

# Exhibit A



ARTICLE 14.100

# **ZONING ORDINANCE**

*ADOPTED MMMM DD, YYYY*



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# ARTICLE I. ADMINISTRATION AND REGULATIONS

## Article 14.100 Zoning Ordinance Adopted\*

The Zoning Ordinance governing the use of land within the City as adopted by Ordinance No. 015-87 of August 3, 1987, is included as Appendix A to this Chapter. Due to the technical nature of the Zoning Ordinance, it has been printed for inclusion herein exactly as adopted and subsequently amended. (1992 Code of Ordinances, Chapter 12, Article 12.100)

### Appendix A ZONING ORDINANCE OF THE CITY OF SANGER, TEXAS

ORDINANCE NO. [[###]]

as amended

An ordinance amending in its entirety the existing zoning ordinance (no. 76-5) of the City of Sanger, Texas, as amended; providing for zoning in the City of Sanger, Texas, and regulating the size and use of buildings and lots that may be occupied; adopting a certificate of occupancy and requiring compliance; providing for completion of buildings under construction, zoning district boundaries, and changes and amendments; providing for nonconforming lots and structures; providing for a penalty for violation; providing for a savings clause; providing for a board of adjustment; providing for conversion of existing zoning categories to new categories; providing for an effective date.

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

## SECTION 1: Preamble

That the Zoning Ordinance of the City of Sanger, Texas, (Ordinance No. 1964-2) as passed and approved on February 3, 1964, together with all subsequent amendments thereto, is hereby amended in its entirety to read as follows:

## SECTION 2: Purpose

Zoning Regulations and Districts are herein established in accordance with the City's most recent Comprehensive Plan, as adopted and amended, for the purpose of promoting the City's potential for families, businesses, and

opportunities for responsible growth. They are designed to increase walkability, support the efficient use of land while enhancing the natural environment, plan for future public services that will adequately serve the community, support higher density residential and mixed-use development, and encourage infill development within the core of the City of Sanger. They are also designed to adequately delineate specific land uses between the Downtown and City-Wide and ETJ areas.

### **SECTION 3: Zoning District Map and Boundaries**

- A.** The boundaries of the zoning districts set out herein are delineated upon the Official Zoning District Map of the City of Sanger, Texas, said map being hereby adopted as a part of this ordinance as fully as if the same were set forth herein in detail.
- B.** Two (2) original, official and identical copies of the Official Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:
  - 1.** One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
  - 2.** One copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits, certificates of occupancy and compliance and for enforcing the Zoning Ordinance.
  - 3.** Reproductions for information purposes may from time to time be made of the Official Zoning District Map. The map may be updated as individual zoning requests are approved.
  - 4.** If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning District Map, such changes shall be entered on the Official Zoning District Map promptly after the amendment has been approved by the City Council. No amendments to this ordinance which involves matter portrayed on the Official Zoning District Map shall become effective until after such change and entry has been made on said map. The City shall maintain records identifying the ordinance number making such changes and the effective date of the change.
  - 5.** No changes of any nature shall be made in the Official Zoning District Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance.

6. The Official Zoning District Map shall be made available to the public at all hours when the office of the City Secretary is open to the public and a digital copy shall be maintained on the City's website. Digital maps, created through the use of geographic information system technology, containing registration points recorded on the Texas State Plan Coordination System, as amended, may be used in the administration and enforcement of this ordinance, but shall not replace the paper originals of official maps required by this section.
  7. If the Official Zoning District Map is partially or entirely damaged, destroyed, lost, suffers deterioration, or is otherwise unreadable, the City Council may adopt a new Official Zoning District Map by ordinance following a public hearing. The new Official Zoning District Map that the City Council adopts under this section replaces and supersedes any prior Official Zoning District Map following adoption.
- C. The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
1. Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
  3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
  4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
  5. Boundaries indicated as approximately following the centerlines of streams, drainage ways or other bodies of water shall be construed to follow such centerlines.
  6. Boundaries indicated as parallel to or extensions of features indicated in Article I, Section 3.C.1 through Article I, Section 3.C.5 above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.
  7. Whenever a street, alley, or other public way is vacated by official action of the City Council or the same is franchised for building purposes, the zoning districts bordering it on each side shall automatically extend to the centerline of such vacated or franchised street, alley, or other public way, and all affected areas shall then be subject to the regulations of the extended districts.

8. Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of Article I, Section 3.C.1 through Article I, Section 3.C.7 or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered classified for [A - Agricultural District](#), temporarily. In an area determined to be temporarily classified for A - Agricultural District, no person shall construct, add to or alter any building or structure or cause the same to be done; nor shall any use be located therein or on the land which is not permitted in an A - Agricultural District, unless and until such territory has been zoned to permit such use by the City Council.

## SECTION 4: Temporary Zoning - Annexed Territory

All territory hereafter annexed to the City of Sanger shall be temporarily classified for [A - Agricultural District](#) until permanent zoning is established by the City Council of the City of Sanger. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

In an area temporarily classified as A - Agricultural District:

1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Sanger without first applying for and obtaining a building permit or certificate of occupancy from the Building Official or the City Council as may be required.
2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the A - Agricultural District unless and until such territory has been classified in a zoning district other than the A - Agricultural District by the City Council in the manner prescribed by the law.

## SECTION 5: Compliance

All land, buildings, structures, or appurtenances thereon located within the City of Sanger, Texas, which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted shall be occupied, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.



## SECTION 6: Off-Street Parking and Loading Requirements

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

### A. Off-Street Parking Provisions – All Districts

1. All required parking spaces shall be located behind the required front setback line in the MF districts.
2. Required off-street parking shall be provided on the same site as the use it is to serve unless the site is located within the downtown area.
3. No parking shall be allowed except on a paved concrete or asphalt parking space in any district including, but not limited to, ["I" – Industrial](#).

### B. Off-Street Loading Space – All Districts

1. All retail, commercial and industrial structures having three thousand (3,000) square feet or more of gross floor area, either in the building or lot, shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for each twenty thousand (20,000) square feet of gross floor area. A loading space shall consist of an area of a minimum of ten (10) by twenty-five (25) feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
2. Kindergartens, day schools and similar child training and care establishments shall provide paved off-street loading and unloading space on a private drive to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.
3. Uses not listed in [Article I, Section 6.C](#) shall provide required off-street parking according to the most similar use listed in [Article I, Section 6.C](#).
4. Loading docks and areas shall be located within the building or on the lot adjacent to a public alley or private service drive.

### C. Schedule of Parking Requirements Based on Use

1. In all districts there shall be provided at the time any building or structure is erected or structurally altered off-street parking spaces in accordance with the following requirements:

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH
<b>Residential</b>		
Dwelling, Single-Family (Detached)	2 enclosed plus a minimum parking space of seventeen (17) feet wide and seventeen (17) feet long	Per dwelling
Dwelling, Single-Family (Attached)	2	Per dwelling
	0.5	Per unit for guest parking
Dwelling, Two Family	2 plus a minimum parking space of seventeen (17) feet wide and seventeen (17) feet long	Per dwelling
Dwelling, Multi-Family	1 Per Efficiency Unit; 1.5 Per One (1) Bedroom Unit; 1.75 Per Two (2) Bedroom Unit; 2 Per Three (3) Bedroom Unit	
Manufactured Home Park District	2 plus Additional as Required Herein for Secondary Uses	Per stand or lot
Motel or Hotel	1 Per Sleeping Room or Suite plus 1 per each two hundred (200) square feet of commercial floor area	
Rooming or Boarding House, Short-term Rental	1	Per sleeping room or per two (2) guests in the advertised capacity, whichever is greater
<b>Institutional</b>		
Church or other Place of Worship	1	Per four (4) seats in main sanctuary/ auditorium
Day Nursery	1.5	Per teacher
Government Office Buildings	1	Per two hundred (200) square feet of floor area
High School, College, or University	1	Per three (3) Students
Hospital	2	Per bed
Library, Museum, or Art Gallery	1	Per three hundred (300) square feet of public floor area
Lodge or Fraternal Organization	1.25	Per two hundred (200) square feet of floor area
Mortuary or Funeral Home	1	Per two (2) persons normally accommodated in service
School, Junior & Middle	1	Per twelve (12) students
School, Kindergarten & Elementary	1	Per twenty (20) students

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH
Skilled Nursing Facility, Assisted Living Facility, or similar institution	1	Per bed
<b>Office, Professional, or Financial</b>		
Bank, Savings, and Loan office	1	Per three hundred (300) square feet of floor area
Dance, drama, or music studio	1	Per two (2) students
Medical or Dental office	5 plus 1	Per one hundred-fifty (150) square feet of floor area
Office, Professional	5 plus 1	Per three hundred (300) square feet of floor area
<b>Personal Service, Rental Uses</b>		
Personal service establishment, excluding barber & beauty shops	5 plus 1	Per two hundred (200) square feet of floor area
Barber and Beauty Shops	1	Per one hundred (100) square feet of floor area
Retail Store or Personal Service Establishment except as otherwise specified herein	1	Per two hundred (200) square feet of floor area
Furniture or Appliance Store, Hardware Store, Machinery or Equipment Sales and Services, Clothing or Shoe Repair or Service	1	Per four hundred (400) square feet of floor area
Gasoline Station or Convenience Store	1	Per three hundred and fifty (350) square feet of floor area (excluding gasoline station pump islands) plus per three hundred (300) square feet of floor area where dine-in restaurants are included within a convenience store
Motor Vehicle Salesrooms, Used Car Lots	1	Per five hundred (500) square feet of sales floor for indoor uses
	1	Per one thousand (1,000) square feet of lot area for outdoor uses

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH
<b>Food and Beverage Service</b>		
Eating or drinking establishment, service to auto	12 plus 1	Per fifty (50) square feet of floor area
Eating or drinking establishment, no service to auto	1	Per three (3) persons (maximum occupant load for building)
Food service establishment, carry-out service only	1	Per one hundred (100) square feet of floor area
<b>Recreation, Social, and Entertainment</b>		
Bowling Alley	6	Per alley or lane
Commercial Amusement	30 plus 1	Per one hundred (100) square feet of floor area over two thousand (2,000) square feet
Golf Course (public)	Min. 30	
Indoor Skating Facilities	1	Per two and one-half (2.5) persons (maximum occupant load for building)
	Plus 1	Per three (3) persons based on spectator seating
Theater/Cinema, Auditorium (except schools), Sports Arena, Stadium or Gymnasium	1	Per three (3) seats or bench seating spaces
Private Club, Country Club, or Golf Club	1	Per one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater
<b>Storage, Wholesale, and Manufacturing</b>		
Manufacturing	1	Per one thousand (1,000) square feet of floor area or per two (2) employees, whichever is greater
Mini-Warehouse	1	Per three thousand (3,000) square feet of floor area
Warehousing	1	Per two thousand (2,000) square feet of floor area or per two (2) employees, whichever is greater
Wholesale or similar use	1	Per three thousand (3,000) square feet of floor area

#### **D. Rates for Computing Number of Parking Spaces**

1. In computing the number of parking spaces required for each of the above uses, the following rules shall govern:
  - a. "Floor Area" shall mean the gross floor area of the specific use.
  - b. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
  - c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
  - d. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

#### **E. Location of Parking Spaces**

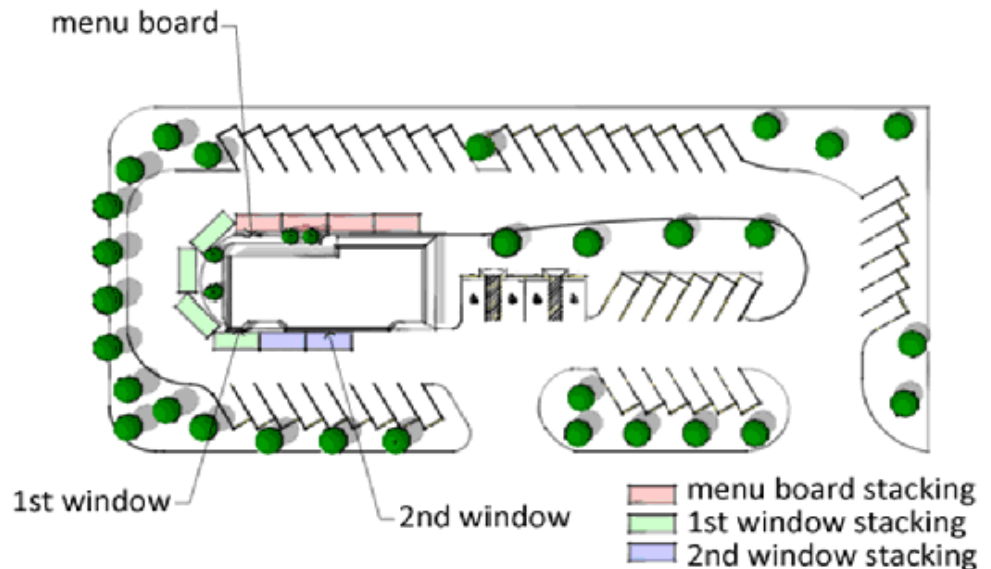
1. All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:
  - a. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than three hundred (300) feet from any other non-residential building served.
  - b. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than eighty (80) percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.
  - c. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

#### **F. Use of Parking Spaces – All Districts**

1. Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

## G. Vehicle Stacking Requirements for Drive Through Services

1. Generally. Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Stacking spaces measure eight feet six inches wide by 20 feet long and provide direct access to a service window. The position in front of a drive-through station (service window, ATM, or station at a drive-through bank) is counted as a stacking space.
2. Requirements. Uses that include drive-through service shall provide not less than the following numbers of stacking spaces:
  - a. Financial institutions, drive-through convenience retail, or pharmacies: Three stacking spaces per drive-through station.
  - b. Drive-through restaurants if two service windows are provided (one for payments and one for pick up): A minimum of nine (9) stacking spaces shall be provided designed as follows:
    - i. Four stacking spaces to the menu board;
    - ii. Three stacking spaces between the menu board and the first window (including position at the first window); and
    - iii. Two spaces between the first window and the second window (including the position at the second window).



- iv. If one service window is provided (for both payments and pick up):
  - (a) Six stacking spaces to the menu board;
  - (b) Three stacking spaces between the menu board and the service window.

(c) Dry Cleaners: Three stacking spaces, including the position at the window.

(d) Vehicle Wash:

- i. Three stacking spaces for each bay in self-service vehicle wash facility (including wash area);
- ii. Five stacking spaces for each in-bay or conveyor vehicle wash facility; and
- iii. If the facility provides detailing, manual drying or polishing, and/or vacuuming, sufficient area to provide those services without creating additional demand for stacking at the vehicle wash entrance.

(e) Stacking spaces for other uses are determined by the Development Service Director.

c. Design.

- i. Stacking lanes shall be clearly marked, and shall not interfere with on-site or traffic circulation, whether on or off-site.
- ii. Stacking areas shall not be located between the façade of a building and the public street upon which the building fronts unless there is a grade change of at least five feet between the centerline of the street and the stacking area or alternatively, there is a buffer yard installed.
- iii. Stacking lanes shall be designed with an abutting nine-foot-wide bypass lane.
- iv. Stacking begins at first stopping point.

## SECTION 7: Special and Additional Regulations

### A. Lot Regulations

1. Lot Area. The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than herein required which was an official “lot of record” prior to the adoption of this ordinance may be used for a one family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.
2. Location of Dwellings and Buildings. Only one (1) main building for one-family and two-family use with permitted secondary buildings may be located upon a lot or platted tract. Every means of access shall have a minimum width of twenty-five (25) feet. Where a lot is used for retail and dwelling purposes, more than one (1) main building may be located upon the lot but only when such buildings conform to all the open space, parking

and density requirements applicable to the uses and districts. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the Planning and Zoning Commission so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

## **B. Front Yards**

1. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on a final plat).
2. 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.
3. Where a building line has been established by a plat approved by the City Council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than twenty (20) feet, except as approved by ["PD" – Planned Development District](#) or unless a variance is granted).
4. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached secondary buildings. 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 (4) feet and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard.
5. Where lots have double frontage, coming through from one street to another, a required front yard shall be provided on both streets unless a building line for secondary buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.
6. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection.
7. On any corner lot for which front and side yards are required herein, no wall, fence, structure, sign, tree, or other planting or slope terrace or embankment may be maintained higher than three (3) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point thirty (30) feet back from the right-of-way corner.



8. Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten (10) feet to the property line.
9. 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, the front or side yard shall be measured from the future right-of-way line.

### C. Side Yards

1. Every part of a required side yard shall be open and unobstructed except for (a) secondary buildings as permitted herein; (b) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve (12) inches into the required side yard; and (c) roof eaves projecting not more than thirty-six (36) inches into the required side yard. Balconies shall not project into the required side yard.
2. For multi-family structures in the MF and PD Districts, a minimum side yard, or space between adjoining buildings, shall be fifteen (15) feet between building walls when such walls have openings for windows and access, and ten (10) feet when no openings exist.
3. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side (or rear) property line.

### D. Rear Yards

1. The required rear yard shall be open and unobstructed from a point thirty (30) inches above the average elevation of the graded rear yard, except for secondary buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.

**E. Swimming Pools.** It is the purpose of the following provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

1. Permits and Approvals. No swimming pool shall be constructed or used until a swimming pool building permit and a certificate of occupancy have been

issued. Neither the building permit nor the certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department regulations.

2. Requirements. A swimming pool may be constructed and operated when:
  - a. The swimming pool is not located in an area designated as a front or side yard which directly abuts a street;
  - b. The swimming pool area or the surrounding yard area is fully enclosed by a wall or fence, not less than four (4) feet in height, with self-enclosing and self-latching gates at all entrances in accordance with the International Swimming Pool and Spa Code;
  - c. The lighting of the swimming pool is shielded or directed to face away from an adjoining residence. If lights are not individually shielded, they shall be so positioned that direct rays from the lights are not visible from adjacent properties, or the enclosing wall or fence shall be designed to prevent such visibility;
  - d. No broadcasting system is used to advertise the operation of the pool or attracting persons to the premises. This shall not prevent the use of a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and
  - e. The swimming pool is no closer than three (3) feet from any property line.

## SECTION 8: Secondary Building Regulations

- A. In a residential or multi-family district, a secondary building is a subordinate building exceeding one hundred twenty (120) square feet of floor area. Secondary buildings shall have no sleeping areas, bathroom plumbing (except for hand sinks) or kitchen facilities, shall not be used for commercial purposes, shall not be rented, and shall not be occupied. A permanent or portable carport is also considered a secondary building. The regulations detailed in [Article I, Section 8.D](#) through [Article I, Section 8.F](#) below shall govern buildings and structures secondary to single-family, two-family, and multi-family residential uses. Where multiple secondary structures exist on the same site, the combined sum of all secondary structures shall be used to determine the regulations applicable to size.
1. Commercial purposes, in this section, shall be defined as the use of or occupation by people for a public purpose or economic gain which includes, but is not limited to retail sales, manufacturing, or service industry that otherwise impacts the normal volume of traffic in the residential area.

- B.** In other districts, a secondary building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building. Secondary buildings shall have no sleeping areas, bathroom plumbing (except for hand sinks) or kitchen facilities, shall not be accessible to the general public, and shall not be rented, leased or sublet. A permanent or portable carport is also considered a secondary building. The regulations detailed in [Article I, Section 8.D](#) and [Article I, Section 8.F](#) below shall govern buildings and structures secondary to the main building.
- C.** Accessory dwelling units in the Agriculture and Residential districts shall be allowed as an incidental residential use of a building on the same lot or tract as the main dwelling unit and used by the same person or persons of the immediate family when approved as a Specific Use Permit, and meet the following standards:
- 1.** The accessory dwelling unit must be constructed to the rear of the main dwelling. Each lot must have a minimum of one-half (1/2) acre upon which an accessory dwelling unit may be constructed.
  - 2.** The accessory dwelling unit may be constructed only with the issuance of a Building Permit.
  - 3.** The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
  - 4.** Setback requirements shall be the same as for the main structure.
- D.** No secondary building shall exceed twenty-five (25) feet in height, nor shall it be greater in height than the main structure.
- E.** Area Regulation for Secondary Buildings in Residential and Multi-Family Districts:
- 1.** Size of Yards:
    - a.** Front Yard: Secondary buildings are not allowed within the required front yard, with the exception of a garage or carport as outlined in subsection d below.
    - b.** Side Yard: There shall be a side yard not less than three (3) feet from any side lot line, alley line, or easement line; except that adjacent to a side street, the side yard shall never be less than fifteen (15) feet.
    - c.** Rear Yard: There shall be a rear yard not less than three (3) feet from any lot line, alley line, or easement line. Detached carports and garages or other secondary buildings, located within the rear portion of a lot as heretofore described, shall not be located nearer than three (3) feet to any side lot line. Attached carports and garages shall follow the same setback requirements as the main structure.

- d. Any garage or carport constructed in a residential or multi-family district shall be set back not less than twenty (20) feet from any street or alley line on which it faces.

**F. Maximum number and size of secondary buildings:**

1. Agricultural districts.
  - a. Secondary buildings shall not exceed 15% of the square footage of the lot.
2. Residential districts.
  - a. The number of secondary buildings shall be limited to two and the total square footage of all secondary buildings combined shall be limited to 3,000 square feet.
  - b. In no case shall the gross area of the lot covered exceed the limitations provided under the specific zoning districts.
3. Industrial districts.
  - a. The total square footage of all secondary buildings shall not exceed 30% of the square footage of the lot.
  - b. Warehouses in industrial districts are not considered secondary buildings.
4. Districts other than agricultural, industrial and residential.
  - a. The gross floor area of secondary buildings shall not exceed 30% of the square footage of the main building or 3,000 square feet whichever is greater.
  - b. In no case shall the total square footage of all secondary buildings exceed 6,000 square feet.
  - c. In no case shall the area of the lot covered exceed the limitations provided under the specific zoning districts.
  - d. The total square footage of all secondary buildings shall not exceed the square footage of the main building.
5. Churches regardless of the zoning district may have no more than two secondary buildings. The total gross floor area of all secondary buildings shall not exceed 30% of the square footage of the main building or 3000 square feet whichever is more.
6. Schools regardless of zoning district may utilize secondary buildings only as approved by the Planning and Zoning Commission and City Council.

## SECTION 9: Landscape Regulations

- A. Purpose.** It is the purpose of this section to establish certain regulations pertaining to landscaping within the City. These regulations provide standards and criteria for new landscaping and the retention of existing trees which are intended to:
1. Promote the value of property, enhance the welfare, and improve the physical appearance of the City;
  2. Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces within the urban environment; and
  3. Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare, and heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. Applicability.** The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new or altered (i.e., exceeding 50% of the original floor area) construction occurring within the City. Additionally, any use requiring a specific use permit (SUP) or a Planned Development – “PD” zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district.
- C. Minimum landscaping requirements within all single-family residential, two-family, manufactured housing, and residential office districts:**
1. For lots less than one (1) acre in size, solid sodded lawn for the entirety of the lot that is not otherwise covered by mulched planter beds, building(s) and/or driveway area(s). Lots greater than or equal to one (1) acre in size shall have solid sodded lawn for the entirety of the lot less the setback that is not otherwise covered by mulched planter beds, building(s) and/or driveway area(s).
  2. A minimum of one (1) large tree with a minimum caliper of three (3) inches measured at a height of six (6) inches above the ground shall be placed in the front of all residential lots.
  3. In addition to the requirements set forth in subsections (a) and (b), the following shall apply based on the lot size:
    - a. Lots less than 10,000 square feet:
      - i. One (1) ornamental tree with a minimum caliper of two (2) inches measured at a height of six inches above the ground to be placed

at the preference of the owner, builder or developer within the residential lot.

- ii. No less than ten (10) shrubs shall be placed in the front yard. Individual shrubs shall be a minimum of three (3) gallons in size when planted.
- b. Lots between 10,000 and 19,999 square feet:
  - i. One (1) large tree with a minimum caliper of three (3) inches and two (2) ornamental trees with a minimum caliper of two (2) inches measured at a height of six inches above the ground to be placed at the preference of the owner, builder or developer within the residential lot.
  - ii. No less than eighteen (18) shrubs shall be placed in the front yard. Individual shrubs shall be a minimum of three (3) gallons in size when planted.
- c. Lots 20,000 + square feet:
  - i. Two (2) large trees with a minimum caliper of three (3) inches and (3) ornamental trees with a minimum caliper of two (2) inches measured at a height of six inches above the ground to be placed at the preference of the owner, builder or developer within the residential lot.
  - ii. No less than twenty-five (25) shrubs shall be placed in the front yard. Individual shrubs shall be a minimum of three (3) gallons in size when planted.

**4. Location of trees:**

- a. No trees are to be planted within the parkway, the area between the back of curb and the right-of-way/property line.
- b. Trees are to be placed in a location which does not interfere with overhead and/or underground utility easements.
- c. Trees are to be spaced so that at mature growth their canopies do not interfere with one another.

**D. Minimum landscaping requirements for multi-family uses and townhomes:**

- 1. Landscape buffer. A landscape buffer that is generally a minimum of ten (10) feet in width but no less than 3 feet in width in congested areas shall be provided adjacent to all streets, and be exclusive of street rights-of-way or utility easements. The following landscaping shall be required within the buffer:
  - a. One (1) tree (three-inch caliper minimum) shall be planted every 50 linear feet or portion thereof of the landscape buffer. The number of required trees shall be calculated solely on the area within the perimeter of the required landscape buffer.

- b. Where parking spaces are located adjacent to the landscape buffer, evergreen shrubs, a minimum size of five (5) gallons must be planted to provide a solid three-foot tall opaque screen after two (2) years. The shrubs shall be of a species common or adaptable to this area of the state and not on the list of prohibited plants in an adopted city, county, or state list of prohibited or invasive species.
- c. Where the landscape buffer abuts a parking lot or drive aisle, continuous or intermittent curbs, wheel stops, or similar solid and semi-permeable barriers shall be installed.
- d. Permeable surfaces within the landscape buffer shall be comprised of grass, groundcover, planting beds, or mulched areas. Gravel, rock, bark mulch or other similar materials may only be used underneath the tree canopy and shrubs in a required landscape buffer. Where bark mulch is used as groundcover, it shall be contained with edging material and shall be maintained at a constant depth of four (4) inches.
- e. Where the location of existing overhead utility lines conflict with the tree planting requirements within the landscape buffer, the developer may choose from two options:
  - i. Installation of ornamental trees instead of shade trees, at a rate of three (3) trees per five hundred (500) square feet of landscape buffer; or
  - ii. Planting the required shade trees in tree islands located within the first tier of parking spaces.
- f. Where easements containing underground utilities conflict with tree planting requirements within the required landscape buffer, the trees shall be planted outside the utility easement on the property owner's side and adjacent to the required landscape buffer.

**2. Parking area landscaping.**

- a. Twenty (20) square feet of landscaping shall be required for each parking space provided.
- b. One (1) tree (three-inch caliper minimum) shall be required for every twelve (12) parking spaces provided.
- c. All landscaped areas within a parking lot shall be protected by a raised six-inch concrete curb.

**3. Bufferyards.** Multi-family uses shall buffer when adjacent to single-family or attached housing uses. A landscape buffer that is generally a minimum ten (10) feet in width but no less than three (3) feet in width in congested areas shall be provided and shall contain at a minimum the following elements:



- a. One (1) tree (three-inch caliper minimum) shall be planted every 50 linear feet or portion thereof of the bufferyard.
- b. Permeable surfaces within the bufferyard shall be comprised of grass, groundcover, planting beds, or mulched areas. Gravel, rock, bark mulch or other similar materials may only be used underneath the tree canopy and shrubs in a required bufferyard. Where bark mulch is used as groundcover, it shall be contained with edging material and shall be maintained at a constant depth of four (4) inches.
- c. Any required fencing and screening walls shall be placed behind the required bufferyard.

#### **E. Minimum landscaping requirements for nonresidential uses**

##### **1. B-1 and B-2 Business Districts.**

- a. Landscape Area. Landscaping of twenty (20) percent of the total lot area shall be required. Not less than forty (40) percent of the total required on-site landscaping shall be located in the designated front yard.
- b. Perimeter screening. Any parking lot or portion thereof that is visible from the public right-of-way and contains fifteen (15) parking spaces or more shall provide perimeter screening. The perimeter of each parking lot, excluding driveways, which fronts upon or is adjacent to a public street other than a public alley shall be provided with shrub screening with a minimum mature height of thirty-six (36) inches and installation height of eighteen (18) inches or greater, and spaced no more than twenty-four (24) inches apart, edge to edge. Such perimeter screening shall be counted toward meeting the minimum square footage of required landscaping for the site.
- c. Interior landscaping of parking lot. Any parking lot or portion thereof which is constructed and contains thirty-six (36) parking spaces or more shall provide permanently landscaped areas consisting of planter islands. Such interior landscaping shall be counted toward meeting the minimum square footage of required landscaping for the site.
  - i. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall contain at least one (1) tree with a minimum caliper of three (3) inches. The remainder shall be landscaped with shrubs, lawn, ground cover and other appropriate material not to exceed three (3) feet in height. Such island shall be a minimum of eight (8) feet wide, and shall extend the length of the adjacent parking space.



- ii. Landscaping located within a planter island shall be delineated from the surrounding paved area by a curb or barrier, constructed of masonry or concrete, of not less than six (6) inches in height around the perimeter of the island.
  - iii. Planter islands shall not be required when parking spaces are located behind a building and are screened from view of the street.
  - iv. For large existing trees located in the parking area, which are being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
  - v. Landscaping within a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 36 inches in height and seven feet in height. No shrubs shall be allowed to exceed 36 inches in height. Tree canopies shall be at least seven feet in height.
  - vi. Alternative location of planter islands within a parking lot shall be given consideration by the City Manager or his/her designee on a case-by-case basis.
  - vii. For parking lots containing less than thirty-six (36) spaces, credit for two (2) parking spaces may be provided for each planter island of at least ten (10) feet by twenty (20) feet. Credit for parking spaces cannot reduce the overall parking requirement by more than ten (10) percent or to less than ten (10) total spaces.
- d. Bufferyards. Commercial uses shall buffer when adjacent to single-family, attached housing, multi-family, and lesser commercial uses. A landscape buffer that is generally a minimum of ten (10) feet in width but no less than 3 feet in width in congested areas shall be provided and shall contain at a minimum the following elements:
- i. One (1) tree (three-inch caliper minimum) shall be planted every 50 linear feet or portion thereof of the bufferyard.
  - ii. Permeable surfaces within the bufferyard shall be comprised of grass, groundcover, planting beds, or mulched areas. Gravel, rock, bark mulch or other similar materials may only be used underneath the tree canopy and shrubs in a required bufferyard. Where bark mulch is used as groundcover, it shall be contained with edging material and shall be maintained at a constant depth of four (4) inches.
  - iii. Any required fencing and screening walls shall be placed behind the required bufferyard.

- iv. Such landscape buffer shall be counted toward meeting the minimum square footage of required landscaping for the site.
- e. UMU Urban Mixed-Use District is exempt from the requirements of this ordinance.

**2. I-Industrial District.**

- a. Landscape Area. Landscaping of twenty (20) percent of the total lot area shall be required. For sites larger than 50 acres, the landscaping requirement shall be reduced to ten (10) percent. Not less than forty (40) percent of the total required on-site landscaping shall be located in the designated front yard.
- b. Perimeter screening. Any parking lot or portion thereof that is visible from the public right-of-way shall provide perimeter screening. The perimeter of each parking lot, excluding driveways, which fronts upon or is adjacent to a public street other than a public alley shall be provided with shrub screening with a minimum mature height of thirty-six (36) inches and installation height of eighteen (18) inches or greater, and spaced no more than twenty-four (24) inches apart, edge to edge. Such perimeter screening shall be counted toward meeting the minimum square footage of required landscaping for the site. Perimeter landscape areas shall contain at least one (1) tree (three-inch caliper minimum) for each 50 lineal feet or fraction thereof of perimeter area.
- c. Interior landscaping of parking lot. A minimum of 10% of the gross parking area shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway paving and sidewalks. Such interior landscaping shall be counted toward meeting the minimum square footage of required landscaping for the site. The following additional criteria shall apply to the interior of parking lots:
  - i. Planter islands must be located no further apart than every eighteen (18) parking spaces and at the terminus of all rows of parking. Such islands shall contain at least one (1) tree with a minimum caliper of three (3) inches. The remaining permeable space shall not exceed three (3) feet in height and shall be grass, shrubs, groundcover, or a combination of these materials. Gravel, bark mulch, decomposed granite or other similar materials shall only be used under tree canopy and shrubs. Such island shall be a minimum of eight (8) feet wide, and shall extend the length of the adjacent parking space.

- ii. Landscaping located within a planter island shall be delineated from the surrounding paved area by a curb or barrier, constructed of masonry or concrete, of not less than six (6) inches in height around the perimeter of the island.
  - iii. Planter islands shall not be required when parking spaces are located behind a building and are screened from view of the street.
  - iv. For large existing trees located in the parking area, which are being retained and incorporated into the landscaping plan, an appropriate aeration system or an alternative method of protecting the tree must be provided and detailed in the landscape plan.
  - v. Landscaping within a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between 36 inches in height and seven feet in height. No shrubs shall be allowed to exceed 36 inches in height. Tree canopies shall be at least seven feet in height.
  - vi. Alternative location of planter islands within a parking lot shall be given consideration by the City Manager or his/her designee on a case-by-case basis.
- d. Bufferyards. Industrial uses shall buffer when adjacent to a different use. A landscape buffer that is generally a minimum of fifteen (15) feet in width but no less than 3 feet in width in congested areas shall be provided and shall contain at a minimum the following elements:
  - i. One (1) tree (three-inch caliper minimum) shall be planted every 50 linear feet or portion thereof of the bufferyard.
  - ii. The remainder bufferyard shall be landscaped with shrubs, lawn, ground cover and other landscape materials.
  - iii. Any required fencing and screening walls shall be placed behind the required bufferyard.
  - iv. Such landscape buffer shall be counted toward meeting the minimum square footage of required landscaping for the site.
  - v. If such bufferyard is already in place, no additional buffer shall be required.
- e. Outdoor storage screening.
  - i. Any outdoor storage area, or portion thereof, must be screened from public rights-of-way using live evergreen screening plants, six (6) feet in height at installation, spaced no more than eighteen (18) inches apart, edge to edge.

- ii. A fence or wall may also be used for outdoor storage area screening, provided it is at least six (6) feet tall, opaque, and of masonry, stone, or wooden material. Dumpster enclosure openings may not face public rights-of-way.

**F. Xeriscaping Planting Techniques.** The City recognizes that it is desirable to accommodate xeriscape practices as a method of landscaping that promotes water conservation. If xeriscaping planting techniques are to be used, the xeriscaped area, methodology and plant selection shall be clearly located and detailed on the site plan.

**G. Landscape Plan Required.**

1. Landscape plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.). A landscape plan meeting the requirements of this ordinance shall be provided and approved prior to the issuance of a building permit. No landscape plan is required for residential construction subject to the landscaping requirements set forth in [Article I, Section 9.C](#), unless xeriscaping planting techniques are to be implemented.
2. The landscape plan shall contain the following information:
  - a. Drawn to scale;
  - b. Location of all trees to be preserved. The method of preservation during the construction phase of development shall be approved by the City Manager or his/her designee;
  - c. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
  - d. Species of all plant material to be used;
  - e. Size of all plant material to be used;
  - f. Spacing of plant material where appropriate;
  - g. Layout and description of irrigation, sprinkler or water system, including placement of water sources;
  - h. Description of maintenance provisions of the landscape plan;
  - i. Persons responsible for the preparation of the landscape plan;
  - j. North arrow/symbol, and a small map showing where the property is located;
  - k. Date of the landscape plan.

## H. Installation and Maintenance.

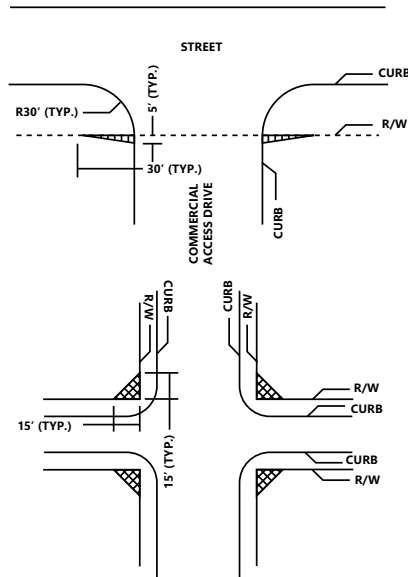
1. The owner, tenant and/or their agent, if any, shall be responsible for the maintenance of all landscaping.
2. All required landscaped areas shall be equipped with, and 100% covered by, an automatic, underground irrigation system with freeze and moisture sensors to prevent watering during periods of time with rain or when temperatures are at or below 32°F. A registered landscape architect licensed to practice within the State of Texas shall design the irrigation system. If appropriate and attractive xeriscape planting techniques are utilized (these techniques are encouraged by the City, if designed and maintained appropriately), the requirement for an underground irrigation system may be waived if an alternative irrigation system/device is approved at the time of landscape plan approval.

Exemption: single-family, two-family and manufactured home lots and developments shall be exempt from the above irrigation system requirements.

3. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
4. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, replacing, etc.
5. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements.
6. Plant materials which die shall be replaced with plant material of similar variety and size within 90 days, with a one-time extension not exceeding 90 days being provided upon approval of the City Manager or his/her designee.
7. All plants used to satisfy this section shall be of a species common or adaptable to this area of the state and shall not be included on the list of prohibited plants in an adopted city, county, or state list of prohibited or invasive species.

**I. Visibility.** Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more streets or driveways occur, a triangular visibility area, as described below, shall be created. Landscaping within the triangular area shall be designed to provide unobstructed cross-visibility at a level between two and seven feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas shall comply with the sight triangle

illustrations below. In the event that visibility obstructions are apparent in the proposed landscape plan, as determined by the Director of Development Services or his/her designee, the requirements set forth herein may be reduced to the extent to remove the conflict.



NOTE: THESE ARE MINIMUM DIMENSIONS. INCREASED SIGHT DISTANCES AND/OR CORNER CUPS MAY BE REQUIRED, BASED UPON ACTUAL FIELD CONDITIONS.

## J. Permits and Certificate of Occupancy.

1. No building permits shall be issued until a landscape plan is submitted and approved by the Director of Development Services or his/her designee, along with the site plan and engineering/construction plans. No landscape plan is required for residential construction subject to the landscaping requirements set forth in [Article I, Section 9.C](#), unless xeriscaping planting techniques are to be implemented.
2. Prior to the issuance of the certificate of occupancy for any building or structure, all screening and landscaping shall be placed in accordance with the landscape plan. In any case in which a certificate of occupancy is sought at a season of the year in which the Director of Development Services or his/her designee determines that it would be impractical to establish landscaping, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur.

**K. Nonconforming Uses and/or Structures.** All uses that were in existence at the time of the adoption of this ordinance, which do not meet the landscape requirements, will be considered legal nonconforming. These nonconforming uses/structures will be subject to compliance at the time of circumstances specified in [Article III, Section 20.D](#) of this ordinance.

## SECTION 10: Platting Property Not Permanently Zoned

- A.** The Planning and Zoning Commission shall not approve any plat of any subdivision within the City limits until the area covered by the proposed plat have been permanently zoned by the City Council.
- B.** The Planning and Zoning Commission shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City is pending before the City Council, unless and until such annexation has been approved by resolution by the City Council.
- C.** In the event the Planning and Zoning Commission holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The Commission may make a recommendation on both matters to the City Council and the City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

## SECTION 11: Creation of a Building Site

- A.** No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:
  - 1.** The lot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission, and filed in the Plat Records of Denton County, Texas.
  - 2.** The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the City, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned parcel without first complying with Paragraph 1 preceding.
  - 3.** The plot or tract is all or part of a site plan officially approved by the Planning and Zoning Commission and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tracts or lots must meet all applicable street access requirements in accordance with the City's subdivision ordinance.



## SECTION 12: Rules of Construction

### A. General Rules of Construction

The following rules of construction shall apply to the interpretation of words used in this ordinance:

1. words used in the present tense include the future tense;
2. words used in the singular number include the plural number;
3. words in the plural number include the singular number;
4. the words “building” and “structure” are synonymous;
5. the words “lot,” “plot” and “tract” are synonymous; and
6. the word “shall” is mandatory and not discretionary.

## SECTION 13: Building Permits and Certificates of Occupancy

**A. General Requirements.** No permanent structure may be constructed or otherwise located within the City limits prior to issuance of a building permit by the Development Services Department. No permanent structure constructed or otherwise located within the City limits may be occupied prior to issuance of a certificate of occupancy by the building inspector. No change in the existing conforming use of a permanent structure or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a certificate of occupancy by the Director of Development Services or his/her designee.

**B. Procedure for New or Altered Building.** Plans for any permanent structure to be constructed or otherwise located within the City limits must be approved by the Development Services Department who, upon approval, shall issue a building permit. A complete application for a building permit shall contain details of foundation and structure sufficient to determine compliance with applicable provisions of the applicable International Building Code. Upon submission of a complete application, the building inspector shall issue a building permit. After issuance of a building permit and prior to issuance of a certificate of occupancy, the building inspector shall conduct a foundation, plumbing, electrical and framing inspection. After all such relevant inspections, the building inspector shall issue a certificate of occupancy if the plans and the results of the inspection comply with the provisions of all applicable ordinances and regulations.

**C. Procedure for Vacant Land or a Change in Use.** Written application for a Certificate of Occupancy for the use of vacant land, a change in the use of land



or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Director of Development Services or his/her designee. If the proposed use is found to be in conformity with the provisions of this ordinance, the Certificate of Occupancy shall be issued within ten (10) days after the application for same has been made and all required inspections are completed and approved by the Director of Development Services or his/her designee.

- D. Contents of Certificate of Occupancy.** Every Certificate of Occupancy shall contain a statement that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all Certificates of Occupancy shall be kept on file in the office of the building inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- E. Posting of Certificate of Occupancy.** The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Director of Development Services or his/her designee.
- F. Temporary Certificate.** Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the building inspector for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Issuance of a temporary certificate shall not be construed to alter the respective rights, duties, or obligations of the owner or of the City relating to the use occupancy of the premises or any other matter covered by this ordinance.
- G. Certificates for Nonconforming Uses.** A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this ordinance. Application for such certificate of occupancy for a nonconforming use shall be filed with the building inspector by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the Director of Development Services or his/her designee to issue a certificate of occupancy for a lawful nonconforming use, but failure to apply for such certificate of occupancy for a nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this ordinance.
- H. Revocation of Certificate of Occupancy.** The Director of Development Services or his/her designee may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this ordinance whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this ordinance or the building code and other codes adopted by the City, and any amendments thereto.

## SECTION 14: Changes and Amendments

- A. Declaration of Policy.** The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:
1. To correct any error in the regulations or map.
  2. To recognize changed or changing conditions or circumstances in a particular locality.
  3. To recognize changes in technology, style of living, or manner of doing business.
- B. Authority to Amend Ordinance.** The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning commission, or may be requested by the owner of affected real property or the authorized representative of an owner of affected real property.
- C. Public Hearing.** Prior to making a report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on each application.
- D. Notice Requirements.**
1. Publication. Notice of all City Council public hearings regarding a zoning classification, zoning district boundary, or zoning regulation, shall be published in the City's designated official newspaper at least sixteen (16) days prior to the date of the City Council public hearing.
  2. Mail. Notice of public hearings must be provided by mail in accordance with the following:
    - a. Classification. For any change to a property's zoning classification, notice of the Planning and Zoning Commission public hearing must be sent to all owners of real property within two hundred (200) feet of the subject property at least eleven (11) days before the public hearing.
    - b. Residential. For any change in a zoning classification pertaining to property that is, or will be, subject to residential or multifamily zoning, notice of the Planning and Zoning Commission public hearing must be sent to each school district in which the property is located at least eleven (11) days before the public hearing.

- c. Nonconforming Use; Notice of Planning and Zoning and City Council. For any proposed adoption of or change to a zoning regulation or boundary that would render a current conforming use of property nonconforming if adopted or changed, and the City has actual knowledge of such nonconformity, notice of the Planning and Zoning Commission public hearing and the City Council public hearing must be sent to each owner of real or business personal property where the proposed nonconforming use is located and to each occupant of such property at least ten (10) days before the Planning and Zoning Commission public hearing date. In addition to any other requirement, notice under this paragraph must include the following:
  - i. Date, time, and location of the Planning and Zoning Commission public hearing and the City Council public hearing.
  - ii. The following text in bold, 14-point type or larger:  

“THE CITY OF SANGER IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY.”

An owner or occupant of real property in the City that desires to receive the notice required under this subsection for future proposed adoptions of or changes to zoning regulations or boundaries may register their use of the property with the City using a form provided by the City. Any applicant for a proposed adoption of or change to a zoning regulation or boundary must include in the application a list of existing uses and owners and occupants in the area affected by such proposed adoption of or change to a regulation or boundary and identify any such uses that will be rendered nonconforming by the proposed adoption of or change to a zoning regulation or boundary.
- d. Ownership of property, whether real property or business personal property, and the address of the owner of such property is determined by the most recently approved municipal tax roll. Notice sent to the address of the property as indicated by the appraisal district at the time such notice is sent constitutes notice to the occupant of such property.
- e. Notice by mail is sent on the date deposited with the United States mail, properly addressed, and postage prepaid.

**E. Specific Use Permits.** A Specific Use Permit is considered a change to a property's zoning classification and the notice provisions pertaining to zoning classifications apply to hearings regarding a Specific Use Permit.

**F. Commission Consideration and Report.** The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
5. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
6. Any other factors which will substantially affect the public health, safety, morals or general welfare.

**G. Council Consideration.**

1. Proposal Recommended for Approval: When the Planning and Zoning Commission determines that a proposal should be approved, the Commission shall forward the proposal and recommendation for approval to the Council for a public hearing thereon. No ordinance change shall become effective until after the adoption of the ordinance and its publication as required by law.
2. Proposal Recommended for Denial: When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the Council and notify the applicant. When a proposed zoning request is heard by the City Council that has been denied by the Planning and Zoning Commission, a three-fourths (3/4) majority vote by the City Council shall be required for approval. A request which has been denied by the Planning and Zoning Commission and/or City Council may be

resubmitted at any time for reconsideration by the City (a new filing fee must accompany the request). The Planning and Zoning Commission and/or City Council may specifically deny any request with prejudice. If a request has been specifically denied with prejudice, the request may not be resubmitted to the City for one (1) year from the original date of denial.

3. Council Hearing and Notice: Required notice of City Council hearing shall be given by publication in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.
  - a. Joint Hearings. The City Council and the Planning and Zoning Commission may hold a joint public hearing on any proposed amendment, supplement, or change by ordinance to the boundaries of the districts or regulations herein. The joint public hearing shall be conducted in accordance with the rules of procedure adopted by the City Council. Both the City Council and the Planning and Zoning Commission shall have the opportunity to hear public testimony and ask questions.
4. Three-Fourths Vote. If written protest of such proposed amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged in accordance with [Section 211.006\(d\)](#) of the Texas Local Government Code, as amended, by the owners of twenty (20) percent or more of either the area of the lots included in such proposed change or those immediately adjacent to and extending two hundred (200) feet therefrom, such amendment shall not become effective except by a three-fourths vote of the members of the City Council of the City of Sanger.

**H. Final Approval and Ordinance Adoption.** Upon approval of the zoning request by the City Council, the amending ordinance with the metes and bounds description shall then be presented to the City Council for consideration and adoption. The City Council may, at its discretion, recall the request and schedule a new public hearing if not approved within six (6) months.

**I. Chapter 211 Controls.** To the extent of any conflict between Chapter 211 of the Texas Local Government Code and this section, Chapter 211 of the Texas Local Government Code controls.

## SECTION 15: Preserving Rights in Pending Litigation

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was amended in its entirety by this Ordinance,

shall be discharged or affected by such repeal; but prosecution and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending may be proceeded with in all respects as if such prior ordinance had not been amended.

## **SECTION 16: Penalty for Violations**

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined the sum of two hundred dollars (\$200) per day; and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

## **SECTION 17: Validity, Severance, and Conflict**

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. It is intended that this ordinance entirely replaces and supersedes all provisions of the existing zoning ordinance, Ordinance No. 1964-2 of the City of Sanger, Texas, as amended. To the extent any provision of this ordinance conflicts with other ordinances of the City of Sanger the terms of this ordinance shall control.

## ARTICLE II.

# PUBLIC BOARDS AND COMMISSIONS

## SECTION 1: Planning and Zoning Commission

- A. Establishment.** The Planning and Zoning Commission of the City of Sanger (hereinafter the Commission), established May 3, 1976, by Ordinance No. 76-4, City of Sanger, Texas, is hereby continued in existence.
- B. Membership.** The Commission shall consist of seven (7) members who shall be resident citizens and qualified voters of the City.
1. Appointment and Term. Members are appointed by the mayor, subject to confirmation by the City Council, for staggered terms of two (2) years respectfully, with terms starting on July 1 of the year of appointment. Each member may be reappointed to serve no more than three (3) successive terms of office for a total of six (6) years, subject to approval by the City Council. Members shall be identified by place numbers one (1) through seven (7). Even-numbered places shall expire in even-numbered years; odd-numbered places shall expire in odd-numbered years. Newly appointed members shall be installed at the first regular Commission meeting after being appointed.
  2. Vacancies. In case of death, resignation, disqualification, removal, or otherwise, vacancies shall be filled for the unexpired term by appointment of the mayor subject to confirmation by the City Council. All expired terms shall be filled in the same manner as the original appointments.
  3. Alternates. The City Council may appoint four (4) alternate members of the Commission to serve in the absence of one or more regular members when requested to do so by the Director of Development Services. Alternate member terms and vacancies shall be filled and alternate member removals shall be made in the same manner as regular members.
  4. Removal. Members of the Commission may be removed by the mayor, subject to consent of the City Council. Prior to such action, good cause, demonstrated in writing, shall be provided to the member in question.
  5. Compensation. Members of the Commission shall serve without compensation.



6. Chair and Vice-Chair. The Commission shall elect a chairman and a vice-chairman from its membership. The chairman shall call and preside over all meetings of the Commission, and the vice-chairman shall perform all duties of the chairman in his or her absence.
  - a. The Chair and Vice-Chair serve a term of two (2) years or until his or her successor is elected.
- C. **Bylaws.** The Commission shall have the power to make rules, regulations and bylaws for its own government, which rules shall conform as nearly as possible to the rules governing the City Council; provided, however, that such rules shall be subject to approval by the City Council. Such bylaws shall include, without limitation, provisions for the following:
  1. Election, term of office, duties and removal of officers of the Commission;
  2. Method of calling and conducting regular and special meetings all of which shall be open to the public;
  3. Keeping records of its proceedings, all of which shall be open to the public; and
  4. Reporting to the City Council and the public of its recommendations and activities.
- D. **Technical Support.** The Commission shall further have the authority to employ such qualified persons as may be necessary for the proper conduct of its undertakings, and to pay for the services of such persons and other necessary expenses; provided, however, that the cost of such services and expenses shall not exceed the amount appropriated by the City Council for the use of the Commission.
- E. **Powers and Duties.** The Commission shall have the power and the duty to make and recommend for adoption a master plan, as a whole or in parts, for the future development and redevelopment of the City and all land under its control, and it shall further be its duty to prepare a comprehensive plan and ordinance for zoning the City in accordance with the law. The Commission shall further perform such other duties as may be prescribed by state law.

## SECTION 2: Zoning Board of Adjustment

- A. **Establishment.** A Board of Adjustment (hereinafter the Board) is hereby established in accordance with the provisions of Section 211.008 of the Texas Local Government Code, regarding the zoning of cities and with the powers and duties as provided in said statutes.
- B. **Membership.** The Board shall consist of seven (7) members who shall be resident citizens and qualified voters of the City.



1. Appointment and Term. Members are appointed or reappointed by the City Council for staggered terms of two (2) years respectfully, with terms starting on July 1 on the year of appointment. Members shall be identified by place numbers one (1) through seven (7). Even-numbered places shall expire in even-numbered years; odd-numbered places shall expire in odd-numbered years. Newly appointed members shall be installed at the first regular Board meeting after being appointed.
2. Vacancies. In case of death, resignation, disqualification, removal, or otherwise, vacancies shall be filled for the unexpired term by appointment of the City Council. All expired terms shall be filled in the same manner as the original appointments.
3. Alternates. The City Council may appoint four (4) alternate members of the Board to serve in the absence of one or more regular members when requested to do so by the Director of Development services. Alternate members of the Board shall be identified by place numbers one (1) through four (4) and terms shall expire and any vacancies shall be filled and alternate members removed in the same manner as regular members.
4. Removal. Members of the Board may be removed by the City Council. Prior to such action, good cause, demonstrated in writing, shall be provided to the member in question, and a public hearing of the City Council shall be held.
5. Compensation. Members of the Board shall serve without compensation.
6. Chair and Vice-Chair. The Board shall elect a chairman and a vice-chairman from its membership. The chairman shall call and preside over all meetings of the Board, and the vice-chairman shall perform all duties of the chairman in his or her absence.
  - a. The Chair and Vice-Chair shall serve a term of two (2) years or until his or her successor is elected.

**C. Rules and Regulations.** The Board shall adopt rules and regulations and keep minutes of its proceedings, showing the vote of each member. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance and shall furnish a copy of the same to the building inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

All proceedings of the Board shall be a public record, and all meetings shall be open to the public, except as specified by state law.

**D. Meetings.** Meetings of the Board shall be held at the call of the chairman, upon written petition of three (3) regular members of the Board; and at such other times as called to take action on variance applications. The chairman or acting

chairman may administer oaths and compel the attendance of witnesses. All meetings, hearings or proceedings shall be heard by at least six (6) members or alternate members of the Board.

#### **E. Appeals.**

1. Procedure. Any person aggrieved, or any officer, department, board, or bureau of the City, may appeal to the Board of Adjustment. Such appeal shall be submitted in writing and shall specify the grounds for the appeal thereof. The office or department from which the appeal is taken shall promptly transmit all minutes constituting the record upon which the action appealed from was taken to the Board of Adjustment.
2. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.
3. Notice of Hearing on per. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
4. Decision by Board. The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decisions or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer or department from whom the appeal is taken.
5. Vote Necessary to Revise Order. The concurring vote of four (4) members of the board shall be necessary to revise any order, requirement, decision or determination of any such administrative official or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said ordinance.

#### **F. Powers and Duties of Board.**

1. Subpoena Witnesses, Etc. The Board shall have the power to subpoena witnesses, administer oaths and punish for contempt, and may require the production of documents, under such regulations as it may establish.

2. Appeals Based on Error. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance. Except as otherwise provided herein, the Board shall have, in addition, the following specific powers:
  - a. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.
  - b. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
  - c. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
  - d. To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.
  - e. To waive or reduce the parking and loading requirements in any of the districts, when (i) the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The Board shall not waive or reduce such requirements merely to the purpose of granting an advantage or a convenience.
3. Variances. An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a concept plan, detail site plan or development plan, preliminary plat or final plat required by this ordinance has not been finally acted upon by the Planning and Zoning Commission. If the site plan or plat application is dependent on the granting of a variance by the Board, the application may only be approved on condition that the variance is granted. All administrative procedures and requirements of this ordinance, regarding Planning and Zoning Commission consideration and action, applicable to concept plans, detail site plans, preliminary plats and final plats must be exhausted prior to requesting a variance from the terms of this ordinance.

- a. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship as determined by the criteria identified in Section 211.009 of the Texas Local Government Code, and so that the spirit of this ordinance shall be observed and substantial justice done. In executing its power to grant such variances, the Board may:
  - i. Permit a variance in the requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare; and
  - ii. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the standards or regulations established by this ordinance and at the same time, the surrounding property will be properly protected.
- b. A written application for Variance shall be submitted together with the fee as required by the fee schedule found in [Appendix A](#) of this Code.
- c. Accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating: (i), (ii), (iii), (iv), and (v).
  - i. that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - ii. that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - iii. that the special conditions and circumstances do not result from the actions of the applicant;
  - iv. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and

- v. no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- 4. Changes. The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

### SECTION 3: Historic Preservation Commission

**A. Establishment.** There is hereby created a Historic Preservation Commission for historic districts and landmarks, hereinafter called the Commission.

**B. Membership.** The Commission shall consist of seven (7) members.

1. Appointment and Term. Members are appointed by the City Council for staggered terms of two (2) years respectfully, with terms starting on July 1 of the year of appointment. Each member may be reappointed to successive terms of office, subject to approval by the City Council. Members shall be identified by place numbers one (1) through seven (7). Initial members shall draw for four (4) one-year terms and three (3) two-year terms. Even-numbered places shall expire in even-numbered years; odd-numbered places shall expire in odd-numbered years. Newly appointed members shall be installed at the first regular Commission meeting after being appointed.
2. Qualifications. To the extent possible, the City Council shall appoint members to the Commission who have background in architecture, urban design, history, or other related professions. At least one (1) member shall be the owner of a property eligible for historic landmark designation or within a historic district.
3. Vacancies. In case of death, resignation, disqualification, removal, or otherwise, vacancies shall be filled for the unexpired term by appointment of the City Council. All expired terms shall be filled in the same manner as the original appointments.
4. Removal. Members of the Commission may be removed by the City Council for continued absence from regular meetings of the Commission.
5. Chair and Vice-Chair of the Commission. The Chair and Vice-Chair of the Commission shall be elected by a majority of the members of the Commission for a term of one (1) year after new appointments to the Commission are made each July. The chairman shall call and preside over all meetings of the Commission, and the vice-chairman shall perform all duties of the chairman in his or her absence.

**C. Functions of Commission.** The Historic Preservation Commission shall thoroughly familiarize itself with buildings, structures, sites, districts, areas and lands within the City which may be eligible for designation as historic landmarks. The Commission shall act in an advisory capacity on all historic matters that come before the City. It shall be the function of the Commission to advise the Building Official concerning all applications for permits in the historic districts and historic landmarks.

**1. Additional Duties.**

- a.** The Commission shall make an annual report to the City Council on the state of historic preservation in the City and shall include in the report a summary of its activities for the past year and a proposed program for the next year.
- b.** The Commission shall have the further responsibility of recommending to the City Council and Planning and Zoning Commission, the adoption of policies, the sources of funds, and designation of districts and landmarks that may further the City's preservation effort.
- c.** The Commission shall provide recommendations to the Planning and Zoning Commission and City Council concerning the establishment of City policies, approvals of projects, designations of additional historic districts, changes in historic district boundaries, designations of historic landmarks and any other project or efforts which might affect a designated historic landmark or historic district.
- d.** The Commission shall, with staff advice and support, determine a suitable emblem for marking buildings, structures, and sites within historic districts and for designated landmarks, both public and private. This emblem shall be submitted for approval to the Texas Historical Commission and then recommended for approval to the City Council, along with a list of locations and sites and estimates as to cost, for approval by the City Council.

**D. Meetings.** The Commission shall meet at regular intervals with advance notice posted according to the Texas Open Meeting Law. Additionally, meetings may be called upon request of the Chairman, or upon written request of three (3) members, or upon notice from the City Secretary that a matter requires the consideration of the Commission. Upon the filing of an application for a building permit in a historic district, or historic landmark, the Commission shall hold a hearing within fourteen (14) days after the date of filing of such application. The Commission shall take final action on the application within thirty (30) days of the filing of said application. If action thereon is not taken within thirty (30) days after the date of filing of such application, it shall be deemed to have been recommended for approval and a certificate showing the filing date and the

failure to take action on the application within thirty (30) days shall be issued by the Commission on demand. The applicant may withdraw the application before the thirty (30) day period expires and may resubmit it at a later time if additional time is required for the preparation of information or for research required by the Commission.

**E. Majority and Voting Requirements.** A majority of the members shall be 5 to constitute a quorum, and action taken at a meeting shall require the affirmative vote of a majority of the appointive members in attendance.

**F. Criteria to be used by Commission in determining its recommendation for Designation.** The City Council may from time to time designate certain places in the City as historic landmarks. The City Council may designate buildings, structures, sites, districts, areas and lands in the City as historic landmarks and define, amend and delineate the boundaries thereof. The suffix "H" shall indicate the zoning designation of those buildings, structures, sites, districts, areas and lands which the City Council designates as historic landmarks. Such designation shall be in addition to any other use designation established in this chapter. The zoning map shall reflect the designation of an historic landmark by the letter "H" as a suffix to any other use designation established by this chapter.

1. Designation. In designating historic landmarks, the City Council shall follow these procedures with recommendation by the Historic Preservation Commission and Planning and Zoning Commission. All designations must meet all requirements under Section 211.0165 of the Texas Local Government Code, as amended from time to time, or subsequent Texas statute replacing Section 211.0165 of the Texas Local Government Code. In making the designations, the City Council shall consider but shall not be limited to one (1) or more of the following criteria:
  - a. Character, interest or value as part of the development, heritage or cultural characteristics of the City, state or the United States;
  - b. Recognition as a recorded state historic landmark, a national historic landmark or entered into the National Register of Historic Places;
  - c. Embodiment of distinguishing characteristics of an architectural type or specimen;
  - d. Identification as the work of an architect or master builder whose individual work has influenced the development of the City;
  - e. Embodiment of elements of architectural design, detail, material or craftsmanship which represent a significant architectural innovation;
  - f. Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on architectural, historic or cultural motif;



- g. Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style;
  - h. Archeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest;
  - i. Exemplification of the cultural, economic, social, ethnic or historical heritage of the City, state, or United States;
  - j. Location as the site of a significant historic event;
  - k. Identification with a person who significantly contributed to the culture and development of the City, state or United States;
  - l. A building or structure that because of its location has become of value to a neighborhood, community area or the City;
  - m. Value as an aspect of community sentiment or public pride.
2. Signature Requirements for Property Owner-Initiated Designations. Application for designation of a historic landmark shall require the signatures of all owners of the property, or their authorized agents.
3. Property Owner Consent Requirements for City-Initiated Designations. The Historic Preservation Commission or Planning and Zoning Commission may recommend to the City Council an application be submitted to designate any property, structure, site, or district within the incorporated limits of the City of Sanger as a historic landmark designation. The City Council may, on its own motion, direct City staff to initiate designation proceedings. Upon approval of such motion, the Building Officer shall prepare a historic landmark designation petition on behalf of the City of Sanger.
- a. Pursuant to Section 211.0165 of the Texas Local Government Code, City-initiated designation of a historic landmark shall require:
    - i. Written consent of all property owners within the boundaries of the proposed designation, which may be withdrawn at any time in the process; or
    - ii. A three-fourths vote of approval by the Historic Preservation Commission, a review by the Planning and Zoning Commission, and a three-fourths vote of approval by the City Council.
4. Historic Landmark Designation Impact Statement. At least fifteen (15) calendar days prior to the public hearing of the Historic Preservation Commission for designation of a historic landmark, City staff shall provide the property owner(s) with a Historic Landmark Designation Impact Statement that includes:



- a. Regulations that are authorized to be applied to the historic landmark after the designation;
- b. Procedures for the designation;
- c. Tax benefits that are authorized to be applied to the historic landmark after the designation, if any; and
- d. Rehabilitation or repair programs offered by the City of Sanger for a historic landmark, if any.

5. Review and Recommendation by the Historic Preservation Commission.  
Upon staff's acceptance or completion of an application, the Building Officer shall schedule a public hearing at the next practicable Historic Preservation Commission meeting. At least ten (10) calendar days prior to the Historic Preservation Commission meeting, a written courtesy notice of the public hearing shall be sent to all owners of real property within five hundred (500) feet of the property or properties on which the designation is proposed. The Historic Preservation Commission shall make a recommendation to the Planning and Zoning Commission as to whether or not the property, district, or site is eligible for historic landmark designation according to the criteria in subsection D.1 of this section and the merits of the application.
6. Review and Recommendation by the Planning and Zoning Commission.  
Upon receiving a recommendation by the Historic Preservation Commission, the matter shall be scheduled by City staff for a public hearing before the Planning and Zoning Commission. The matter shall proceed in the same manner as that required to amend, repeal, or alter the zoning on a tract or parcel of land under [Article III, Section 18](#) as it relates to specific uses. The Planning and Zoning Commission will consider the criteria for designation specified in the Zoning Ordinance.
7. Decision by the City Council. The matter shall proceed in the same manner and in the same instances as that required to amend, repeal, or alter the zoning on a tract or parcel of land as specified in this article, except for the procedural requirements in subsection F.3 of this section. After all notice requirements of state zoning statutes have been complied with and all required public hearings conducted pursuant to said state statutes and upon receipt of the Historic Preservation and Planning and Zoning Commission recommendations, the City Council may designate the building, land, area or district with the "H" suffix. Such designation shall be in addition to any other zoning district designation established in the Zoning Ordinance. If the City Council does not approve the designation, the procedure for successive applications for petitions for the amendment of the Zoning Ordinance for a particular tract of property shall apply.

8. Decision Recordation. Upon passage by the City Council of an ordinance designating property as “H,” the City Secretary shall file a copy of the ordinance with the appropriate county clerk, in accordance with state law, and the appropriate county tax assessor, and, together with a written notice briefly stating the fact of the designation, shall send a copy of such notice by certified mail to the owner of the affected property.
  9. Amendment or Removal. The same application and procedure that is followed for the designation of a historic landmark shall apply for amendment or removal of the designation, except:
    - a. The Historic Preservation Commission or the Building Official may initiate amendments to a historic landmark ordinance without a motion from the City Council as described in subsection F.2 above.
  10. Hearings and Notice.
    - a. The City Planning and Zoning Commission shall hold public hearings as provided for in V.T.C.A., Local Government Code §211.007 to consider any historic landmark designation ordinance after receiving a recommendation from the Historic Preservation Commission. The notices provided for in V.T.C.A., Local Government Code §211.007 shall be sent to all owners of property which is proposed for “H” designation as well as to the adjoining property owners specified in such article.
    - b. Within thirty (30) days after the hearing, the City Planning and Zoning Commission shall set forth in writing its recommendation, including the findings of fact that constitute the basis for its decision, and shall transmit its recommendation concerning the proposed ordinance to the City Council along with the recommendation of the commission.
    - c. Any notice required to be given under this subchapter, if not actually delivered, shall be given by depositing the notice in the United States mail, postage prepaid, addressed to the person or entity to whom such notice is to be given at his last known address. When notice is required to be given to an owner of property, such notice, delivered or mailed by certified or registered mail, may be addressed to such owner who has rendered his property for city taxes as the ownership appears on the last approved city tax roll.
    - d. Upon passage of any historic district or historic landmark designation ordinance, the City Secretary shall send a notice of the fact of the designation to the owner or owners of affected property by mail.
- G. Existing uses.** Nothing contained in this Section or in the designation of property as being in a historic district or historic landmark shall affect the present legal use of property. Use classifications as to all property which may be included

in a historic district or historic landmark shall continue to be governed by the general zoning provisions of this and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, razing, remodeling, or alteration of any buildings or structures in such a historic district or historic landmark so as to adversely affect the character of the district or historic landmark, except upon compliance with the terms of this Section.

#### **H. Role of Building Official.**

1. Construction, Reconstruction, Alteration, Restoration, or Relocation Procedure. The Building Official shall not take action upon a permit for any construction, reconstruction, alteration, restoration, or relocation of a building or signs in the historic district or historic landmark until he has received a recommendation from the Commission or certificate from the Commission showing failure to take action as provided in Subsection 28.3 of this Section. Upon receipt of an application for a permit in the historic district or historic landmark, the Building Official shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:
  - a. Building Official shall forward to the Commission a copy of the application for a building permit, together with a copy of the plot plan and the building plans and specifications filed by the applicant.
  - b. Building Official shall maintain in his office a record of all such applications and of his handling and final disposition of the same, which shall be in addition to and appropriately cross-referenced to his other records.
  - c. Building Official shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit in compliance with the foregoing.
2. Demolition Procedure. Notwithstanding any other provision of this Section, any property owner who desires to effect complete demolition of any entire structure on his property theretofore classified pursuant to the terms of this Section as, or part of, a historic district or historic landmark, shall give written notice to the Building Official of his intention to effect such demolition. One hundred twenty (120) days after the giving of such notice, the property owner shall be entitled to receive a permit for such demolition, provided the application complies otherwise with this and the Building Code.
3. Standards to be applied. The same criteria considered by the Commission as set forth in this Section shall be applied by the Building Official in arriving at his determination as to issuance or denial of the permit.

4. Historic District. In determining the recommendation to be presented to the Building Official concerning the issuing of a permit for the construction, reconstruction, alteration, restoration, relocation, demolition, or razing of all or part of any building within the historic district, the Commission shall consider the following matters:
  - a. The effect of the proposed change upon the general historic, cultural, and architectural nature of the district.
  - b. The appropriateness of exterior architectural features, including parking and loading spaces, which can be seen from a public street, alley, or walkway.
  - c. The general design, arrangement, texture, material, and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district. The criterion shall not be the aesthetic appeal to the Commission of the structure or the proposed remodeling but rather its conformity to the general character of the particular historic area involved.
  - d. Signs which are not consistent with the character of the historic district in question shall not be permitted.
  - e. The value of the historic district as an area of unique interest and character shall not be impaired.
5. Historic Landmarks. In determining the recommendation to be presented to the Building Official administration concerning the issuing of a permit for the construction, reconstruction, alteration, restoration, relocation, demolition, or razing of all or part of any designated historic landmark, the Commission shall consider those considerations which gave rise to the original request for the designation of the place as a historic landmark as well as the following matters:
  - a. The effect of the proposed change upon the historic, architectural, or cultural nature of the landmark.
  - b. The appropriateness of exterior architectural features, including parking and loading spaces, which can be seen from a public street, alley, or walkway.
  - c. The general design, arrangement, texture, material, and color of the building or structure site and the similarity, contrast, or other relation of such factors to other landmarks built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical, and cultural values.
  - d. Signs which are not consistent with the character of the historic landmark shall not be permitted.
  - e. The value of the historic landmark as a place of unique interest or character shall not be impaired.

## **I. Commission Action Concerning Application for Permit**

### **1. Meetings of the Commission.**

- a.** Upon receipt from the Building Official by the Commission of the application for a building permit for the construction, reconstruction, alteration, restoration, relocation, demolition, or razing of a building or buildings in this historic district or historic landmark, the Commission shall schedule a meeting to consider the recommendation which the Commission will give to the Building Official. The person applying for the permit shall be advised of the time and place of said meeting and invited to appear to explain his reasons. The Commission may invite such other persons or groups as it desires to attend its meetings. The Commission may hold any additional meetings it considers necessary to carry out its responsibilities as enumerated in this Section.
- b.** The Commission, after the meeting in accordance with this Section and after the making of any changes in the plans and specifications as provided in this Section, shall submit to the Building Official, in writing, its recommendation concerning the issuance of a permit for the construction, reconstruction, alteration, restoration, relocation, demolition or razing of all or a part of any building within the historic district or historic landmark. The written report shall include the opinion and recommendation of the Commission as stated in subparagraphs (g) and (h) of this paragraph and may include all or any part of the matters stated in subparagraphs (a) through (f) of this paragraph.
  - i.** The exact location of the area or place in which the work is to be done.
  - ii.** The exterior changes to be made or the exterior character of the structure to be erected.
  - iii.** A list of surrounding structures with their general exterior characteristics.
  - iv.** The effect of the proposed change upon the general historic and architectural nature of the district or landmark.
  - v.** The appropriateness of exterior architectural features which can be seen from a public street, alley, trail, or walkway.
  - vi.** The general design, arrangement, texture, material, and color of the building or structure and the relation of such factors to similar features of buildings or structures in a district, or to the general period of construction in a district or landmark.
  - vii.** The opinion of the Commission, including any dissent, as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the district or landmark.
  - viii.** The specific recommendation of the Commission.

2. Action by the Building Official. The recommendation of the Commission shall be binding upon the Building Official, and upon receipt of the report of the Commission, the Building Official shall within ten (10) days notify the applicant in writing of the approval, conditional approval, or disapproval of the application, and shall provide a copy to the Commission.
  3. Appeal from action of the Commission Concerning Applications for Permits. An applicant for permit dissatisfied with the action of the Commission relating to issuance or denial of a permit for the construction, reconstruction, alteration, restoration, relocation, demolition, or razing of a building in the historic district shall have the right of appeal to the City Council within fifteen (15) days after receipt of notification of such action. The applicant shall be advised by the City Secretary of the time and place of the hearing at which his appeal will be considered and shall have the right to attend and be heard as to his reasons for filing the same. In determining whether or not to certify to the appropriateness of the proposed construction, reconstruction, alteration, restoration, relocation, demolition, or razing of all or a part of any building within the historic district, the City council shall consider the same factors as the Commission set forth in [Article II, Section 3.L](#) of this section and the report of the Commission and any other matters presented at the hearing on the appeal. If the City Council disapproves the application by a majority of the members voting, it shall direct the Building Official not to issue such permit. Such disapproval may indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district.
  4. Duties of the Building Official. Upon receipt of the action of the City Council, the Building Official shall forthwith so advise the applicant and the Commission.
  5. Reapplication for Building Permit. In the case of an application's disapproval by the City Council, the application shall not be resubmitted for consideration until one (1) year has elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions for protecting the district or landmark have been incorporated into the reapplication.
- J. Violations; Penalties.** It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, relocate, restore, demolish, raze, or maintain any building, structure, secondary building, fence, or other appurtenance in a historic district or historic landmark in violation of the provisions of this Section; and proper City officials, or their duly authorized representatives, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, reconstruction, structural alteration, remodeling, renovation, restoration, relocation, demolition, razing, or maintenance, to

restrain, correct, or abate such violation, to prevent any illegal act, conduct, business, or maintenance in and about such premises. Each day such violation continues shall constitute a separate offense.

#### **K. Partial Tax Exemption for Historically Designated Sites.**

1. Definition. As used in this subsection, "Historic Site" means a property designated as a historic landmark or within a historic district in need of tax relief to encourage its preservation.
2. Granting of Exemption. The City Council shall, by ordinance, concurrent with the levy of taxes for each year, approve for partial exemption from ad valorem taxes certain historically significant sites in need of tax relief to encourage their preservation.
3. Partial Exemptions. Historic Sites approved for exemption by ordinance pursuant to the provisions of this subsection shall have an exemption of seventy-five percent (75%) of the assessed value of the structure and the land. These exemptions may be applied to both residential and commercial property for a maximum of five (5) years per property.
4. Application. For each assessment year for which the owner of property designated a Historic Site desires such property to be partially tax exempt pursuant to provisions of this subsection, the owner shall file with the Historic Preservation Commission a sworn application, not later than April 1, setting forth the fact that the requirements of paragraph (5) of this subsection concerning the preservation and maintenance of the subject structure were being fully satisfied as of January 1 of the year for which application for exemption is being sought. Application forms are to be available at the office of the City Tax Assessor-Collector. The application shall affirmatively set forth the owner's authorization for members of the Historic Preservation Commission to visit and inspect the historic property as well as examine the books and records as necessary to certify whether or not the property was being preserved and maintained as required by paragraph (5) of this subsection and to determine what new construction or modifications have been completed.
5. Certification. Upon receipt of the sworn application, the Historic Preservation Commission shall cause an inspection of the historic property to be made and review the books and records as to whether or not the historic property is being preserved and maintained in accordance with this paragraph (5) as of January 1 of that year and shall certify the facts to the City Tax Assessor-Collector not later than April 30, along with the Commission's recommendation for approval or disapproval of the application for exemption. The Historic Preservation Commission shall note on the application form any new construction or modification which has been accomplished in accordance with the restrictions placed on the structure by this Section.



The following items shall be used in determining whether a Historic Site has been maintained in accordance with minimum property, structural, and health standards:

- a. Any well, cesspool, or cistern shall be securely covered or closed;
  - b. Dead trees and tree limbs that are reasonably capable of causing injury to a person shall be removed;
  - c. Any structure or portion of a structure which is vacant shall be securely closed so as to prevent unauthorized entry;
  - d. Paint or other coatings shall be applied at reasonable intervals so as to protect the exterior surfaces of a structure which are subject to decay;
  - e. The exterior grounds shall be maintained free of excessive rubbish, garbage, junk, or refuse;
  - f. Screens and shutters existing at the time of historic designation or added subsequent thereto shall be maintained in good repair;
  - g. Broken windows shall be replaced or reglazed;
  - h. Exterior doors and doorways shall be maintained in good repair and operable condition;
  - i. Skirting around the structure, if any, shall be maintained in good repair;
  - j. Porch flooring and supports shall be maintained in a sound condition, capable of bearing an imposed load safely;
  - k. Railings and handrails of exterior stairs, steps, balconies, porches and other exterior features shall be maintained in a sound condition so as to afford safety;
  - l. Rotted exterior wood shall be replaced and repainted;
  - m. Broken or partially missing gutters or downspouts shall be replaced or repaired;
  - n. Loose bricks or stones in the exterior of a structure shall be reestablished or replaced and all joints weatherproofed by proper maintenance of painting;
  - o. Fences and the exteriors of secondary buildings shall be maintained in reasonable repair, including painting if applicable.
6. Tax Assessment of Historic Sites and Determination of the Land Reasonably Necessary for Access and Use Thereof. The City Tax Assessor-Collector shall determine that portion of land which is reasonably necessary for access to and use of those historic structures for which applications for approval of exemptions are pending, and shall assess for taxation all such excess land in the same equal and uniform manner as all other taxable properties in the City.



The determination of the City Tax Assessor-Collector shall be final with respect to the amount of land reasonably necessary for access to and use of the historic structure for which tax exemption is sought.

The City Tax Assessor-Collector shall, not later than June 1 of each year or as soon thereafter as is practicable and prior to the levy of taxes for the current year, forward the application for tax exemption to the City Council after having indicated thereon the assessed values of the historic structure and land necessary for access to and use thereof and the assessed value of the land determined to be in excess of that necessary for access to and use thereof.

7. Rendition and Assessment of Historic Sites for Ad Valorem Taxation. The provisions of this subsection pertaining to partial exemption of historic properties do not change the provision of any other section of the City Code pertaining to taxation, and the applicant's properties shall be rendered and assessed in the same manner as any other property in the event the City Council elects to disapprove the application for exemption.
  8. Additional Tax. For each year the historic site is granted a tax exemption pursuant to the provisions of this subsection, the Tax Assessor-Collector shall note on his or her records the assessments that would have been made had the property not qualified for tax exempt status. If the property no longer qualifies for its historic site designation due to noncompliance with the regulations of this subsection, the property shall be subject to an additional tax. This additional tax shall be calculated as the difference between the taxes paid or payable under the provisions of this subsection during the exemption period and the amount of tax that would have been payable for the preceding three (3) years, or, if the exemption period was less than three years, for that shorter timeframe, had the property not been approved for tax exemption. The additional tax imposed by this subsection shall be due and payable at once. If the additional tax imposed by this subsection is not paid within ninety (90) days, it shall be deemed delinquent and shall be subject to the same penalty and interest as other taxes for each such year.
- L. Exemptions from Provisions of this Section.** Ordinary repair or maintenance, including minor damage such as a broken window caused by natural causes or accidents, which does not involve changes in architectural and historic value, style, or general design, color, or appearance is exempt from the provisions of this section.

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# ARTICLE III.

# ESTABLISHED

# ZONING DISTRICTS

# AND USES

## SECTION 1: Established Zoning Districts

The City of Sanger, Texas, is hereby divided into zoning districts as listed in this section.

### City-Wide

COMMON USE	ABBREVIATED DESIGNATION	ZONING DISTRICT NAME	PREVIOUS ZONING DISTRICT
Agricultural	<b>A</b>	<a href="#">Agricultural</a>	A
Residential	<b>RD</b>	<a href="#">Ranch Density</a>	SF-1; R-1
Residential	<b>MD</b>	<a href="#">Medium Density</a>	SF-3; SF-7
Residential	<b>TR</b>	<a href="#">Town Residential</a>	SF-10
Residential	<b>2F</b>	<a href="#">Two-Family Residential</a>	2F
Residential	<b>MFR</b>	<a href="#">Multi-Family Residential</a>	2F; MF-1
Residential	<b>MHP</b>	<a href="#">Manufactured Home Residential</a>	MH-1; MH-2
Commercial	<b>RC</b>	<a href="#">Regional Commercial</a>	B-2; PD
Commercial	<b>NC</b>	<a href="#">Neighborhood Commercial</a>	B-1; PD
Industrial	<b>LI</b>	<a href="#">Light Industrial</a>	I-1 (Previously included Heavy Industrial)

### Urban Downtown

COMMON USE	ABBREVIATED DESIGNATION	ZONING DISTRICT NAME	PREVIOUS ZONING DISTRICT
Agricultural	<b>A</b>	<a href="#">Agricultural</a>	A
Residential	<b>USF</b>	<a href="#">Urban Single-Family Residential</a>	SF-8; SF-9
Residential	<b>UMF</b>	<a href="#">Urban Multi-Family Residential</a>	MF-2
Commercial	<b>UMU</b>	Urban Mixed-Use	B-3
Commercial	<b>UR</b>	<a href="#">Urban Retail</a>	B-2

## A. Description and Purpose of Zoning Districts.

1. For the purposes of this ordinance, the “A” - Agricultural Zoning District will be defined for the City-Wide and Urban Downtown districts as:
  - a. A - Agricultural District. This district provides for the continuance of farming, ranching, and gardening activities on land now utilized for these purposes. When land in the “A” category is needed for Urban Downtown purposes, it is anticipated the zoning will be changed to the appropriate zoning categories to provide for orderly growth and development in accordance with the Comprehensive Plan.
    - i. Once land in an “A” category has been placed into another district, the intent of this ordinance is that such land shall not be changed back to an “A” category by any subsequent request for a change.
2. City-Wide.
  - a. RD - Ranch Density Residential. Ranch single-family uses are generally intended to provide areas for traditional single-family large lot neighborhood developments. Typical building density is less than 2 dwelling units per acre.
  - b. MD - Medium Density Residential. Residential medium single-family uses are generally intended to provide areas for traditional single-family subdivisions and master planned neighborhood developments. Homes within these land use designations could range from local builders to nationally recognized builders. Typical building density is between 2 and 7 dwelling units per acre.
  - c. TR - Town Residential. Generally intended to provide areas for traditional single-family homes. Can also be characterized by apartment, patio homes or townhome type units in an attached community. These developments may take a variety of forms. Typical building density is between 4 and 20 dwelling units per acre.
  - d. 2F – Two-Family Residential. Two-Family Residential uses are generally intended to provide areas for two-family duplex developments.
  - e. MFR - Multi-Family Residential. Characterized by multi-story apartment and/or condominium type units in attached complexes. May include community amenities, fitness facilities, recreation areas and dedicated open space. Typical building density is between 8 and 40 dwelling units per acre.
  - f. MHP – Manufactured Home Park. Generally intended to provide for quality manufactured home park development and maintenance. Typical building density is not more than 5 dwelling units per acre.

- g. NC - Neighborhood Commercial.** Non-residential development that meets the needs of local residents. This includes neighborhood retail, specialty shops, convenience stores, pharmacies, and restaurants which can improve the general character of adjacent neighborhoods. Office uses are envisioned and generally focused on business or professional services such as medical, real estate, insurance and/or childcare.
- h. RC - Regional Commercial.** Highway-oriented retail, office and commercial uses targeted for businesses requiring large volumes of traffic and auto access. Typical uses include regional auto-oriented businesses including but not limited to restaurants, big-box retail, gas stations, offices, medical, hotel, and entertainment venues.
- i. I - Industrial.** Intended for a range of light industrial, indoor manufacturing, assembly, storage yards, packaging, flex-office, distribution and warehousing related uses.

### **3. Urban Downtown.**

- a. USF - Urban Single-Family Residential.** Includes single-family residential with both small and/or large lots, typically located near downtown. Typical building density is between 4 to 20 dwelling units per acre.
- b. UMF - Urban Multi-Family Residential.** Multi-family residential that may include mixed-use on the ground floor with 2nd story residential. Units would have primary street access with parking in the back of property. Typical building density is between 12 and 40 dwelling units per acre.
- c. UMU - Urban Mixed-Use.** Requires retail or office at the ground floor with residential or other land uses above. Units would have primary street access with parking in the back of property or in a rapped structure. Typical building density is between 12 and 40 dwelling units per acre.
- d. UR - Urban Retail.** Ground floor retail with large glass windows and individual street access. Outdoor tables and chairs desired for restaurants along with attractive character signage and some outdoor sale racks. Pedestrian friendly access is the focus.

### **4. Overlay districts.**

- a. PD - Planned Development District.** District provides a zoning category for the planning and development of larger tracts of land or tracts of land with unique characteristics for a single or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect to the protection of surrounding property.
- b. H - Historic District.** The Historic District is established to accommodate and encourage the preservation and reconstruction of areas and

structures having outstanding historical and/or cultural significance in the state, region or community district include regulations regarding permitted uses, expansion, restoration, and other features which are unique to the Historic District.

- c. FP - Floodplain District. Zoning Districts located in flood hazard areas which are subject to periodic inundation may be preceded by the prefix FP, indicating a subdistrict. Areas designated FP may be used only for those uses listed in the provisions of [Article III, Section 18](#) until the area or any portion thereof located in FP Subdistrict has been approved by the City Council. Approval shall only be given after engineering studies determine that the area or any portion thereof is suitable for uses in the district and building construction or development would not create an obstruction to drainage nor a hazard to life or property and that such construction is not contrary to the public interest.

## SECTION 2: Use of Land and Buildings

### A. General District Regulations.

1. For all residential uses:
  - a. Secondary Building Setbacks.
    - i. Minimum Front Yard: Attached secondary buildings or structures, including garages and carports, shall have a front yard not less than the main building, or as specified in the particular district. Detached secondary buildings or structures shall be located in the area defined as the side yard or rear yard.
    - ii. Minimum Side Yard: Three feet (3')
    - iii. Minimum Rear Yard: Three feet (3')
2. Parking regulations: Two (2) attached enclosed spaces behind the front yard line for single-family dwelling units plus a minimum driveway parking space of seventeen (17) feet wide and seventeen (17) feet long. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in [Article III, Section 18](#), "Specific Use Permit".

- B. Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished, or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following Schedule of Use table.

# 1. Legend for interpreting Schedule of Uses

<b>P</b>	Designates use permitted in district indicated
<b>-</b>	Designates use prohibited in district indicated
<b>S</b>	Designates use may be approved as Specific Use Permit
<b>*</b>	Designates use standards apply in district indicated

For alphabetical list of uses and their definitions, see [Article III, Section 21.](#)

## C. Schedule of Use Table.

		CITY										URBAN DOWNTOWN			
	A	PD	RD	MD	TR	2F	MFR	MHP	RC	NC	I	USF	UMF	UMU	UR
Primary Residential Uses															
Single-Family Dwelling (attached)	P	P	P	P	P	P	-	-	-	-	-	P	-	-	-
Single-Family Dwelling (detached)	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Two-Family Dwelling	-	-	-	-	-	P	P	P	-	-	-	S	-	-	-
Multiple-Family Dwelling	-	-	-	-	-	-	P	P	-	-	-	-	P	-	-
Boarding or Rooming Houses	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Manufactured Home as a Fixed Dwelling	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
Manufactured Home Subdivision	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-
Motel or Hotel	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Secondary and Incidental Uses															
Secondary Building	P	P	P	P	-	P	P	P	-	-	-	P	P	-	P
Secondary Building (non-residential)	-	-	-	-	-	-	-	-	P	P	P	-	-	S	P
Secondary Building Farm	P	P	P	P	-	-	P	P	-	-	-	-	-	-	-
Customary Home Occupation	P	P	P	P	-	P	P	P	-	-	-	-	-	-	-
Off-Street Parking Incidental to Main Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Stable (Private)	S	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Swimming Pool as Home Occupation	P	-	S	S	-	-	S	S	-	-	-	S	S	-	-
Swimming Pool (Private)	P	-	P	P	-	-	P	P	-	-	-	P	P	-	-
Tennis Court (Private)	P	-	P	S	-	-	S		-	-	-	S	S	-	-
Temp. Field Office, Construction Yard or Office	Subject to temporary permit issued by building official														

	CITY											URBAN DOWNTOWN			
	A	PD	RD	MD	TR	2F	MFR	MHP	RC	NC	I	USF	UMF	UMU	UR
<b>Utility and Service Uses</b>															
Electrical Energy Generating Plant	S	-	-	-	-	-	-	-	S	S	P	-	-	-	-
Electrical Substation, Bulk Power	S	-	-	-	-	-	-	-	S	S	P	-	-	-	-
Electrical Transmission Line (High Voltage)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Fire, Police or Municipal Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Franchised Private Utility	S	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Gas Line and Regulating Station	P														
Local Utility Line	P														
Public Building Shop or Yard of Govt. Agency	P														
Radio, Television or Microwave Tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Radio, Television or Microwave Transmitting Station	S	-	-	-	-	-	-	-	S	S	S	-	-	-	S
Sewage Treatment Plant	S	-	-	-	-	-	-	-	S	-	P	-	-	-	-
Telephone Business Office	-	-	-	-	-	-	-	-	P	-	P	-	-	-	S
Telephone Exch. Switching Relay Station	-	-	-	-	-	-	-	-	P	-	P	-	-	-	S
Utility Shops or Storage Yard or Building	P	-	-	-	-	-	-	-	P	-	P	-	-	-	
Water Reservoir, Well or Pump Station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Standpipe or Elevated Water Storage	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Treatment Plant	P	-	-	-	-	-	-	-	P	-	P	-	-	-	-
<b>Recreational and Entertainment Uses</b>															
Amusement, Commercial (Indoor)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Amusement, Commercial (Outdoor)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Carnival, Circus or Tent Service (Temporary)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Country Club (Private)	P	-	-	-	-	-	-	-	P	S	-	-	-	-	-
Day Camp for Children	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P



	CITY											URBAN DOWNTOWN			
	A	PD	RD	MD	TR	2F	MFR	MHP	RC	NC	I	USF	UMF	UMU	UR
Drag Strip or Commercial Racing	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Game Room	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Golf Course, Commercial	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Handball, Tennis, or Swim Club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Park or Playground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Playfield or Stadium (public)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Private Club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rodeo Grounds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Roller or Ice Rinks	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Swimming Pool (Commercial)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Theater or Playhouse (Indoor)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Theater (Outdoor)	P	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Zoo (Private)	P	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Zoo (Public)	P	-	-	-	-	-	-	-	P	-	-	-	-	-	-
<b>Educational, Institutional, and Special Uses</b>															
Art Gallery or Museum	P	-	-	-	-	-	-	-	P	S	P	-	-	-	P
Cemetery or Mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Church or Rectory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
College or University	-	-	-	-	-	-	-	-	S	S	S	-	-	-	S
Community Center (Public)	S	S	S	S	S	S	S	S	S	S	-	S	S	S	S
Fairgrounds or Exhibit Area	P	-	-	-	-	-	-	-	S	-	S	-	-	-	-
Fraternal org. Lodge, Union Hall	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Home for Aged Residence	-	-	-	-	-	-	S	-	-	-	-	-	S	-	-
Hospital, Acute Care	-	-	-	-	-	-	-	-	P	S	S	-	-	-	S
Hospital, Chronic Care	-	-	-	-	-	-	-	-	P	S	S	-	-	-	S
Institution for Alcohol, Narc or Psychiatric Care	-	-	-	-	-	-	-	-	S	-	S	-	-	-	S
Religious, Charitable or Philanthropic Institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Kindergarten or Nursery School	-	P	P	P	P	P	P	P	P	P	-	P	P	-	P
School, Business	S	-	-	-	-	-	-	-	S	S	P	-	-	-	S
School, Commercial or Trade	S	-	-	-	-	-	-	-	S	S	P	-	-	-	S
School, Public or Private	P	P	P	P	P	P	P	P	P	P	-	P	P	-	P

	CITY											URBAN DOWNTOWN			
	A	PD	RD	MD	TR	2F	MFR	MHP	RC	NC	I	USF	UMF	UMU	UR
<b>Transportation Related Uses</b>															
Airport or Landing Field	S	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Bus Station or Terminal	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Hauling or Storage Company	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Heliport, Helistop	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Motor Freight Terminal	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Parking Lot, Commercial Auto	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Parking Lot, Trucks and Trailers	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
<b>Automobile and Related Service Uses</b>															
Auto Glass, Seat Cover or Muffler Shop	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Auto Laundry (Car Wash)	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Auto Painting, Body Rebuilding Shop	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Auto Parts and Accessory Sales (Indoors)	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Auto Storage or Auto Auction	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Gasoline Service Station	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Motorcycle Sales and Repair	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
New or Used Auto Sales (Outdoor)	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
New or Used Auto Sales (Indoor)	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Repair Garage	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
<b>Retail and Related Service Uses</b>															
Antique Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P
Art Supply Store	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P
Bakery or Confectionery Shop (Retail)	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P
Bank, Saving or Loan Office	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P
Barber or Beauty Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Book or Stationary Shop or Newsstand	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Cash Advance or Payday Loan Office*	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P

	CITY											URBAN DOWNTOWN			
	A	PD	RD	MD	TR	2F	MFR	MHP	RC	NC	I	USF	UMF	UMU	UR
Cleaning and Pressing, Pick-up Service	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Cleaning Plant - Commercial	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Convenience Store	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P
Custom Personal Service Shop, excluding Tattoo Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Discount or Department Store	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Drapery, Needlework, Weaving Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Drug Store Pharmacy	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Florist or Garden Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Food and Beverage Sales Store	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Food Truck or related service	P	S	-	-	-	-	-	-	P	S	P	S	S	S	P
Furniture or Appliance Store	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Greenhouse, Plant Nursery (Retail)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Handcraft Shop and Art Objects Sales	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Hardware Store or Hobby Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Household Appliance Service or Repair	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Incidental and Secondary Retail Service Uses	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Key Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Laboratory, Medical and Dental	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Laundry and Cleaning (Self-Service)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Liquor Store	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Medical Appliances, Fitting Sales or Rental	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Modular Building Sales, Service and Rental	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P

	CITY											URBAN DOWNTOWN			
	A	PD	RD	MD	TR	2F	MFR	MHP	RC	NC	I	USF	UMF	UMU	UR
Mortuary or Funeral Home	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Office, General Business or Professional	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Office, Medical or Dental	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Outside Display and Sales	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Pawn Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Pet Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Quick Service Food and Beverage Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Restaurant or Cafeteria (Drive-In Service)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Restaurant or Cafeteria (No Drive-In)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Retail Shop, Apparel, Gift, Similar Items	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Sexually Oriented Business	*	*	*	*	*	*	*	*	S	S	S	-	-	*	*
Studio, Decorator, Artist, Photographer	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Tattoo Shop	-	-	-	-	-	-	-	-	S	S	S	-	-	-	S
Tavern	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Tool Rental	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Travel Bureau or Travel Consultant	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Vape Shop or Smoke Shop	-	-	-	-	-	-	-	-	S*	S*	-	-	-	-	-
Variety Store or Similar Retail Shop	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Studio, health, Reducing or Similar Service	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Veterinarian, Office Only (No Animal Hospital)	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P
Veterinarian Hospital (inside Pens only)	S	-	-	-	-	-	-	-	-	S	-	-	-	-	-
Veterinarian Hospital (outside Animal Pens)	S	-	-	-	-	-	-	-	P	-	-	-	-	-	-
<b>Agricultural Type Uses</b>															
Animal Feed Lot	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Animal Pound (Public or Private)	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Farm, Ranch, Garden or Orchard	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Emu Farm	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	CITY											URBAN DOWNTOWN			
	A	PD	RD	MD	TR	2F	MFR	MHP	RC	NC	I	USF	UMF	UMU	UR
Greenhouse or Nursery (Commercial)	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hatchery, Poultry	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Farmer's Market	P	-	-	-	-	-	-	-	P	S	P	-	-	-	P
<b>Commercial Type Uses</b>															
Bakery and Confectionery (Wholesale)	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Bottling Works	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Building Material Sales	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Cabinet or Upholstery Shop	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Clothing, Similar Light	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Contractor Storage, Equipment Yard	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Dying or Laundry Plant	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Heavy Machinery Sales, Storage or Repair	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Laboratory Manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Laboratory, Scientific or Research	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Lithographic or Print Shop	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Maintenance and Repair Service for Buildings	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Milk Depot, Dairy or Ice Cream Plant	P	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Paint Shop	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Plumbing, Heating and Air Conditioning Shop	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Storage Warehouse	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Trailer or Mobile Home Sales or Rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Welding or Machine Shop	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Wholesale Storage and Sales	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
<b>Natural Resources Storage</b>															
Caliche Pit and Caliche Storage	S	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Mining and Storage of Mining Waste	S	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Petroleum Storage and Collection Facilities	S	-	-	-	-	-	-	-	-	-	P	-	-	-	-

	CITY											URBAN DOWNTOWN			
	A	PD	RD	MD	TR	2F	MFR	MHP	RC	NC	I	USF	UMF	UMU	UR
Sand Gravel Extraction or Storage	S	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Topsoil, Earth or Stone Extraction or Storage	S	-	-	-	-	-	-	-	-	-	P	-	-	-	-
<b>Special Industrial Processes</b>															
Asphalt or Concrete Batching Plant (Perm)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Asphalt or Concrete Batching Plant (Temp)	S	S	S	S	S	S	S	S	S	S	S	-	-	-	-
Brick Kiln or Tile Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Fill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Slaughter House of Meat Packing Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Smelter, Refinery or Chemical Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Any use which could create an environmental problem due to emissions, visual quality, odor, noise, hazard or similar factors	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>General Manufacturing and Industrial Uses</b>															
See uses as listed in <a href="#">Article III, Section 13</a> and <a href="#">Article III, Section 15</a> of this ordinance															
* Refer to relevant zoning district regulations and descriptions of permitted uses for further information regarding this particular use.															

## SECTION 3: “A” Agricultural District

**A. General Purpose and Description.** This district is intended to apply to land situated on the fringe of an urban area and used for agricultural purposes, which may become an urban area in the future. Generally, the land in an “A” Agricultural District may be appropriate for development; therefore, the agricultural activities conducted in the “A” Agricultural District should not be detrimental to urban land uses. The types of uses and the area and intensity of use permitted in this district are intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

**B. Permitted Uses.** A building or premise shall be used only for the following purposes:

1. Single-family dwellings on building lots of two (2) acres or more in areas where said dwellings can be adequately served by city utilities or septic tanks located on the building lot.

2. All general and special agricultural, farming, ranching, stables, and related secondary buildings, stock and poultry raising, dairy, emu farming and other related uses so long as same do not cause a hazard to health by reason of unsanitary conditions, are not offensive by reason of odors, dust, fumes, noise, or vibrations, and are not otherwise detrimental to the public welfare.
3. Public buildings, including libraries, schools, churches, museums, and auditoriums, police and fire stations, parks and similar public uses or facilities.
4. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines, local utility lines.
5. Secondary buildings and structures clearly incidental to the above operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and accessory dwelling units not for rent, provided that secondary buildings and structures shall be limited to fifteen (15) percent of the gross land area.
6. Temporary metal buildings less than six hundred (600) square feet which are used for tool and supply storage.
7. Greenhouse, green nursery and general gardening activities.
8. Riding academy or other equestrian-related activities.
9. Other uses as listed in [Article III, Section 3](#) of this ordinance.

The following specific uses shall be permitted in the "A" Agricultural District, when granted in accordance with [Article III, Section 2](#):

**C. Uses as listed in [Article III, Section 2](#) of this ordinance.**

**D. Height Regulations.** No building shall exceed thirty (30) feet in height.

**E. Area Regulations.**

LOT SIZE		STANDARDS
<b>A</b>	Lot width (min.)	200'
<b>B</b>	Lot depth (min.)	400'
	Lot area (min.)	45,360 sq. ft.
COVERAGE		STANDARDS
<b>C</b>	Lot coverage (max.)	50%
	Dwelling Size (min.)	1,200 sq. ft.
Building Setbacks		
<b>D</b>	Front Yard (min.)	30'
<b>E</b>	Rear Yard (min.)	25'
<b>F</b>	Side Yard (min.)	15% or 50'
SECONDARY BUILDINGS		STANDARDS
<b>G</b>	Rear Yard (min.)	10'
	Side Yard (min.)	15% or 50'
	Front Yard (min.)	60'

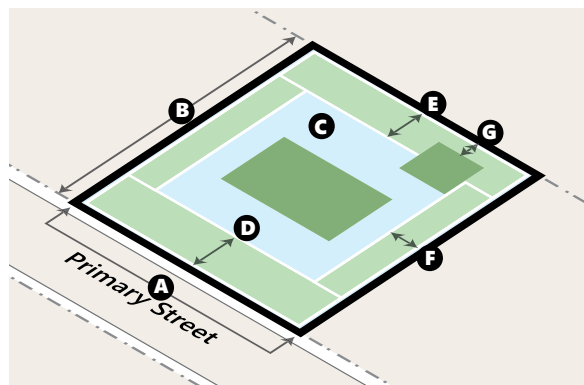


FIGURE 1. "A" AGRICULTURAL AREA REGULATIONS

1. Size of Yards.
  - a. Front Yard. There shall be a front yard of not less than fifty (50) feet as measured from the front property line.
  - b. Side Yard. There shall be a side yard of not less than fifteen (15) percent of the width of the lot or fifty (50) feet, whichever is less.
  - c. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet for main structure and ten (10) feet for secondary buildings.
2. Size of Lot.
  - a. Lot Area. No lot shall have an area of less than forty-three thousand five hundred sixty (45,360) square feet.
  - b. Lot Width. No lot shall have a width of less than two hundred (200) feet.
  - c. Lot Depth. No lot shall have a depth of less than four hundred (400) feet.
3. Minimum Dwelling Size. The minimum floor area of any dwelling shall be twelve hundred (1200) square feet exclusive of garages, breezeways and porches.
4. Lot Coverage. In no case shall more than fifty (50) percent of the total area of the lot be covered by the combined area of the main buildings and secondary buildings.

**F. Parking Regulations.** Two (2) attached covered spaces behind the front yard line for single-family dwelling units. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in [Article III, Section 18](#).

## SECTION 4: "RD" Ranch Density District

**A. General Purpose and Description.** This district is intended to apply to land situated on the fringe of an urban area and used for agricultural purposes, which may become an urban area in the future. Generally, the land in an "A" Agricultural District may be appropriate for development; therefore, the agricultural activities conducted in the "A" Agricultural District should not be detrimental to urban land uses. The types of uses and the area and intensity of use permitted in this district are intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

**B. Permitted Uses.** A building or premise shall be used only for the following purposes:

1. Single-family dwellings on building lots of two (2) acres or more in areas where said dwellings can be adequately served by city utilities or septic tanks located on the building lot.



2. All general and special agricultural, farming, ranching, stables, and related secondary buildings, stock and poultry raising, dairy, emu farming and other related uses so long as same do not cause a hazard to health by reason of unsanitary conditions, are not offensive by reason of odors, dust, fumes, noise, or vibrations, and are not otherwise detrimental to the public welfare.
3. Public buildings, including libraries, schools, churches, museums, and auditoriums, police and fire stations, parks and similar public uses or facilities.
4. Telephone exchange, provided no public business and no repair or outside storage facilities are maintained, gas lines and regulating stations, electrical lines, local utility lines.
5. Secondary buildings and structures clearly incidental to the above operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and accessory dwelling units not for rent, provided that secondary buildings and structures shall be limited to fifteen (15) percent of the gross land area.
6. Temporary metal buildings less than six hundred (600) square feet which are used for tool and supply storage.
7. Greenhouse, green nursery and general gardening activities.
8. Riding academy or other equestrian-related activities.
9. Other uses as listed in [Article III, Section 3](#) of this ordinance.

The following specific uses shall be permitted in the "A" Agricultural District, when granted in accordance with [Article III, Section 2](#):

**C. Uses as listed in [Article III, Section 2](#) of this ordinance.**

**D. Height Regulations.** No building shall exceed thirty (30) feet in height.

**E. Area Regulations.**

LOT SIZE		STANDARDS
<b>A</b>	Lot width (min.)	200'
<b>B</b>	Lot depth (min.)	400'
	Lot area (min.)	45,360 sq. ft.
COVERAGE		STANDARDS
<b>C</b>	Lot coverage (max.)	50%
	Dwelling Size (min.)	1,200 sq. ft.
Building Setbacks		
<b>D</b>	Front Yard (min.)	50'
<b>E</b>	Rear Yard (min.)	25'
<b>F</b>	Side Yard (min.)	15% or 50'
SECONDARY BUILDINGS		STANDARDS
<b>G</b>	Rear Yard (min.)	10'
	Side Yard (min.)	15% or 50'
<b>H</b>	Front Yard (min.)	60'

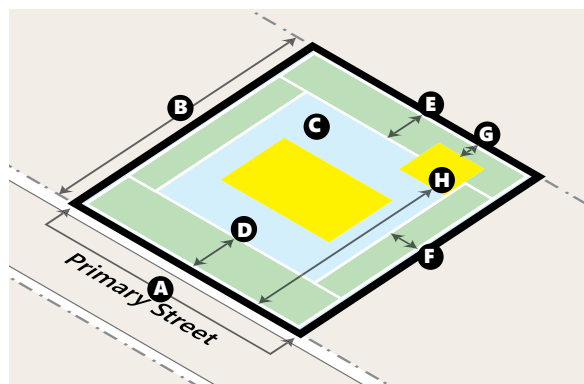


FIGURE 2. "RD" RANCH DENSITY AREA REGULATIONS

**1. Size of Yards.**

- a. Front Yard.** There shall be a front yard of not less than fifty (50) feet as measured from the front property line.
- b. Side Yard.** There shall be a side yard of not less than fifteen (15) percent of the width of the lot or fifty (50) feet, whichever is less.
- c. Rear Yard.** There shall be a rear yard of not less than twenty-five (25) feet for main structure and ten (10) feet for secondary buildings.

**2. Size of Lot.**

- a. Lot Area.** No lot shall have an area of less than forty-three thousand five hundred sixty (45,360) square feet.
  - b. Lot Width.** No lot shall have a width of less than two hundred (200) feet.
  - c. Lot Depth.** No lot shall have a depth of less than four hundred (400) feet.
- 3. Minimum Dwelling Size.** The minimum floor area of any dwelling shall be twelve hundred (1200) square feet exclusive of garages, breezeways and porches.
- 4. Lot Coverage.** In no case shall more than fifty (50) percent of the total area of the lot be covered by the combined area of the main buildings and secondary buildings.

**F. Parking Regulations.** Two (2) attached covered spaces behind the front yard line for single-family dwelling units. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in [Article III, Section 18](#).

## **SECTION 5: “MD” Medium Density Residential District**

**A. General Purpose and Description.** This district is intended to accommodate the standard single-family residential development. This district is appropriate as a buffer between higher density residential uses and agricultural and/or estate type residential areas. This district is intended to replace previous zoning districts of SF-3 and SF-7.

**B. Permitted Uses.**

- 1.** Uses permitted in the MD Medium Density Residential District are outlined in the chart in [Article III, Section 2.C](#).

### C. Area Regulations.

LOT SIZE		STANDARDS
<b>A</b>	Lot width (min.)	65'
<b>B</b>	Lot depth (min.)	150'
	Lot area (min.)	7,000 sq. ft.
COVERAGE		STANDARDS
<b>C</b>	Lot coverage (max.)	40% (main bldg) 60% (all)
	Dwelling Size (min.)	Assigned at time of zoning
Building Setbacks		
<b>D</b>	Front Yard (min.)	25'
<b>E</b>	Rear Yard (min.)	25'
<b>F</b>	Side Yard (min.)	8'
	Side Street (min.)	20'
SECONDARY BUILDINGS		STANDARDS
	Rear Yard (min.)	25'
<b>G</b>	Side Yard (min.)	25'
	Front Yard (min.)	25'

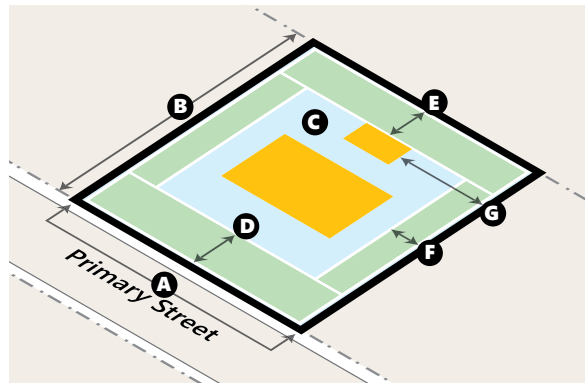


FIGURE 3. "MD" MEDIUM DENSITY AREA REGULATIONS

#### 1. Size of Yards.

- Front Yard. There shall be a front yard having a minimum required depth of twenty-five (25) feet as measured from the front property line.
- Side Yard. There shall be a side yard on each side of the lot having a width of not less than eight (8) feet. The minimum side yard depth on a corner lot adjacent to a street shall be twenty (20) feet. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').
- Rear Yard. There shall be a rear yard having a minimum required depth of twenty-five (25) feet.

#### 2. Size of Lot.

- Lot Area. No lot shall have an area of less than seven thousand (7,000) square feet.
- Lot Width. No lot shall have a width of less than sixty-five (65) feet.
- Lot Depth. No lot shall have a depth of less than one hundred fifty (150) feet.

#### 3. Minimum Dwelling Size. One of the categories below will be assigned at the time of zoning. The minimum dwelling size will be concurrent with the letter attached to the zoning as follows:

- Two thousand four hundred (2,400) square feet
- Two thousand (2,000) square feet

- c. One thousand eight hundred (1,800) square feet
  - d. One thousand six hundred (1,600) square feet
  - e. One thousand five hundred (1,500) square feet
  - f. One thousand three hundred and fifty (1,350) square feet
  - g. One thousand two hundred (1,200) square feet
  - h. One thousand (1,000) square feet
4. Maximum Lot Coverage.
    - a. Forty percent (40%) by the main building;
    - b. Sixty percent (60%) by the main building, secondary buildings, driveways and parking; and any other concrete work, flat work, etc.
  5. Parking Regulations. Two (2) attached covered spaces behind the front yard line for single-family dwelling units. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in [Article III, Section 18.](#)

## SECTION 6: “TR” Town Residential District

**A. General Purpose and Description.** This district is intended to accommodate smaller lots and homes, typically found near urban cores designated as Downtown Districts. This district is intended to replace the previous zoning districts of SF-8, SF-9, and SF-10.

### B. Permitted Uses.

1. Uses permitted in the TR Town Residential District are outlined in the chart in [Article III, Section 2.C.](#)

### C. Area Regulations.

LOT SIZE	STANDARDS
<b>A</b> Lot width (min.)	50'
<b>B</b> Lot depth (min.)	90'
Lot area (min.)	5,000 sq. ft.
COVERAGE	STANDARDS
Dwelling Size (min.)	Assigned at time of zoning
Building Setbacks	
<b>C</b> Front Yard (min.)	20'
<b>D</b> Rear Yard (min.)	15'
<b>E</b> Side Yard (min.)	6'
Side Street (min.)	10'
SECONDARY BUILDINGS	STANDARDS
Rear Yard (min.)	15'
<b>F</b> Side Yard (min.)	20'
<b>G</b> Front Yard (min.)	20'

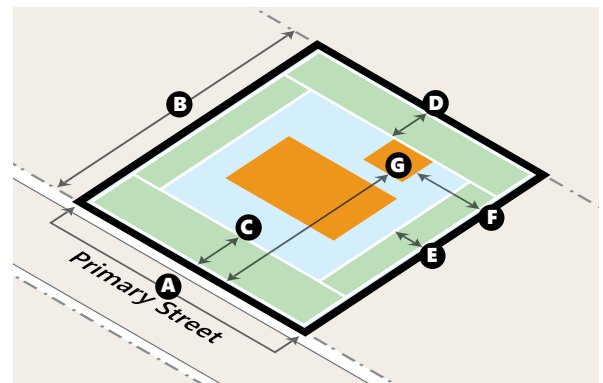


FIGURE 4. “TR” TOWN RESIDENTIAL AREA REGULATIONS

1. Size of Yards.
  - a. Front Yard. There shall be a front yard having a minimum required depth of twenty (20) feet as measured from the front property line.
  - b. Side Yard. There shall be a side yard on each side of the lot having a width of not less than six (6) feet. The minimum side yard depth on a corner lot adjacent to a side street shall be ten (10) feet. No side yard for allowable nonresidential uses shall be less than twenty (20') feet.
  - c. Rear Yard. There shall be a rear yard having a minimum required depth of fifteen (15) feet.
2. Size of Lot.
  - a. Lot Area. No lot shall have an area of less than five thousand (5,000) square feet.
  - b. Lot Width. No lot shall have a width of less than fifty (50) feet.
  - c. Lot Depth. No lot shall have a depth of less than ninety (90) feet.
3. Minimum Dwelling Size. One of the categories below will be assigned at the time of zoning. The minimum dwelling size will be concurrent with the letter attached to the zoning as follows, between one thousand (1,000) and one thousand two hundred (1,200) sf.

## SECTION 7: "2F" Two-Family (Duplex) Residential District

**A. General Purpose and Description.** This district is intended to accommodate the two-family (duplex) residential development.

### **B. Permitted Uses.**

1. Uses permitted in the 2F Two-Family (Duplex) Residential District are outlined in the chart in [Article III, Section 2.C.](#)

### **C. Height Regulations.**

1. No building shall exceed thirty (30) feet in height. Secondary buildings shall not exceed fifteen (15) feet in height.

## D. Area Regulations.

LOT SIZE		STANDARDS
<b>A</b>	Lot width (min.)	65'
<b>B</b>	Lot depth (min.)	100'
	Lot area (min.)	6,500 sq. ft.
COVERAGE		STANDARDS
<b>C</b>	Lot coverage (max.)	40% (main bldg) 60% (all)
	Dwelling Size (min.)	900 sq. ft.
Building Setbacks		
<b>D</b>	Front Yard (min.)	25'
<b>E</b>	Rear Yard (min.)	25'
<b>F</b>	Side Yard (min.)	8'
	Side Street (min.)	20'
SECONDARY BUILDINGS		STANDARDS
<b>G</b>	Rear Yard (min.)	10'
<b>H</b>	Side Yard (min.)	25'
	Front Yard (min.)	25'

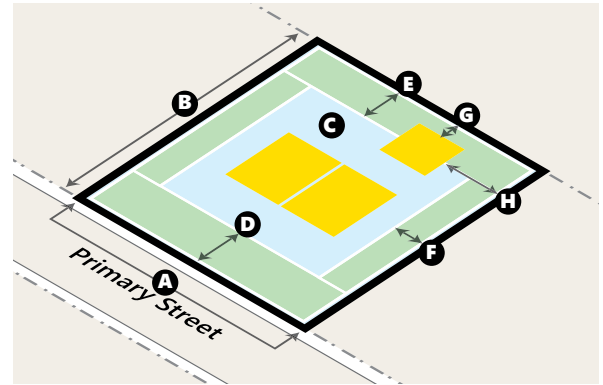


FIGURE 5. "2F" TWO-FAMILY (DUPLEX) RESIDENTIAL AREA REGULATIONS

### 1. Size of Yards.

- Front Yard. There shall be a front yard having a minimum required depth of not less than twenty-five (25) feet as measured from the front property line.
- Side Yard. There shall be a side yard on each side of the lot having a width of not less than eight (8) feet. The minimum side yard depth on a corner lot adjacent to a street shall be twenty (20) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.
- Rear Yard. There shall be a rear yard having a minimum required depth of not less than twenty-five (25) feet. The minimum rear yard for secondary buildings shall not be less than ten (10) feet.

### 2. Size of Lots.

- Lot Area. No lot shall have an area of less than six-thousand five hundred (6,500) square feet.
- Lot Width. The width of the lot shall be determined by the construction width of individual dwelling units or dwelling units considering side yards as required above, but in no case shall the width be less than sixty-five (65) feet.
- Lot Depth. No lot shall have a depth of less than one hundred (100) feet.

### 3. Minimum Dwelling Size. Each dwelling unit shall be a minimum of nine hundred (900) square feet, exclusive of garages, porches, and breezeways.

**4. Maximum Lot Coverage.**

- a. Forty percent (40%) by the main building;
- b. Sixty percent (60%) by the main building, secondary buildings, driveways and parking; and any other concrete work, flat work, etc.

**E. Parking Regulations.**

- 1. Two (2) attached covered spaces per unit shall be provided behind the front yard line.
- 2. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in [Article III, Section 18](#).

## **SECTION 8: "MFR" Multi-Family Residential District**

**A. General Purpose and Description.** This district is intended to provide for dwellings that are multi-family in nature, including those within the previous zoning districts of MF-1 (Multi-Family Residential 1), and MF-2 (Multi-Family Residential 2). Typical developments are apartments, condominiums and duplexes that are adjacent to major streets and serve as buffer between retail/commercial development and TR – Town Residential, MD – Medium Density Residential, and RD – Ranch Residential.

**B. Use Regulations.** A building or premises in the MFR district shall be used only for the following purposes:

- 1. Multi-family dwelling (apartment building).
- 2. Two Family Dwellings (duplex).
- 3. Other uses as listed in [Article III, Section 2](#) of this ordinance.

**C. Specific Uses.** The following specific uses shall be permitted in an MFR district, when granted in accordance with [Article III, Section 18](#):

- 1. Uses listed in [Article III, Section 2.C](#) of this ordinance.

**D. Height Regulations.** No building shall exceed forty-five (45) feet.



## E. Area Regulations.

LOT SIZE		STANDARDS
<b>A</b>	Lot width (min.)	80'
<b>B</b>	Lot depth (min.)	150'
	Lot area (min. per dwelling unit)	2,250 sq. ft. (not to exceed 20 units per gross acre)
COVERAGE		STANDARDS
<b>C</b>	Lot coverage (max.)	40%
	Dwelling Size (min.)	Efficiency - 550 sq. ft. 1 BR - 650 sq. ft. 2 BR - 800 sq. ft. 3 BR - 950 sq. ft.
Building Setbacks		
<b>D</b>	Front Yard (min.)	25'
<b>E</b>	Rear Yard (min.)	15'
<b>F</b>	Side Yard (min.)	10' or 60' for buildings in excess of one (1) story in height when adjacent to a district zoned for single-family use
	Side Street (min.)	20'
SECONDARY BUILDINGS		STANDARDS
	Rear Yard (min.)	15'
<b>G</b>	Side Yard (min.)	25'
<b>H</b>	Front Yard (min.)	60'

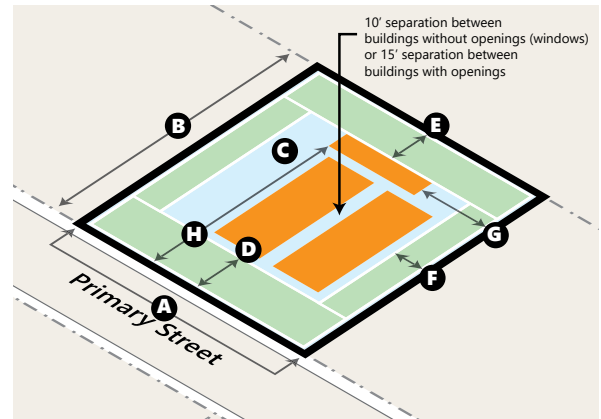


FIGURE 6. “MFR” MULTI-FAMILY RESIDENTIAL AREA REGULATIONS

### 1. Size of Yards.

- Front Yard.** There shall be a front yard having a required depth of not less than twenty-five (25) feet as measured from the front property line. Secondary buildings shall be located not less than sixty (60) feet from the front property line.
- Side Yard.** There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. There shall be ten (10) feet separation between buildings without openings (windows) and fifteen (15) feet between buildings with openings. The minimum side yard depth on a lot adjacent to a side street shall be twenty (20) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet. If a side yard is adjacent to a single-family zoning district then subsection “d” shall apply.
- Rear Yard.** There shall be a rear yard having a minimum required depth of twenty (20) feet.

- d. There shall be a total of sixty (60) feet setback from the adjacent building line for buildings in excess of one (1) story in height when an MFR district is adjacent to a district zoned for single-family use.

**2. Size of Lot.**

- a. Lot Area. Front lot shall have a minimum two thousand two hundred fifty (2,250) square feet per dwelling unit, not to exceed twenty (20) units per gross acre.
- b. Lot Width. No lot shall have a width of less than eighty (80) feet as measured along the front building line.
- c. Lot Depth. The average depth of the lot shall not be less than one hundred fifty (150) feet.

**3. Minimum Dwelling Size:** The minimum living area for multi-family dwelling units shall be as follows:

- a. Efficiency units shall be a minimum of five hundred fifty (550) square feet.
- b. One (1) bedroom units shall be a minimum of six hundred fifty (650) square feet.
- c. Two (2) bedroom units shall be a minimum of eight hundred (800) square feet.
- d. Three (3) bedroom units shall be a minimum of nine hundred fifty (950) square feet.

**4. Lot Coverage.** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and secondary buildings.

**F. Parking Regulations.**

- 1. Required parking may not be provided within the required front yard.
- 2. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in [Article I, Section 6.](#)

**G. Refuse Facilities.** Every dwelling unit shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multi-family dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by

an enclosure within a building. The side used for refuse pickup service access shall be screened by an opaque gate. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

- H. Border fencing of wood or masonry of not less than six (6) feet in height shall be installed by the builder at the time of construction of any multi-family complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multi-family unit by the owner of the unit.
- I. Each story in any multistory design, regardless of density, shall be provided with two (2) paths of entry and exit with each providing separate access to places of safety in the event of fire or other emergency.

## SECTION 9: “USF” Urban Single-Family Residential District

**A. General Purpose and Description.** This district is intended to accommodate the existing properties in the downtown area as defined in [Article III, Section 21](#).

### B. Permitted Uses.

1. Uses permitted in the USF District are outlined in the chart in [Article III, Section 2.C](#).

### C. Area Regulations.

LOT SIZE	STANDARDS
<b>A</b> Lot width (min.)	60'
<b>B</b> Lot depth (min.)	100'
Lot area (min.)	6,000 sq. ft.
COVERAGE	STANDARDS
<b>C</b> Lot coverage (max.)	40% (main bldg) 60% (all)
Dwelling Size (min.)	1,200 sq. ft.
Building Setbacks	
<b>D</b> Front Yard (min.)	25'
<b>E</b> Rear Yard (min.)	20'
<b>F</b> Side Yard (min.)	8'
Side Street (min.)	20'
SECONDARY BUILDINGS	STANDARDS
Rear Yard (min.)	20'
<b>G</b> Side Yard (min.)	25'
Front Yard (min.)	25'

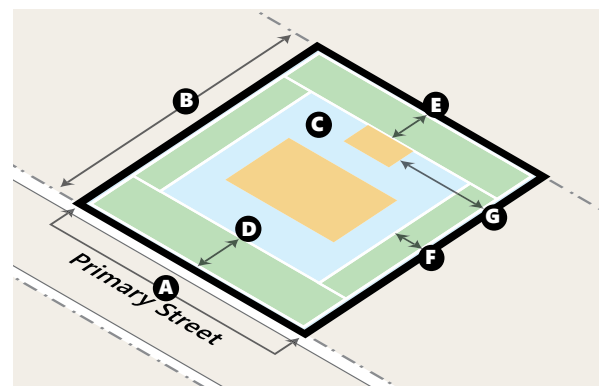


FIGURE 7. “USF” URBAN SINGLE-FAMILY RESIDENTIAL AREA REGULATIONS

1. Size of Yards.
  - a. Front Yard. There shall be a front yard having a minimum required depth of Twenty-five (25) feet as measured from the front property line.
  - b. Side Yard. There shall be a side yard on each side of the lot having a width of not less than eight (8) feet. The minimum side yard depth on a corner lot adjacent to a side street shall be twenty (20) feet. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').
  - c. Rear Yard. There shall be a rear yard having a minimum required depth of twenty (20).
2. Size of Lot.
  - a. Lot Area. No lot shall have an area of less than six thousand (6000) square feet.
  - b. Lot Width. No lot shall have a width of less than sixty (60) feet.
  - c. Lot Depth. No lot shall have a depth of less than one hundred (100) feet.
3. Minimum Dwelling Size. One thousand (1200) square feet.
4. Maximum Lot Coverage. Forty percent (40%) by the main building; sixty percent (60%) by the main building, secondary buildings, driveways and parking; and any other concrete work, flat work, etc.

## SECTION 10: "MHP" Manufactured Home Park District

**A. General Purpose and Description.** The "MHP" Manufactured Home Park Zoning District is intended to provide for quality manufactured home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

**B. Use Regulations.** A building or lot shall be used only for the following purposes:

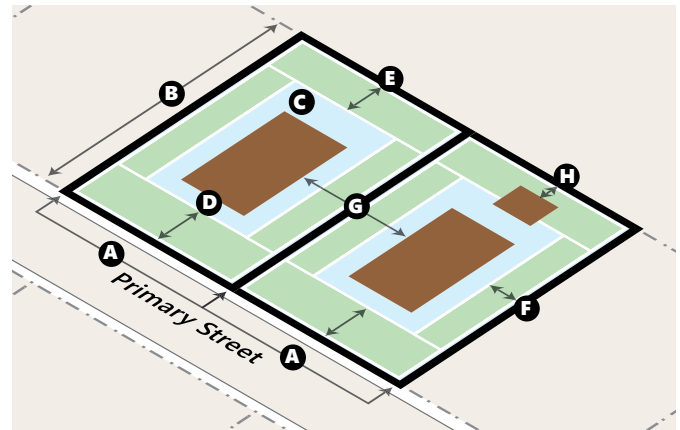
1. Manufactured Home Park.
  - a. Uses normally secondary to a manufactured home park, including office and/or maintenance buildings for management and maintenance of the manufactured home park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities and recreation areas for use by the resident of the manufactured home park.
  - b. Other uses as listed in [Article III, Section 2.C.](#) of this ordinance.

2. Specific Uses. The following specific uses shall be permitted in the MHP District when granted in accordance with [Article III, Section 18](#):
  - a. Boat and recreational vehicle and travel trailer storage yard.
  - b. Other uses as listed in [Article III, Section 2.C.](#) of this ordinance.

**C. Height Regulations.** Thirty (30) feet maximum.

**D. Area Regulations.**

LOT SIZE		STANDARDS
<b>A</b>	Lot width (min.)	50'
<b>B</b>	Lot depth (min.)	110'
	Lot area (min.)	5,500 sq. ft. per unit
COVERAGE		STANDARDS
<b>C</b>	Lot coverage (max.)	40%
	Dwelling Size (min.)	840 sq. ft.
Building Setbacks		
<b>D</b>	Front Yard (min.)	25'
<b>E</b>	Rear Yard (min.)	25'
<b>F</b>	Side Yard (min.)	10' from lot line
<b>G</b>		30' between manufactured homes
		20' from district line
	Side Street (min.)	20'
SECONDARY BUILDINGS		STANDARDS
<b>H</b>	Rear Yard (min.)	10'
	Side Yard (min.)	same as above
	Front Yard (min.)	25'



**FIGURE 8. “MHP” MANUFACTURED HOME PARK AREA REGULATIONS**

1. Size of Yards.
  - a. Front Yard. There shall be a front yard having a minimum required depth of twenty-five (25) feet from a dedicated street or private street or drive.
  - b. Side Yard. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet minimum, not less than thirty (30) feet between manufactured homes, not less than twenty (20) feet from district line, and not less than twenty (20) feet when adjacent to public or private street or drive.
  - c. Rear Yard. There shall be a rear yard having a minimum required depth of twenty-five (25) feet. The rear yard for secondary buildings shall be no less than ten (10) feet.
2. Size of Lot.
  - a. Lot Area. No lot shall have an area of less than five thousand five hundred (5500) square feet per unit.

- b. Lot Width. No lot shall have a width of less than fifty (50) feet.
- c. Lot Depth. No lot shall have a depth of less than one hundred ten (110) feet.

3. Minimum Dwelling Size. Eight hundred forty (840) square feet.

4. Lot Coverage. Forty (40) percent.

**E. Parking Requirements.** Two (2) spaces shall be provided per unit located on the lot plus additional spaces for secondary uses as required in [Article I, Section 6](#).

**F. Additional Restrictions Applicable to MHP District:**

- 1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.
- 2. All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
- 3. Tie-downs will be required and will be secured prior to occupancy.
- 4. Underpinning and skirting will be required and will be installed prior to occupancy.
- 5. Secondary buildings will be either manufactured or constructed in accordance with city codes.
- 6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

## SECTION 11: "NC" Neighborhood Commercial District

**A. General Purpose and Description.** The "NC" Neighborhood Commercial District is intended for office facilities, neighborhood shopping facilities and retail and commercial facilities of a service character. The NC District is established to accommodate the daily and frequent needs of the community.

**B. Use Regulations.** A building or premise shall be used only for the following purposes:

- 1. Banks or savings and loans containing no more than 10,000 square feet of floor space.
- 2. Clinic, medical or dental containing no more than 10,000 square feet of floor space.

- 3.** Food store with floor space not greater than twenty thousand (20,000) square feet.
- 4.** Furniture and appliance retail sales containing no more than 20,000 square feet of floor space.
- 5.** Laboratory, medical or dental containing no more than 10,000 square feet of floor space.
- 6.** Lithographic or print shop, retail only.
- 7.** Tool rental (inside only).
- 8.** Other general retail sales of similar nature and character provided that the business establishment is subject to the following conditions, which shall be applicable to all uses in the district:
  - a.** The business shall be conducted wholly within an enclosed building;
  - b.** Required yards shall not be used for display, sale or storage of merchandise or for the storage of vehicles, equipment, containers or waste material;
  - c.** All merchandise shall be sold at retail on the premises; and
  - d.** Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.
- 9.** Other uses as listed in this ordinance.
- 10.** The following specific uses shall be permitted in the NC District, when granted in accordance with [Article III, Section 2.C:](#)
  - a.** Gasoline service station.
  - b.** Farmer’s Market conducted within an enclosed building or unenclosed structure in accordance with Chapter 15 of the Sanger Code of Ordinances.
    - i.** [Site Plan Required](#). A site plan is required to be submitted with any application for a Specific Use Permit (SUP) in accordance with [Article III, Section 18](#) of this ordinance.
  - c.** Vape Shop or Smoke Shop.
    - i.** [Distance Requirements](#). In addition to all other requirements for a Specific Use Permit as set forth in [Article III, Section 18](#) of this ordinance, no Vape Shop or Smoke Shop shall be located:
      - (a)** Within 1,000 feet of any public or private primary or secondary

school or licensed daycare facility.

**(b)** Within 1,000 feet of any church, public or private hospital, public park, or public community center.

**(c)** Within 1,500 feet of any single-family or multi-family residential zoning district.

**(d)** Within 1,500 feet of any other existing vape or smoke shop.

**v.** Measurement of Distances. All distances specified in subsection c.i above shall be measured in a direct line, without regard to intervening structures or objects, from the closest property line of the proposed Vape Shop or Smoke Shop to the closest property line of the respective use or other Vape Shop or Smoke Shop.

**d.** Other uses as listed in [Article III, Section 18](#) of this ordinance.

**C. Height Regulations.** No building shall exceed one hundred (100) feet in height, except cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

#### **D. Area Regulations.**

LOT SIZE	STANDARDS
Lot width (min.)	none
Lot depth (min.)	none
Lot area (min.)	none
COVERAGE	STANDARDS
Lot coverage (max.)	40%
Building Setbacks	
Front Yard (min.)	25'
Rear Yard (min.)	20'
Side Yard (min.)	10' or 20' when adjacent to a residential district property
Side Street (min.)	25'
SECONDARY BUILDINGS	STANDARDS
Rear Yard (min.)	20'
Side Yard (min.)	25'
Front Yard (min.)	60'

##### **1. Size of Yards.**

**a.** Front Yard. There shall be a front yard having a minimum required depth of twenty-five (25) feet as measured from the front property line. Secondary uses must be set back a minimum (60) feet.

**b.** Side Yard. There shall be side yard on each side of the lot having a width



of not less than ten (10) feet. The minimum side yard depth on a lot adjacent to a street shall be twenty-five (25) feet. The minimum side yard depth on a lot adjacent to a residential district property line shall be twenty (20) feet.

- c. Rear Yard. There shall be a rear yard having a minimum required depth of twenty (20) feet for any building or structure. If an alley is not required, a masonry or wood wall of a minimum height of six (6) feet shall be constructed adjacent to the rear property line to provide a barrier between different uses.
  - d. Special Side or Rear Yard Requirement. When a nonresidential zoned lot or tract abuts upon a zoning district boundary line dividing the lot or tract from a residentially zoned lot or tract, a minimum side yard of twenty (20) feet shall be provided on the nonresidential property. A masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side (or rear) property line.
2. Size of Lot.
- a. Minimum Lot Area: None.
  - b. Minimum Lot Width: None.
  - c. Minimum Lot Depth: None.
3. Lot Coverage. No more than forty percent (40%) of the lot area shall be covered by buildings.

**E. Parking Regulations.** Off-street parking and loading shall be provided as set forth in [Article 1, Section 6](#).

## SECTION 12: "RC" Regional Commercial District

**A. General Purpose and Description.** The "RC" Regional Commercial district is intended to provide a zoning category similar to the "B-2" District, except that additional uses are permitted which are not generally carried on completely within a building or structure, and an expanded range of service and repair uses is permitted.

**B. Use Regulations.** A building or premise shall be used only for the following purposes:

- 1. Any use permitted in the "NC" Business District.

2. Building materials sales (no outside storage of lumber, materials or equipment).
  3. Lithographic or print shop, retail only.
  4. Newspaper or commercial printing.
  5. Other uses as listed in [Article III, Section 2](#) of this ordinance.
  6. The following specific uses shall be permitted in a RC District, when granted in accordance with [Article III, Section 18](#):
    - a. Specific uses as listed in [Article III, Section 2](#) of this ordinance.
    - b. Permit Required. A farmer's market permit is required for the use of a Farmer's Market in a RC District in accordance with Chapter 15 of the Sanger Code of Ordinances.
      - i. se Permit (SUP) in accordance with [Article III, Section 18](#) of this ordinance.
    - c. Vape Shop or Smoke Shop.
      - i. Distance Requirements. In addition to all other requirements for a Specific Use Permit as set forth in [Article III, Section 18](#) of this ordinance, no Vape Shop or Smoke Shop shall be located:
        - (a) Within 1,000 feet of any public or private primary or secondary school or licensed daycare facility.
        - (b) Within 1,000 feet of any church, public or private hospital, public park, or public community center.
        - (c) Within 1,500 feet of any single-family or multi-family residential zoning district.
        - (d) Within 1,500 feet of any other existing vape or smoke shop.
      - v. Measurement of Distances. All distances specified in subsection c.i above shall be measured in a direct line, without regard to intervening structures or objects, from the closest property line of the proposed Vape Shop or Smoke Shop to the closest property line of the respective use or other Vape Shop or Smoke Shop.
- C. Height Regulations.** No building shall exceed one hundred (100) feet in height, except cooling towers, vent stacks or mechanical equipment rooms may project not more than twelve (12) feet beyond maximum building height.

## D. Area Regulations.

LOT SIZE	STANDARDS
Lot width (min.)	none
Lot depth (min.)	none
Lot area (min.)	none
COVERAGE	STANDARDS
Lot coverage (max.)	50%
Building Setbacks	
Front Yard (min.)	20'
Rear Yard (min.)	20'
Side Yard (min.)	10' or 20' when adjacent to a residential district property
Side Street (min.)	25'
SECONDARY BUILDINGS	STANDARDS
Rear Yard (min.)	20'
Side Yard (min.)	25'
Front Yard (min.)	60'

### 1. Size of Yards.

- a. Front Yard. There shall be a front yard having a minimum required depth of twenty (20) feet. Secondary uses must be set back a minimum of sixty (60) feet.
- b. Side Yard. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. The minimum side yard depth on a lot adjacent to a street shall be twenty-five (25) feet.
- c. Rear Yard. There shall be a rear yard having a minimum required depth of twenty (20) feet for any building or structure. When an alley is not required, a solid masonry or wood wall of a minimum height of six (6) feet shall be constructed adjacent to the rear property line to provide a barrier between different uses.
- d. Special Side or Rear Yard Requirement. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing the lot or tract from a residentially zoned lot or tract, a minimum side yard of twenty (20) feet shall be provided for on the nonresidential property. A solid masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed adjacent to the common side (or rear) property line.

### 2. Size of Lot.

- a. Minimum Lot Area: None
- b. Minimum Lot Width: None
- c. Minimum Lot Depth: None

3. Lot Coverage. In no case shall more than fifty percent (50%) of the lot area be covered by buildings.

**E. Parking Requirements.** Off-street parking requirements shall be provided in accordance with [Article 1, Section 6](#).

## SECTION 13: "UR" Urban Retail District

**A. General Purpose and Description.** The "UR" Urban Retail district is intended to provide a zoning category to meet the special needs and interests of the historically central commercial area of the community. A variety of commercial uses are permitted although all permitted activities are conducted within a building or structure.

**B. Use Regulations.** A building or premises shall be used only for the following purposes:

1. Uses permitted in the NC district.
2. Other uses as listed in [Article III, Section 2.C](#). of this ordinance.
  - a. Permit Required. A farmer's market permit is required for the use of a Farmer's Market in a UR District in accordance with Chapter 15 of the Sanger Code of Ordinances.

**C. Height Regulations.** No building shall exceed thirty-five (35) feet in height, except cooling towers, vent stacks or mechanical equipment rooms may project not more than twelve (12) feet beyond maximum building height.

### D. Area Regulations.

LOT SIZE	STANDARDS
Lot width (min.)	none
Lot depth (min.)	none
Lot area (min.)	none
COVERAGE	STANDARDS
Lot coverage (max.)	100%
<b>Building Setbacks</b>	
Front Yard (min.)	none
Rear Yard (min.)	none except 10' when adjacent to a residential district
Side Yard (min.)	none except 10' when adjacent to a residential district
Side Street (min.)	15'

1. Size of Yards.
  - a. Front Yard. None required.
  - b. Side Yard. None required, except where a UR district abuts a residential district in which case there shall be a minimum side yard depth of ten (10) feet. The minimum side yard depth on a lot adjacent to a side street shall be fifteen (15) feet.

- c. Rear Yard. None required, except where a UR district abuts a residential district (whether separated by an alley or not) in which case a minimum rear yard of ten (10) feet shall be provided.
  - 2. Size of Lot.
    - a. Minimum Lot Size: None.
    - b. Minimum Lot Width: None.
    - c. Minimum Lot Depth: None.
  - 3. Lot Coverage. The maximum lot coverage by buildings shall be one hundred (100) percent of the lot area.
- E. Parking Requirements.** Off-street parking and loading shall be provided as set forth in [Article I, Section 6](#), with the first twenty (20) required off-street parking spaces being subtracted from the total number required.
- 1. Parking Regulations. Required off-street parking shall be provided in accordance with the specific uses set forth in [Article I, Section 6](#).

## SECTION 14: "I" Industrial District

- A. General Purpose and Description.** The I Industrial District is established to accommodate those uses in the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend on frequent customer or client visits, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose.
- B. Use Regulations.** Uses permitted in the "I" Industrial District are subject to the following conditions: (a) All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed areas.
- 1. All storage within one hundred feet (100') of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50) of such screening shall exceed the maximum height of such screening.
  - 2. Compliance with State and Federal Law: No uses shall be allowed which are prohibited by state law or which operate in excess of state or federal environment or pollutions standards as permitted by the U.S. Environmental Protection Agency, Texas Air Control Board, Texas State Department of Health, or the Texas Water Commission, as the case.

### 3. High Risk or Hazardous Uses:

- a. The uses listed in subsection C below are permitted in the Industrial District, provided that such use shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located and which produces no noise exceeding average intensity of street traffic at that point as measured by a sound level meter that is maintained in good working order, calibrated prior to and following any noise investigation, and meets the standards of ANSI with Type 2 or greater precision and provided that such use does not create hazards on the surrounding property.
- b. A "high risk or hazardous industrial use" is permitted by specific use permit only. In this section, "high risk or hazardous industrial use" means any industrial use whose operation, in the opinion of the Fire Chief, involves a much higher than average risk to public health and safety. These uses include but are not limited to facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals or substances, or highly combustible or explosive materials are present, used, produced, stored, or disposed of.

#### **C. Permitted Uses.** Permitted uses in the "I" Industrial District include the following:

1. Advertising products, such as signs and billboards (manufacturing of).
2. Ambulance, bus, train, and taxi stations, truck yards;
3. Awnings, Venetian blinds, and window shades (manufacturing of);
4. Bakery, candy, dairy and other food products, but not including fish and meat products, sauerkraut, vinegar, yeast, alcohol or alcoholic beverages;
5. Building materials yard, contractor's yard, lumberyard;
6. Cameras and other photographic equipment (manufacturing of);
7. Ceramic products, such as pottery, figurines, and small glazed tiles;
8. Ice plants, cold storage plants;
9. Jewelry;
10. Machine shops and fabrication of metal not more than ten (10) gauge in thickness;
11. Medical, dental, and optical supplies (manufacturing of);
12. Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;
13. Milk and ice cream processing.
14. Manufactured home sales.
15. Musical instruments;

- 16.** Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers;
- 17.** Repair of farm, household, office machinery or equipment;
- 18.** Scientific and precision instruments (manufacturing of);
- 19.** Sheet metal shops;
- 20.** Public utility and public service uses as follows:
  - a.** Bus stations, bus terminals, bus turnaround (off-street), bus garages, and bus lots;
  - b.** Electric substations;
  - c.** Radio and television towers;
  - d.** Railroad passenger station
  - e.** Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards;
  - f.** Privately owned water pumping stations and water reservoirs;
- 21.** Radar installations and towers;
- 22.** Radio and television studios and stations;
- 23.** Schools, trade.
- 24.** Storage and warehousing establishments.
- 25.** Storage yards, but not including junkyards;
- 26.** Swimming pool (manufacturing of).
- 27.** Trailer sales and rental, for use with private passenger motor vehicles;
- 28.** Warehousing completely within an enclosed building;
- 29.** Weighing stations;
- 30.** Wholesaling establishments;
- 31.** Secondary uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction;
- 32.** Other wholesale, light manufacturing, construction or service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment, or value of any property;
- 33.** Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings;
- 34.** Other uses as listed in [Article III, Section 2](#) of this ordinance.

**D. Specific Use.** The following specific uses shall be permitted in the "I" Industrial District when granted in accordance with [Article III, Section 18](#):

1. Automobile, airplane and other similar assembling;
2. Boat-building of small craft and other similar assembling;
3. Bottling or distribution plants, milk or soft drinks;
4. Cartage establishments;
5. Cosmetic and toiletries, drugs, perfumes, and perfumed soaps, and pharmaceutical products (manufacturing of);
6. Electrical applicants, such as lighting fixtures, irons, fans, and toasters (manufacturing of);
7. Electrical equipment assembly, such as home radio and television receivers and home-movie equipment, but not including electrical machinery;
8. Electrical supplies manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry-cell batteries;
9. Electronic instruments (manufacturing of);
10. Feed mixing and grinding plants;
11. Foundry or metal fabrication;
12. Furniture refinishing using a manufacturing or chemical dipping process;
13. Insecticide and pesticide products, packaging only;
14. Meat product processing;
15. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust proofing, and heat treatment;
16. Monument works;
17. Motor freight terminal;
18. Photo finishing associated with a manufacturing process;
19. Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses;
20. Shell egg business, candling, cartoning, and distributing;
21. Silverware, plate and sterling (manufacturing of);
22. Tire manufacture;
23. Gas regulator stations, mixing stations and gate stations;
24. All other facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities meet the compliance regulations in subsection B.2 above;
25. Concrete products casting, mixing and products manufacture;
26. Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes permitted by the City Council after public hearing and review of the particular operational characteristics of each such use, and other pertinent data affecting the community's general welfare.



- 27. Stadiums, auditoriums, and arenas.
- 28. Other uses as listed in [Article III, Section 2](#) of this ordinance.

**E. Height Regulations.** Maximum height of two hundred feet for radio communications towers, and one hundred (100) feet for all other structures.

**F. Area Regulations.**

LOT SIZE	STANDARDS
Lot width (min.)	none
Lot depth (min.)	none
Lot area (min.)	none
COVERAGE	STANDARDS
Lot coverage (max.)	50%
Building Setbacks	
Front Yard (min.)	20'
Rear Yard (min.)	20' except 50' when adjacent to a residential district
Side Yard (min.)	10' except 20' when adjacent to a residential district
Side Street (min.)	20'

**1. Size of Yards.**

- a. Front Yard. There shall be a front yard having a minimum required depth of twenty (20) feet.
- b. Side Yard. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. The minimum side yard depth on a corner lot adjacent to a street shall be twenty (20) feet. When the industrial district is adjacent to any residential district, a minimum side yard of twenty (20) feet shall be observed and a six (6) foot solid masonry or wood wall shall be constructed on the non-residential property adjacent to the residential district's property line.
- c. Rear Yards. There shall be a rear yard having a minimum required depth of twenty (20) feet, unless adjacent to a residential district, in which case a fifty (50) foot rear setback shall be observed.

**2. Size of Lot.**

- a. Minimum Lot Area: None.
- b. Minimum Lot Width: None.
- c. Minimum Lot Depth: None.

- 3. Lot Coverage. In no case shall more than fifty (50%) percent of the lot area be covered by the aggregate area of all buildings constructed on the lot.

**G. Parking Regulations.** Required off-street parking shall be provided in accordance with the specific uses set forth in [Article I, Section 6](#).

## SECTION 15: "PD" Planned Development District

**A. General Purpose and Description.** The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A "PD" District may be used to permit new and innovative concepts in land utilization.

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

**B. Permitted Uses.** Any use specified in the ordinance granting a Planned Development district shall be permitted in that district. The size, location, appearance and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this ordinance.

### **C. Development Standards.**

1. Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, secondary buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
2. In the PD District, the particular districts to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
3. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted wherein. A specific list is required of variances in each district or districts and a general statement for citing the reason for the PD request.
4. The Planned Development district shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.
5. The minimum acreage for a planned development district shall be twenty-five (25) contiguous acres for low-density developments, and fifteen (15) contiguous acres for medium-density developments.

- D.** In establishing a Planned Development district in accordance with this section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the Planning and Zoning Commission and City Council shall require a conceptual plan and a development or detail site plan.
- 1.** Conceptual Plan. This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and shall be supported by written documentation of proposals and standards for development.
    - a.** A conceptual plan for residential land use shall show general use, thoroughfares and preliminary lotting arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.
    - b.** A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Commission or City Council, may include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
    - c.** Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the Building Official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan the Planning and Zoning Commission shall review the request and render judgment as to the conformity.
  - 2.** Development Plan or Detail Site Plan. This plan shall set forth the final plans for development of the Planned Development district and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. For

any district RD or MD, a final plat shall qualify as the development plan. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the Planning and Zoning Commission and City Council. A public hearing on approval of the development plan shall be required at the Council and Commission level, unless such a hearing is waived pursuant to subsection 3 below at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

- a. A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.
  - b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet.
  - c. A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
  - d. A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.
  - e. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the Planning and Zoning Commission or City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the Building Official or his designated representative.
- 3.** All development plans may have supplemental data describing standards, schedules or other data pertinent to the development of the Planned Development District which is to be included in the text of the amending ordinance. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in [Article I, Section 14](#). This procedure is expanded as follows for approval of conceptual and development plans.

- a. A public hearing shall be held by the Planning and Zoning Commission and City Council for the approval of the conceptual development plans or any section of the development plan. A single public hearing is adequate when:
    - i. The applicant submits adequate data with the request for the Planned Development district to fulfill the requirements for both plans; or
    - ii. Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it.
  - b. The ordinance establishing the Planned Development district shall be approved by the Planning and Zoning Commission and City Council with the conceptual plan.
- E. When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic. Written comments from the applicable public school district, and from private utilities may be submitted to the Planning Commission prior to the commission making any recommendations to the Council.
- F. All Planned Development districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in the appendix of this ordinance.
- G. Planned Development Ordinances Continued.** Prior to adoption of this ordinance, if the City Council has established various Planned Development Districts, they are to be continued in full force and effect. The establishing ordinances or parts of ordinances approved prior to this ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development Districts shown on the Zoning Map at the date of adoption of this ordinance.

## SECTION 16: “H” Historic District and Historic Preservation

- A. General Purpose and Description.** Any zoning district designation appearing on the zoning district map may be followed by the suffix “H” indicating a historic landmark subdistrict. Such subdistrict may include buildings, land, areas, or districts of historical, architectural, archaeological or cultural importance or value which merit protection, enhancement, and preservation in the interest of culture, prosperity, education, and welfare of the people. The “H” designation shall apply to those premises, lots or tracts designated through procedures set

forth herein. Additional principal and secondary uses may be permitted in any specific "H" subdistrict and shall be enumerated in the ordinance establishing such historic landmark subdistrict, provided such uses are included in the zoning application. Such suffix shall not affect the legal use of the property and the basic underlying zoning of the property except as provided in the ordinance establishing the subdistrict.

**B. Declaration of policy.** The City Council hereby finds and declares as a matter of public policy that the protection, enhancement, preservation, and use of historic landmarks is a public necessity and is required in the interest of culture, prosperity, education and general welfare of the people.

### C. Definitions

1. Alteration: The introduction of compatible forms, colors, textures, materials, and shapes which harmonize with existing historical districts and landmark characteristics yet relate well through the sensitive use of proportion, scale, and landscaping.
2. Historic District: A historic district is defined as an area which has outstanding historical and cultural significance in the state, region, or community, within which the buildings, structures, secondary buildings, fences, or other appurtenances are of basic and vital importance for the development of culture and tourism because of their association with history, including:
  - a. Historic structures, sites or areas within which the buildings, structures, appurtenances, and places exemplify the cultural, political, economic or social history of the state, region, or community.
  - b. Historic structures, sites or areas that are identified with the lives of historic personages or with important events in state, regional, or local history.
  - c. Structures or areas that embody the distinguishing characteristics of an architectural type specimen as to color, proportion, form, and architectural details.
3. Historic Landmark: A historic landmark is defined as a place which has outstanding historical and cultural significance in the state, region, or community. The designation historic landmark recognizes that the historic place, or the building(s), structure(s), secondary building(s), fences or other appurtenances at the place, are of basic and vital importance for the preservation of culture and the development of tourism.
4. Reconstruction: The reconstruction process involves the recreation of a replica of a building or facility that no longer exists on its original site based on archaeological, historical, documentary, and physical evidence. Both modern construction techniques and traditional methods may be used for a reconstruction project.

5. Rehabilitation: This process involves modifications or changes to an existing building. Rehabilitation extends the useful life or utility of the building through repairs or alterations, sometimes major, while the features of the building that contributed to its architectural, cultural, or historical character are preserved.
6. Relocation: Relocation as a result from changes in land use and redevelopment programs involves the disassembly, relocation on a different site, and reassembly of a building.
7. Restoration: The restoration process involves the careful and meticulous return of a building, usually on its original site, to its appearance at a particular period of time by removal of later work or replacement of missing earlier work.

- D. Architectural Standards.** Existing exterior details and architectural elements shall be preserved whenever possible. New structures shall replicate the style, scale, placement, awnings, and canopies of existing buildings within the same block whenever possible.
- E. Architectural Review.** Applications for a building permit or other required permit for construction work within the district must be reviewed and approved for compliance with the Architectural Standards prior to issuance. A minor project is an alteration that does not remove or conceal the heritage elements. A major project is one that removes or conceals heritage elements, one that adds contrasting elements, and/or a new structure greater than 200 square feet.
- F. The design of minor projects can be approved by the Director of Development Services.** Designs which cannot be approved by the Director must be forwarded to the Historic Preservation Commission for consideration. The Director can forward a proposed design to the Historic Preservation Commission for any reason.
- G. Major projects must be reviewed by the Historic Preservation Commission, and approved prior to issuance of a building permit.** The Commission shall also review minor projects forwarded by the Director of Development Services. The Commission can make a finding of conformance with Architectural Standards and approve the design for issuance of a permit. Denial of a proposed design for lack of conformance with the Architectural Standards may be appealed by the applicant to the City Council.



## SECTION 17: "FP" Floodplain District

- A. General Purpose and Description.** To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding portions of certain districts are designated with a Flood Plain Prefix, "FP". Areas designated on the Zoning District Map by an FP Prefix shall be subject to the following provisions:
- B. Permitted Uses.** The permitted uses in that portion of any district having a Flood Plain (FP) prefix shall be limited to the following:
1. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings.
  2. Off-street parking incidental to any adjacent main use permitted in the district.
  3. Electrical substation.
  4. All types of local utilities including those requiring specific use permits.
  5. Parks, playgrounds, public golf courses (no structures), and other recreational areas.
  6. Private open space as part of a Planned Residential Development.
  7. Heliport when approved by specific use permit as provided in [Article III, Section 18](#).
  8. Structures, installations and facilities installed, operated and maintained by public agencies for flood control purposes.
  9. Bridle trail, bicycle or nature trail.
- C.** No building or structure shall be erected in that portion of any district designated with a Flood Plain, FP, prefix until and unless such building or structure has been approved and a building permit issued by the Director of Development Services after engineering studies have been made, and it is ascertained that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or the public health and welfare.
- D.** Any dump, excavation, storage, filling or mining operation within that portion of a district having a Flood Plain, FP, prefix shall be approved in writing by the City Manager or his designated representative before such operation is begun.
- E.** The fact that land is not within a district having a Flood Plain, FP, prefix shall not be interpreted as assurance that such land or area is not subject to periodic local flooding and the designation of the prefix in this ordinance shall not be so interpreted. The City Council by resolution may remove, alter or change the flood plain boundary or designation on the Zoning District Map for any district.



## SECTION 18: Specific Use Permit

### A. General Provisions.

1. After proper notice and a public hearing, and after recommendation from the Planning and Zoning Commission that a specific land use is in general conformance with the comprehensive plan of the City, the City Council may grant a permit for a specific use of property as authorized by the zoning district in which the property is situated. An application for Specific Use Permit (SUP) shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet. The Planning Commission or City Council may require information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.

### B. Specific Use Permit Regulations.

1. In recommending that a specific use permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures and compatibility of buildings.
2. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Development Services Department for use of the building on such property pursuant to such Specific Use Permit; and such conditions precedent to the granting of the certificate of occupancy.
3. No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and City Council. No public hearing is necessary for site plan approval.
4. The Board of Adjustment shall not have jurisdiction to hear, review, reverse or modify any decision, determination or ruling with respect to the granting,

extension, revocation, modification or any other action taken relating to such specific use permit.

5. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.
6. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and suffixed by the designation "SUP."

**C. Period of Validity.** No specific use permit shall be valid for a period longer than the date specified by the City Council upon granting the specific use, unless within such period: (1) a building permit is obtained and the erection or alteration of a structure is started, or (2) an occupancy permit is obtained and a use commenced.

## SECTION 19: Classification of New and Unlisted Uses

- A. 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 Director of Development Services shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
  2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and determine the zoning district or districts within which such use should be permitted.

3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
4. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in paragraphs 1, 2, and 3 above shall be followed.

## SECTION 20: Nonconforming Uses and Structures

**A. Generally.** A nonconforming status shall exist under the following provisions of this ordinance:

1. Within the districts established by this ordinance or amendments thereto, there exists lots, structures, uses of land and structures, and characteristics of use which were lawful immediately before this ordinance was enacted, amended, or otherwise made applicable to such lots, structures, or uses, and has since been in regular and continuous use but because of the establishment of this ordinance or amendments thereto do not conform to the regulations of the district in which they are located.
2. It is the intent of this ordinance to permit such nonconforming use to continue, under regulations herein contained, until the same are removed, but not to encourage their survival.

**B. Expansion and Changes.** No nonconforming use of land or buildings, nor any nonconforming structure shall be enlarged, changed, altered, repaired, expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance except in conformity with the regulations contained within this article or those required by law or to provide off-street loading or off-street parking space upon approval of the Board of Adjustment.

**C. Repairs and Maintenance.** Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

**D. Termination of Nonconforming Uses.** The right to operate a nonconforming use shall cease and such use shall be terminated under any of the following circumstances.

1. Abandonment. Whenever a nonconforming use is abandoned, all nonconforming rights shall cease, and the use of the premises shall

henceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for, or remains vacant for a period of six (6) months shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.

2. Violation of Ordinance. The violation of any of the provisions of this ordinance or violation of any ordinance of the City of Sanger with respect to a nonconforming use shall terminate immediately the right to operate such nonconforming use.
3. Rezoning. Whenever a nonconforming use is changed to a conforming use by rezoning so as to achieve compliance with the provisions of a new or different zoning district.
4. Whenever a nonconforming use is changed to a conforming use under the provisions of this section.
5. Whenever the structure, in which a nonconforming use is housed, operated, or maintained, is destroyed or damaged by fire, act of God or other cause, to the extent of more than sixty (60) percent of the replacement cost of the structure, on the date of the damage, the right to operate such nonconforming use shall terminate.
6. The right to maintain or operate a nonconforming use may be terminated by the Zoning Board of Adjustment in accordance with the provisions of [Article II, Section 2](#) of this ordinance.

#### **E. Termination of Nonconforming Structures.**

1. In the event of damage or destruction of a nonconforming structure to the extent of more than sixty (60) percent of the replacement cost of the structure on the date of such damaged, such nonconforming structure may be rebuilt only after public hearing and favorable action by the Zoning Board of Adjustment as provided in [Article I, Section 14](#).
2. Whenever a nonconforming structure is determined to be obsolete, dilapidated, or substandard by the Zoning Board of Adjustment, the right to operate, occupy, or maintain such structure may be terminated by action of the Zoning Board of Adjustment as provided in [Article I, Section 14](#) and such structure shall be demolished.

#### **F. Amortization of Nonconforming Uses or Structures.**

1. First Public Hearing. Upon direction by the City Council, the Zoning Board of Adjustment shall hold a public hearing to determine whether the continued operation of the nonconforming uses will have an adverse effect on nearby

properties or the community welfare. Notice of the public hearing shall be in the manner established in [Article I, Section 14](#).

2. In determining whether the continued operation will have an adverse effect on nearby properties or the community welfare, the Zoning Board of Adjustment shall consider the following factors:
  - a. The City of Sanger's Comprehensive Plan, as adopted or amended;
  - b. The character of the surrounding neighborhood;
  - c. The degree of incompatibility of the use with the zoning district in which it is located;
  - d. The manner in which the use is being conducted;
  - e. The hours of operation of the use;
  - f. The extent to which continued operation of the use may threaten public health or safety;
  - g. The environmental impacts of the use's operation, including, but not limited to, the impacts of noise, glare, dust, and odor;
  - h. The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use;
  - i. The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use; and
  - j. Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.
3. If the Zoning Board of Adjustment determines that the nonconforming use has an adverse effect on nearby properties or the community welfare, it shall hold a second public hearing to set a date for compliance. The Zoning Board of Adjustment shall have the authority to request the owner to produce financial documentation and/or records to the factors listed in Article III, Section 20.F.5, below. The owner shall provide said documents and/or records at least thirty (30) days before the second public hearing. If the owner does not provide said documentation, the Zoning Board of Adjustment is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public or expert testimony at the hearing. Failure by the owner to provide the requested financial documents and records shall not prevent the Zoning Board of Adjustment from setting a compliance date.
4. Second Public Hearing. Notice of the public hearing shall be in the manner established in [Article I, Section 14](#).
5. The Zoning Board of Adjustment shall, in accordance with Section 211.019 of the Texas Local Government Code, as amended, utilize the procedures and

owner or lessee compensation criteria contained in said section in the event the City determines that a nonconforming use of a property shall cease.

6. Ceasing Operations. If the Zoning Board of Adjustment establishes a compliance date for a nonconforming use, the use must cease operations on that date, and it may not operate thereafter unless it becomes a conforming use.
7. Decisions that cannot be immediately appealed. A decision by the Zoning Board of Adjustment that the continued operation of a nonconforming use will have an adverse effect on neighboring property or the community welfare and the Zoning Board of Adjustment's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.
8. Decision to deny a request to establish a compliance date. A decision by the Zoning Board of Adjustment to deny a request to establish a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Texas Local Government Code.
9. Decision to set a compliance date. A decision by the Zoning Board of Adjustment setting a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Texas Local Government Code.
10. Nothing in this section shall prevent the City and the property owner(s) of such nonconforming use from mutually agreeing upon a compliance date and memorializing such agreement in writing, to be approved by the City Council and said property owner(s) and filed in the real property records of Denton County.

#### **G. Change to a Conforming Use.**

1. Any nonconforming use may be changed to a conforming use in accordance with [Article I, Section 13.F](#) and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
2. The Zoning Board of Adjustment may grant a change of use from one nonconforming use to another nonconforming use provided such change is to a use permitted in a zoning district where the original nonconforming use would be permitted, or provided that such change is to a use permitted in a more restrictive classification. However, such change of use and occupancy shall not tend to prolong the life of a nonconforming use.
3. The Zoning Board of Adjustment may approve the remodeling or enlargement of a nonconforming use when such an enlargement would not tend to prolong the life of the nonconforming use. Upon review of the facts, the Zoning Board of Adjustment may establish a specific period of time for the return of the occupancy to a conforming use.

## SECTION 21: Definitions

Except to the extent a particular provision specifies otherwise, the following definitions shall apply throughout this ordinance:

### A

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**Accessory Dwelling Unit.** A secondary dwelling located on a lot with a primary detached residential structure and used as living quarters but not for rent or lease separate and apart from the primary detached residential structure.

**Adult Uses.** Establishment or activities that involve the provision of goods, services, or entertainment intended for individuals of legal adult age and may contain explicit or sexually oriented content.

**Airport or Landing Field.** An area improved for the landing or take-off of aircraft approved by the City of Sanger for operation as an aircraft landing facility.

**Alley.** A public way, public space or thoroughfare which affords only secondary means of access to property abutting thereon.

**Antique Shop.** An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

**Apartment.** A room or suite of rooms in a multi-family dwelling or apartment house designed or occupied as a place of residence by a single-family, individual or group of individuals.

**Apartment House.** Any building, or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more apartments or which is occupied as the home or place of residence of three or more families living independently of each other and maintaining separate cooking facilities.

**Area of the Lot or Building Site.** The net area of the lot or site and shall not include portions of streets and alleys.

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



**Assisted Living Facility.** An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and that provides personal care services as defined by Chapter 247 of the Texas Health and Safety Code. Personal care services include assistance with daily living activities such as meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication; or the general supervision or oversight of a person's physical and mental well-being.

**Attached.** Physical connection above the top of the floor line of the first floor.

## B

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**Basement.** A building story that is not a story above grade plan. A basement shall not be counted as a story in computing building height. May be referred to as a cellar.

**Bedroom.** A room in an apartment or building other than a kitchen, dining room, living room, bathroom or closet. This definition shall include extra dining rooms, living rooms, and all dens, studies, game rooms, sun rooms or similar extra rooms, all of which are capable of being used as bedrooms.

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

**Board.** Zoning Board of Adjustment.

**Boarding or Rooming.** A building, other than a hotel or multiple family dwelling, where lodging is provided for five (5) or more persons for compensation, and where facilities for food preparation are not provided in individual rooms.

**Buildable Area.** That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

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

**Building Ends.** Those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building spacing regulations for multiple-family dwelling, the term "building end" shall mean the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.



**Building Inspector.** The Building Official or his or her designee responsible for the review and permitting of construction work performed within the City limits.

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

**Building Material Sales.** The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which is oriented to the retail customer, rather than contractor or wholesale customer.

**Building Official.** The person officially charged with the enforcement of the zoning and buildings codes of the City.

**Business.** Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease, or exchange of goods, and/or the provision of business services.

## C

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**Cash Advance or Payday Loan Office.** An office or premises containing a business engaging in making cash advances, payday loans, auto title loans or similar consumer loans.

**Certificate of Occupancy Compliance.** An official certificate issued by the City through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.

**Church or Rectory.** Any building, place or structure(s) owned and/or used by religious organizations or congregations and providing religious worship, religious training, or education of its members. This definition includes secondary uses such as rectories, convents, monasteries, or other congregate residences for the housing of religious organization personnel, meeting halls, offices for administration of the institution, day care facilities, education or schools, recreation associated with schools or day care facilities which are associated or affiliated with a church.

**City Manager.** Chief administrative officer of the City of Sanger, Texas.

**City Council.** The governing body of the City of Sanger, Texas.

**Clinic Medical or Dental.** Facilities for examining, consulting and treating patients including offices, laboratories and outpatient facilities, but not including hospital beds and rooms for acute or chronic care.

**Club, Private.** A club room or suite of rooms or a building available to restricted membership for meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

**College or University.** An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

**Commercial.** Any business, other than a customary home occupation or manufacturing business, which involves the exchange of goods or services for the remuneration of a person occupying the premises upon which the transaction or part thereof takes place.

**Commercial Amusement (Indoor).** An amusement enterprise wholly enclosed and operated within an acoustically treated building offering entertainment or games of skill to the general public for a fee or charge.

**Commercial Amusement (Outdoor).** An amusement enterprise offering entertainment or games of skill to general public such as golf driving range, pitch and putt course, archery, miniature golf and similar outdoor activities but not including go-cart racing, drag strips, auto racing or motorcycle racing.

**Community Center (Private).** A building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A private community center shall not be operated as a place of public meetings or as a business nor shall the operation of such facility create noise, odor or similar conditions perceptible beyond the bounding property line of the project site.

**Community Center (Public).** A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.

**Convenience Store.** Any retail establishment of less than 13,000 square feet that sells a variety of convenience goods, including food, beverages, tobacco products, beer and wine, and household goods, as well as gasoline sales.

**Country Club (Private).** An area of twenty (20) acres or more containing a golf course and a clubhouse and available only to private specific membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

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

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

**Customary Home Occupation.** An occupation customarily carried on in an existing structure of the property by a member of the occupant's family and not more than two (2) employees, one of whom must be the owner of the business being conducted at the location. Customary home occupations must be clearly secondary to the residential uses of the dwelling with no evidence of the home occupation visible to the neighborhood, and may not include the physical or medical treatment of persons or animals, retail sales, business services, barber shops, beauty shops, dance studios, carpenter shops, electrical shops, plumber shops, radio shops, auto repairing or painting, furniture repairing, or sign painting. No signs or displays advertising the customary home occupation may be placed on the property where the home occupation is conducted. A person engaging in a home occupation shall not display or store materials, merchandise, and/or equipment for sale or use outside of the structure in which the business is conducted. A person engaging in a home occupation may conduct outdoor activities other than storage of materials and/or equipment provided the activities are screened from adjacent properties and public easements and rights-of-way by a solid fence of at least six (6) feet in height, shall not involve the use of motorized equipment, and shall not generate loud and raucous noise that renders the enjoyment of life and property uncomfortable or interferes with public peace and comfort.

## D

**Day Nursery or Day Camp.** An establishment where children are left for care or training during the day of portion thereof including a recreation area with or without a building where children engage in supervised training or recreation during daylight hours.


**Depth of Front Yard.** The minimum distance from the front lot line to the front line of a building.

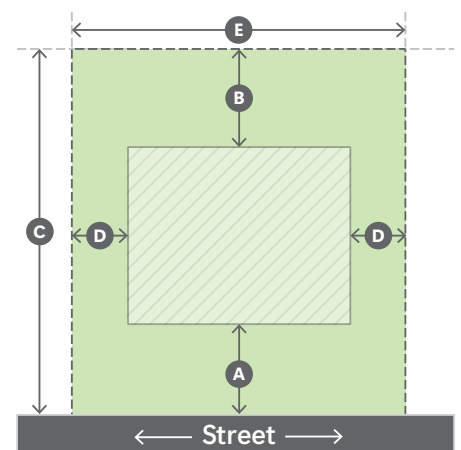
**Depth of Lot.** The mean horizontal distance between the front and rear lot lines.

**Depth of Rear Yard.** The minimum distance between the rear line of a building other than a secondary building and the rear lot line.

**Detached.** Having no physical connection above the top of the floor line of the first floor with any other building or structure.

### Area Regulations

- |                              |  |
|------------------------------|--|
| <b>A</b> Depth of Front Yard | <b>D</b> Width of Side Yard  |
| <b>B</b> Depth of Rear Yard  | <b>E</b> Width of Lot  |
| <b>C</b> Depth of Lot        |  Buildable Area |



**Development Plan or Detail Site Plan.** A comprehensive plan for the development of a specific site, including, but not limited to, a site plan, architectural drawings, engineering drawings, and a narrative description of the project that provides sufficient detail for the Development Services Department to determine compliance with the applicable development standards.

**District.** A section of the City for which the regulations governing the area, height or use of the land and buildings are uniform.

**Downtown.** The area within the City of Sanger generally bounded by FM 455 on the north, 7th Street on the west, Locust Street on the south, and the BNSF rail line on the east.

**Drive-Through.** A building or facility where customers can be served without leaving a vehicle.

**Dwelling, Multiple-Family.** Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

**Dwelling, One-Family.** A dwelling unit having accommodations for and occupied by not more than one family.

**Dwelling, Two-Family.** A detached building having separate accommodations for and occupied by not more than two families.

**Dwelling Unit or Living Unit.** A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

## E

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**Eating Place Without Drive-In or Curb Service.** Any eating establishment, cafeteria, restaurant or inn where food service is offered to customers not in automobiles.

**Electric Vehicle (EV) Charging Station.** A public or private vehicle space utilized as an area to fuel an electric or hybrid vehicle and featuring equipment for charging electric or hybrid vehicles.

**Electric Vehicle Supply Equipment (EVSE).** The electrical conductors and ground equipment external to an electric vehicle that provides a connection for an electric or hybrid vehicle to a power source to provide vehicle charging. The following are typical classification levels:

Level 1: Provides charging through 120-volt electrical service.

Level 2: Provides charging between 120-volt and 240-volt electrical service.

Level 3 or Rapid Charge: Provides a voltage or rating greater than 240-volt, through three-phase or inductive charging equipment.

**Emu Farms.** An area of five (5) acres or more used for the raising and breeding thereon of emus for future sale or show. No person may have in excess of eight (8) adult emus per acre of land nor three (3) chick emus may be kept per acre.

## F

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**Family.** Any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage or adoption.

**Farm Secondary Building.** A secondary structure on a tract qualifying as a farm as herein defined for storing or housing the usual projects and animals raised or maintained on a farm, such as a barn, poultry house, stable, machinery shed or granary. No structure housing animals or poultry shall be located nearer than one hundred (100) feet to the bounding property lines of the farm tract.

**Farm, Ranch, Garden or Orchard.** An area of five (5) acres or more which is used for the growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep, and emus including the necessary secondary uses for raising, treating and storing products raised on the premises, not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law.

**Farmer's Market.** Any indoor or outdoor venue where proprietors can organize the sale of agricultural produce to the public.

**Financial Institution or Bank.** A building or portion of a building primarily devoted to the provision of financial and/or banking services to customers or clients such as banks, credit unions, savings banks, savings and loan associations, lending establishments, and investment companies.

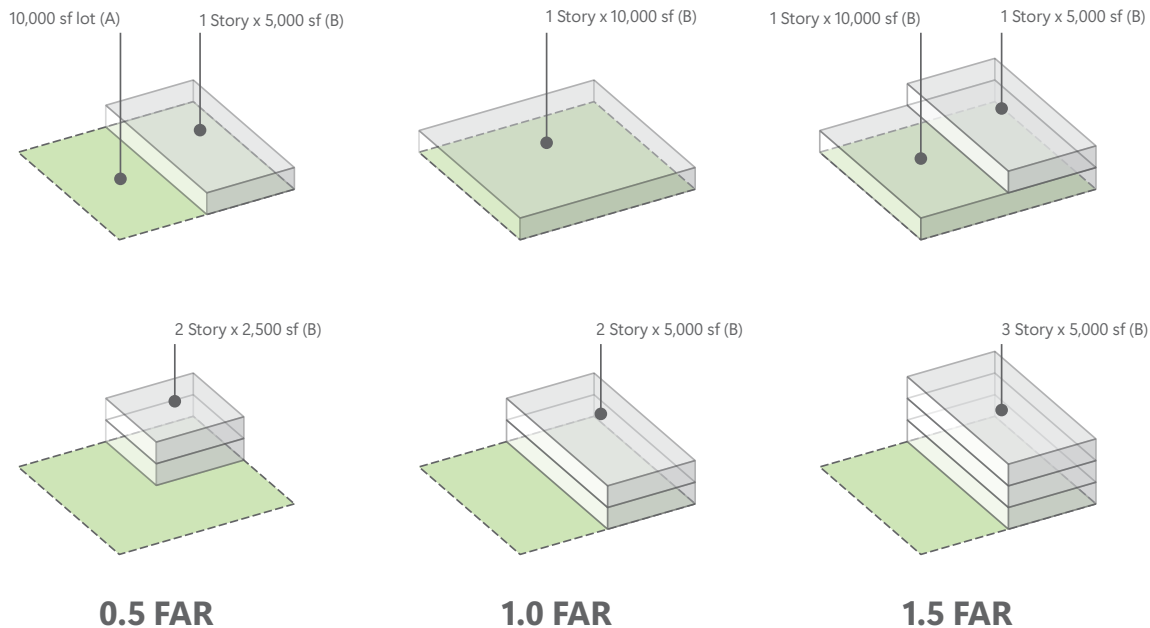
**Fire, Police or Municipal Building.** Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.

**First Floor.** A floor and the space above it between the floor and the next floor or the ceiling or roof, the height of said space being no more than 50 percent below grade and the top of the floor being no higher than six feet above grade. All floors above the first floor shall be numbered in ascending sequence, starting with the second floor.

**Floor Area.** The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding basements and cellars, carports, garages or porches.

**Floor Area Ratio.** The ratio of total building floor area to lot area.

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Sum of Total Floor Area (B)}}{\text{Total Lot Area (A)}}$$



## G

**Gambling.** The act of making a bet on the partial or final result of a game or contest or on the performance of a participant in a game or contest; or the act of making a bet on the result of any political nomination, appointment, or election or on the degree of success of any nominee, appointee, or candidate; or the act of playing and betting for money or other thing of value at any game played with cards, dice, balls, or any other gambling device or gaming and software sweepstakes device.

**Gambling Device.** A device described in Article 47.01(4) (A) of the Texas Penal Code.

**Game Room.** A for-profit business located in a building or place involved in gambling or that contains six (6) or more: gaming and software sweepstakes devices, gambling devices, or electronic, electromechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted for bona fide amusement purposes.

**Gaming and Software Sweepstakes Devices (GSSD).** Includes but are not limited to any machine or device on which individuals can: 1) play games of chance to win money or a prize with value, by digitally or physically inserting credits or coins into the machine or device with the exception of Texas Penal Code sec. 47.01(4) (B); or 2) participate in contests that award one or more prizes (including money, game credits, or coupons redeemable for a prize of value) based on chance or the random selection of entries by operation of software; or 3) win money or prizes with value if a horizontal, vertical, or diagonal row of objects line up (also known as “Eight Liners”).

**Gasoline Service Station.** A place or establishment where gasoline, oil, grease, or motor vehicle accessories are sold, supplied, or dispensed to the retail motor vehicle trade, or the washing of motor vehicles, or provides electric vehicle charging stations.

**Golf Course (Commercial).** A golf course, privately owned but open to the public for a fee and operated as a commercial venture.

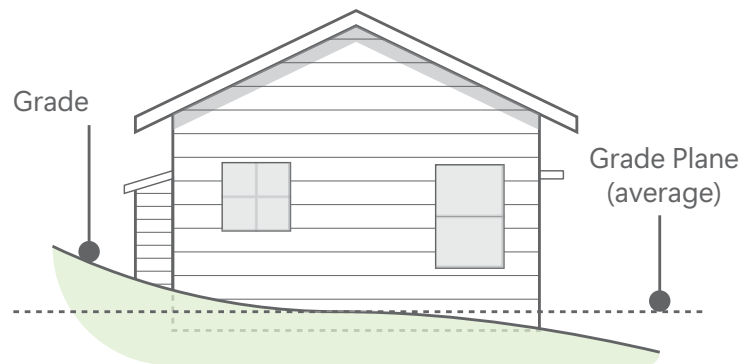
**Grade.** The finished ground level adjoining the building at all exterior walls.

**Grade plane.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls.

**Guest House (detached).**

A secondary structure on a lot or tract containing dwelling accommodations excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not for rent or permanent occupancy.

## Grade

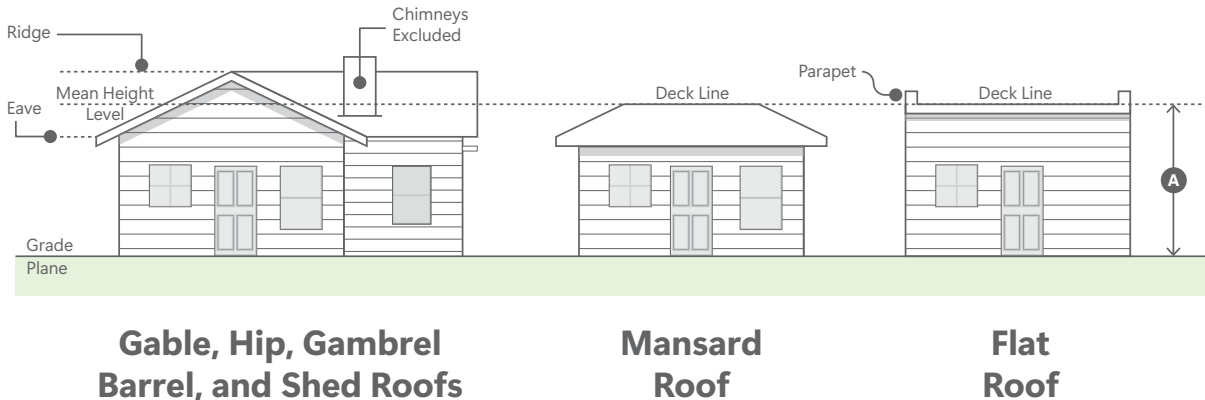


# H

**Height.** The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

## Height, Building

**A** Building Height



**Helipoint or Helistop.** A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft and subject to approval by the City of Sanger.

**Historic Landmark.** Any buildings, land, areas or districts of historical, architectural, archaeological or cultural importance or value, which the City Council determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the people.

**Hospital (general acute care).** An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

**Hospital (chronic care).** An institution where those persons suffering from generally permanent types of illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and which is licensed by the State of Texas.



**I**

**Industrialized Housing.** A residential structure that is:

1. Designed for the occupancy of one or more families;
2. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
3. Designed to be used as a permanent residential structure when the module or modular component is transported to the permanent site and erected or installed on a permanent foundation system.

Industrialized housing includes the structure's plumbing, heating, air conditioning and electrical systems. Industrialized housing does not include housing constructed of a sectional or panelized system that does not use a modular component or a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

**Institution for Alcoholic, Narcotic or Psychiatric Patients.** An institution offering resident or out-patient treatment to alcoholic, narcotic or psychiatric patients.

**K**

**Kindergarten.** The school for children of preschool age, in which construction endeavors, object lessons, and helpful games are prominent features of the curriculum.

**L**

**Library, Art Gallery or Museum (Public).** Any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

**Light Fabrication and Assembly Processes.** The fabrication, assembly or manufacture of products, including but not limited to jewelry, trimming decorations, signs, and similar items, which does not involve generation of noise, odor, vibration, dust or hazard.

**Liquor Store.** An establishment principally for the retail sale of alcoholic beverages for off-premises consumption, as defined in the Texas Alcoholic Beverage Code.

**Local Utility Line.** The usual electric power, telephone, gas, water, sewer, and drainage lines designed and constructed by the municipality or a franchised utility company to serve a community with urban type services.

**Lodging House.** A building where lodging for five (5) or more persons is provided in exchange for compensation.

**Lot Coverage.** The total area of a lot upon which is placed a building, buildings, or other structures.

**Lot Depth.** See *Depth of Lot*.

**Lot Lines.** The lines bounding a lot as defined herein.

**Lot of Record.** A lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk of Denton County; or a parcel of land, the deed for which is recorded in the office of the county clerk of Denton County prior to the adoption of this ordinance.

**Lot or Building Site.** Land occupied or to be occupied by a building and its secondary building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

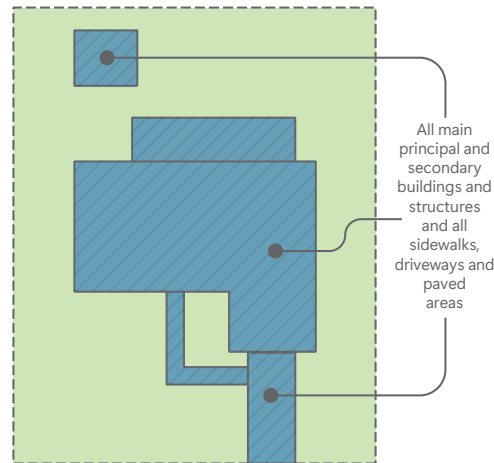
**Lot Width.** The width of a lot at the front building lines.

## Lot Coverage

Lot Area

Impervious Surface

$$\text{Lot Coverage Ratio} = \frac{\text{Impervious Surface Area}}{\text{Total Lot Area}} \times 100$$



## M

**Main Building.** The building or buildings on a lot which are occupied by the primary use.

**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, which is 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, and, in the traveling mode, is at least eight body feet (8') in width or at least forty body feet (40') in length or, when erected on site, at least 320 square feet. A home includes the plumbing, heating, air conditioning and electrical systems of the home and does not include a recreational vehicle as defined by applicable federal regulations.

**Manufactured Home Park.** A tract or parcel of land used to accommodate manufactured home units that are not on a permanent foundation and secondary structures as a semi-permanent place of residence.

**Manufactured Home Subdivision.** A tract of land subdivided into lots which are designed as permanent sites for manufactured or relocatable homes and which are served by separate utilities, dedicated street access on a legally filed plat, and are capable of being conveyed as separate lots.

**Manufacturing Processes.** Uses restricted from other zoning districts but permitted in the “I” Industrial District under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas.

**Mobile Home.** A structure constructed before June 15, 1976, which is 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, which is transportable in one or more sections, and which, in the traveling mode, is at least eight body feet (8') or at least forty body feet (40') in length or, when erected on site, is at least three hundred and twenty (320) square feet, and includes the plumbing, heating, air conditioning, and electrical systems of the home.

**Motel or Hotel.** A building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing six (6) or more room units with customary hotel services such as linen, maid service, telephone and upkeep of furniture.

## N

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**Nonconforming Use.** A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

## O

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

**Off-Street Parking Incidental to Main Use.** Off-street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use or within two hundred (200) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.

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

## P

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**Park or Playground (Public).** An open recreation facility or park owned and operated by a public agency such as the City of Sanger or the School Board and available to the general public for neighborhood use but not involving lighted athletic fields for nighttime play.

**Parking Lot or Structure, Commercial (Auto).** An area or structure devoted to the parking or storage of automobiles for a fee, may include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an integral function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

**Planning and Zoning Commission.** The agency appointed by the City Council as an advisory body authorized to provide recommendations to the council on matters relating to planning and zoning decisions to be considered by the council.

**Plant Nursery Greenhouse.** Retail or wholesale sales of plant materials and supplies either enclosed in a building, bath house, or in the open and with related storage of equipment for landscape contracting.

**Playfield or Stadium (Public).** An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

**Premises.** A piece of land or real estate owned, rented, leased, used or occupied distinct from those adjacent, by virtue of different ownership, rental, lease, usage or occupancy.

**Private Club.** see *Club, Private*.

**Private Garage.** A secondary building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

**Private School.** An academic institution other than a public or parochial elementary or secondary school, including private elementary and secondary schools and institutions of higher learning.

**Private Utility (Franchised).** A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Sanger.

**Property.** All contiguous land and any fixed or moveable object on such land, under common ownership, irrespective of leasehold or other interest.

**Public Building, Shop or Yard of Local, State or Federal Agency.** Facilities such as office buildings, maintenance yards and shops required by branches of Local, State or Federal Agencies for service to an area. This term does not include City Hall, Library, Police, or Fire Station.

## Q

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**Quick-Service Food and Beverage Shop.** An establishment offering food or beverage service to customers either through an automobile pick-up window or a walk-up window, with or without eating space provided within the building.)

## R

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**Radio, Television or Microwave Towers.** Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.

**Radio, T.V. and Appliance Repair.** A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building.

**Residence.** Same as dwelling; when used with district, an area of residential regulations.

**Restaurant or Cafeteria (Not of Drive-In Type).** An establishment serving food to the general public in specific, designated dining areas and shall not include drive-in establishments where food is eaten in automobiles.

**Restaurant or Eating Establishment (Drive-In Service).** An establishment designed and constructed to serve food for consumption on the premises in an automobile and which establishment may or may not have on-premises dining room or counter.

**Retail, Shop, Apparel, Gift, Accessory and Similar Items.** Small retail shops such as dress shops or gift shops serving specific neighborhood areas as differentiated from department stores or discount stores having community wide service importance.

**Rooming House.** see *Lodging House*.

## S

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**School Business.** A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

**School, Commercial, Trade or Craft.** A business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.

**School, Public or Denominational.** A school and customary secondary uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

**Screening.** A wall or fence, the surface of which does not contain openings more than 40 square inches in each one square foot of surface of such wall or fence, and which surface shall constitute a visual barrier.

**Second Hand Store, Furniture or Clothing.** An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

**Secondary Building or Secondary Structure.** A subordinate building or structure, detached from the main building, and customarily incidental to the principal building.

**Secondary Use.** A use subordinate to and incidental to the principal use.

**Short-Term Rental.** The rental or offer for a rental of a dwelling unit, or any portion thereof, for a period of less than thirty (30) days. This term does not include a leaseback.

**Skilled Nursing Facility.** An institution, other than a hospital, licensed by the State of Texas or the City of Sanger which provides primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled who need ongoing health supervision but not hospitalization. Skilled nursing facilities may also be referred to as a nursing home, convalescent home, or long-term care facility.

**Sign.** An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure for display on premises.

**Single-Family Dwelling (attached).** A building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family and which is attached by one or more common wall(s) to another similar single family dwelling unit. An attached dwelling shall be designed to permit separation from an adjoining dwelling in the event either dwelling is caused to be removed.

**Single-Family Dwelling (detached).** A detached building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family.

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

**Stable (private).** A secondary building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one and one half (1.5) acre area of a farm or lot.

**Street.** Any thoroughfare or public driveway, other than an alley, more than thirty (30) feet in width, which has been dedicated or deeded to the public for public use.

**Story.** The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.

**Structural Alterations.** Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

**Structure.** see *Building*.

**Studio - Art, Music, Ceramics, Drama, Speech, Dance and Similar Skills.** A building or rooms in a building used for instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.

**Swimming Instruction as a Home Occupation.** The teaching of swimming in a private swimming pool. In a residential area, the offering of swimming instruction in a private pool is subject to the approval of a Specific Use Permit which may specify operating conditions and standards and may limit the number of students and operating time.

**Swimming Pool (Commercial).** A swimming pool with secondary facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

**Swimming Pool (Private).** A swimming pool constructed for the exclusive use of the residents of a single-family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than three (3) feet to any property one.

## T

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**Telephone Exchange, Switching and Transmitting Equipment only.** A switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.



**Temporary Field or Construction Office.** Temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

**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 night play in residential areas except as may be otherwise provided or restricted by the Specific Use Permit.

**Thoroughfare.** see *Street*.

**Two Family Dwelling.** A single detached building located on a platted lot or building site designed for and occupied by not more than two (2) families.

## V

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**Vape Shop or Smoke Shop.** A retail establishment subject to a Specific Use Permit whose primary business purpose, as evidenced by its inventory, marketing, and/or gross revenue, is the sale of electronic nicotine delivery systems (e-cigarettes, vapes, vape pens, e-cigars, e-pipes, e-hookahs, and their components, parts, or accessories, consumable liquid solutions (whether or not containing nicotine or other substances), tobacco products (cigarettes, cigars, pipe tobacco, snuff, chewing tobacco), tobacco paraphernalia (pipes, bongs, vaporizers, hookahs), or any other similar products designed for smoking, vaping, or the consumption of tobacco or nicotine. This definition shall explicitly exclude establishments that derive more than fifty percent (50%) of their gross revenue from the sale of food, beverages, or gasoline fuel.

**Variance.** An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances 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.

## W

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**Wrecking or Auto Salvage Yard.** A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.



## Y

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

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

**Yard, Rear.** An open, unoccupied space, except for secondary buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

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

## Z

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**Zoning District Map.** The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this ordinance.

**Zoo (Private).** A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

**Zoo (Public).** A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds, and reptiles are domiciled and displayed.