storage Company (With Outside Storage)																P
Paper Manufacturing, Converting or Finishing																P
Railroad Yard																
Salvage, Reclamation or Recycling of Materials																
Sand/Gravel/Stone Extraction																
Sand/Gravel/Stone Sales (Storage)																P
Stone/Clay/Glass Manufacturing																P
Truck Sales, Service, Leasing or Rental																P
Truck Stop and Fueling Station																C
Wood or Steel Structural Fabrication																P

SECTION 8: AGRICULTURAL (AG) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

(1) The Agricultural (AG) District is designed to preserve certain undeveloped lands for ranching, animal husbandry, farming, propagation and cultivation of crops and similar uses of open space in order to provide local food sources, protect watersheds, and prevent flooding. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agricultural until it is assigned another permanent zoning district. It is anticipated that Agricultural zoned land will eventually be rezoned to another zoning classification in the future.

(2) The Agricultural (AG) District is also appropriate for areas where development is premature due to lack of utilities or City services; to preserve areas that are unsuitable for development due to problems that may present hazards such as flooding, in which case the AG zoning designation should be retained until such hazards are mitigated and the land is rezoned; and to provide permanent greenbelts or to preserve open space areas as buffers around uses that might otherwise be objectionable or pose environmental or health hazards.

B. PERMITTED USES:

Those uses listed for the Agricultural (AG) District in Section 7 – Use Tables as “P”, “C or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:

(a) Three (3) stories, and not to exceed forty-five feet (45'), for the main building/house.

(b) Ninety feet (90') for agricultural structures (e.g., silos, water towers, etc.), provided they are no closer than one hundred feet (120') from any residential structure on the premises, or any front, side or rear property line.

(c) Twenty-five feet (25') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

D. AREA REGULATIONS:

(1) **Size of Lots**:
- (a) **Minimum Lot Area** - Three (3) acres (i.e. 130,680 square feet)
- (b) **Minimum Lot Width** - Two hundred feet (200’)
- (c) **Minimum Lot Depth** - Two hundred fifty feet (250’)

(2) **Size of Yards**:

(a) **Minimum Front Yard** - Sixty feet (60')

(b) **Minimum Side Yard** - Twenty-five feet (25') for interior side yard and accessory buildings; thirty-five feet (35') for a corner lot on a street. (Key lots may require additional setbacks)

(c) **Minimum Rear Yard** - Fifty feet (50') for the main building and twenty-five feet (25') for any accessory building(s).

(d) Accessory dwellings shall meet the same setbacks as the main house.

(3) **Parking Regulations**

(a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25'). Driveways in excess of sixty feet (60') in length shall be paved in concrete or asphalt for the first sixty feet (60') and the remainder may be constructed of crushed rock in lieu of asphalt or concrete in accordance with Section 27.

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(4) **Minimum Floor Area per Dwelling Unit** –Two thousand (2,000) square feet of air-conditioned floor area.

(5) **Minimum Exterior Construction Standards** – See Section 29.

(6) **Maximum Impervious Surface Coverage** – Thirty percent (30%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Barns, stables, or other permanent structures designed to house large animals shall be located not less than one hundred (100') feet from any residential structure or forty (40') feet from any property line.

(3) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

(4) Open storage is prohibited (except for materials for the resident's personal use and consumption or agricultural products awaiting shipment to market, such as, crops, hay, firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards not readily visible from public streets and neighboring properties).

(5) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(6) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(7) Swimming pools - See Section 29.

(8) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if Agricultural zoning is to remain.

(9) Any nonresidential land use which may be permitted in this district shall conform to the "C"- General Commercial District standards.

(10) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

SECTION 9: SINGLE-FAMILY (5.0) RESIDENTIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (SF 5.0) Residential District is intended to provide for development of primarily high-quality medium-density detached, single-family residences on lots of not less than 5,000 square feet in size, churches, schools and public parks in logical neighborhood units. The SF 5.0 District is designed to be located within short walking distance to schools, parks, shopping and churches and as such, is especially well suited to accommodate families with school aged children. Areas zoned for the SF 5.0 District shall have, or shall make provision for city water and sewer services. Subdivisions shall be designed to adequately accommodate storm drainage; have pedestrian friendly walkability; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. PERMITTED USES:

Those uses listed for the Single-Family (5.0) Residential District in Section 7 – Use Tables as "P", "C", or "T" are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
(a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
(b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

D. AREA REGULATIONS:

(1) **Size of Lots**:
(a) **Minimum Lot Area** – Five thousand square feet (7,500 square feet)
(b) **Minimum Lot Width** – Fifty-five feet (55')
(c) **Minimum Lot Depth** – Eighty feet (80')

(2) **Size of Yards**:

(a) **Minimum Front Yard** – Twenty feet (20')

(b) **Minimum Side Yard** - Five feet (5') for interior side yard; ten feet (10') for a corner lot on a street for the main building and five feet (5') for accessory buildings. (Key lots may require additional setbacks)

(c) **Minimum Rear Yard** – Twenty feet (20') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty feet (20') from the garage door face to the street or alley.

(3) **Parking Regulations**

(a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty feet (20').

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(4) **Minimum Floor Area per Dwelling Unit** – Nine hundred (900) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(5) **Maximum Impervious Surface Coverage** – Seventy percent (70%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

SECTION 10: SINGLE-FAMILY (6.0) RESIDENTIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (6.0) Residential District is intended to provide for development of primarily high-quality medium-density detached, single-family residences on lots of not less than 6,000 square feet in size, churches, schools and public parks in logical neighborhood units. The SF 6.0 District is designed to be located within short walking distance to schools, parks, shopping and churches and as such, is especially well suited to accommodate families with school aged children. Areas zoned for the SF 6.0 District shall have, or shall make provision for city water and sewer services. Subdivisions shall be designed to adequately accommodate storm drainage; have pedestrian friendly walkability; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. PERMITTED USES:

Those uses listed for the Single-Family (6.0) Residential District in Section 7 – Use Tables as "P", "C", or "T" are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
(a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
(b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

D. AREA REGULATIONS:

(1) **Size of Lots**:
(a) **Minimum Lot Area** – Six thousand square feet (6,000 square feet)
(b) **Minimum Lot Width** – Sixty-five feet (65')
(c) **Minimum Lot Depth** - Ninety feet (90')

(2) **Size of Yards**:

(a) **Minimum Front Yard** – Twenty feet (20')

(b) **Minimum Side Yard** - Eight feet (8') for interior side yard; eighteen feet (18') for a corner lot on a street for the main building and eight feet (8') for accessory buildings. (Key lots may require additional setbacks)

(c) **Minimum Rear Yard** – Twenty feet (20') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty feet (20') from the garage door face to the street or alley.

(3) **Parking Regulations**

(a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty feet (20').

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(4) **Minimum Floor Area per Dwelling Unit** – One thousand (1,000) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(5) **Maximum Impervious Surface Coverage** – Sixty-five percent (65%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

SECTION 11: SINGLE-FAMILY (7.5) RESIDENTIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (7.5) Residential District is intended to provide for development of primarily high-quality medium-density detached, single-family residences on lots of not less than 7,500 square feet in size, churches, schools and public parks in logical neighborhood units. The SF 7.5 District is designed to be located within short walking distance to schools, parks, shopping and churches and as such, is especially well suited to accommodate families with school aged children. Areas zoned for the SF 7.5 District shall have, or shall make provision for city water and sewer services. Subdivisions shall be designed to adequately accommodate storm drainage; have pedestrian friendly walkability; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. PERMITTED USES:

Those uses listed for the Single-Family (7.5) Residential District in Section 7 – Use Tables as "P", "C", or "T" are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:

(a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.

(b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

D. AREA REGULATIONS:

(1) **Size of Lots**:

(a) **Minimum Lot Area** – Seven thousand five hundred square feet (7,500 square feet)

(b) **Minimum Lot Width** - Eighty feet (80')

(c) **Minimum Lot Depth** - One hundred feet (100')

(2) **Size of Yards**:

(a) **Minimum Front Yard** – Twenty-five feet (25')

(b) **Minimum Side Yard** - Eight feet (10') for interior side yard; eighteen feet (18') for a corner lot on a street for the main building and eight feet (10') for accessory buildings. (Key lots may require additional setbacks)

(c) **Minimum Rear Yard** – Twenty-five feet (25') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty-five feet (25') from the garage door face to the street or alley.

(3) **Parking Regulations**

(a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty-five feet (25').

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(4) **Minimum Floor Area per Dwelling Unit** – Twelve hundred (1,200) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(5) **Maximum Impervious Surface Coverage** – Sixty percent (60%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

SECTION 12: SINGLE-FAMILY (10.5) RESIDENTIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (10.5) is a residential district intended to provide for development of primarily high quality, low-density detached, single-family residences on lots of not less than 10,500 sq. ft. in size, including churches, schools and public parks in logical neighborhood units. Areas zoned for the SF 10.5 District shall have, or shall make provision for city water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. PERMITTED USES:

Those uses listed for the Single-Family (10.5) Residential District in Section 7 – Use Tables as "P", "C", or "T" are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
(a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
(b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

D. AREA REGULATIONS:

(1) **Size of Lots**:
(a) **Minimum Lot Area** – Ten thousand five hundred square feet (10,500 square feet)
(b) **Minimum Lot Width** – One hundred Fifty feet (150')
(c) **Minimum Lot Depth** - One hundred Sixty feet (160')

(2) **Size of Yards:**

(a) **Minimum Front Yard** – Forty feet (40')

(b) **Minimum Side Yard** - Fifteen feet (10') for interior side yard; eighteen feet (18') for a corner lot on a street for the main building and eight feet (10') for accessory buildings. (Key lots may require additional setbacks)

(c) **Minimum Rear Yard** – Thirty-five feet (35') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty-five feet (25') from the garage door face to the street or alley.

(3) **Parking Regulations**

(a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved

driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty-five feet (25').

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(c) **Minimum Floor Area per Dwelling Unit** – Fourteen hundred (1,400) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(d) **Maximum Impervious Surface Coverage** – Fifty percent (50%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

SECTION 12: SINGLE-FAMILY (15.0) RESIDENTIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (15.0) is a residential district intended to provide for development of primarily high quality, low-density detached, single-family residences on lots of not less than 15,000 sq.

ft. in size, including churches, schools and public parks in logical neighborhood units. Areas zoned for the SF 15.0 District shall have, or shall make provision for city water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. PERMITTED USES:

Those uses listed for the Single-Family Estate (15.0) Residential District in Section 7 – Use Tables as "P", "C", or "T" are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
(a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
(b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

D. AREA REGULATIONS:

(1) **Size of Lots**:
(a) **Minimum Lot Area** – Fifteen thousand square feet (15,000 square feet)
(b) **Minimum Lot Width** – Two hundred feet (200')
(c) **Minimum Lot Depth** - Two hundred forty feet (240')

(2) **Size of Yards:**

(a) **Minimum Front Yard** – Fifty feet (50')

(b) **Minimum Side Yard** - Fifteen feet (15') for interior side yard; eighteen feet (18') for a corner lot on a street for the main building and eight feet (8') for accessory buildings. (Key lots may require additional setbacks)

(c) **Minimum Rear Yard** – Fifty feet (50') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty-five feet (25') from the garage door face to the street or alley.

(3) **Parking Regulations**

(a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25').

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(c) **Minimum Floor Area per Dwelling Unit** – Sixteen (1,600) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(d) **Maximum Impervious Surface Coverage** – Forty percent (40%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

SECTION 13: TOWNHOUSE (TH) RESIDENTIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Townhouse Residential (TH) District is designed to provide for flexible development of primarily attached single-family residences or zero-lot-line homes in order to preserve open space or natural areas on more compact lots (clustering) that produce efficient pedestrian friendly communities that support employment and retail centers. Townhome developments shall be arranged in a clustered lot pattern with either a common usable open space system that is an integral part of the development or having large yards resembling single-family detached neighborhoods.

B. PERMITTED USES:

(1) Those uses specified in Section 7-E (Use Tables).

(2) Single-family detached dwellings (must meet all requirements of SF-7.5 zoning).

(3) Such uses as may be permitted under the provisions of Conditional Use Permits, Section 24.

(4) Such uses as may be permitted under the provisions of a Temporary Use.

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:

(a) Two and one-half (2.5) stories, and not exceed thirty-six feet (36') for the main building/house. In non-residential districts where mixed uses or live/work units are permitted the height may be increased to three (3) stories or a maximum of forty-five (45') feet.

(b) One (1) story or eighteen feet (18') for accessory buildings.

D. AREA REGULATIONS:

(1) **Size of Lots**:
(a) **Maximum Density** – Twelve (12) units per gross acre of land within the development.
(b) **Minimum Project Size** – One (1) acre
(c) **Maximum Project Size** – Fifteen (15) acres.

(2) **Minimum Lot Area** –

(a) Patio Home (Zero-Lot-Line) 4,500 sq. ft.
5,000 sq. ft. corner lot w/zero lot line
6,000 sq. ft. corner lot w/o zero lot line

(b) Single Family Attached (Townhome) 3,000 sq. ft. interior unit w/o side yard
3,500 sq. ft. exterior unit w/ side yard
4,500 sq. ft. corner lot

(c) Two-Family (Duplex) 3,500 sq. ft. per dwelling unit
4,500 sq. ft. if unit is on corner lot

(3) **Minimum Lot Width** – Thirty feet (30'); Thirty-Five feet (35'); Forty-Five feet (45');Fifty feet (50'); or sixty feet (60') respectively

(4) **Minimum Lot Depth** - One hundred feet (100')

(5) **Size of Yards**:

(a) **Minimum Front Yard** - Fifteen feet (15').

(b) **Minimum Side Yard** - Patio Homes - One (1) side yard reduced to zero feet (0');

other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street; and twenty feet (20') required on a corner lot adjacent to an arterial street; Townhomes and Duplexes – a side yard minimum of five (5') feet on exterior units to create a minimum separation of ten (10') feet between buildings, fifteen feet (15') on corner lots adjacent to a street.

(c) **Minimum Rear Yard** - Fifteen feet (15') for the main building; twenty-five feet (25') from a garage to an alley; ten feet (10') from a main building to an accessory building. Accessory buildings (other than garages) maybe placed three feet (3') from rear or side property line. (See Section 24 for additional accessory building requirements)

E. MAXIMUM LOT COVERAGE - Forty percent (40%) by main buildings; not to exceed sixty percent (60%) total impervious area including accessory buildings, driveways and parking areas.

F. PARKING REGULATIONS:

(1) **Each Dwelling Unit** - A minimum of two (2) parking spaces one of which must be enclosed and on the same lot as the main structure. Parking preferably to be accessed from the rear of the structure (rear loaded) unless physical lot constraints or a "cluster" design is utilized preventing rear loading. Carports shall not project beyond the front façade of the house and shall be required to match the exterior materials of the main structure if located in the side yard.

(2) **Sidewalks –** a minimum of a four (4') feet wide sidewalk shall be required along all street frontages and from the front door of each unit to the street (a common sidewalk may be used to connect up to four units with the street). Sidewalks shall also connect each unit to its respective parking spaces.

(3) **Alleys –** Each attached dwelling unit within the TH-12 District shall be rear-entry only from an alley that is constructed along with the rest of the subdivision (i.e., at the same time as the streets, utilities, etc.) and that is in conformance with the City's design standards for alleys (see Subdivision Ordinance).

(4) Patio homes or single-family detached homes within this district are allowed to have front-loaded garages only if physical lot constraints prevent rear loading. Side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty feet (20') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty feet (20').

(5) **Other** - (See Section 27, Off-Street Parking and Loading Requirements)

G. MINIMUM FLOOR AREA PER DWELLING UNIT:

(1) The minimum living area for a one-bedroom townhouse shall be nine hundred (900) square feet.

(2) The square footage of the dwelling unit shall be increased an additional one-hundred twenty (120) square feet for each additional bedroom.

H. OPEN SPACE REQUIREMENTS:

(1) **Useable Open Space Requirements** - Each townhouse subdivision shall provide useable open space (not flood plain) which equals or exceeds ten (10%) percent of the gross platted area, rights-of-way for collector and larger sized streets not included. All developments with more than twenty-five (25) dwelling units will provide useable open space at the rate of 400 square feet per unit with a minimum of 10,000 square feet.

(2) **Specific Criteria for Usable Open Space** - Areas provided as usable open space shall meet the following criteria:

(a) All Townhome residential lots must be located within six hundred feet (600') of a usable open space area as measured along a street. The Planning and Zoning Commission may increase this distance to one thousand two hundred feet (1,200') if the shape of the subdivision is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.

(b) Individual usable open space areas shall be at least ten thousand (10,000) square feet in size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten (10%) percent. At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Commission may give full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and/or the surrounding area.

(c) Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.

(d) Within useable open space areas, there shall be at least one (1) tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper.

(e) A useable open space area must have at least 50 feet of street frontage to ensure that the area is accessible to residents of the subdivision.

(f) Useable open space areas must be easily viewed from adjacent streets and homes.

(3) **Credit for Off-Site Open Space** - At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Commission may allow up to one-third (1/3) of the required open space to be credited for off-site dedicated open space (e.g., park land) that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the Planning and Zoning Commission and/or City Commission. The guidelines below may assist in considering if credit is appropriate:

(a) **Adjacency** - Is at least fifteen (15%) percent of the townhouse district development's boundary adjacent to park land?

(b) **Proximity –** Are at least fifty (50%) percent of the townhouse district dwelling

units within a ten-minute walk (1500') of an established developed park without having to cross a major thoroughfare (i.e. U.S. Hwy 80)?

(c) **Accessibility** - Are there defined pedestrian connections between the development and the park land?

(d) **Usability** - Is the park land immediately adjacent to the development suitable for use by residents?

(e) **Design Integration** - Does the design of the development provide a significant visual and pedestrian connection to the park land?

(f) **Landscaped Areas** - Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.

I. SPECIAL REQUIREMENTS:

(1) On zero-lot-line Patio Homes a minimum four foot (4') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four (24") inches.

(2) **Maintenance Requirements for Common Areas** - A mandatory Property Owners Association shall be required to provide for the perpetual maintenance of common land, private streets, open space, and recreational facilities within the Townhome District. In the event the Association fails to maintain such areas, the City may, after notice and an opportunity to cure, perform the required maintenance to protect the public health, safety, or welfare. Any costs incurred by the City shall be the responsibility of the Association and may be recovered in accordance with applicable state law. The Association's governing documents shall acknowledge the City's enforcement authority and maintenance rights as provided herein.

(3) **Refuse Facilities** - Every single-family attached dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened appropriately.

(4) The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

(5) A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the

subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if TH zoning is to remain.

(6) Recreational vehicles, travel trailers, motor homes, or manufactured housing may not be used for on-site dwelling purposes.

(7) Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

(8) Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2") inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

(9) **Other Regulations** - As established in the Supplementary Development Regulations, Sections 25 through 30.

SECTION 14: TWO-FAMILY (DUP) RESIDENTIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Two-Family Residential (DUP) District is a residential district intended to provide for development of primarily high quality, low-density detached, two-family residences on lots of not less than 6,000 sq. ft. in size, including churches, schools and public parks in logical neighborhood units. Areas zoned for the DUP District shall have, or shall make provision for city water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. PERMITTED USES:

Those uses listed for the Two-Family (DUP) Residential District in Section 7 – Use Tables as "P", "C", or "T" are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height:**

a. Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.

b. One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

D. AREA REGULATIONS:

(1) **Size of Lots**:
a. **Minimum Lot Area** – Six thousand square feet (6,000 square feet)
b. **Minimum Lot Width** – Sixty feet (60')
c. **Minimum Lot Depth** - One feet (100')

(2) **Size of Yards:**

a. **Minimum Front Yard** – Twenty-five feet (25')

b. **Minimum Side Yard** - Seven feet (7') for interior side yard; ten feet (10') for a corner lot on a street for the main building and eight feet (8') for accessory buildings. (Key lots may require additional setbacks)

c. **Minimum Rear Yard** – Seven feet (7') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty-five feet (25') from the garage door face to the street or alley.

(3) **Parking Regulations**

a. **Two-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty-five feet (25').

b. **Other** - See Section 27, Off-Street Parking and Loading Regulations

c. **Minimum Floor Area per Dwelling Unit** – Twelve hundred (1,200) square feet of air-conditioned floor area per unit. Accessory dwellings are not permitted in this district.

d. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

SECTION 15: MULTI-FAMILY (MF) RESIDENTIAL DISTRICT:

A. GENERAL PURPOSE AND DESCRIPTION:

The Multi-Family Residential (MF) District is an attached mixed-use residential district intended to provide the highest residential density in close proximity to retail and employment centers. The principal permitted land uses shall include nonresidential uses on the street level with multiple-family dwellings above or live/work units on the street level with multi-family dwellings above. All multi-family structures adjacent to street frontages shall be located facing public street frontages with a minimum ten feet (10') wide landscape buffer and a maximum of two (2) rows of parking for the nonresidential uses located on the ground floor. Residential parking shall be located at the rear of the structures. This district shall be located adjacent to General Commercial (C) or Light Industrial (LI) Districts and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development as well as support for retail or employment centers. Live/work units are defined as ground floor units structurally designed to accommodate nonresidential uses with a home-based occupation, office or small-scale low impact retail business (i.e. ADA accessibility built-in for example) which typically start out as residential dwelling units but can be also be used for permitted fulltime nonresidential uses. Lease contracts shall not prohibit or eliminate allowed live-work or other permitted nonresidential uses. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. Areas zoned for the MF District shall have, or shall make provision for, city water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns.

B. PERMITTED USES:

(1) Those uses listed for the MF District in Section 7 Use Charts as "P" are authorized uses permitted by right or acceptable temporary uses (which must be approved by the City Manager). Permitted nonresidential uses in ground floor or street level units shall be office, personal services or small dry goods retail with the following exceptions which are not allowed: restaurants or food preparation of any kind. No Conditional Use Permits (CUP) shall be allowed.

(2) Nonresidential business uses shall only be allowed to operate or be open for business between 7:00 a.m. to 8:00 p.m. daily.

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:

a. Three (3) stories, and not to exceed forty-five feet (45'), for the main building(s). Buildings exceeding two (2) stories in height shall observe a setback distance of forty-five-feet from any single-family residential property line.

b. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.

c. Other requirements (see Section 27).

D. AREA REGULATIONS:

(1) **Size of Lots**:

a. **Minimum Lot Area** – The minimum lot (i.e., project) size shall be one (1) acre, maximum project size shall not exceed fifteen (15) acres (calculated on gross acreage).

b. **Minimum Lot Width** - One hundred feet (100')

c. **Minimum Lot Depth** - One hundred feet (100')

(2) **Size of Yards:**

a. **Front Yard** – Variable – minimum is based on ten feet (10') wide landscape buffer, one (1) row of parking with drive aisle, and ten feet (10') wide yard between parking and front façade of building. Maximum front yard is based on the same buffer requirements as above but with no more than two (2) rows of parking. Dimensions may vary slightly due to parking spaces being configured as parallel, angled or head-in. All areas adjacent to a street shall be deemed front yards. Street frontages that face a single-family residential or townhouse district may have residential units on the first floor in which case the front yard requirement shall be the same as the residential district (15–25 feet typically) in order to form a more compatible streetscape.

b. **Minimum Side and Rear Yard** - Fifteen feet (15'), unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows: fifteen feet (15') of additional setback per story.

c. **Building Separation –** spacing between buildings is dependent upon construction type, building height, the presence or absence of openings, etc. and shall comply with the adopted Building and Fire Codes as adopted or amended.

(3) **Minimum Floor Area per Dwelling Unit:**

a. Efficiency unit – Five hundred fifty (550) square feet per unit.

b. One-bedroom unit – Six hundred fifty (650) square feet per unit.

c. Two- or more bedroom unit – Seven hundred Eighty (780) square feet for the first two (2) bedrooms, plus an additional one hundred twenty (120) square feet for every bedroom over two (2) (e.g., three-bedroom unit must have 900 square feet, etc.).

(4) **Maximum Impervious Surface Coverage** – Seventy-five percent (75%) total impervious area including main buildings, accessory buildings, drive-ways and parking areas.

(5) **Parking Regulations**:

a. Two (2) spaces for each dwelling unit.

b. One (1) space for each 300 square feet of nonresidential space on the ground floor.

c. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.

d. No parking space may be located closer than ten feet (10') from any building or closer than two feet (2') from any side or rear lot line.

e. See Section 27, Off-Street Parking and Loading Requirements, for additional requirements.

(6) **Sign Regulations:** One (1) single or multi-tenant monument business sign shall be permitted per three hundred feet (300') of street frontage with no more than twenty-five square feet per tenant or address. One (1) business sign may be wall mounted near the entrance not to exceed fifteen square feet in size. No business signs are permitted to be mounted above the first floor of any building. All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

E. SPECIAL REQUIREMENTS:

(1) All proposed multi-family projects and clustered multiple family dwellings shall have a site plan approved by the Planning and Zoning Commission and City Commission prior to the submittal of building or construction plans for permitting. The site plan may be submitted with either a zoning change request or plat application or stand-alone if the property is already zoned and platted for MF uses.

(2) **Landscape Area Requirements** – See Section 28 for landscaping requirements in addition to those listed above.

(3) **Refuse Facilities** - Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be located within a screening enclosure that is at least twelve (12") inches taller than the dumpster.

(4) **Screening Requirements** – See Section 25 for screening requirements.

(5) Single-family, duplex, patio home or townhouse residential units constructed in this district shall conform to SF-7.5 or TH district standards, respectively.

(6) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(7) Open storage is prohibited.

(8) All points on the exterior facades of all buildings shall be within the prescribed distance of a dedicated fire lane easement as measured by an unobstructed pathway, or route, for fire hoses, in accordance with the adopted International Fire Code, National Fire Protection Association Life Safety Code 101 (NFPA 101), or as determined by the Fire Marshal.

(9) A four-foot (4') wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles or four feet (4') wide with a permanent curb stop installed.

(10) Buildings shall not exceed two hundred feet (200') in length.

(11) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.

(12) All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.

(13) All buildings within a non-residential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the street.

(14) Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets (see the Subdivision Ordinance).

(15) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

SECTION 16: MANUFACTURED HOME (MH) SUBDIVISION DISTRICT

A. PURPOSE AND SCOPE

(1) The Manufactured Home Subdivision (MH) District is designed to provide areas for the location of HUD Code Manufactured Homes in an attractive, low density setting and ensure the presence of amenities required for satisfactory quality of life in areas designated for manufactured home use.

(2) The Manufactured Home Subdivision (MH) District is a detached residential district establishing standards for the development of HUD-code Manufactured Home Subdivisions, MH Parks and MH Rental Communities. A HUD-Code Manufactured Home Subdivision shall be defined as individually platted lots available for sale, lease or rental for the placement of manufactured home units which may either be privately owned, leased or rented. There is no distinction between a Manufactured Home Subdivision, Manufactured Home Park or Manufactured Home Rental Community in that the minimum dwelling unit size, lot size, layout of streets, utilities, and other infrastructure requirements are the same regardless of ownership of the individual lots and dwelling units.

(3) All MH subdivisions with twenty-five (25) or more lots shall provide open space and recreational areas appropriate for the acreage and number of units contained. Areas zoned for the MH district shall have, or shall make provision for, City of Breckenridge water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. PRINCIPAL PERMITTED USES

(1) HUD Code Manufactured Home; and

(2) Public parks, playgrounds, recreational and community center buildings and grounds; public golf courses, public swimming pools, tennis courts and similar recreational uses, all of a noncommercial nature.

(3) Any principal building or any swimming pool shall be located not less than one hundred (100) feet from any property line of any other residential district.

(4) Mobile homes (are prohibited within the City limits and shall not be used as a dwelling unit in any zoning district.

(5) Those uses listed for the MH Subdivision District in Section 7 - Use Tables as “P”, “C”, or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

(6) Single-family detached homes, management offices or clubhouses built in this district shall comply with the Single-Family (SF-7.5) Residential District requirements including height, setbacks, exterior façade materials, minimum dwelling size, etc. (see Section 11).

C. AREA REGULATIONS:

(1) **Orientation of the Dwelling Unit –** Manufactured Homes may be either oriented perpendicular or parallel to the abutting street; however, the two types may not be mixed together in the same subdivision.

(2) **Size of Yards** (for each lot within a manufactured home subdivision):

a. **Minimum Front Yard** - Twenty feet (20') from a dedicated street or from any private street or drive.

b. **Minimum Side Yard** – ten (10%) percent of the lot width with a minimum of twelve (12') feet between units; twenty feet (20') from zoning district boundary line; fifteen feet (15') for a corner lot on a residential or collector street, and twenty feet (20') for a corner lot on an arterial street.

c. **Minimum Rear Yard** – Twenty feet (20').

d. If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback as measured from any property or street right-of-way line.

(3) **Size of Lots** (for each lot within a manufactured home subdivision):

a. **Minimum Lot Area** - Six thousand (6,000) square feet per lot

b. **Minimum Lot Width** – Sixty feet (60') – perpendicular orientation
One hundred feet (100') – parallel orientation

c. **Minimum Lot Depth** – One hundred feet (100') – perpendicular orientation
sixty feet (60') – parallel orientation

(4) **Minimum Floor Area per Dwelling Unit**: Twelve hundred (1,200) square feet.

(5) **Maximum Lot Coverage**: Fifty percent (60%) for main building/unit plus any accessory buildings.

(6) **Parking Regulations**: Two (2) spaces per unit, one of which must be covered or enclosed, located on the same lot as the unit served (See Section 27, Off-Street Parking and Loading)

(7) **Area for Manufactured Home Subdivision** – Minimum subdivision area shall be five (5) acres; maximum subdivision area shall not exceed fifty (50) acres.

(8) **Maximum Height Limit**:

a. One (1) story, not to exceed eighteen (18') feet for the main manufactured home.

b. One (1) story, for other accessory buildings, including detached garages and carports, gazebos, mail kiosks, etc., not to exceed eighteen (18') feet.

c. Other requirements (see Section 27).

(9) **Minimum Exterior Construction Standards** – None (manufactured homes only – all other structures shall conform to Section 29).

(10) **Maximum Impervious Surface Coverage** – Sixty percent (60%).

(11) **Development Standards:**

a. A pitched roof having a minimum of 4:12 is required with a minimum six-inch (6") overhang.

b. Manufactured housing design and construction will comply with manufactured housing construction and safety standards published by the Department of Housing and Urban Development (HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act (Chapter 1201, Texas Occupations Code, as amended) and all manufactured housing will be subject to inspection by the Building Official, or his designee.

c. All manufactured housing within the City shall be anchored on a permanent concrete foundation in accordance with Federal guidelines as stated in the "Permanent Foundation Guide for Manufactured Housing" (HUD 7584). Any additions to the original structure, such as rooms, storage, or garages shall be constructed on a solid concrete slab.

d. Covered porches, patios and decks shall be constructed on-site, and shall not be located closer than five (5') feet from any property line.

e. Axles and tongues shall be removed, such that the manufactured housing unit becomes permanently placed upon the site.

f. Any siding or sheathing used on housing units (or on buildings added onto housing units) shall be compatible with materials used on surrounding structure.

D. SUPPLEMENTAL REQUIREMENTS FOR MH-6 SUBDIVISIONS:

(1) **Tenant Parking** - Each parking space shall be an approved all-weather surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park (See Section 27, Off-Street Parking and Loading Requirements).

(2) **Access:**

a. Each manufactured home subdivision shall have direct access from an improved public street in accordance with Chapter 18 of this Code.

b. Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services.

c. All MH Subdivisions with private streets and/or sidewalks shall have a mandatory Property Owner's Association which shall have in its by-laws provisions for the maintenance of all private access infrastructure including streets, sidewalks and common parking lots within the subdivision (see Subsection (4) below).

d. Each emergency access/fire lane easement shall have a clear unobstructed width as specified in the adopted International Fire Code, shall connect to a dedicated public street, and shall meet the minimum required turning area and radii to permit free movement of emergency vehicles.

e. Dead end streets are not allowed without an approved turn around in accordance with Appendix D of the adopted Fire Code. Fire lane easements shall be maintained by the manufactured home subdivision.

(3) **Maintenance Requirements for Common Areas** - A mandatory Property Owners Association shall be required to provide for the perpetual maintenance of common land, private streets, open space, and recreational facilities within the Townhome District. In the event the Association fails to maintain such areas, the City may, after notice and an opportunity to cure, perform the required maintenance to protect the public health, safety, or welfare. Any costs incurred by the City shall be the responsibility of the Association and may be recovered in accordance with applicable state law. The Association's governing documents shall acknowledge the City's enforcement authority and maintenance rights as provided herein.

(4) **Walkways** - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets public or private.

(5) **Street Names and Signs** - Within each manufactured home subdivision, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Private street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the city administrator (or designee) along with the subdivision plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance and/or the City's Ordinances, and approved by the Planning and Zoning Commission and the City Commission on the preliminary plat for the subdivision. The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the Developer and approved by the City.

(6) **Other Signs** - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.

(7) **Intersections** - Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.

(8) **Street Lighting** - Street lighting along public and private streets within the manufactured home subdivision shall be provided in accordance with Chapter 18, and shall be maintained by the property owner's association of the manufactured home park if along private streets.

(9) **Electric and Telephone Service** - All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the subdivision.

(10) **Drainage and Soil Protection** - The ground surface in all parts of the subdivision shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home lot shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home subdivision shall be protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust or paved and/or covered with erosion resistant but porous materials, such as, decomposed crushed granite, stone, brick paving, or other similar solid material.

(11) **Fire Fighting**:

a. Approaches to all manufactured homes shall be kept clear for firefighting.

b. The owner or agent of a manufactured home subdivision shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall install standard City fire hydrants located at three hundred feet (300') intervals along all internal streets public or private.

c. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of six inches (6") in height.

(12) **Refuse Facilities** – If refuse services are not provided to individual lots then every manufactured home dwelling unit shall be located within one hundred fifty feet (150') of a common refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Section 25 of this Chapter.

(13) **Anchorage of Manufactured Homes** - To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the Building Code and State law.

(14) **Skirting**:

a. All manufactured home units shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.

b. All required skirting shall be masonry (or an approved substitute of equal durability) resistant to impact damage by weed trimmers or lawnmowers and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

E. SPECIAL REQUIREMENTS:

(1) Single-family, townhouse residential units constructed in this district shall conform to SF-7.5 or TH district standards, respectively.

(2) Open storage is prohibited.

(3) **Usable Open Space Requirements** – Except as provided below, any manufactured home development shall provide useable open space that equals or exceeds ten percent (10%) of the total land area within the development. Usable open space areas shall be in conformance with Section 28.

(4) One playground area containing at least five (5) pieces of play equipment shall be provided for every one hundred (100) dwelling units. The playground equipment shall be of heavy-duty construction, such as is normally used in public parks or on public school playgrounds.

(5) Site Plan submission and approval (see Section 23.E) shall be required for any manufactured home subdivision in the MH District. Such Site Plan approval shall not require a public hearing as required unless the site plan submittal is part of a zoning change request to establish an MH District zoning classification.

(6) **Other Regulations** - As established in the Supplementary District Regulations, Sections 25 through 30.

SECTION 17: GENERAL COMMERCIAL DISTRICT (C) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The General Commercial (C) District is a general business and retail district established to provide areas for local and regional shopping, small businesses and personal service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The General Commercial District should take advantage of adjacency or close proximity to major collectors or thoroughfares and associated intersections to accommodate higher traffic volumes and be readily visible to the shopping public.

B. PERMITTED USES:

Those uses listed for the R district in Section 7 - Use Charts as “P”, “C”, or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
- (a) Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s).
- (b) One (1) story for accessory buildings.
- (c) Other (Section 29).

D. AREA REGULATIONS:

(1) **Size of Lot**:
- (a) **Minimum Lot Area** - Ten thousand (10,000) square feet
- (b) **Minimum Lot Width** - One hundred feet (100’)
- (c) **Minimum Lot Depth** - One hundred feet (100’)

(2) **Size of Yards**:

(1) **Minimum Front Yard** - Twenty-five feet (25’). All yards adjacent to a street shall be considered a front yard (see Section 27 for additional setback requirements)

(2) **Minimum Side and Rear Yard** - Fifteen feet (15’) unless adjacent to a residentially zoned property (see below).

a. **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City’s Building Code.

b. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20’) for one-story building, and an additional ten feet (10’) for every story (or fraction thereof) above one-story in height.

c. Side and rear yards may be required to be enlarged if the adopted Fire Code requires a fire lane.

(3) **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

(4) **Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)

(5) **Parking Requirements** - As established by Section 2, Off-Street Parking and Loading Requirements.

(6) **Minimum Exterior Construction Standards** – See Section 29.

E. SPECIAL REQUIREMENTS:

(1) **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):

(a) Arterial street – One driveway per two hundred (200) linear feet of frontage

(b) Collector street – One driveway per one hundred (100) linear feet of frontage

(c) Local street – One driveway per fifty (50) linear feet of frontage

(2) **Landscaping Requirements** – See Section 28.

(3) **Screening Requirements** – See Section 25.

(4) **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involve the outside display of merchandise and seasonal items, shall be limited to the following:

a. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.

b. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

c. Shall not extend into public right-of-way or onto adjacent property.

d. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

f. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

(7) Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 23 (i.e., cannot be visible

from any public street or adjacent property). However, a periodic temporary outdoor retail sale, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection (4) above).

(8) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes (excluding permitted food vendors).

(9) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

SECTION 18: RETAIL (R) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Retail (R) District is intended for office facilities, neighborhood shopping facilities, and retail and commercial facilities of a service character. The R District is established to accommodate the daily and frequent needs of the community

B. PERMITTED USES:

Those uses listed for the R district in Section 7 - Use Charts as “P”, “C”, or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
   (a) Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s).
   (b) One (1) story for accessory buildings.
   (c) Other (Section 29).

D. AREA REGULATIONS:

(1) **Size of Lot**:
   (a) **Minimum Lot Area** – Eight thousand (8,000) square feet
   (b) **Minimum Lot Width** - Eighty feet (80’)
   (c) **Minimum Lot Depth** - One hundred feet (100’)

(2) **Size of Yards**:

(a) **Minimum Front Yard** - Twenty-five feet (25’). All yards adjacent to a street shall be considered a front yard (see Section 27 for additional setback requirements)

(b) **Minimum Side and Rear Yard** - Seven feet (7’) unless adjacent to a residentially zoned property (see below).

(c) **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City’s Building Code.

(d) **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20’) for one-story building, and an additional ten feet (10’) for every story (or fraction thereof) above one-story in height.

(e) Side and rear yards may be required to be enlarged if the adopted Fire Code requires a fire lane.

(3) **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

(4) **Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)

(5) **Parking Requirements** - As established by Section 27, Off-Street Parking and Loading Requirements.

(6) **Minimum Exterior Construction Standards** – See Section 29.

E. SPECIAL REQUIREMENTS:

(1) **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
(a) Arterial street – One driveway per two hundred (200) linear feet of frontage
(b) Collector street – One driveway per one hundred (100) linear feet of frontage
(c) Local street – One driveway per fifty (50) linear feet of frontage

(2) **Landscaping Requirements** – See Section 28.

(3) **Screening Requirements** – See Section 25.

(4) **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:
(a) Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
(b) Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
(c) Shall not extend into public right-of-way or onto adjacent property.
(d) All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
(e) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
(f) Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

(5) Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 23 (i.e., cannot be visible from any public street or adjacent property). However, a periodic temporary outdoor retail sale, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection (4) above).

(6) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes (excluding permitted food vendors).

(7) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

SECTION 19: DOWNTOWN (DT) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Downtown (DT) District is intended to preserve and promote a vibrant, pedestrian-oriented area that serves as the cultural, economic, and social heart of the community. The DT District accommodates a mix of retail, office, dining, entertainment, and residential uses that contribute to a dynamic, lively atmosphere while maintaining the historic and architectural character of the area.

B. PERMITTED USES:

Those uses listed for the DT district in Section 7 - Use Charts as “P”, “C”, or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
(a) No structure shall exceed sixty (45) feet in height.
(b) Other (Section 29).

D. AREA REGULATIONS:

(1) **Size of Lot**: There are no minimum dimensions for lots in this District but dimensions shall be approved for the proposed use by the Planning and Zoning Commission.

(2) **Building setbacks**:

(a) **Front Setback** - No front setback is required.

(b) **Overhang Setback** - No part of a building, exclusive of awnings or signs, shall extend on or over a sidewalk. In the absence of a sidewalk, no part of a building, exclusive of awnings and signs, shall extend from the building closer than twelve (12) feet from the edge of a paved road.

(c) **Rear Setback** – No rear setback is required, except that an open space buffer zone of not less than fifteen (10) feet shall be required between adjacent structures.

(d) **Side Setback** – No side setback is required due to firewalls being required in this district.

(3) **Building Placement and Orientation**:

(a) Buildings on primary street frontages within the Downtown District shall not be set back from the front property line. Rather, they shall be located immediately adjacent to the back edge of the public sidewalk right-of-way. Buildings shall be oriented parallel to the major street frontage, and the ground floor of the building shall be at the public sidewalk level with entries to lease space and outdoor areas directly accessible from the sidewalk. Driveways shall be located on alley frontages in order to maximize on-street parking and minimize disruptions to traffic flow.

(b) Covered walkways (such as arbors and awnings) shall be placed along the fronts of buildings to create a “pedestrian-friendly” orientation, provide weather protection and add a visual interest at the street level.

(c) All service canopies, such as gasoline pump canopies, drive-thru lanes, service functions, and accessory structures shall be located away from the intersections. The overall site layout shall include locations where these uses are compatible with residential developments and increased landscaping or screening to further separate these uses from adjacent residential developments.

(d) Service windows and stacking lanes for drive-thru business shall not face public rights-of-way.

(e) Loading and delivery service areas shall be located and designed to minimize their visibility, circulation conflicts, and adverse noise impacts to the maximum feasible extent. They shall be screened with portions of the building, architectural wing walls, freestanding walls, and landscaping. They shall not be located in required setback areas.

(4) **Site Design**:

(a) Street corners shall be developed with building entrances, public plazas, or small parks that make it an active portion of the development.

(b) All utility lines (power, phone, cable, etc.) shall be placed under ground except where deferrals have been recommended by the City Planning Department and approved by the Planning and Zoning Commission. All connections from trunk lines to individual structures shall be underground.

(c) Architectural and/or landscape elements shall be designed to provide shade on south and west exposures to protect patrons in plazas, patios, and/or other public spaces.

(d) Accessory structures such as trash enclosures, utility services, and heating/cooling systems shall be screened from view of neighboring building sites and roadways and shall be constructed to reduce noise transmission to acceptable levels at adjoining properties and public spaces. Materials to screen around these systems shall match or compliment adjacent building materials. Gates shall not allow for view of the contents of the enclosure.

(e) Satellite receivers or transmitters, television antennas, radio antennas, or other receiving devices shall be screened from public view.

(5) **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

(6) **Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)

(7) **Parking Requirements** - As established by Section 27, Off-Street Parking and Loading Requirements.

(8) **Minimum Exterior Construction Standards** – See Section 29.

E. SPECIAL REQUIREMENTS:

(1) **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):

(a) Arterial street – One driveway per two hundred (200) linear feet of frontage

(b) Collector street – One driveway per one hundred (100) linear feet of frontage

(c) Local street – One driveway per fifty (50) linear feet of frontage

(2) **Landscaping Requirements** – See Section 28.

(3) **Screening Requirements** – See Section 25.

(4) **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

(a) Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.

(b) Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

(c) Shall not extend into public right-of-way or onto adjacent property.

(d) All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

(e) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

(f) Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

(5) Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 23 (i.e., cannot be visible from any public street or adjacent property). However, a periodic temporary outdoor retail sale, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection (4) above).

(6) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes (excluding permitted food vendors).

(7) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

SECTION 20: RECREATIONAL (REC) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Recreational (REC) District is designed to promote the development and use of land for recreational activities and facilities. This district accommodates a range of outdoor and leisure - oriented uses, such as RV parks, campgrounds, lakeside parks, and other facilities that enhance public enjoyment and tourism. The district emphasizes preserving natural landscapes while allowing for amenities that support recreation, relaxation, and community engagement. Small-scale commercial sales and services, such as bait shops, kayak rentals, and camping supply stores, are also permitted under approval to enhance the recreational experience and provide convenience for visitors, while maintaining the district's natural aesthetic and character.

B. PERMITTED USES:

Those uses listed for the Recreational (REC) District in Section 7 – Use Tables as “P”, “C or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

Small-scale commercial development, such as retail or service uses that support recreational activities, may be permitted through a special approval process to ensure compatibility with the district’s intended use and aesthetics.

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
(a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building.
(b) One (1) story or a maximum of eighteen (18’) feet for other accessory buildings
(c) Other (Section 29).

D. AREA REGULATIONS:

(1) **Size of Lot**:
(a) **Minimum Lot Area** – Two (2) acres for RV parks and one (1) acre for other recreational uses.
(b) **Minimum Lot Width** - One hundred feet (100’)
(c) **Minimum Lot Depth** - One hundred fifty feet (150’)

(2) **Size of Yards:**
(a) **Minimum Front Yard** – Twenty-five feet (25')
(b) **Minimum Side Yard** - Fifteen feet (15’) for interior side yards; twenty feet (20’) for corner lots. (Key lots may require additional setbacks)

(c) **Minimum Rear Yard** – Twenty-five feet (25’) for the main building and eight feet (8’) for any accessory building(s).

(3) Parking Regulations

(a) Recreational Vehicle Parks (RV Parks) – A minimum of one (1) parking space per RV site, which may be provided as part of the RV pad. One (1) visitor parking space for every five (5) RV sites, located in a centralized or distributed parking area.

(b) Other - One (1) parking space per four (4) persons based on the facility's maximum capacity (e.g., campgrounds, clubhouses, or event spaces). For outdoor recreational areas without a defined capacity (e.g., picnic areas, trails), one (1) parking space per 1,000 square feet of active use area

(4) **Maximum Impervious Surface Coverage** – Forty percent (40%) of the total lot area to ensure preservation of open spaces and natural features.

E. DESIGN GUIDELINES

(1) **General Layout**:

(a) Recreational facilities should be designed to integrate with the natural landscape, preserving existing trees, vegetation, and topography wherever feasible.

(b) Internal pathways and roads must prioritize safety, with clear signage, lighting, and pedestrian access where appropriate.

(2) **Landscaping and Buffers**: A minimum ten-foot (10') landscaped buffer is required along all property lines adjoining residential districts.

(3) **Lighting**:

(a) All outdoor lighting must be shielded and directed downward to reduce glare and prevent light spillover onto adjacent properties

(b) Lighting intensity must comply with dark-sky standards to preserve night visibility and reduce light pollution

F. SPECIAL REQUIREMENTS

(1) Owners or operators of recreational facilities must maintain all grounds, landscaping, and amenities in a clean and safe condition. A property manager or caretaker must be available on-site or within a reasonable distance to address emergencies.

(2) Properties with direct lake or river access must include erosion control measures and maintain a vegetative buffer zone of at least twenty feet (20') along the waterline.

(3) Docks, piers, or boat ramps must be constructed with appropriate permits and adhere to state and federal water body regulations.

(4) Development must comply with all applicable local, state, and federal environmental regulations, including wetlands, floodplain management, and wildlife habitat protections.

(5) Noise levels from recreational activities must not exceed local ordinances to prevent disturbances to neighboring properties.

(6) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

SECTION 21: LIGHT INDUSTRIAL (LI) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Light Industrial (LI) District is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.

B. PERMITTED USES:

Those uses listed for the LI district in Section 7 - Use tables as "P", "C", or "T" are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height**:
   a. Three stories or forty-five feet (45') for the main building(s), twenty-five feet (25') or one-story for accessory buildings. Note: height may be restricted if residential adjacency setback criteria listed below cannot be met.
   b. Other (Section 29).

D. AREA REGULATIONS:

(1) **Size of Lot:**
   a. **Minimum Lot Area** - Ten thousand (10,000) square feet
   b. **Minimum Lot Width** – One hundred feet (100')
   c. **Minimum Lot Depth** – One hundred feet (100')

(2) **Size of Yards:**

   a. **Minimum Front Yard** – Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 27 for additional setback requirements).

   b. **Minimum Side and Rear Yard** – Ten feet (10') unless adjacent to a residentially zoned property (see below). Side and rear yards may be required to be enlarged if the adopted Fire Code requires a fire lane.

   b. **Minimum Side or Rear Yard Adjacent to a Residential District** – Thirty feet (30') for one-story building, and an additional fifteen feet (15') for every story (or fraction thereof) above one-story in height.

(1) **Maximum Lot Coverage** – Sixty percent (60%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

(2) **Maximum Floor-Area-Ratio (FAR)** – Four to one (4:1).

(3) **Parking Requirements** - As established by Section 27, Off-Street Parking and Loading Requirements.

(4) **Minimum Exterior Construction Standards** – See Section 29.

E. SPECIAL REQUIREMENTS:

(1) **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
   a. Arterial street – One driveway per two hundred (200) linear feet of frontage
   b. collector street – One driveway per one hundred (100) linear feet of frontage
   c. Local street – One driveway per fifty (50) linear feet of frontage

(2) **Landscaping Requirements** – See Section 28.

(3) **Screening Requirements** – See Section 25.

(4) Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 25 (i.e., cannot be visible from any public street or adjacent property).

(5) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

(6) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

SECTION 22: HEAVY INDUSTRIAL (I) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Heavy Industrial (I) District is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.

B. PERMITTED USES:

Those uses listed for the I district in Section 7 - Use tables as “P”, “C”, or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height:**

a. Three stories or forty-five feet (45’) for the main building(s), twenty-five feet (25’) or one-story for accessory buildings. Note: height may be restricted if residential adjacency setback criteria listed below cannot be met.
b. Other (Section 29).

E. AREA REGULATIONS:

(1) **Size of Lot:**
a. **Minimum Lot Area** - Ten thousand (10,000) square feet
b. **Minimum Lot Width** – One hundred feet (100')
c. **Minimum Lot Depth** – One hundred feet (100')

(2) **Size of Yards:**

a. **Minimum Front Yard** – Twenty-five feet (25’). All yards adjacent to a street shall be considered a front yard (see Section 27 for additional setback requirements).

b. **Minimum Side and Rear Yard** – Ten feet (10’) unless adjacent to a residentially zoned property (see below). Side and rear yards may be required to be enlarged if the adopted Fire Code requires a fire lane.

c. **Minimum Side or Rear Yard Adjacent to a Residential District** – Thirty feet (30’) for one-story building, and an additional fifteen feet (15’) for every story (or fraction thereof) above one-story in height.

(3) **Maximum Lot Coverage** – Sixty percent (60%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

(4) **Maximum Floor-Area-Ratio (FAR)** – Four to one (4:1).

(5) **Parking Requirements** - As established by Section 27, Off-Street Parking and Loading Requirements.

(6) **Minimum Exterior Construction Standards** – See Section 29.

F. SPECIAL REQUIREMENTS:

(1) **Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):**

a. Arterial street – One driveway per two hundred (200) linear feet of frontage
b. Collector street – One driveway per one hundred (100) linear feet of frontage
c. Local street – One driveway per fifty (50) linear feet of frontage

(2) **Landscaping Requirements** – See Section 28.

(3) **Screening Requirements** – See Section 25.

(4) Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 25 (i.e., cannot be visible from any public street or adjacent property).

(5) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

(6) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

ARTICLE IV: OVERLAY AND SPECIAL DISTRICTS

SECTION 23: PLANNED DEVELOPMENT DISTRICT (PD)

A. PURPOSE AND SCOPE

The PD Planned Development District is designed to provide flexibility in development planning and the opportunity for the application of planning concepts. A Planned Development zoning application shall require the submission and approval of a concept plan. Within six (6) months of the PD zoning approval a development site plan shall be submitted for review and approval which shall be in substantial conformance with the approved concept plan.

The City Commission after public hearing and proper notice to all parties affected, and after recommendation from the Planning and Zoning Commission, may require the creation of Planned Development Districts when any of the following developments are being considered:

(1) Large shopping center;

(2) Housing development on tracts of five (5) acres or more;

(3) Industrial parks or districts on tracts of ten (10) acres or more;

(4) Medical center or hospital;

(5) Civic center and/or community center;

(6) Office, motel or hotel center on tracts of two (2) acres or more;

(7) Recreation center;

(8) Research park or scientific research center; or

(9) A combination of uses, which are not customarily allowed in any one of the districts established in this ordinance.

B. The Planned Development (PD) district is an overlay district which maintains an association with the underlying base zoning but accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

(1) To provide for a superior design on lots or buildings;

(2) To provide for increased recreation and open space opportunities for public use and enjoyment;

(3) To provide amenities or features that would be of special benefit to the property users or to the overall community;

(4) To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, aesthetic views, or wildlife habitats;

(5) To protect or preserve existing historical buildings, structures, features or places;

(6) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and

(7) To meet or exceed the standards of this Chapter.

C. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility. A PD district overlay is not intended nor will it be allowed to be a means of circumventing the basic standards of any district or requirements of this ordinance or other adopted codes.

D. APPLICATION PROCEDURES

Application for a PD District shall be made in the same manner as an application for any amendment to the zoning ordinance and shall include the following additional information:

(1) **Proposed Uses**

An application for a PD District shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under PD zoning shall be specified in each PD ordinance. If such ordinance specifies permitted uses by references to a zoning district, the permitted uses shall include those uses permitted in the reference district, including those permitted through the cumulative provision of this Chapter.

(2) **Development Requirements**

An application for a PD District shall include a list of development requirements, which may be incorporated into the PD ordinance. Development requirements may include, but not be limited to, density, lot size, unit sizes, setbacks, building heights, lot coverage, parking ratios, screening and other requirements the Commission may deem appropriate.

Standards set forth in specific zoning districts will be used as guidelines for planned developments. Modifications of standards may be considered if the modification substantially meets the intent of the ordinance and improves the overall development design, or if a unique project design is proposed which cannot readily be accommodated through other districts. Pecuniary reasons shall not be the sole reason for modifying standards.

(3) **Concept Plan**

An application for a PD District shall include a concept plan showing the relationship to existing natural features and adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific development details.

E. DEVELOPMENT SITE PLAN

Approval of a development site plan shall be a prerequisite to the issuance of building permits for any property in a PD District. The approval of a development site plan may also serve as preliminary plat approval, provided that all requirements of Chapter 18 are satisfied.

(1) **Compliance with Approvals**

The development site plan must comply with all provisions of the PD ordinance specifying development standards and substantially reflect the precepts and layout set forth in the concept plan. If a development site plan does not comply with the provisions of the PD ordinance and the concept plan incorporated therein, the Planning and Zoning Commission may reject such plan, in which case a new site plan may be submitted or application must be made to amend the PD ordinance, including all requirements for notices and public hearings. If a PD ordinance does not specify development standards or has not incorporated a concept plan, the development plan approval shall specify such standards. Development requirements on such development plans may be revised under the same review, notice and approval procedures as applied to the original approval of the plan and application to amend the PD ordinance shall not be required.

(2) **Review Process**

The development plan review process shall include review by the Planning and Zoning Commission, referral by the Planning and Zoning Commission to the City Commission with a recommendation, and review and final approval of the development plan by the City Commission.

(3) **Modifications**

The Planning and Zoning Commission may recommend, and the City Commission may require, such modifications of a development site plan that will ensure the proposed project will be in harmony with the existing and anticipated development of surrounding areas.

(4) **Development Site Plan Requirements:**

a. General**:** Four (4) copies of development site plan; showing a vicinity map or adequate reference to intersecting streets to locate specific property; north arrow, date, scale (not less than 1" = 100').

b. Site/Adjacent Property Information: Site, indicating boundaries and project phase lines, if any; public or private rights-of-way and easements on site or abutting or intersecting the site; adjacent properties, with zoning and existing

uses identified.

c. Permitted or additional Uses including Conditional (CUP) Uses,

d. Density – number of dwelling units per acre if PD has a residential component,

e. Show Lot lines with dimensions,

f. Yard (setbacks) depths and widths,

g. Building layout (existing and proposed) with height, size, and/or exterior construction,

h. Lot coverage,

i. Floor area ratio,

j. Drainage/Utilities/Services: Existing and proposed topography, reflecting proposed handling of on-site surface drainage; limits of the 100-year floodplain and floodway as shown on current FIRM mapping, including location and acreage; proposed improvements and method of maintenance for any drainage channels; existing and proposed water and sanitary sewer layout; existing and proposed fire hydrant locations; proposed locations for solid waste container pads.

k. Circulation and Parking: Location, dimensions and proposed construction of all streets, private drives, alleys, access, parking areas, and drive approaches; street drives and alleys which are adjacent to or dead-end into the site, including the location, of existing and proposed median openings and left-turn lanes in boulevard streets; number and dimensions of parking spaces and width of drive approaches and aisles; sidewalks and other facilities for pedestrian circulation.

l. Designated fire lanes and curve radii for required fire lanes and fire hydrant placement.

m. Screening/Open Space/Recreational Facilities: Location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; location and size (if applicable) of proposed recreation facilities (swimming pools, tennis courts, etc.); location of open play areas and playgrounds with play equipment; landscape plan.

n. Landscaping,

o. Accessory buildings,

p. Signs,

q. Lighting,

r. Project phasing or scheduling,

s. Living Units: Table showing type of units by size, number of bedrooms, and number of each type; floor plans for all multi-family units.

F. ADMINISTRATIVE ACTION

Upon approval of a development site plan by the City Commission and approval of the preliminary plat, application may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes may be authorized by the Planning and Zoning Commission when such changes will not cause any of the following circumstances to occur:

(1) A change in the character of the development;

(2) An increase in the ratio of the gross floor area in structures to the area of any lot;

(3) An increase in the intensity of use;

(4) A reduction in the originally approved separations between buildings;

(5) An increase in the problems of circulation, safety, and utilities;

(6) An increase in the external effects on adjacent property;

(7) A reduction in the originally approved setbacks from property lines;

(8) An increase in ground coverage by structures;

(9) Reduction in the ratio of off-street parking and loading space to the gross floor area in structures; and

(10) Change in the locations, lighting or orientation of originally approved signs.

G. EFFECT OF APPROVAL

(1) The approval of the Development Site Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.). Approval of a Development Site Plan shall be considered approval of the Planned Development.

(2) Site Plans for subsequent phased development of individual lots or pad sites shall not be required if specified as part of the approved Development Site Plan for the Planned Development and deemed to be in substantial conformance with the approved Concept Plan.

(3) If construction has not commenced within one (1) year of the approval date of the Development Site Plan it shall be deemed expired and void and must be resubmitted for approval unless the developer requests an extension a minimum of thirty (30) days prior to the expiration date.

SECTION 24: CONDITIONAL USE PERMITS (CUP)

A. **PURPOSE AND INTENT:**

(1) **Nature of Conditional Use Permits** - A conditional use permit (CUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit applications.

(2) **Permit required** - No conditional use permit shall be established and no building permit shall be issued for any use requiring a conditional use permit within any zoning district until a conditional use permit (CUP) is issued in accordance with the provisions of this Section. An application for a conditional use permit shall be accompanied by a detailed site plan prepared in the manner described in Section 23 E. The Site Plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in this Section.

B. **STATUS OF USES PERMITTED BY CONDITIONAL USE PERMIT:**

The following general rules apply to all conditional uses:

(1) The designation of a use in a zoning district as may be permitted by CUP in Section 7 (Use Tables) of this Ordinance does not constitute an authorization or assurance that such use will be approved.

(2) Approval of a conditional use permit shall authorize only the particular use for which the CUP is issued and shall be specific to the property address to which it was originally granted and runs with the land. A CUP cannot be relocated to another location or address and is not issued or granted to a person, agent, developer, owner or entity per se.

(3) No use authorized by a conditional use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this Section.

(4) Development or construction related to the conditional use shall not be carried out until the applicant has secured all the building permits and approvals required by this Chapter, the City Code, and any permits that may be required by regional, State or Federal agencies.

(5) The ordinance establishing the CUP may provide that approval of the CUP expires if the use for which the CUP was granted is abandoned for a period of six (6) months, at the City Commission's discretion.

(6) A conditional use permit shall not grant variances to any requirement, rule or standard listed herein or in other codes and ordinances. Likewise, a variance

cannot be granted by the Board of Adjustment (BOA) to any Conditional Use Permit but shall only be considered by the City Commission as an amendment to the CUP.

C. **APPROVAL PROCESS:**

After public hearing and proper notice, and after recommendation by the Planning and Zoning Commission, the City Commission may authorize the issuance of conditional use permits when the City Commission finds all of the following conditions present:

(1) That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to, or endanger, the public health, safety, morals, or general welfare;

(2) That the uses, values and enjoyment of other property in the neighborhood, for purposes already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use;

(3) That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;

(5) That adequate measures have been or will be taken to provide ingress or egress, so designed as to minimize traffic congestion in the public streets; and

(6) That the conditional use shall conform to all applicable yard area regulations of the district in which it is located.

D. Prior to the granting of any conditional use, the City Commission may stipulate such conditions, restrictions, and duration upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to protect the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in herein. In all cases in which conditional uses are granted, the City Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. The granting of a conditional use does not create a vested right to the use and the conditional use may be canceled at the City Commission's sole discretion, pursuant to the terms of the ordinance granting the CUP.

E. No application for a conditional use which has been denied wholly or in part by the City Commission shall be resubmitted for a period of twelve (12) months from the date of said denial.

ARTICLE V: SUPPLEMENTARY DEVELOPMENT REGULATIONS

SECTION 25: SCREENING, WALLS AND FENCES

A. SCREENING ELEMENTS AND FENCES

In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways, and alleys to private property, to conserve and protect the value of adjacent land and buildings; to protect aesthetic views and vistas, to secure hazardous areas from unauthorized entry, to contain livestock and other agricultural activities, and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. The term "screening element" as used herein is defined in Section 30. The term "fence" as used herein is defined to mean a barrier, railing, or other upright structure enclosing an area of ground to mark a boundary, control access, or prevent escape.

(1) Traffic Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five feet (25') from the point of the intersection.

(2) Traffic Visibility at Interior Lots

On an interior lot in any district, nothing shall be erected placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.

(3) Residential Districts - General

(a) Screening elements and fences shall be restricted to a maximum height of six feet (6'), measured from the adjacent grade line, except as otherwise allowed.

(b) Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet (6') nor more than eight feet (8'), of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Parking lot screening need not be more than three and one half feet (3-½') in height. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.

(4) **Non-residential Districts- General**

(a) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet (6') nor more than eight feet (8').

(b) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half feet (3 ½').

(c) Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet (6') nor more than eight feet (8') in height.

(d) In commercial and industrial districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet (6') nor more than ten feet (10') in height.

(e) Off-street loading areas shall be adequately screened from view of any residential dwelling or of any other adjacent residential land use.

(f) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefore.

(g) All screening elements comprised of brick, masonry, concrete, or stone over forty-two (42") in height shall be engineered and signed and sealed civil engineering plans shall be submitted to the City with the building permit application.

(h) All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.

(5) **Fences in Front Yards -** Except as provided by (a.) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot that is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side building line of the yards on continuous corner lots adjoin, the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area.

a. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding four feet (4') in height are permitted in front yards.

Chain link, woven wire mesh, welded wire or similar materials are not considered decorative fencing.

b. Decorative ornamental iron fencing may be constructed up to six feet (6') in height within the front yard only in the Multi-Family (MF) and four feet (4') in Single-Family zoning districts, and up to eight feet (8') in the General Commercial (C) and Light Industrial (LI) districts. Such fences shall have openings not less than fifty percent (50%) of the fence area, and shall not interfere with traffic visibility.

(6) It shall be unlawful for any owner or person in control of such premises, or his agent or contractor to construct a new fence, extend an existing fence line on any lot without having first obtained a fence permit from the City. The repair or replacement of fence material already in existence shall be deemed normal routine maintenance and does not require a permit.

(7) Gates designed for vehicular access in residential districts and all garage doors shall be set back from the property line a minimum of twenty-five feet (25'). Gates designed for truck traffic or for fire truck access in non-residential districts shall be setback from the street right-of-way a minimum of eighty (80') feet for commercial trucks and a minimum of forty-five (45') feet for fire truck access.

(8) Fences around swimming pools shall comply with the Standard Swimming Pool Code and this Code pertaining to same.

(9) See Section 27 for sight visibility requirements for fences and screening walls.

(10) Special purpose fencing, such as fencing around golf driving ranges, tennis courts, and ball fields is allowed only upon issuance of a permit from the City. The maximum height of such fencing shall be the minimum necessary to protect the public or property from injury or damage.

B. **PROHIBITED FENCES AND MATERIALS:**

(1) No fence or any part of such fence shall be constructed upon or caused to protrude over any adjacent properties. If any fence is constructed on an adjacent property, the owner or person in control of such premises will be notified by mail to remove the fence. After ten (10) days of the receipt of the notification, if the fence is not removed the owner or person in control of such premises, will be deemed in violation of this ordinance.

(2) No fence or any part of such fence shall alter the natural drainage or planned drainage on any lot.

(3) All fences must be maintained in a vertical plane so as not to lean or overhang on a separate lot.

(4) No fence shall be located within any easement or alleys except by prior written approval of those agencies having interest in such easement.

(5) No fence shall be electrically charged.

(6) Materials prohibited are products such as wood, metal or plastic that are not specifically designed as fencing material. These products include aluminum, barbed wire, chain, chicken/hog wire, corrugated metal, electric fence, fiberglass panels, metal panels, netting, paneling, paper, plywood, razor ribbon wire, rope, string, temporary barrier fencing, used or second-hand material, welded wire fabrics, wire fabrics and any material that could be deemed a public safety hazard.

(7) **Exceptions:** Barbed wire is permitted for fencing when:

(a) Barbed wire fences used in conjunction with permitted agricultural and related activities and in industrial districts are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.

(b) Barbed wire strands may be placed on top of permitted fences and screening elements in an industrial or General Commercial District for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than two feet (2') above the fence or screening wall nor the bottom strand lower than six feet (6') from the adjacent grade line.

SECTION 26: ACCESSORY BUILDINGS AND USES

A. **ACCESSORY BUILDINGS**

(1) In a single-family or multi-family district, an accessory structure is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory structures shall be located toward the rear portion of the property, and shall conform to applicable provisions of the Building Code. (Also see Section 29 for exterior construction standards.)

(2) Accessory buildings closer than ten (10') feet to the main building shall be considered part of the main building whether or not it is physically connected and for the purposes of complying with the Fire Code shall be required to have to meet the same setbacks as the main structure.

(3) In nonresidential districts, an accessory structure is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory structures shall not be permitted without a main building or primary use being in existence. Accessory structures should, wherever possible, be located toward the rear portion of the property. Accessory buildings shall conform to applicable provisions of the Building Code. (Also see Section 29 for exterior construction standards.)

(4) **Accessory Dwelling Units** – are permitted only in the AG and SF-7.5 zoning districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:

a. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.

b. The accessory dwelling unit may be constructed only with the issuance of a building permit, and shall be constructed of materials that are similar in appearance to the main structure if over two hundred forty (240) square feet in size.

c. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented, leased or sublet.

d. Setback requirements shall be the same as for the main structure.

e. Accessory dwellings are not permitted without the main or primary structure.

f. Accessory dwellings shall not have separate water or electrical meters.

g. Accessory dwellings shall conform to the height limitations of the zoning district in which it is located. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land

owner or occupant of the main building, or is a guest or family member of the owner/occupant.

h. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.

B. **AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:**

(1) **Size of Yards:**

a. **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building.

b. **Side Yard:** See each residential district for setback requirements. Garages or carports located and arranged so as to be entered from an interior side yard shall have a minimum setback of twenty-five feet (25') from the side lot line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.

c. **Rear Yard:** See each residential district for setback requirements. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty-five feet (25').

d. Setbacks for carports shall be measured from the part of the carport (usually the roof) that is closest to the street or alley, and shall not project beyond the front façade of the house and shall be constructed of materials like the main building(s) on the premises if located in the side yard and is visible from the street. In single-family and two-family zoning districts, carports shall be a maximum size of twenty-four feet (24') deep and twenty-four feet (24') wide. In multi-family and nonresidential zoning districts, carports shall be a maximum size of twelve (12) bays in width and twenty-four feet (24') deep.

(2) Accessory buildings are not permitted without a main structure.

(3) Accessory buildings shall not exceed the height allowed for such buildings in the specific zoning district wherein it is located. Garage/accessory dwelling units up to two (2) stories are allowed in certain districts by CUP if there is no adverse impact upon adjacent properties. Accessory dwellings located in single-family districts shall only be occupied by persons related to the occupants of the main dwelling and shall not be rented, leased or sold separately from the main structure.

(4) Exterior Construction Standards for Accessory Buildings: Any residential accessory building exceeding two-hundred forty square feet (240') in size shall be required to match the exterior façade materials of the main house.

(5) No accessory building shall be higher than the main building and in no case be in excess of eighteen feet (18') in height.

C. **ACCESSORY USES** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

(1) An accessory use in a non-residential use, business or district must be registered on the businesses' Certificate of Occupancy in order to be permitted. The accessory use must be a permitted use in the district in which it is located (see Section 9 "Use Tables"). Those uses which require a Conditional Use Permit (CUP) must have approval of the CUP prior to starting the use even if it is a relatively minor accessory use.

(2) Accessory uses must meet all of the same requirements as the primary use of the property as listed in the district in which it is located.

D. **HOME OCCUPATIONS** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes and does cause nuisances or alter the outward appearance of the home.

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

(2) **Special Provisions for Home Occupations:**

a. Home occupations shall be permitted as accessory use in single- and two-family residential zoning districts provided that they comply with all restrictions herein;

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

c. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty-five percent (25%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);

d. The occupation shall not employ any person who is not a member of the household in which the home occupation occurs;

e. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 7:00 a.m. and 10:00 p.m. for indoor activities;

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

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

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

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

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

k. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual mean;

l. The occupation shall not offer a ready inventory of any commodity for sale on the premises.

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

(3) **Applicability of Other Regulations -** Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

(4) **Uses Allowed as Home Occupations -** Subject to the provisions of Subsection (2) above, home occupations may include the following uses:

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

b. Author, artist or sculptor;

c. Computer programming and repair;

d. Dressmaker, seamstress or tailor;

e. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six (6) pupils at a time;

f. Individual tutoring and home schooling;

g. Millinery;

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

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

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

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

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

m. Registered Family Homes, in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;

n. Swimming lessons and water safety instruction provided that such instruction involves no more than six (6) pupils at any one time during daylight hours.

(5) **Uses Prohibited as Home Occupations -** Home occupations shall not, in any event, be deemed to include the following uses:

a. Animal hospitals or clinics, commercial stables, or kennels;

b. Schooling or instruction, except swimming/water safety classes and home schooling, with more than six (6) pupils at a time;

c. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home;

d. Food preparation for a mobile food vending service;

e. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;

f. Barber shop, beauty salon, manicurist or other personal service occupation which requires a State License to operate;

g. Office facility for a doctor, dentist, veterinarian or other medical-related profession;

h. On-premises retail or wholesale sales of any kind;

i. Commercial clothing laundering or cleaning;

j. Mortuaries or funeral homes;

k. Trailer, vehicle, tool or equipment rentals;

l. Repair shops or services, except as specifically provided above;

m. Drapery or furniture upholstery shops;

n. Antique, gift or specialty shops;

o. Repair shops for any items having internal combustion engines; and

p. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

(6) **Home Occupation Uses Not Classified -** Any use that is not either expressly allowed nor expressly prohibited above, respectively, is considered prohibited, unless and until such use is classified by amendment to this Chapter.

(7) **Effect of This Section Upon Existing Home Occupations -** Any home occupation that was legally in existence as of the effective date of this Chapter and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 3, provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on the effective date of this Chapter. Any home occupation that was legally in existence as of the effective date of this Chapter and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue.

SECTION 27: OFF-STREET PARKING & LOADING REGULATIONS

A. PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND VEHICLES

(1) No major recreational equipment shall be parked or stored on any lot in a residential district, except in a carport or enclosed building, on a driveway, or in a required side or rear yard. All parking shall be on an approved surface except that such equipment may be parked anywhere on a residential premises not to exceed twenty-four (24) hours during loading or unloading.

(2) No such equipment shall be used for living, sleeping, or housekeeping purposes

when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.

(3) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

B. **PARKING FOR PERSONS WITH DISABILITIES** – Parking space(s) for persons with disabilities shall be provided according to building codes, State and Federal laws, and requirements of the Americans with Disabilities Act (ADA) and must be approved by the Texas Department of Licensing and Regulation (TDLR), P.O. Box 12157, Austin, Texas, 78711 (800-803-9202). Parking spaces for persons with disabilities shall be on level ground as close as possible to the main entrance of the building, and shall be appropriately and clearly marked. The following are general guidelines and are for reference only:

ADA Parking Requirements

Total Parking in Lot Spaces	Required Minimum
1 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
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

Access aisles adjacent to parking spaces for persons with disabilities shall be a minimum of forty-eight (48”) inches.

C. **AUTOMOBILE PARKING SPACE REQUIREMENTS**

Whenever any ordinance, regulation, or plan enacted or adopted by the City Commission is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided, then such plan or requirements shall govern. Otherwise, off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

(1) Except as otherwise provided in the section, off-street parking spaces shall be provided as follows:

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES REQUIRED

Residential	
Single Family	2.0 per dwelling unit
Townhouse/Two Family	2.0 per dwelling unit
Multifamily – 3 or more dwelling units	2.5 per dwelling unit
Senior Housing	1.5 per dwelling unit

Commercial	
Offices and Banks	3.3 per 1,000 sq. ft. gross floor area
Clinics and Doctors' Offices	4.0 per 1,000 sq. ft. gross floor area
General Retail	4.0 per 1,000 sq. ft. gross floor area
Shopping Centers	5.0 per 1,000 sq. ft. gross floor area
Car Wash	1.0 per employee, plus 1.0 for service, plus 2.0 for stacking for each bay
Restaurants	0.3 per seat
Hotels, Motels	1.25 per rentable room plus 0.5 per employee on any one shift
Halls for meeting, dancing, social events	5.0 per 1,000 sq. ft. gross floor area
Bowling Alleys/Pool Halls	5.0 per 1,000 sq. ft. gross floor area
Industrial	1.2 per employee on any one shift
Auditoriums and Theaters:	0.3 per seat
Churches (Sanctuary)	0.3 per seat
Churches (Additional space)	1.0 per 1,000 square feet
Elementary and Junior High Schools	1.2 per staff members
Hospitals	1.2 per bed plus 1.0 per three staff members on any one shift
Nursing Homes	1.0 per five beds plus 1.2 per staff member on any one shift
Wholesale Warehouse & Distribution	1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking.

(2) **Standard Parking Space -** Each standard off-street surface parking space size shall be in accordance with the design standards as shown in Illustration -1 below for space size and aisle design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:

a. Standard: Nine feet (9') by twenty feet (20') – eighteen-foot (18') length is allowed provided that the parking space has a two-foot (2') clear bumper overhang area that does not encroach upon a public right-of-way, a sidewalk of less than six feet (6') in width, or adjacent property.

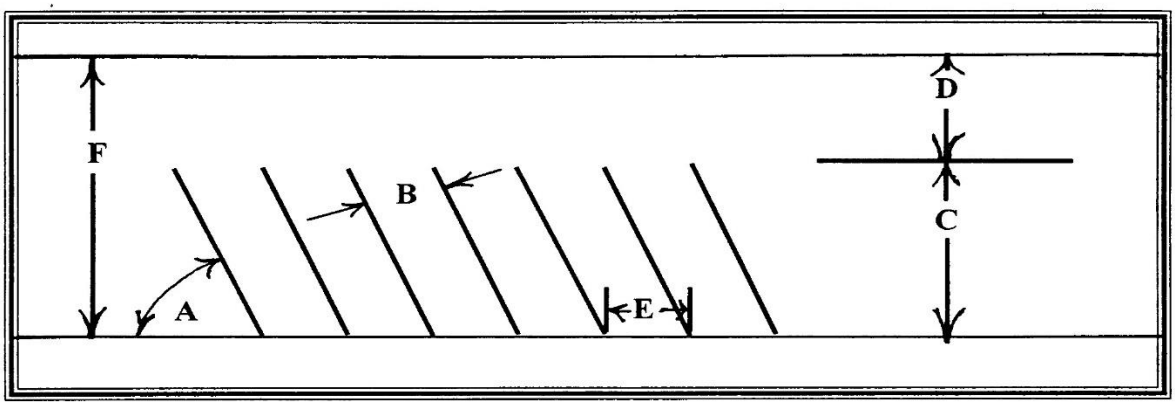
b. Parallel: Nine feet (9') by twenty-two feet (22').

ILLUSTRATION -1
Minimum Dimensional Standards for Parking

This table and the diagram below provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees
B = Minimum stall width
C = Minimum stall depth
D = Minimum clear aisle width
E = Minimum clear stall distance at bay side
F = Minimum clear bay width

A	B	C	D One Way	D Two Way	E	F One Way	F Two Way
O (parallel)	9'0"	-	12'0"	20'0"	22'0"	21'0"	29'0"
45	9'0"	22'0"	15'0"	20'0"	12'9"	37'0"	42'0"
60	9'0"	21'0"	18'0"	20'0"	10'4"	39'0"	41'0"
90	9'0"	18'0"	24'0"	24'0"	9'0"	42'0"	42'0"



D. **OTHER REQUIREMENTS:**

(1) The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.

(2) Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.

(3) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than thirty-five feet (35') in length, twelve feet (12') in width, and fifteen feet (15') in height. No on-street truck parking is allowed in the City except for short term periods in areas where an on-site loading dock is unavailable for unloading and loading. Drivers shall not park large trucks on the street awaiting unloading or loading scheduling or to rest or sleep in the vehicle.

(4) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than five hundred

feet (500') from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than one thousand feet (1,000') from such premises, except as otherwise provided in this subsection or other subsections of this Chapter.

(5) Provision of parking stalls shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that, where it is found by the Board of Adjustments, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the Board of Adjustment may reduce the total of number of parking stalls to be jointly provided through the variance process.

(6) All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.

(7) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefore shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.

(8) In a case where existing off-street parking facilities have unused parking capacity, and where such facilities are open to the use of the public free of charge or at reasonable rates, the Board of Adjustment may, through the variance process, reduce the parking space requirements for any use distance not more than eight hundred feet (800') from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.

(9) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates, is planned or is in process of development, and where the Board of Adjustment has reasonable assurance that such development will be carried to completion and will, when completed, relieve the parking demand in an area within five hundred feet (500') thereof in some measure or in full measure, the Board of Adjustment, through the variance process, may establish a reasonable time period within which any use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of paragraph (10) above may be applied by the Board.

(10) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the Board of Adjustment, through the variance process, may reduce by an amount not to exceed fifty percent (50%) the space required for parking stalls for such use.

(11) In a case where it is clearly shown by the applicant, to the satisfaction of the Board of Adjustment, that the provision of the amount of space required herein for parking

stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the Board may reduce such requirement through the variance process.

E. RESIDENTIAL OFF-STREET PARKING

(1) Purpose

It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the City.

(2) Definitions and Restrictions

It shall be illegal for any person to park, or to allow to be parked on any property under his or her control, any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned residential under this Chapter unless:

(a) Said area is a part of a hard surfaced driveway or parking area;

(b) Said area is a part of a gravel driveway bordered by cement curbing or similar permanent border;

(c) Said area is a part of a required driveway that provides access to a garage, carport or off-street parking area required by this Chapter;

(d) Said area is part of a side yard which is enclosed by a screening fence at least six feet (6') in height and so constructed that no person can see through into the area surrounded by the fence;

(e) The term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term "hard surfaced" as used herein shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the city administrator (or designee);

(f) Heavy vehicles and equipment are prohibited from parking on residential streets or on private property in residential neighborhoods. Heavy vehicles shall include semi-truck tractors and trailers, trailers with more than two axles or are more than twenty-four (24') in length, box trucks, trucks with a gross capacity of over two (2) tons, excavating equipment such as, trenchers, front end loaders, backhoes, etc.,

(g) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than fifteen percent (15%) of any residential front yard, except for front yards with a front footage width of less than seventy feet (70'), in which case the maximum width for a single driveway shall be

eleven feet (11');

(h) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than twenty-seven percent (27%) of any residential front yard, provided that the maximum width of a driveway shall not exceed twenty-four feet (24') in any case and shall not exceed eighteen feet (18') for front yards with a front footage width of less than seventy feet (70');

(i) A triple-width driveway running from the street to a garage or other parking area shall not utilize more than thirty-three percent (33%) of any residential front yard, provided that the maximum width of a driveway shall not exceed thirty feet (30') in any case, and shall not be permitted for front yards with a front footage width of less than eighty feet (80');

(j) A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or;

(k) Circular driveways used for turnarounds or through traffic shall not utilize more than thirty percent (30%) of any residential front yards or corner side yards with a front footage or less than eighty feet (80').

SECTION 28: LANDSCAPING

A. **PURPOSE** - These landscaping regulations provide standards and criteria for new landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the city. The standards contained in this section are deemed to be minimum standards and shall apply to all new construction occurring within all zoning districts. For properties already platted and are not being re-platted or re-zoned State Law exempts new construction from the requirements of this Section.

B. **PERMITS**.

(1) No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved by the city. In the event that the proposed development requires an approved subdivision plat, site plan, or master development plan, no such final approval shall be granted unless a landscape plan is submitted and approved.

(2) Prior to the issuance of a certificate of occupancy of any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

(3) In any case in which a certificate of occupancy is sought at a season of the year in which the city determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a certificate of occupancy may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed, provided the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping.

(4) Such letter of credit or escrow deposit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six months of the date of the application and shall give the city the right to draw upon the letter of credit or escrow deposit to complete the said landscaping if the applicant fails to do so.

C. **LANDSCAPE PLANS**.

(1) Prior to the issuance of a building, paving, grading, or construction permit for any use other than single-family dwellings, a landscape plan shall be submitted to the city. The city shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

(2) Landscaping plans shall be prepared by a landscape architect, landscape contractor or landscape designer knowledgeable in plants, materials and landscape design. Landscape plans shall contain the following information:

a. Minimum scale of one inch equals 50 feet;

b. Location of all trees to be preserved;

c. Location of all plants and landscaping material to be used, including plants, 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 (tree caliper in inches measured 12 inches above grade or container size in gallons);

f. Spacing of plant material where appropriate;

g. Layout and description of irrigation, sprinkler or water systems, including placement of water sources;

h. Description of maintenance provisions for the landscape plan;

i. Persons responsible for the preparation of the landscape plan with Texas Landscape Architect License No., Seal and Signature if required.

D. **MINIMUM LANDSCAPING REQUIREMENTS**.

(1) **Landscaping percentage for street yard area**. The street yard area is the area between the building front line and the front of the property (right-of-way) line. For all parcels with less than 250 feet of frontage adjacent to a dedicated public right-of-way, at least ten percent of the street yard shall be permanent landscape area. For all parcels having 250 feet or more of frontage, at least 15 percent of the street yard shall be permanent landscape area. The required landscaping shall consist of a mixture of plant materials consisting of grass and/or ground covers, plants, shrubbery and trees of a variety of sizes as approved on the landscape plan. The street yard shall be defined as the area between the building front and the front property line.

(2) **Landscaping adjacent to public rights-of-way**. A minimum ten-foot landscape buffer (interior parkway) adjacent to the public right-of-way of any public thoroughfare is required. Corner lots fronting on two thoroughfares shall be required to observe the ten-foot buffer on both frontages. All other street frontages shall observe a minimum five-foot landscape buffer. Developers shall be required to plant one large tree per 40 linear feet or portion thereof of street frontage. Trees may be grouped or clustered to facilitate site design. The landscaped portion of interior parkways may be included in the required street yard area percentage. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area.

(3) **Landscaping within off-street parking areas**. Landscape areas within off-street parking areas should generally be at least one parking space in size, with no landscape area less than 50 square feet in area. Landscape areas shall be no less than five feet wide and shall equal a total of at least 16 square feet per parking space. There shall be a landscaped area with at least one tree within 60 feet of every parking space. There shall be a minimum of one tree planted in the parking area for every ten parking spaces within parking lots with more than 20 spaces. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

(4) **Screening of parking areas adjacent to a public right-of-way**. At least 75 percent of the frontage of parking areas adjacent to a public right-of-way within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet or a low masonry wall or earthen berm of equal height. Use of a wall or earthen berm for parking lot screening should be accompanied with landscape planting in the form of low shrubs and ground cover to soften the appearance of the wall or earthen berm.

(5) **Percentage of over story trees**. A minimum of 50 percent of the total trees required for the property shall be over story trees as specified on the approved plant list. Accent trees shall be used under existing or proposed overhead utility lines.

(6) **Driveways**. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with city regulations.

(7) **Residential buffer yards**. For any development in the MF, C, or LI zoning districts which abut districts zoned single-family residential (SF-7.5, TH-12 or MH-6) there shall be a minimum 20-foot-wide landscape buffer with at least one row of evergreen shrubs with a minimum height at maturity of between eight (8') feet and twenty-five (25'), planted on six-foot centers, for the entire distance along which the development abuts the residential or manufactured home subdivision districts. Where a fire lane is required, the green belt may be reduced to ten feet.

(8) **Multi-family buffer yards**. For any development in non-residential zoning districts which abuts a district zoned multifamily there shall be a minimum 20-foot-wide landscape buffer with at least one row of evergreen shrubs, planted on six-foot centers, for the entire distance along which the development abuts the residential or multifamily districts. Where a fire lane is required, the green belt may be reduced to ten feet.

E. **GENERAL STANDARDS** - All required landscaped areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs, and other plants. Plant materials used in conformance with the provisions of this article shall conform to the standards of the American Standard for Nursery, or equal thereto. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects. The following criteria and standard shall apply to landscape materials and installation:

(1) **Trees.** Trees shall have an average spread of crown of greater than 15 feet at maturity. Ornamental trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet crown of spread. (two (2) ornamental trees shall be considered the equivalent of one (1) over story tree). Over story trees shall be a minimum of three inches in caliper (measured twelve (12") inches above the ground) and seven feet in height at time of planting. Accent trees shall be a minimum of one inch in caliper (measured six inches above the ground) and five feet in height at time of planting.

(2) **Shrubs and Hedges.** Shrubs and hedges shall be a minimum of twelve (12") inches in height (one gallon container) when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen, which will be two (2') feet high within one year after time of planting.

(3) **Ground covers**. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting.

(4) **Vines.** Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified.

(5) **Grass**. Lawn grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales, berms, or other areas subject to erosion.

(6) **Perennial and Annual Flowers**. Flowers shall not be planted outside a contained planter bed in which the bare soil is covered with mulch, weed barrier material or combination thereof. Wildflower areas must be delineated on the Landscape Plan and shall not be used in the front yard of any lot residential or non-residential in lieu of ground covers or lawns outside of established flower beds.

F. **TREE CREDITS**.

(1) Any trees preserved on a site meeting the herein specification may be credited toward meeting the tree requirement of any landscaping provision of this section according to the following table:

Diameter of Existing Tree at 4.5 feet Above Ground (in inches)	Credit Against Tree Requirement
6 to 8	1.0 tree
9 to 30	1.5 trees
31 to 46	2.0 trees
47 or more	3.0 trees

(2) Due to the poor quality, disease problems, or hazardous or undesirable growth structure of undesirable or nuisance tree species will receive only 50 percent of the above credit for tree preservation. All other existing trees may receive credit if they are not on the city's approved plant material list but approved by the city. Should any required tree designated for preservation in the landscape plan, the owner shall replace the tree with a three-inch minimum caliper tree in accordance with the credits listed above. Tree diameter shall be measured 4½ feet above natural grade.

G. **MAINTENANCE OF LANDSCAPING** - All landscaping shall be the responsibility of the property owner. It shall be permanently maintained and shall have either an irrigation

system installed, meeting all applicable requirements of the city, or shall be located within 75 feet of a hose bib, faucet, or other water source.

(1) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.

(2) All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year.

(3) Plant materials which die shall be replaced with plant material of similar variety and size.

H. **SIGHT DISTANCE AND VISIBILITY** - Landscape planting shall not be erected or installed in such a manner as to interfere with traffic viewer or impose a safety hazard. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections.

(1) Whenever an intersection of two or more public rights-of-way occurs, a triangular visibility area as described below shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three and six feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extends into the cross-visibility area. The triangular areas are:

a. The areas of property on both sides of the intersection of an alley access way and public right-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of ten feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

b. The areas of property located at a corner formed by the intersection of two or more public rights-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of 25 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides. If the traffic speeds of either intersecting street are 45 M.P.H. or greater the visibility triangle will be increased in size to 45 feet in either direction.

(2) Driveways or at intersections where large trucks frequently enter or exit highways the height of the lowest limb on any tree located within the visibility triangle shall be a minimum of nine (9') feet above grade. Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any access-way pavement.

(3) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the city, the requirements set forth in this section may be reduced to the extent to remove the conflict.

I. Enforcement.

(1) The provisions of this section shall be administered and enforced by the city.

(2) If, at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this section, the city shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant, or agent shall have 30 days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this chapter.

SECTION 29: SUPPLEMENTARY REGULATIONS

A. **HEIGHT AND AREA EXCEPTIONS -** The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to the following exceptions:

(1) In any zoning district, water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, uninhabited (or one-man overseer's penthouse not exceeding fifty square feet in size) utility or industrial structures, and City or School District buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that two (2) additional feet shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

(3) When an existing lot has an area less than the minimum number of square feet required per this Chapter, as required for the district in which it is located, and was of record, as such, at the time of the passage of this Chapter, such lot may be administratively approved for development subject to the setback, rear yard, and side yard regulations for the district in which it is located. If setbacks or other constraints exist, then the application shall be referred to the Board of Adjustment for adjudication.

B. **SWIMMING POOLS:**

(1) A swimming pool shall be defined as any pool or open tank that is intended for human use and that contains, or is capable of containing, water to a depth at any point greater than twenty-four (24") inches. No such swimming pool shall be constructed, maintained or operated in any district, whether as an accessory use or as a principal use, unless it complies with the following requirements and with any other related codes or policies of the City.

(2) If located in any residential zoning district, the swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal building on the property and their guests, or for the enjoyment of bona fide members of a club and their guests (provided the club itself is properly zoned).

(3) **Requirements for all Swimming Pools:**

a. No swimming pool shall be located within a required front yard.

b. No swimming pool (except decking) shall be located closer than three feet (3') to any side or rear property line.

c. **Enclosures and safety devices**: The swimming pool (or the property or compound area in which the pool is located) shall be walled or fenced with a minimum four-foot (4') high fence or wall of masonry, wood or ornamental metal construction or other material that provides a solid barrier which shall be maintained in good condition, and which shall be equipped with a self-closing and self-locking gate to prevent uncontrolled access by children into the pool area. All enclosures and required safety devices shall be in accordance with Section 3109 of the International Building Code as adopted.

d. **Filtration and Pump System**: The filtration and pump system shall be large enough to completely circulate the pool water once every six (6) hours, and shall not be located within any front yard setback. Such equipment may be located in a side or rear yard provided that it is completely screened from view and noise-buffered from any adjacent property.

e. **Permit**: No swimming pool shall be constructed nor altered in any way without issuance of a building permit from the City and without complete compliance with this Ordinance.

f. **Special Requirements for Swimming Pools in Apartment Complexes and in the MF, TH and MH Zoning Districts:** The swimming pool shall be located behind the front yard setback and behind the front façade of the front-most building, and it shall not be located within any required side or rear yard setback.

C. **SUPPLEMENTAL REGULATIONS**

(1) **Measuring Setbacks** - All setback measurements shall be made in accordance with Illustrations 29-1 thru 29-8.

(2) **Configuration of Lots** - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Chapter 18 for regulations pertaining to the configuration of lots.)

(3) **Building Setbacks** – All setbacks established on a recorded plat shall be enforced, even if they exceed the required setbacks in this Chapter. Setbacks established on a recorded plat shall only be changed through replat proceedings (see Chapter 18).

(4) **Front Yard:**

a. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required

front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard.

b. 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.

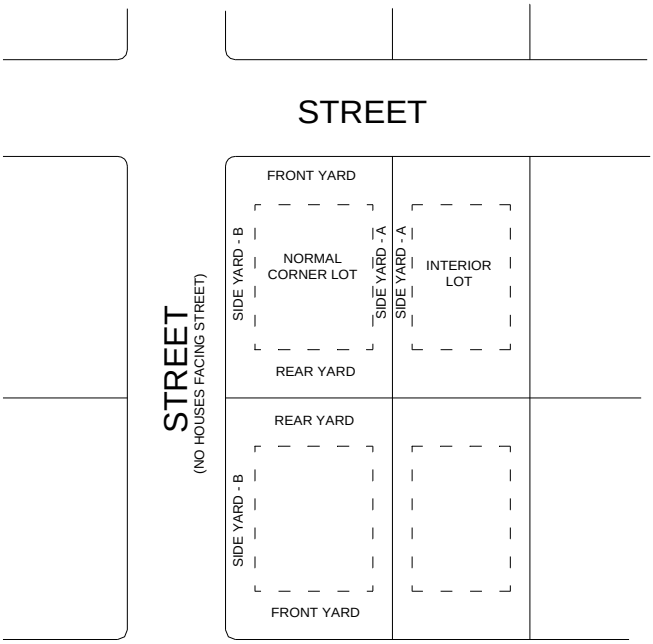
c. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. Open porches extending into the front yard shall not be enclosed.

d. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot. The front building line required in a zoning district may be increased by up to five feet (5') on cul-de-sac and street eyebrow lots in order to comply with the minimum lot width required in that zoning district, provided that an adequate building pad area (i.e., has adequate depth) is retained on the lot after moving the front building line back.

e. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

ILLUSTRATION 29.1

RESIDENTIAL SETBACK DETAILS



LEGEND

FRONT YARD - PER DISTRICT REQUIREMENT

REAR YARD - PER DISTRICT REQUIREMENT

SIDE YARD - A - PER DISTRICT REQUIREMENT

SIDE YARD - B - FIFTEEN FEET (15')

SIDE YARD - C - SAME AS FRONT YARD SETBACK

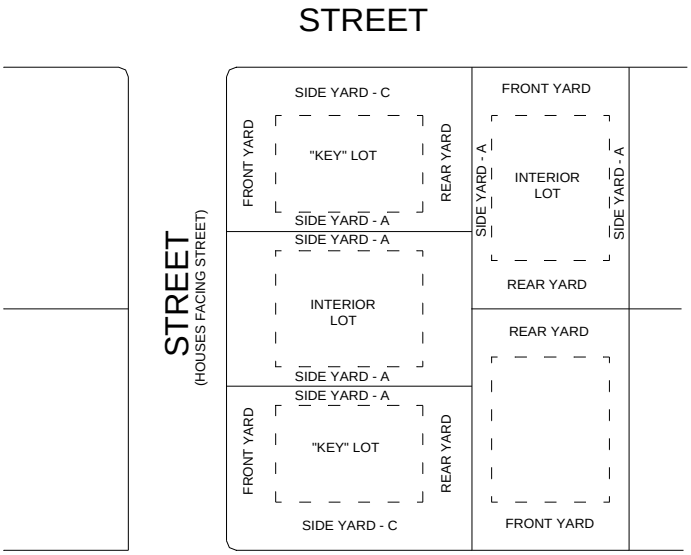
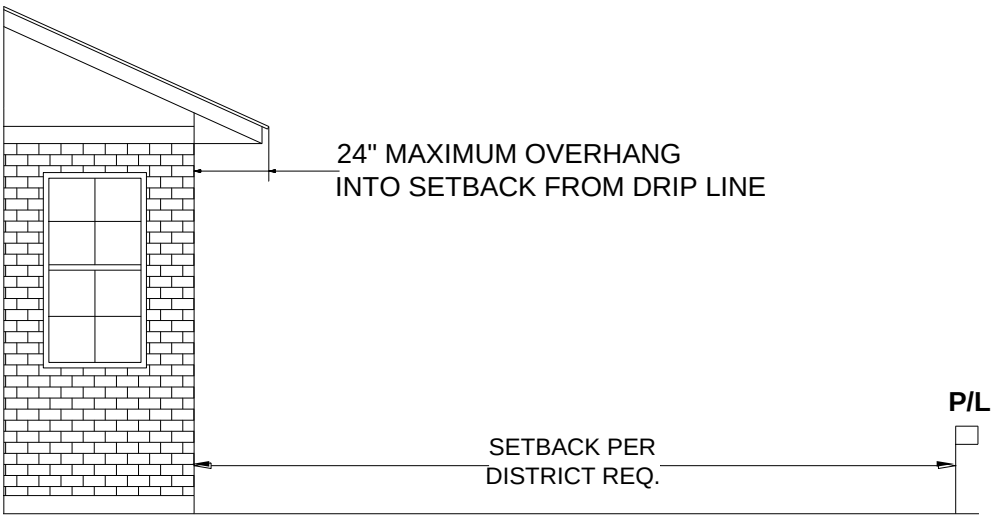


ILLUSTRATION 29.2

RESIDENTIAL
SETBACK DETAILS

Setbacks shall be measured from the vertical wall, facade or support column closest to the property line. The maximum allowable overhang into the setback zone is two feet (2') measured from the drip line of any canopy, porch, carport, cover, roof, eave or other architectural feature to the vertical wall, façade or support column.



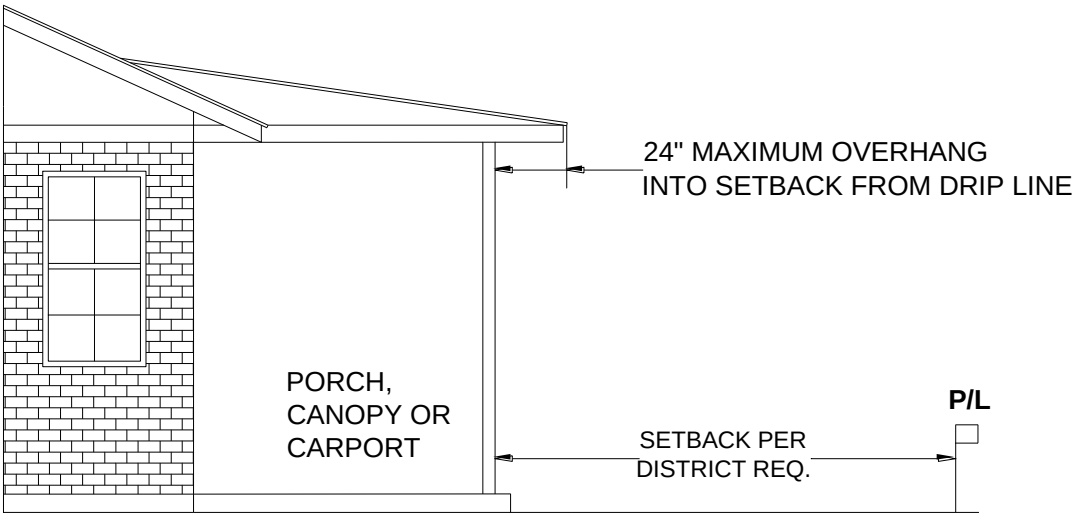


Illustration 29-3: Flag Lot

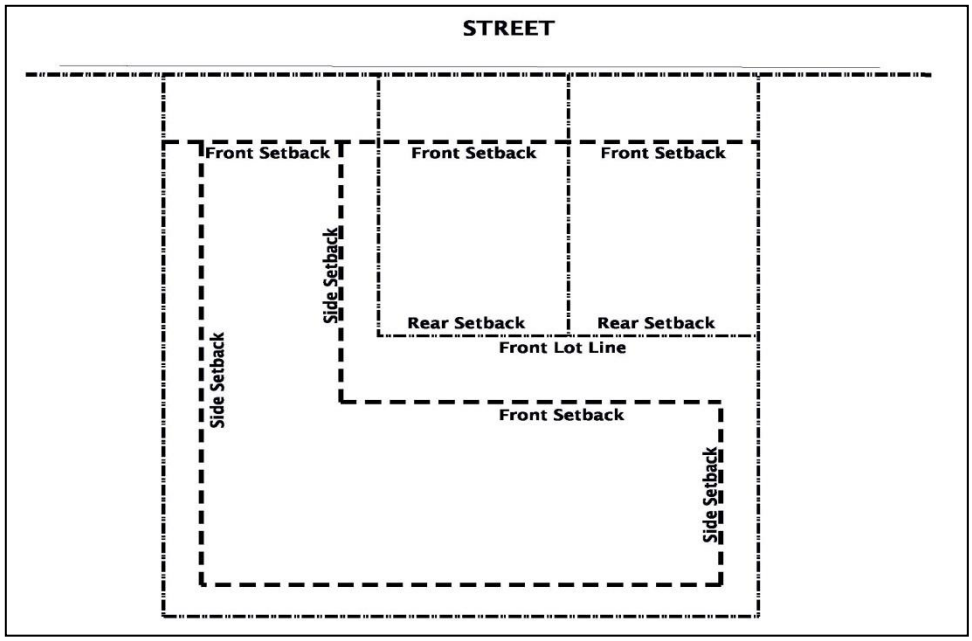


Illustration 29-4: Front Yard Where Zoning Changes in a Block

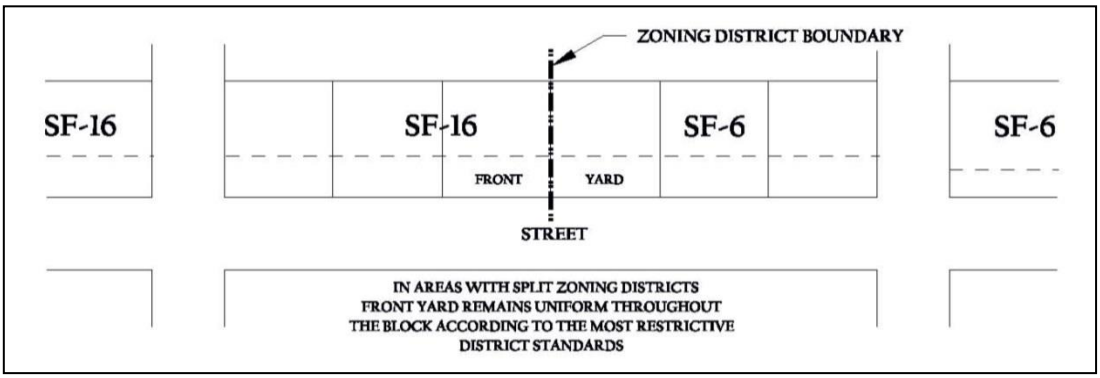


Illustration 29-5: Floor Area Ratio

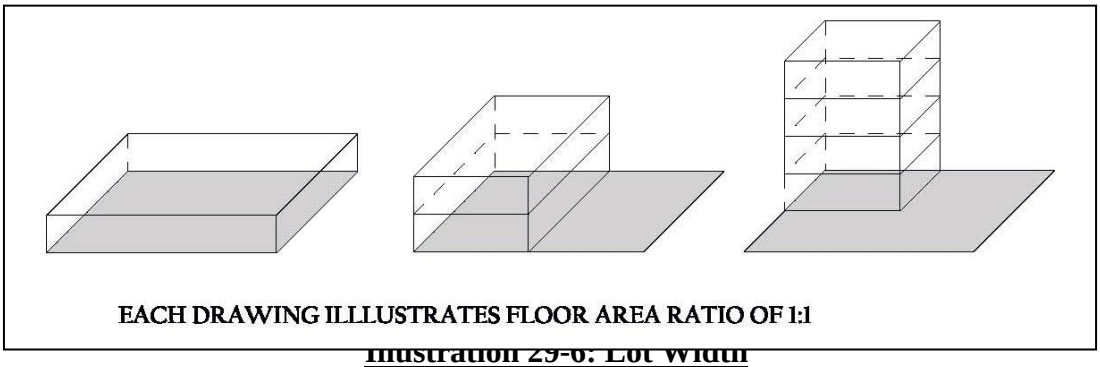


Illustration 29-6: Lot Width

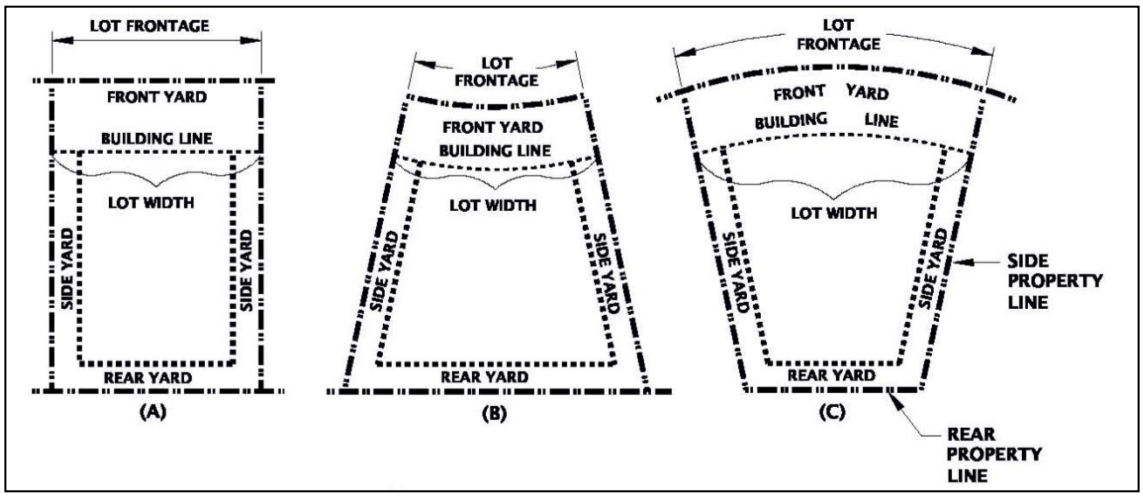


Illustration 29-7: Lot Area & Depth

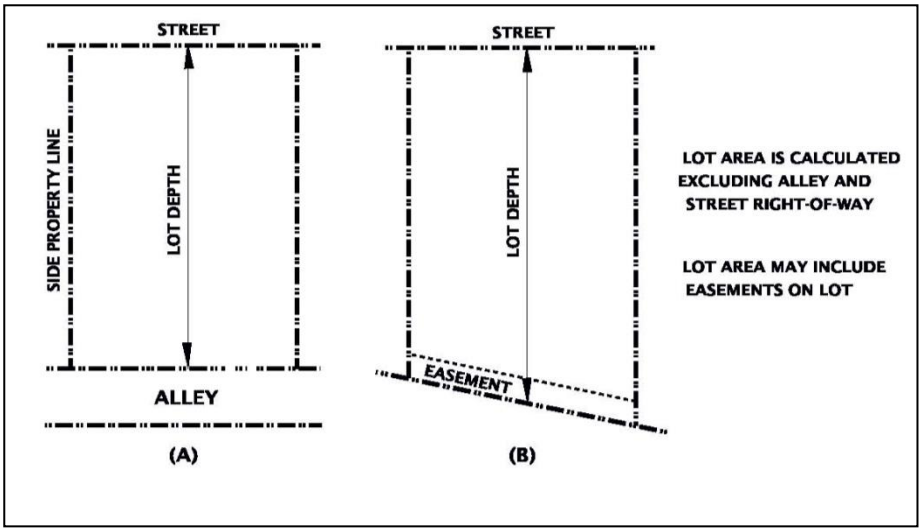
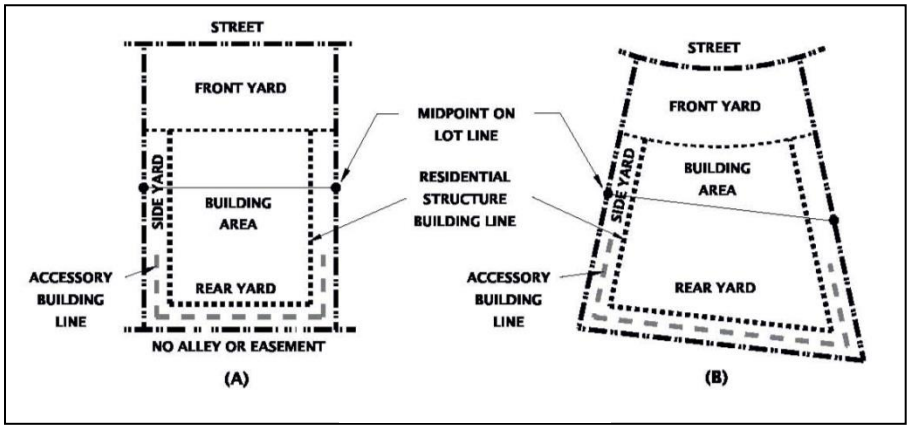


Illustration 29-8: Lot Width



(5) **SIDE AND REAR YARDS:**

a. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, a building line may be designated by the Building Official, with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Chapter, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.

b. Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side or rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches extending into a side or rear yard shall not be enclosed. A canopy or awning may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5') from the property line. The minimum separation between buildings shall be maintained, per the City's Building Code.

D. **COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:**

(1) **Applicability:**

a. These regulations apply to all commercial and amateur antennae and support structures, unless exempted in Subsection b below.

b. **Exemptions.** Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennae, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is twenty feet (20') or more in height:

- In any zoning district, antennae that are thirty-six (36") inches or less in diameter;
- In a non-residential zoning district, antennae that are six (6') feet or less in diameter;
- In any zoning district, antennae designed to only receive television broadcasts;
- In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
- In any zoning district, amateur radio ground-mounted whips and wire antennae, unless mounted upon a pole or mast over twenty feet (20') in height.

c. Support structures or antennae legally installed before the effective date of this Ordinance are not required to comply with this Chapter, but must meet all

applicable State, Federal and local requirements, building codes and safety standards.

(2) **Special Definitions** - For the purpose of this Section, the following special definitions shall apply:

a. **Antenna, Microwave Reflector & Antenna Support Structure** - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.

b. **Antenna (Non-Commercial/Amateur)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding three feet (3') in diameter shall also be considered as a non-commercial antenna.

c. **Antenna (Commercial)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds three feet (3') in diameter shall also be considered as a commercial antenna.

d. **Collocation** - The use of a single support structure and/or site by more than one communications provider.

e. **Communications Operations (Non-Commercial/Amateur)** - The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

f. **Communications Operations (Commercial)** - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

g. **Height** - The distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.

h. **Radio, Television or Microwave Tower** - See “Antenna, Microwave Reflector & Antenna Support Structure”**.**

i. **Telecommunications Tower or Structure** - See “Antenna, Microwave Reflector & Antenna Support Structure”.

j. **Temporary/Mobile Antenna** - An antenna and any associated support structure/equipment (including, but not limited to, a support pole, a vehicle, etc.) that is placed and/or used on a temporary basis only (i.e., not intended to be permanent), usually in conjunction with a special event, news coverage or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.

k. **Wind Turbines (Electrical Generation)** – Wind turbines for electrical generation are prohibited in any residential district within the corporate city limits of Breckenridge and allowed only in the Light Industrial (LI) District by Conditional Use Permit (CUP).

l. **Wireless Communication Tower or Structure** - See "Antenna, Microwave Reflector & Antenna Support Structure".

(3) **General Requirements:**

a. Antennae and support structures may be considered either principal or accessory uses.

b. Antenna installations shall comply with all other requirements of this Chapter and this Code with the exception of those specifically cited within these regulations.

c. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to one and one-half the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures that exceed fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.

d. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.

e. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), Texas Historical Commission (THC) review and/or all other applicable Federal, State and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six (6) months or as may otherwise be required by the applicable regulating authority.

f. A building permit is required to erect or install an antenna, antenna support structure and related structures/equipment, unless the particular antenna is exempt from these regulations (see Section 29.E.(1)b. above). All installations shall comply with applicable Federal, State and local building codes and the standards published by the Electronic Industries Association. Owners/users

shall have thirty (30) calendar days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.

g. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the City of Breckenridge's and the County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.

h. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.

i. Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a free-standing installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.

j. Temporary antennae shall only be allowed in the following instances:

- In conjunction with a festival, carnival, rodeo or other special event/activity;
- In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
- When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) calendar days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth (8^{th}) day following initial placement of the antenna.

k. Collocation is greatly encouraged by the City.

- All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.

- A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP). The original (i.e., former) support structure shall be removed from the

property within ninety (90) calendar days following completion of the new structure.

- Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

l. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop, and such screening device shall be architecturally compatible with the design and materials of the building. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures.

m. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed three (3') feet in diameter and antennae do not extend over ten feet (10') above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the City prior to any approval of a roof-mounted antenna. Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.

n. Only one (1) amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than thirty-six (36") inches in diameter (only one allowed if over three (3') feet in diameter). Maximum height of an amateur antenna shall not exceed fifty (50') feet in height measured from the ground and must be located a distance from any property line equal to the height of the antennae.

o. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.

p. Any publicly owned antennae or antenna support structures shall be permitted in any zoning district (e.g., public safety communications, etc.) however, setbacks and other applicable standards shall apply.

q. In all residential zoning districts, commercial antennae and antenna support structures are prohibited, except as specified within this Section.

- A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.

- A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and it is not readily visible or identifiable as an antenna from public roadways or from neighboring residential properties.

r. In nonresidential zoning districts commercial antennae and antenna support structures are allowed as follows:

- Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Conditional Use Permit (CUP) provided the structure conforms in all other aspects of the base zoning district's regulations, and provided that all applicable setback requirements are satisfied. In all nonresidential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.

- A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.

- A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design, and it is not readily visible/identifiable as an antenna from public roadways or from neighboring residential properties.

E. MINIMUM DWELLING UNIT AREA:

Minimum dwelling unit areas specified in this Chapter shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

F. OPEN STORAGE AREAS:

Open long-term storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to short-term outside display; see screening requirements in Section 25.

G. NONRESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS:

Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in residential zoning districts shall be designed and constructed such that they conform to the most restrictive development standards set forth in the respective zoning districts (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this Chapter or in an ordinance establishing a PD.

SECTION 30: DEFINITIONS

For the purpose of this ordinance, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

(1) **ACCESSORY BUILDING (RESIDENTIAL)** - In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples include, but are not limited to, the following: a private garage for automobile storage, carport, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, gazebo, patio cover, garden shelter, etc. Accessory structures are not allowed without a main building.

(2) **ACCESSORY BUILDING (BUSINESS OR INDUSTRY)** - In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see “Accessory Use”).

(3) **ACCESSORY USE** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

(4) **ADMINISTRATIVE OFFICIAL** – The City Manager or other designated authority charged with the administration and enforcement of this Chapter, or duly authorized representative.

(5) **ALLEY** - A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes, which may or may not be improved. No fences, storage or structures are allowed in alley rights-of-way.

(6) **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

(7) **AMUSEMENT, COMMERCIAL (OUTDOOR)** - An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion

of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

(8) **ANTENNA (AMATEUR/NON-COMMERCIAL)** - Antennas located in a residential district shall be limited to thirty-five (35') feet in height and shall be setback from all adjacent property lines a distance equal to its height. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered a non-commercial antenna.

(9) **ANTENNA (COMMERCIAL)** - The antenna tower/support structure in a non-residential district shall be setback from all adjacent property lines a distance equal to one and a half (1-1/2) times its height. A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna. Antennas may be further restricted as to height and location by the Texas Historic Commission rules.

(10) **ANTIQUE SHOP, SALES INDOORS** - A retail or wholesale establishment engaged in the selling of works of art, architectural antiques, furniture and/or other artifacts of an earlier period (i.e., over 50 years old) and that are in clean, operable and saleable condition (i.e., not junk), with all sales and storage occurring inside a building. An antique shop is differentiated from a "used merchandise store", a "resale shop" or a "consignment shop" in that it does not market common, contemporary used household goods, clothing or furnishings – rather, it deals primarily in vintage and nostalgia items (generally over 50 years old) and in antiquities (generally over 100 years old) from past eras.

(11) **ART GALLERY OR MUSEUM** - An institution for the collection and/or display of bona fide objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public. An establishment that sells new art or science objects on the retail market shall be defined as a "retail store", and an establishment that sells used objects (or parts of objects) shall be defined as a "used merchandise store".

(12) **ASSISTED LIVING FACILITY** - A facility which provides residence and care to seven (7) 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 temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited kitchen facilities. Full-time medical, nursing or professional care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.), however, full-time supervisory staff may reside onsite or be present at all times.

(13) **AUTOMOTIVE RELATED DEFINITIONS:**

a. **AUTOMOBILE** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans

and mini-vans, motor scooters and motorcycles.

b. **AUTO FINANCE AND LEASING** – Long-term leasing of automobiles, motorcycles, and light load vehicles but no outside storage.

c. **AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.

d. **AUTO RENTAL** – Short-term renting or leasing of automobiles, motorcycles and light load vehicles with outside storage.

e. **AUTO PARTS AND ACCESSORY SALES (INDOORS)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

f. **AUTO REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

g. **AUTO REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; welding, vehicle steam cleaning; undercoating and rust proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

h. **AUTO REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

i. **AUTO SALES (NEW)** - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

j. **AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.

k. **AUTO STORAGE OR AUTO AUCTION** - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such

vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").

l. **CAR WASH** - Washing, waxing or cleaning of automobiles or light duty trucks.

i. **Attended Car Wash** - The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

ii. **Unattended Car Wash** - The owner of the vehicle causes the vehicle to become washed. Either with an automated drive through system or a wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

(14) **BAKERY OR CONFECTIONERY (RETAIL)** - A facility which is typically less than 2,000 square feet in size for the production and/or sale of baked goods for human consumption such as (but not limited to) pies, cakes, cookies, doughnuts, desserts, etc.

(15) **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - A manufacturing facility which is typically over 2,000 square feet in size for the production and distribution of baked goods and confectioneries to retail outlets.

(16) **BARN** - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock. (see Section 10 for setback requirements)

(17) **BASEMENT (OR CELLAR)** - A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a caretaker employed on the premises.

(18) **BED AND BREAKFAST INN OR FACILITY** - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.

(19) **BLOCK** - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the city administrator (or designee) shall determine the outline of the block. The term block also refers to part of the legal description of platted subdivisions which contain one or more lots of record.

(20) **BOARDING OR ROOMING HOUSE** - A multi-family dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided. A boarding or rooming house is prohibited in single-family residential districts.

(21) **BUILDING** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing fire rated walls without openings, each portion of such structure so separated shall be deemed a separate building.

(22) **BUILDING HEIGHT** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.

(23) **BUILDING LINE** - A line parallel, or approximately parallel, to any lot line at a specific distance there from, marking the minimum distance from the lot line that a building may be erected (see Section 27).

(24) **BUILDING, MAIN OR PRIMARY** - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any separately addressed dwelling shall be deemed to be a main building on the lot on which it is situated.

(25) **BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Building Codes of the City of Breckenridge.

(26) **BUILDING SITE** - See "Lot" definition.

(27) **BUS STATION OR TERMINAL** - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

(28) **CARETAKERS' OR GUARDS' RESIDENCE** - A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

(29) **CARNIVAL, CIRCUS, FESTIVAL, SPECIAL EVENTS OR TENT SERVICE (TEMPORARY)** - Outdoor or indoor private or public amusement provided on a temporary basis (subject to requirements and use restrictions for Special Event Permits issued by the Police Dept.).

(30) **CARPORT** - A structure that is open on a minimum of two sides and designed or used to shelter vehicles which meets the wind and snow loads in accordance with the adopted building codes. Also called "covered parking area."

(31) **CEMETERY OR MAUSOLEUM** - Land used or intended to be used for the burial of deceased human remains and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

(32) **CEMETERY, ANIMAL** - Same as cemetery except only for the burial of pets or other animals.

(33) **CERTIFICATE OF OCCUPANCY** - An official certificate issued by the City which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

(34) **CHILD CARE CENTER (OR DAY CARE CENTER OR CHILD NURSERY)** - A commercial institution or place designed for the care or training of seven (7) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.

(35) **CHURCH, RECTORY OR TEMPLE** - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis or other clerics on the premises (tax exempt as defined by State law). For the purposes of this ordinance, religious study and other similar activities which occur in a person's primary residence shall not apply to this definition. The federal law known as RLUIPA may apply to such religious or institutional uses which may require assistance from the city attorney to interpret land use issues.

(36) **CITY COMMISSION** - The governing body of the City of Breckenridge, Texas.

(37) **CITY OF BRECKENRIDGE** - The City of Breckenridge, Texas, located in Stephens County; sometimes referred to as the “City”.

(38) **CLUB** - is a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(39) **CLUB, PRIVATE (CLASS I)** - is an establishment or enterprise wherein activities are carried on by, or for a group or association, of dues-paying members organized for some common purpose, no alcoholic beverages being sold.

(40) **CLUB, PRIVATE (CLASS II)** - is a club, as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission and are not allowed in the City in any zoning district.

(41) **COMMERCIAL/WHOLESALE LAUNDRY (DRY CLEANING PLANT)** - An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis exceeding 2,500 square feet of floor area.

(42) **COMMUNITY/CIVIC CENTER (PUBLIC)**- A building or complex of buildings that may house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

(43) **COMMUNITY/CIVIC CENTER (PRIVATE)**- A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities privately owned and/or operated by a business, non-governmental agency or private nonprofit agency.

(44) **COMMUNITY HOME** - A place where not more than six (6) physically or mentally impaired or disabled persons are provided room and board, as well as supervised

care and rehabilitation by not more than two (2) persons as licensed by the State of Texas (also see Chapter 123 of the Texas Human Resources Code).

(45) **COMPREHENSIVE PLAN** - A regulatory document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City which may include a Future Land Use Map, Thoroughfare Plan, Park Master Plan, Water and Sewer Plans, etc.

(46) **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt including the outdoor storage of aggregates, sand and other materials used in the process but not including a cement kiln with produces Portland cement through a smokestack industrial process.

(47) **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

(48) **CONDITIONAL USE –** Means any building, structure, and use which has been granted a Conditional Use Permit (CUP) by the City Commission regarding special conditions, specific restrictions or standards governing the use of the property. Also, any use which requires a Conditional Use Permit in order to be permitted on a specific property address in a particular zoning classification. A CUP is not a Variance (which see) but an Overlay on a site specific address (see Section 24).

(49) **CONSIGNMENT SHOP/RE-SALE SHOP (also THRIFT STORE)** - See "Used Merchandise Store".

(50) **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

(51) **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the storage of materials, equipment, tools, products, and vehicles that are then transported off site for the performance of maintenance, repairs, installation, assembly or construction by various tradesmen.

(52) **CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES** - Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.

(53) **COUNTRY CLUB (PRIVATE)** - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

(54) **COURTYARD** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of

a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

(55) **COVERAGE** - The percentage of lot area covered by all buildings located thereon, including the area covered by all overhanging roofs, impervious coverage includes all paved surfaces in addition to the structures

(56) **DANCE HALL** - An establishment open to the general public for dancing (any sales of alcoholic beverages for on premise consumption shall be subject to requirements and use restrictions for private clubs -- see definition for "Club, Private" above (also see applicable sections of the City's Ordinances regarding alcohol sales and consumption).

(57) **DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

(58) **DENSITY** - The total number of residential dwelling units allowed upon a given tract of land usually expressed in total number of units per gross acre.

(59) **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.

(60) **DRAINAGE** - Adequate provision for drainage shall be made to drain storm water into the City's man-made or natural drainage systems, in accordance to the City's and State's regulations pertaining to same.

(61) **DRY CLEANING SHOP OR LAUNDRY –** A retail custom cleaning shop not exceeding 2,500 square feet of floor area which may include drive-up service but no self-service.

(62) **DWELLING (ACCESSORY) –** A separate secondary residential structure located on the same lot as a single-family main/primary building but not attached to the main building, sometimes known as a mother-in-law's quarters. An accessory dwelling shall not be sold, rented, leased, let, or hired out separately from the main/primary residential structure and shall only be occupied by members of the same family occupying the main/primary residential building. (see "Family" definition)

(63) **DWELLING (MULTI-FAMILY) –** A main/primary residential building or buildings in which three or more dwelling units are located on the same platted lot of record that is used, intended, or designed to be built, used, owned, rented, leased, let or hired out to be occupied for living purposes by a single family in each dwelling unit. (see "Family" definition)

(64) **DWELLING (SINGLE-FAMILY) –** A main/primary residential building located on a separate platted lot of record that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied for living purposes by a single family. (see "Family" definition)

(65) **DWELLING SIZE / AREA** - The total square footage of a dwelling unit, including only the livable (i.e., air-conditioned) space within the home (i.e., not the garage, accessory buildings, etc.).

(66) **DWELLING UNIT**- A single unit (structure or portion thereof) providing complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. (see "Family" definition)

(67) **EASEMENT** - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

(68) **EDUCATIONAL FACILITIES** - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; a professional licensing/certification agency or trade, or including funded educational programs for preschool children.

(69) **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.

(70) **ENCLOSED BUILDING** - A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air. Includes an enclosed garage.

(71) **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.

(72) **FAMILY** - One or more persons related by blood, affinity (marriage), or adoption to the second degree of consanguinity; or a group not to exceed six (6) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit. The definition of the second degree of consanguinity for the purpose of defining a single family is spouse, siblings, parents, grandparents, children, or grandchildren in accordance with Chapter 573 of the Texas Government Code.

(73) **FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Health and Human Services.

(74) **FARM, RANCH, GARDEN, CROPS OR ORCHARD** - An area used for growing farm products, vegetables, fruits, trees, and grain and for the raising thereon of farm animals such as horses, cattle, and sheep. May also include the necessary

accessory uses for raising, treating, and storing products raised on the premises, but does not include the commercial feeding of offal or garbage to swine or other animals. Also does not include any type of agriculture or husbandry specifically prohibited by ordinance or law, such as, feed lots, slaughter pens, slaughter houses, poultry production or other uses in which high densities of live animals are keep in close quarters.

(75) **FEED AND GRAIN STORE** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

(76) **FINANCIAL INSTITUTION RELATED DEFINITIONS:**

a. **Depository Financial Institution –** means a Federal or State chartered depository financial institution such as a bank, savings and loan association, or credit union which conducts transactions regarding the custody, deposit, savings, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

b. **Non-depository Financial Establishment** – means any establishment, entity, business, corporation, or person required to be registered with the Secretary of State as a "Credit Service Organization" (CSO) under Chapter 393 of the Texas Finance Code, such as, check cashing businesses, payday advance/loan businesses, or car title loan businesses offering one or more of the following services as defined in this section:

i. *Check cashing business* – a CSO establishment that provides check cashing services for an amount of money equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; or an agreement not to cash a check or execute an electronic transfer of money for specified period of time in exchange for a cash advance for a fee; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

ii. *Payday advance/loan business* – a CSO establishment that makes payday cash advances, payroll cash advances, short term cash loans, instant loans, or other short term money loan services and/or similar services for a specified fee, usually secured by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount. Loan extensions, pay back deadline extensions (often termed rollovers) may be granted subject to additional fees or charges.

iii. *Car title loan business* – a CSO establishment that makes small or short term consumer loans that leverage the equity value of a motor vehicle, boat, or other recreational vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.

Exceptions: Convenience store, gasoline stations, super markets, grocery stores or other retail establishments where consumer retail sales constitute at least 75% of the gross revenue generated on site. Pawn shops which are regulated under State Law are exempt from this definition.

(77) **FINISHED FLOOR ELEVATION (F.F.E.)** – The top of the finished slab or lowest occupied level of a building which is required by F.E.M.A. to be a minimum of twelve (12") inches above the 100 year base flood elevation. The F.F.E. of any structure shall be a minimum of six (6") inches above grade.

(78) **FLOOD PLAIN** - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Breckenridge.

(79) **FLOOR AREA** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

(80) **FLOOR AREA RATIO (FAR)** - The floor area of a main building or buildings on a lot, divided by the lot area.

(81) **FLORIST SHOP** - An establishment for the display and retail sale of flowers, small plants and accessories.

(82) **FOOD PROCESSING** - A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

(83) **FOOD STORE** - A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

(84) **FRANCHISED PRIVATE UTILITY (NOT LISTED)** - A utility such as one distributing heat, chilled water, cable television or similar service and requiring a franchise to operate in the City of Breckenridge.

(85) **FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION** - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Lions, Jaycees, Elks, Masons, Knights of Columbus, or a labor union etc.

(86) **FRONT YARD** - See "Yard, Front".

(87) **FUNERAL HOME OR MORTUARY** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for

burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

(88) **FUTURE LAND USE MAP –** The adopted land use map as a part of the Comprehensive Plan which designates the highest and best use for each part of the city delineating different classifications of uses (agricultural, residential in varying densities, open space, retail, commercial or industrial uses, municipal/public uses, etc.) in which by State Law all zoning changes must be in accordance with the Comprehensive Plan and Future Land Use Map.

(89) **GAME ROOM** – An establishment that contains three (3) or more gaming machines.

(90) **GAMING MACHINE** – Any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes and which rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten (10) times the amount charged to play the game or device once or five dollars ($5.00), whichever is less, or which allows the player to amass or accumulate points, tokens, or any other method to accumulate credits towards larger or greater value noncash or merchandise prizes, toys, or novelties.

(91) **GARAGE, PRIVATE** - An enclosed accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

(92) **GASOLINE SERVICE OR FILLING STATION** - See "Automotive Gasoline or Motor Fuel Service Station".

(93) **GENERAL COMMERCIAL PLANT** - Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

(94) **GENERAL MANUFACTURING** - See "Industrial, Manufacturing".

(95) **GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

(96) **GOVERNMENT BUILDING OR USE (CITY, COUNTY, STATE OR FEDERAL)** - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: Stephens County, the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Breckenridge is defined as "Municipal Facility or Use", including City Hall, Courts, Libraries, Fire Stations or Police Stations, etc.

(97) **GROUP HOME** - A dwelling unit which provides residence and care to not more than six (6) 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 setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Chapter 247 of the Texas Health and Safety Code (Personal Care Facility Licensing Act) and Chapter 123 of the Texas Human Resources Act (Community Homes for Persons with Disabilities Act), as they presently exist or may be amended in the future.

(98) **GYMNASTIC OR DANCE STUDIO** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

(99) **HEAVY INDUSTRY –** Heavy industrial manufacturing or processing (smoke-stack industries) that produce explosion hazards, hazardous by-products, dusts, smoke or emissions are prohibited within the corporate city limits, including but not limited to: permanent concrete or asphalt batch plants, cement kilns, foundries, steel mills, slaughterhouses, paper mills, etc. Definition includes surface mining of coal, sand, gravel, or other natural materials which include large scale open pits, excavations, mines, etc. or involve the storage of such materials in the open at the surface in piles in excess of fifteen (15') feet tall.

(100) **HEAVY LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles more than thirty-five feet (35') in length (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

(101) **HEAVY MACHINERY SALES AND STORAGE** - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

(102) **HELIPORT** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

(103) **HELISTOP/HELIPAD** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

(104) **HOME OCCUPATION** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 26).

(105) **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

(106) **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and

treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

(107) **INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES** - Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than twenty percent (20%) of the building or space occupied by the primary use.

(108) **INDUSTRIAL/MANUFACTURING** - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

(109) **INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS** - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

(110) **ITINERANT VENDORS** - A person or operation that offers merchandise, art or food items, produce, publications and/or services from a temporary (i.e., not permanent) stand, cart, trailer, truck or other type of vehicle that is placed or parked on a piece of property for any period of time (as differentiated from a “peddler” or “solicitor” who is mobile and who goes from place to place to sell goods or services). (Also see applicable Sections of this Code).

(111) **KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

(112) **KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

(113) **KINDERGARTEN SCHOOL (PRIVATE)** - An establishment where more than three (3) children over the age of five (5) are housed for care and/or educational training during the day or portion thereof.

(114) **KIOSK** - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred fifty (150) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of fifty (50) square feet.

(115) **KITCHEN, RESIDENTIAL** - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Chapter, generally indicates the presence of complete cooking facilities (i.e., stove, oven, refrigerator, and/or microwave oven) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.). Single-family residential structures shall not have more

than one kitchen, the presence of more than one kitchen is prima facie evidence of a multi-family occupancy and is a violation of this Chapter.

(116) **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.

(117) **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").

(118) **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving (see Section 28).

(119) **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in coin operated machines that are operated by the patron.

(120) **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-five [35] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

(121) **LIGHT MANUFACTURING OR INDUSTRIAL USE** - Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing which do not create environmental or public health hazards during the processes.

(122) **LIVE/WORK UNITS –** Street level units that are permitted in certain residential districts or above street level in certain non-residential districts which are initially intended for residential uses but designed to accommodate a later transition into small business entities such as professional offices, etc. without major structural renovations being required. They may also be defined as small ground floor retail, office, or service uses with the proprietors, owners or employees living in residential units above the ground floor in which public access is typically from the street frontages and private access to the residential units are from the rear of the buildings. Outside of the Multi-Family (MF) zoning district, live/work units are intended to be an accessory use only and shall be limited to no more than twenty percent (20%) of the total floor space in a mixed use application. (see also Mixed Use Residential)

(123) **LOADING SPACE** - An off-street space or berth used for the delivery and loading/unloading of vehicles.

(124) **LOCAL UTILITY LINE** - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

(125) **LOT** - A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is owned by a single entity and is intended to be used, developed or built upon as a unit, which has access to a public street. Portions of a lot may not be sold or subdivided without prior approval of a plat by the city. A lot number is part of the legal description assigned to every parcel or tract of land that has been legally subdivided and platted.

(126) **LOT AREA** - The total area, measured on a horizontal plane, included within lot lines.

(127) **LOT, CORNER** - A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).

(128) **LOT DEPTH** - The mean horizontal distance between the front and rear lot lines.

(129) **LOT, DOUBLE FRONTAGE** - A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.

(130) **LOT, FLAG** - A lot having access to a street by means of a narrow strip of land generally having a width at the rear of the lot that is much greater than its frontage, but not less than thirty (30) feet. Flag, or panhandle, lots are typically prohibited.

(131) **LOT, INTERIOR** - A lot other than a corner lot with lots of similar uses adjacent and abutting the subject lot on both sides.

(132) **LOT FRONTAGE** - That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

(133) **LOT, KEY** - A corner lot whose exterior side is adjacent to the front yard of another lot, a front yard setback shall be observed for both street frontages.

(134) **LOT LINE, FRONT** - The property line connecting the foremost points of the side lot lines running parallel with and abutting the street right-of-way line. For a lot which has a boundary line which does not abut the front street line such as a flag lot that is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

(135) **LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.

(136) **LOT LINE, REAR** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

(137) **LOT LINE, SIDE** - Any lot line not the front or rear lot line.

(138) **LOT OF RECORD** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk in the county in which it is located.

(139) **LOT WIDTH** - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.

(140) **MAIN/PRIMARY BUILDING** - The building or buildings on a lot which are occupied by the primary use.

(141) **MANUFACTURED HOME DISPLAY OR SALES (NEW)** - The offering for sale, storage, or display of new manufactured housing units (e.g., HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

(142) **MANUFACTURED HOME DISPLAY OR SALES (USED)** - The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

(143) **MANUFACTURED HOME SUBDIVISION** - A parcel of land not less than five (5) acres nor greater than fifty (50) acres which is designed, improved, or intended to be used for permanent occupancy by HUD-code manufactured homes or Modular homes on individually platted lots. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

(144) **MANUFACTURED HOUSING** - Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act, Chapter 1201 of the Texas Occupations Code. For the purpose of this Chapter, there are three types of manufactured homes:

a. **Mobile Home** - A structure that was constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet. No new or used “mobile homes” shall be moved into the city and placed on any lot for any purpose.

b. **HUD-Code Manufactured Home** - A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act , transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The term does not include a recreational vehicle, as that term is defined herein and by 24 C.F.R., Section 3282.15(b).

c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home)** - A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is 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. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any residential structure that is in excess of

two (2) stories or thirty-five (35') feet in height, as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor 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. The term does not include mobile homes or HUD-Code manufactured homes. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

(145) **MASONRY CONSTRUCTION** – (See Section 29)

(146) **MEDICAL FACILITIES:**

a. **Clinic or Medical Office** - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

b. **Dental Office or Doctors Office** - Same as medical office or clinic.

c. **Hospital** (Acute Care/Chronic Care) - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

d. **Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined in the Texas State Occupations Code Chapter 455 and licensed in accordance with State Law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

(147) **MINI-WAREHOUSE/SELF STORAGE FACILITY** - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

(148) **MIXED USE RESIDENTIAL –** Dwelling units located in a non-residential district such as the General Commercial District which are typically located above the ground level of a building or if located on ground floor are not on the street frontage and do not take up more than 50% of the first floor. (see Live/Work Units)

(149) **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

(150) **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally fourteen (14) days or less) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

(151) **MOTEL OR HOTEL, EXTENDED STAY** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally longer than 14 days) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

(152) **MOTORCYCLE** - A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Chapter, motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.

(153) **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.

(154) **MOTOR FREIGHT COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

(155) **MOTOR VEHICLE** - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

(156) **MULTIPLE-FAMILY DWELLING** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadraplex), as well as traditional apartments.

(157) **MUNICIPAL FACILITY OR USE** - Any area, land, building, structure and/or facility (including a park, plaza, swimming pool, tennis court, maintenance building, etc.) which is owned, used, leased or operated by the City.

(158) **NONCONFORMING USE/STRUCTURE** - A building, structure, or use of land lawfully occupied as of the effective date of this Chapter or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

(159) **NON-PROFIT ACTIVITY BY CHURCH** - An activity such as, but not limited to, a rummage sale, bake sale, fundraising event, charitable function, etc. that is clearly in furtherance of the religious institution's tax-exempt (i.e., non-profit) purpose. An activity that is intended to generate money for profit for the institution does not qualify as a non-profit activity by a church.

(160) **NURSERY/GARDEN SHOP (RETAIL)** - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

(161) **NURSERY -** An facility (wholesale or retail), that may include buildings and/or greenhouses or open spaces, for the propagation, production and growth of plants, shrubs, trees, for display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

(162) **NURSING, CONVALESCENT (REST) HOME** - A long-term care facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

(163) **OCCUPANCY** - The group classification as defined in the International Building or Fire Code as adopted or the use or intended use of the land or buildings by proprietors or tenants. (see also Certificate of Occupancy)

(164) **OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - A room or group of rooms used for the provision of executive, management and/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.

(165) **OFFICE CENTER** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.

(166) **OFFICE SHOWROOM/WAREHOUSE** - A retail/wholesale establishment which combines a storage and warehousing area which is not accessible to the general public with retail and wholesale sales areas, sales offices, and display areas that is accessible to the general public for products sold and distributed from the storage and warehousing areas.

(167) **OPEN SPACE –** is that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50 percent of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot, and is maintained and utilized in the same manner and to the same degree as all other open space areas, as designated on the site plan as filed with the building permit application.

(168) **OUTSIDE DISPLAY** – See “Temporary Outside Retail Sales”.

(169) **OUTSIDE STORAGE** (also “Open Storage”)- The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours (i.e., overnight). All outside storage shall be screened from public view.

(170) **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").

(171) **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").

(172) **PARK** (**PRIVATE RECREATION FACILITY)** - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

(173) **PARK OR PLAYGROUND (PUBLIC)** - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in this Code.

(174) **PARKING LOT** - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City standards, for the short- or long-term storage of motor vehicles.

(175) **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in

the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.

(176) **PARKING SPACE** - An off-street (i.e., not on a public street or alley) area, paved in accordance with City standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street. Required parking spaces may not be used for outside storage, displays or accessory structures. Offsite parking that is used to satisfy the minimum parking standards must have written permission of the property owner and must be within two hundred feet (200') of the site it is serving. Each use in a combined or shared parking lot, such as a shopping center, must each meet the minimum standards for its own parking requirement (i.e. a parking space cannot be counted towards the requirement for separate uses).

(177) **PATIO OR GARDEN HOME (ZERO-LOT-LINE DWELLING)** - A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 13).

(178) **PAWN SHOP** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

(179) **PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES** - Establishments primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, nail salon, tailor or seamstress services, and other similar types of uses (no outside storage) that are not otherwise defined specifically herein.

(180) **PET SHOP AND ANIMAL GROOMING** – A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

(181) **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY** - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions. Any facility or storage unit with a capacity of more than one-thousand (1,000) gallons of petroleum products for wholesale distribution is prohibited within the City limits of Breckenridge.

(182) **PLANNED DEVELOPMENT (PD) DISTRICT** - Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any

appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners. (See Section 23 for full details of the PD adoption process).

(183) **PLANNING AND ZONING COMMISSION** - A board which is appointed by the City Commission as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Commission.

(184) **PLAT** - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the Subdivision Regulations of the City of Breckenridge, and which is approved by the City of Breckenridge and recorded in the plat records of Stephens County as applicable.

(185) **PLATTED LOT** - See "Lot" and "Lot of Record".

(186) **PLAYFIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency (e.g., City of Breckenridge, the School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

(187) **PLAYFIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Breckenridge or the School District.

(188) **PORTABLE BUILDING SALES** - An establishment which displays and sells structures capable of being carried and transported to another location, but not including manufactured homes. Such display is wholly or partially out of doors.

(189) **PREMISES** - Land together with any buildings or structures situated thereon, same as “LOT”.

(190) **PRIMARY USE** - The principal or predominant use of any lot or building.

(191) **PRIVATE ACCESS** - Access to a property, other than from a dedicated street, which is approved by the City of Breckenridge.

(192) **PRIVATE CLUB** – (see CLUB, PRIVATE, herein) An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

(193) **PRIVATE PARTY RENTAL FACILITY –** A facility that is leased or rented on a temporary basis for private parties. May require special permits if alcohol is consumed.

(194) **PRODUCE STAND** - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods, typically from a non-permanent

structure. No cooking or on-premises consumption of produce occurs on the site. All seasonal sales vendors must have a valid operating permit issued by the City.

(195) **PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas, such as, architect, engineer, etc.

(196) **PROPANE SALES** - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

(197) **PUBLIC VIEW** - Public view means areas that can be seen from any public street.

(198) **REAR YARD** - See "Yard, Rear".

(199) **RECREATION/COMMUNITY CENTER** - A public or private facility designed and equipped for the conduct of sports, special events, leisure time activities, and other customary and usual recreational activities.

(200) **RECREATIONAL VEHICLE (RV)** - A self-propelled (i.e., motorized) or towable unit (camping or RV trailer, fifth wheel, tent trailer, etc.) which is typically used for temporary human occupancy away from the users' permanent place of residence for travel, camping, vacations, etc.

(201) **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING** - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

(202) **RECREATIONAL VEHICLE (RV) RESORT PARK** - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis.

(203) **RECYCLING BIN/KIOSK** - A small uninhabited structure (120 square feet maximum) or temporary container (e.g., dumpster-type container) which provides a self-service location for the depositing of non-liquid recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

(204) **REHABILITATION CARE FACILITY/INSTITUTION**- A facility which provides residence and care to seven (7) or more persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

(205) **RESIDENCE** - Same as a dwelling unit; also, when used with district, an area of residential regulations.

(206) **RESIDENCE HOTELS** - A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable

for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.

(207) **RESIDENTIAL DISTRICT** - District where the primary purpose is residential use.

(208) **RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH OR DRIVE-IN SERVICE)** - An eating establishment where vehicular traffic is primary to their business which may have indoor dining facilities as well as drive-in service where customers consume food in their vehicle including drive-through windows for pick-up of food for off premise consumption.

(209) **RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

(210) **RETAIL OR SERVICE, INCIDENTAL** - The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than twenty percent (20%) of the building or space that is occupied by the principal use.

(211) **RETAIL STORE/SHOP (FOR DRY GOODS) -** This major group includes retail stores which sell any number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, building materials, small wares, electronics, appliances, hardware, but not food or alcoholic beverages. Outside storage may or may not be permitted. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, home improvement centers, etc. and are divided into buildings containing less than 12,000 square feet or more than 12,000 square feet, which is the threshold for requiring fire sprinkler systems (except when certain occupancy loads require sprinklers regardless of square footage).

(212) **RETAIL STORE/SHOP (GROCERY)** This major group includes retail stores which sell any number of lines of primarily food products including but not limited to prepared foods, can goods, fresh produce, dairy products, bakery products, meat products, delicatessen, or alcoholic and non-alcoholic beverages. Outside storage may or may not be permitted. The stores included in this group are known as grocery stores, food stores, convenience stores, etc. and are divided into buildings containing less than 12,000 square feet or more than 12,000 square feet, which is the threshold for requiring fire sprinkler systems (except when certain occupancy loads require sprinklers regardless of square footage).

(213) **RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING)** - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of

the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

(214) **ROOM** - A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

(215) **SALVAGE/RECYCLING YARD (ALSO SEE WRECKING YARD)** - The reclamation and storage of used products or materials. All recycled materials stored on site shall be in bins, containers, trailers or indoors. No open storage on the ground is allowed.

(216) **SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE** - The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

(217) **SCHOOL, BUSINESS/VOCATIONAL** - A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school including commercial trade schools, such as, auto repair, welding, brick laying, machinery operation/repair, and similar trades.

(218) **SCHOOL, PRIVATE (PRIMARY OR SECONDARY)** - A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools**.**

(219) **SCHOOL, PUBLIC, CHARTER OR PAROCHIAL** - A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

(220) **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES** - Facilities for research include laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment. Laboratories handling hazardous biological or chemical agents, such as, disease organisms or pesticides are prohibited within the City Limits of Breckenridge.

(221) **SCREENING ELEMENT** – Any approved system of shielding or concealment, effectively hiding from the view of a person standing at ground level on an abutting site, or from a public roadway. An operation, use or storage of materials or equipment on property requiring to be so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature. Dumpsters, outside storage and loading docks must be screened from view from a public roadway in addition to screen walls that are required to be erected between nonresidential uses and residential uses unless specifically exempted by this ordinance.

(222) **SEASONAL USES/ITEMS** – Temporary seasonal uses include the sales of items such as Christmas trees, holiday decorations, pumpkins, snow cones, fresh produce, spring planting materials, and other items which are typically only

available or marketed at certain times of the year in a non-permanent setting (i.e., includes itinerant vendors).

(223) **SERVANT'S QUARTERS OR GUEST HOUSE** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the lease, rental or sale of such facilities or the use of separate metered utility connections for such facilities.

(224) **SEXUALLY ORIENTED BUSINESS** - See the City's Ordinances for definitions and regulations.

(225) **SHOPPING/RETAIL CENTER** - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.

(226) **SIDE YARD** - See "Yard, Side".

(227) **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE)** - A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

(228) **SINGLE-FAMILY DWELLING, DETACHED** - A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

(229) **SKILLED NURSING FACILITY** – see Nursing Home.

(230) **SMALL ENGINE REPAIR SHOP** - Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

(231) **STABLE, COMMERCIAL** - A stable used for the rental of stall space or for the sale or rental of horses or mules.

(232) **STABLE, PRIVATE** - An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.

(233) **STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the storage of goods and materials and for the distribution of such goods by truck or railroad modes of transportation.

(234) **STORY** - That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). A

single story accessory building including the roof shall not exceed eighteen (18') feet in height. A loft with a vertical side wall exceeding three (3') feet in height and a head clearance of seven (7') feet or more for more than fifty (50%) of the space shall be considered an additional floor. The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from a point representing the average slope from front to back (or side to side) of the building.

(235) **STORY, HALF OR LOFT** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which not more than fifty (50%) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.

(236) **STREET** - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is deemed to be a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').

(237) **STREET INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.

(238) **STREET YARD** - The area between the building line and the property line/right-of-way) line. On most lots, this will be the front yard, but in some instances can also be the side yard and/or rear yard, depending on the configuration of the lot to adjacent rights-of-way.

(239) **STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").

(240) **STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load-bearing walls or partitions, foundations, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

(241) **STUDIO, HEALTH/REDUCING/FITNESS** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.

(242) **STUDIO, TATTOO OR BODY PIERCING** - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body. Includes "permanent makeup" used to mask injuries, scars, etc.

(243) **STUDIO FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting.

(244) **SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. (Also see Home Occupation Regulations, Section 26.)

(245) **SWIMMING POOL, COMMERCIAL** - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

(246) **SWIMMING POOL, PRIVATE** - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the adopted building codes of the City of Breckenridge Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

(247) **TELEMARKETING CENTER** - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occur at or on the premises. No products are stored at or on the premises. Telemarketing is prohibited in any residential district if any other persons lot living in the residence are employed in the process.

(248) **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION** - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

(249) **TEMPORARY BUILDING** - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, requiring permanent on-site installation of utilities and/or foundation. (See next definition below).

(250) **TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE** - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the City and shall be subject to review and renewal for reasonable cause.

(251) **TEMPORARY OUTSIDE RETAIL SALES / COMMERCIAL PROMOTION** (also "Outside Display") - Outside temporary display of finished goods that are specifically intended for retail sale by the owner or lessee of the premises (i.e., does not include itinerant vendors) but not displayed outside overnight. May not be placed in such a way as to obstruct traffic (both pedestrian and vehicle), sidewalks, fire lanes, loading zones or visibility.

(252) **TEMPORARY USES** - Uses lasting for only a limited period of time; not permanent. Short-term or seasonal uses that would not be appropriate on a permanent basis.

(253) **TENNIS COURT, PRIVATE** - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but

excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the conditional use permit.

(254) **THEATER, DRIVE-IN (OUTDOOR)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

(255) **THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

(256) **THOROUGHFARE PLAN** – The officially designated map depicting all Federal, State, County and City streets, highways, thoroughfares, arterials, collectors, etc. both existing and future as part of the Comprehensive Plan for the efficient and safe development of transportation systems within the City and its Extraterritorial Jurisdiction.

(257) **TIRE DEALER, NO OUTSIDE OR OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

(258) **TIRE DEALER, WITH OUTSIDE OR OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage. Tires stored outdoors shall have a protective covering the tires in such a way as to prevent rain from entering the tires and becoming a breeding ground for mosquitoes.

(259) **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.

(260) **TRACT** - A single individual parcel or lot**.**

(261) **TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.

(262) **TRAILER, TRAVEL OR CAMPING** - A portable recreational vehicle (RV) or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

(263) **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES** - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

(264) **TRUCK** - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").

(265) **TRUCK AND BUS REPAIR** - An establishment providing major and minor automotive repair services to heavy load vehicles.

(266) **TRUCK AND BUS LEASING** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

(267) **TRUCK STOP** - A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food

and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

(268) **TRUCK TERMINAL** - An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

(269) **TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.

(270) **TWO-FAMILY DWELLING (DUPLEX)** - Two attached dwelling units in one structure that are divided by a property line centered on the common wall with each unit located on its own platted lot, each designed to be occupied by one family.

(271) **USABLE OPEN SPACE** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains.

(272) **USE** - The purpose for which land or buildings are or may be occupied in a zoning district.

(273) **USED MERCHANDISE STORE** (also “Resale Shop” or “Thrift Store” or “Consignment Shop”) An establishment that generally markets common, contemporary used household goods, clothing or furnishings on a straight “for sale” basis or on a consignment basis. This term includes a used merchandise store that is operated by a non-profit, charitable or religious organization.

(274) **UTILITIES/INFRASTRUCTURE** – Essential services or facilities which serve to distribute, or transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, or to collect, dispose or accommodate wastewater sewerage and storm water run-off, whether operated or maintained by the City or private utility company. Including overhead, surface and underground systems, which are required for the above services including transmission lines, towers, poles, wires, mains, pipes, concrete pipes and drain inlets, culverts, fire hydrants, stand pipes, vaults, fire alarm boxes, relay stations, street lights, transformers, traffic signal equipment, or other similar equipment and easements for the same in order to protect the health, safety and welfare of the public.

(275) **VARIANCE** - 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 of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment can grant a variance subject to the restrictions pursuant to Section 2-32 of this Code.

(276) **VETERINARIAN CLINIC** - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").

(277) **WAREHOUSE DISTRIBUTION CENTER –** Typically a large scale storage facility which receives equipment, products, parts, goods or merchandise that are redistributed to industrial, manufacturing, wholesale or retail customers.

(278) **WEDDING RENTAL FACILITY –** A private secular (non-church) facility which is leased or rented on a temporary basis for private wedding parties or other private parties. May require special permits if alcohol is consumed.

(279) **YARD** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

(280) **YARD, FRONT** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

(281) **YARD, REAR** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(282) **YARD, SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

(283) **ZERO-LOT-LINE DWELLING** - See "Patio/Garden Home".

(284) **ZONING BOARD OF ADJUSTMENT** - A board established by Chapter 2, Article III of this Code, which is appointed by the City Commission, and which is authorized to make special exceptions to this Chapter (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter. Also referred to as the "BOA."

(285) **ZONING DISTRICT** - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development. (See Section 6).

(286) **ZONING DISTRICT MAP** - The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this Chapter. The Official Zoning Map is maintained by the City Secretary, all other copies, depictions posted on the internet, or electronic versions are for reference only and are not to be considered official for zoning purposes.