

## Chapter ## ZONING

### ARTICLE I. IN GENERAL

#### Sec. XX-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominate use of the building or premises.

*Accessory use* means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

*Advertising sign or structure.*

(1) The term "advertising sign or structure" means any cloth, card, paper, metal, glass, wooden, plastic, stone sign or other sign, device or structure of any character whatsoever, including a statuary, place for outdoor advertising purposed on the ground or on any tree, wall, bush, rock, post, fence, erecting, constructing, posting, painting, tacking, nailing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross section of such structure.

(2) The term "advertising sign or structure" does not include either directional, warning or other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale.

*Alley* means a minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

*Apartment house.* See *Multiple-family dwelling*.

*Automobile* means a self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including, but not limited to, the following: passenger cars, trucks, busses, motor scooters and motorcycles.

*Basement* means a story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

*Bed and breakfast* means single-family dwelling in which the principal use is permanent residential quarters; and in which, as an accessory use, no more than three bedrooms are made available for transient occupancy, generally for not more than seven days, by no more than five guests for compensation.

*Berm* means a mound or wall of earth or sand only and created by manmade action.

*Boardinghouse* means a dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more, but not exceeding 20 persons on a weekly or monthly basis.

*Brick* means and includes fired clay or shale brick manufactured to ASTM C216 or C652. Grade WS, can include concrete brick if the coloration is integral, shall not be painted, and is manufactured to ASTM

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C1634 with a minimum thickness of 2¼ inches when applied as a veneer, and shall not be included under fired clay or shale brick.

*Building* means any structure intended for shelter, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.

*Building height* means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the declivity of the mansard roof or to the average height of the highest gable of a pitch or hip roof.

*Building, main*, means a building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated, and shall be located upon a street approved and accepted by the city.

*Building setback line* means the distance that a building must be placed back from a designated boundary, such as street, alley or property line (also called a building line).

*Business* shall be as defined in the International Building Code, 2006 edition, or other building code as adopted by the city and additionally shall be defined as the use of any building or structure, or any portion thereof, including residences, wherein any merchandise, including goods, wares or merchandise incidental to such purpose, is sold or displayed for the purpose of being sold on more than eight days during any 12-month period.

*Childcare center.*

(1) The term "childcare center" means any place, home or institution which receives three or more children under the age of 16 years, and not of common parentage, or care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation.

(2) The term "child care center" does not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or the churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or other church activities.

*Coverage* means the lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

*District* means any section of the city for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for class or kind of buildings therein.

*Duplex.* See definition of *Dwelling, two-family*.

*Dwelling* means any building or portion thereof, which is designed or used as living quarters for one or more families, but not including trailer homes. All dwellings shall comply with the requirements in masonry construction. See *Trailer home*.

*Dwelling, multiple-family*, means detached dwelling designed to be occupied by three or more families living independently of each other, exclusive of hotels or motels.

*Dwelling, single-family*, means a detached dwelling designed to be occupied by one family. See *Family*.

*Dwelling, two-family*, means a detached dwelling designed to be occupied by two families living independently of each other.

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*Earth tone colors* are subdued colors that are commonly observed in nature such as sea, sky, vegetation, and land. Any subdued tint or shade commonly found in nature including black, browns, greens, reds, blues, yellows, oranges, greys, and whites. This shall not include the following:

- (1) Colors not described in this definition.
- (2) Any non-subdued colors from this definition which include but are not limited to neon or overly bright colors as determined by the city.

*Family* means any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage, adoption or guardianship and occupying a dwelling unit.

*Family group use* means one or more persons related by blood, marriage, or adoption, or a group of not exceeding five persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club or similar dwelling for group use.

*Fence* means a barrier intended to prevent escape or intrusion or to mark a boundary. Types of fences include but are not limited to the following:

- (1) *Ornamental fence* shall mean a fence designed in such a manner, and of such material, that a key feature of the fence is to decorate or enhance the appearance of the front or side yard setback in a residential area. Ornamental fences are usually metal and can be simple or curved into intricate designs. Fences consisting of chain link mesh, welded or woven wire or sheet metal are excluded under this definition.
- (2) *Privacy fence* shall mean a sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public rights-of-way.
- (3) *Chain link* (also referred to as wire netting, wire-mesh fence, chain-wire fence, cyclone fence, hurricane fence, or diamond-mesh fence) means a type of woven fence usually made from galvanized or LLDPE-coated steel wire.
- (4) *Picket* means a fence made of spaced uprights connected by two or more horizontal rails.
- (5) *Hedges* are a fence or boundary formed by closely growing bushes, shrubs or other woody, ornamental landscape plants whose natural form is generally maintained at a height and spread of no more than three feet.

*Garage apartment* means a dwelling unit for one family erected above a private garage or a multifamily dwelling unit, with not more than three stories. The building has private outdoor space, either on grade, or a private balcony.

*Garage, parking*, means any building, or portion thereof, used for the storage of four or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.

*Garage, private*, means an accessory building or part of a main building used for storage purposes and for automobiles used solely by the occupants and their guests of the building to which it is accessory.

*Garage, repair*, means a building in which are provided facilities for the care, services, repair, or equipping of automobiles.

*Gasoline service or filling station* means any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic washing or the sale of butane or propane fuels.

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*Home occupation.*

- (1) The term "home occupation" means any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided, that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one nonilluminated nameplate not more than two square feet in area attached to the main or accessory building, and no mechanical equipment is used except such as is customary for purely domestic or household purposes.
- (2) The term "home occupation" does not include a beauty or barbershop, tearoom or restaurant, rest home, doctor's or dentist's office, childcare center, or cabinet, metal or auto repair shop.

*Hotel* means a building or group of buildings (not apartments) contain six or more sleeping rooms occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

*HUD-CODE manufactured home.*

- (1) The term "HUD-CODE manufactured home" means a structure constructed on or after June 15, 1976, according to the rule of the United States Department of Housing and Urban Development, transportable in one or more sections., which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.
- (2) The term "HUD-CODE manufactured home" does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g).

*Impervious cover* means roads, driveways, decking, patios, sidewalks, parking areas, buildings, mechanical equipment, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface.

*Industrialized building.*

- (1) The term "industrialized building" means a commercial structure that is constructed in one or more modules using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical system.
- (2) The term "industrialized building" does not include any commercial structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.

*Industrialized housing.*

- (1) The term "industrialized housing" means a residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a

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permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical system.

(2) The term "industrialized housing" does not include any residential structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term "industrialized housing" does not mean nor apply to:

- a. Housing constructed of sectional or panelized systems not utilizing modular components; or
- b. Any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

*Kennel* means any lot or premises on which three or more dogs, cats, or other domestic animals at least four months of age, are housed or accepted for boarding, trimming, grooming, bathing and/or treatment for which compensation is received.

*Key lot* means a lot having frontage on two intersecting streets, such lot being adjacent to that intersection, and having adjacent lots on both streets fronting on those streets.

*Lot* means any plot of land occupied or intended to be occupied by one main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this section, and other laws or ordinances, and having its principal frontage on a street publicly approved and accepted by the city.

*Lot, area,* means total area measured on a horizontal plane, included within lot lines.

*Lot, corner,* means a lot which at least at two adjacent sides abutting for their full lengths on a street, provided that the angle at the intersection of such two sides is less than 135 degrees.

*Lot, depth,* means the horizontal distance between the front and rear lot lines.

*Lot, double frontage,* means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

*Lot, frontage,* means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

*Lot, interior,* means a lot other than corner lot.

*Lot lines* means the property lines bounding a lot.

*Masonry construction* means the building of structures from individual units laid in and bound together with mortar, the term masonry may refer to the units themselves. The common materials used in masonry are brick, stone, stucco and plaster, marble, granite, travertine, limestone, concrete block, glass block, tile and other built up/tilt panels or walls. Concrete tilt wall construction. (Stucco and plaster shall only be considered a masonry material when applied using a three-step method over diamond metal lath mesh to a seven-eighths-inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability specifications. Synthetic products e.g., EIFS-exterior insulation and finish systems shall not be considered a masonry material, Hardiplank or other materials of similar characteristics shall be considered a masonry material.

*Medical facilities.*

(1) *Convalescent, rest or nursing home* means a health facility where persons are housed and furnished meals and continuing nursing care for compensation.

(2) *Dental clinic or medical clinic* means a facility for the examination and treatment of ill and afflicted human out-patients provided they are not kept overnight except under emergency conditions.

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(3) *Dental office or doctor's office* means the same as dental or medical clinic.

(4) *Hospital* means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

(5) *Public health center* means a facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therein.

(6) *Sanatorium* means an institution providing health facilities for in-patient medical treatment and recuperation making use of natural therapeutic agents.

*Parking space* means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress of an automobile.

*Public school, high* means a public school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools of the state.

*Planning & Zoning Commission* means the City Council of Holland.

*Planned development district* means planned associations of uses developed as integral land units such as industrial parks or industrial, offices, commercial or service centers, shopping center, residential development of multiple or mixed housing including attached single-family dwelling or any appropriate combination of uses which may be planned, developed, or integral land use units either by a single owner or a combination of owners.

*Post-secondary institution* means a public or private educational institution or other institutions of higher learning that offer courses of general or specialized study leading to a degree. This definition includes community college, college, university, vocational, technical or trade schools, language school, art school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. This phrase does not include fitness centers, sports instruction, swimming instruction, or martial arts instruction.

*Private school, primary* means a private, parochial or charter school offering instruction at the elementary and middle (junior high) level in the branches of learning and study required to be taught in the public schools of the state.

*Private school, secondary* means a private, parochial or charter school offering instruction at the high school level in the branches of learning and study required to be taught in the public schools of the state.

*Property line* describes the legal boundary of a parcel of land that divides one parcel from another or from a street or any other public or private space. See *Lot line*.

*Public school, elementary or middle* means a public school offering instruction at the elementary or middle school level in the branches of learning and study required to be taught in the public schools of the state.

*Public school, high* means a public school offering instruction at the senior high school level in the branches of learning and study required to be taught in the public schools of the state.

*Recreational vehicle* means a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight feet and a body length not exceeding 40 feet. Units may have their own power or be designed to be drawn or mounted on an automotive vehicle. The term "recreational vehicle" includes motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the building official or such other person as

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may be designed by the city council. A recreational vehicle may or may not include an individual toilet and bath.

*Restaurant* means a building or premises, the primary use of which is the preparation and serving of food for on-premises consumption. The incidental sale of beer at such location for on-premises consumption shall be considered an accessory use of said building and premises.

*Roominghouse* means a building where lodging only is provided for compensation to three or more, but not exceeding 20 persons. A building which has accommodation for more than 20 persons shall be defined as a hotel under the terms of this section.

*Self-service laundry or dry-cleaning establishment* means attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from or dry cleaning wearing apparel, cloth, fabrics and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.

*Stable, private,* means a stable with a capacity for not more than two horses or mules.

*Stable, public,* means a stable, other than a private stable, with a capacity for more than two horses or mules.

*Store selling beer* means a building or premises, the primary use which is the selling of beer for on-premises consumption. The incidental preparation and serving of food at location for on-premises consumption shall be considered an accessory use of said building or premises.

*Story* means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

*Story, half,* means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished or for use. A half story containing independent apartment or living quarters shall be counted as a full story.

*Street* means any public or private thoroughfare which affords the principal means of access to abutting property.

*Street, intersecting,* means any street which joins another at an angle, whether or not it crosses the other.

*Structural alterations* means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

*Structure* means anything constructed or erected, the use of which requires location on the ground, or which is attached to something having a location on the ground.

*Tourist court* means an area containing one or more buildings designed or intended to be used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients.

*Tourist home* means a dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not than four rooms are provided or offered for transient guests for compensation.

*Trailer court or mobile home park* means a parcel of land which has been designed or improved or intended to be used or rented for occupancy by one or more trailer homes, mobile homes, or recreational vehicle, as authorized under the ordinances of the city.

*Trailer, hauling,* means a vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats/watercraft, and barbeque pits.

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*Trailer home or mobile home* means a portable or mobile living unit used or designed for human occupancy on a permanent basis, is defined as a structure that was constructed before June 15, 1976, transportable in one or more sections; which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

*Trailer or mobile home space* means a plot of ground within a trailer court designed for the accommodation of one mobile home.

*Trailer, travel or camping*, means a portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, and containing less than 175 square feet of floor area.

*Veterinary hospital* means an establishment offering veterinary services and clinics for pets, small and /or large animals. Typical uses include pet clinics, care, treatment and temporary housing of livestock and large animals, with temporary housing of large animals permitted in an attached or adjacent roofed building, with three or more sides having walls or a solid fence extending from the foundation to at least three-fourths of the distance to the roofline and at all times shall comply with the city's animal control ordinance.

*Wireless communication facility (WCF)* means an antenna and associated equipment intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication.

*Wireless communication facility attached* means a wireless communication facility that is attached to a building or other permanent structure.

*Wireless communication facility, co-location* means locating of wireless communications equipment from more than one provider on a single mount or support structure.

*Wireless communication facility, monopole* means a wireless communication facility constructed as a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires, containing one or more antennas and associated equipment at any given point with externally mounted or visible antennae.

*Wireless communication facility, self-enclosed monopole* means a wireless communication facility constructed as a freestanding structure which consists of a single vertical pole, fixed into the ground and/or attached to a foundation with no guy wires, containing one or more antennas and associated equipment no larger than 36 inches in diameter at any given point with no externally mounted or visible antennae.

*Wireless communication facility, stealth* means a wireless communication facility that is screened, disguised, concealed or otherwise camouflaged as a natural structure, or part of a structure, such that the WCF is indistinguishable from other natural structures, or the structure that it is attached to or within.

*Yard* means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this chapter that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

*Yard, front*, means a yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.



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*Yard, rear,* means a yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from front yard.

*Yard, side,* means a yard between the building and the side of the lot and extending from the front lot to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the main building.

**Sec. XX-2. Purpose.**

- (a) It is hereby directed to be the purpose and intent of the city council in enacting this chapter that the zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the city.
- (b) They have been designed to lessen the congestion in the streets to;
  - (1) Secure safety from fire, panic and other dangers;
  - (2) Provide adequate light and air;
  - (3) Prevent the overcrowding of land;
  - (4) Avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- (c) They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city consistent with a comprehensive plan.

**Sec. XX-3. Zoning district map.**

- (a) *Boundaries of zoning districts delineated upon.* The boundaries of zoning districts set out herein are delineated upon a zoning district map of the city adopted as part of this section as fully as if the same were set forth herein detail.
- (b) *Original map to be filed with city secretary.* One original of the zoning district map shall be filed in the office of the city secretary. This copy shall be the official zoning district map and shall bear the signature of the mayor and attestation of the city secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
- (c) *Additional copy to be placed with the planning director.* An additional copy of the original zoning district map shall be placed in the office of the building inspector. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments.

**Sec. XX-4. Zoning district boundaries.**

- (a) *Centerlines.* Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) *Platted lot lines.* Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) *City limits.* Boundaries indicated as approximately following city limits shall be construed as following city limits.

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- (d) *Railroad lines.* Boundaries indicated as approximately following railroad lines shall be construed to be the established 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.

**Sec. XX-5. Compliance required.**

All land, buildings, structures or appurtenances thereon located within the city or hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located except as hereinafter provided. Land used in meeting the requirements of this section with respect to a particular use or building shall not be used to meet the requirements for any other use or building.

**Sec. XX-6. Preserving rights and continuity in enforcement, pending litigation, and violations under zoning regulations and amendments thereto.**

By the passage of the ordinance from which this zoning chapter is derived, no presently illegal use or building shall be deemed to have been legalized unless such use falls within a use district where the actual use and standards under the terms of this chapter would be conforming. Any use which does not conform to provisions of this chapter shall be a nonconforming use or structure, as the case may be. It is further the intent and declared purpose of this chapter that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the previous zoning ordinance was repealed and the ordinance from which this zoning chapter is derived adopted shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded within all respects as if such prior ordinance had not been repealed.

**Sec. XX-7. Newly annexed areas.**

- (a) *Classified as R-1 district.* All territory hereafter annexed to the city, shall be classified in the R-1 district until permanent zoning classifications are given the area by the city council.
- (b) *Procedure for establishing permanent zoning.* The procedure for establishing the permanent zoning on any annexed territory shall be the same as is provided by law for the amendment of this chapter.

**Sec. XX-8. Enforcement.**

The provisions of this chapter shall be administered and enforced by the city manager, city secretary, building official, or such other person as may be designated by the city council. All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use of the property and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such application and plats shall be kept in the office of the city secretary, or such other person as may be designated by the city council.

**Sec. XX-9. Penalty for violation.**

Any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to the penalty provisions of this Code set forth in section 1-15. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith who may have assisted in the commission of any such violations, shall be guilty of a separate offense and upon conviction, shall be fined as herein provided.

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Secs. XX-10—XX-36. Reserved.

## **ARTICLE II. ADMINISTRATION**

### **DIVISION 1. GENERALLY**

Secs. XX-37—XX-60. Reserved.

### **DIVISION 2. PLANNING AND ZONING COMMISSION**

#### **Sec. XX-61. Membership; terms of office; vacancies; compensation.**

There is hereby created and established for the city, a planning and zoning commission.

#### **Sec. XX-62. Officers; bylaws.**

The planning and zoning commission shall elect a chairperson and vice-chairperson from its membership and shall have the power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the commission and to pay for their services and such other necessary expenses, provided that the cost of such services and expenses shall not exceed the amount appropriated by the city council for the use of the commission. It shall also have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the city council and same shall be subject to approval by such council. Such bylaws shall include, among other items, provisions for:

- (1) Regular and special meetings, open to the public;
- (2) Records of its proceedings, to be open for inspection by the public;
- (3) Reporting to the city council and the public, from time to time and annually; and
- (4) For the holding of public hearings on its recommendations.

#### **Sec. XX-63. Powers and duties.**

The planning and zoning commission shall have the power and it shall be its duty to make and recommend for adoption of a master plan, as a whole or in parts, for the future development and redevelopment of the municipality and its environs and shall have the power and it shall be its duty to prepare a comprehensive plan and ordinance for zoning the city in accordance with V.T.C.A., Local Government Code §§ 211.001—211.021. The commission shall perform such other duties as may be prescribed by ordinance or state law.

Secs. XX-64—XX-84. Reserved.

### **DIVISION 3. CHANGES AND AMENDMENTS**

#### **Sec. XX-111. City council may amend regulations.**

- (a) The city council may, from time to time, on its own motion or on a proper application or petition amend, supplement, change, modify or repeal the regulations, restrictions and boundaries herein established.

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- (b) Any person, firm or corporation petitioning the city council for a change in the regulations or the zoning district map, shall do so upon forms provided for such purposes by the office of the city secretary. All petitions or applications for changes in the regulations or zoning district map shall be filed with the office of the planning director.
  - (c) Each such application shall be accompanied by:
    - (1) Plats (one reproducible and three copies) and the plans necessary to show the detail of the proposed change requested as well as the relation of said property to that of all property lying within 200 feet thereof; and
    - (2) The street address and suitable legal description of the property proposed to be changed.
  - (d) Each application shall be accompanied, at the time of filing, by a fee, the amount of which is on file in the city secretary's office, plus postage.

**Sec. XX-112. Changes and amendments to districts.**

- (a) *City council may change zoning district boundaries.* The city council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established.
- (b) *Planning and zoning commission to make recommendations prior to council action.* Before taking action on any proposed amendment, supplement or change, the city council shall submit same to the planning and zoning commission for its recommendation and report.
- (c) *Public hearings to be conducted.* Public hearings shall be held only after notices required by the laws of the state shall have been given in the manner required by law.
- (d) *Zoning filing fee.* Any request for a proposed amendment, supplement, or change to article III of this chapter submitted to the city council shall be accompanied by a fee, the amount of which is on file in the city secretary's office, in cash to be paid by the applicant as cost in connection therewith.

**Secs. XX-113—XX-137. Reserved.**

*DIVISION 4. SPECIFIC USE PERMITS*

**Sec. XX-138. General description.**

- (a) A specific use permit for any of the following uses in any use district may be granted and may contain such requirements, conditions and safeguards as are needed to protect adjacent property, and in any case a site plan may be required by the planning and zoning commission or the city council which may be made a part of the regulations granting such specific use permit:
  - (1) College, university or private boarding school.
  - (2) Library, museum or art gallery.
  - (3) Golf course, driving range or putting course.
  - (4) Radio, microwave relay tower or television tower.
  - (5) Private aboveground water storage tank.
  - (6) Gas or petroleum drilling or storage.
  - (7) Rock quarries: sand, gravel or earth excavation for off-site use.

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- (8) Airports or landing fields for public or private use. A specific use permit will not become effective until the site is approved by the Civil Aeronautics Administration. When located in the R-1, R-2, R-3 or A residential districts, the site shall contain not less than 20 acres.
  - (9) Hospitals intended for the care of insane, liquor or narcotics patients. When located in the R-1, R-2, R-3 or A residential districts, the site shall contain not less than 20 acres.
  - (10) HUD Code Manufactured Home Park in the R-3 zoning district.
  - (11) Dry board storage.
  - (12) Dog kennels and veterinary hospitals.
  - (13) Greenhouses and nurseries.
  - (14) Private club, community or civic club.
  - (15) Day nursery or child care center.
  - (16) Kindergarten.
  - (17) Home beauty shop.
  - (18) Institutions of a religious, education, recreation or philanthropic nature which are not listed in this division.
  - (19) Sororities, fraternities and lodges.
  - (20) Medical facility.
  - (21) Off-street parking lot.
  - (22) Bait sales.
  - (23) Electric transmission station.
  - (24) Roller skating rink.
  - (25) Temporary structures for religious or public gatherings.
  - (26) Carnivals or amusement parks.
  - (27) Zoo.
  - (28) Temporary produce stand.
  - (29) Motor raceways.
  - (30) Feed lot.
  - (31) Athletic fields or stadiums.
  - (32) Christmas tree sales.
  - (33) Fireworks sales.
  - (34) Sewage collection and/or treatment utility installation, public or private, not listed in this division.
  - (35) Animal pound.
  - (36) Home tropical fish sales.
  - (37) Store selling beer.
  - (38) Bed and breakfast.
  - (39) Boardinghouse.

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- (40) Public stable.
  - (41) Private stable.
  - (42) Roominghouse.
  - (43) Tourist house.
  - (44) Industrialized housing.
  - (45) Industrialized building.
  - (46) Wireless communication facility, self-enclosed monopole within a residential zoning district.

**Sec. XX-139. Restricted uses.**

A specific use permit may be granted for the following uses in the I-Industrial District only:

- (1) Cement, lime or gypsum manufacture.
- (2) Natural gas, production and distribution.
- (3) Petroleum production and refining.
- (4) Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.
- (5) Disposal plants of all types including trash and garbage, sewage treatment, including lagoons and compost plants.
- (6) Salvage yards for automobiles, building materials, scrap metal, junk, or for any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental walls, fences, or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.

**Sec. XX-140. Site plan.**

Whenever the city council or the city planning and zoning commission shall require a site plan for a specific use permit, such site plan shall show existing improvements on the land and proposed development of the property and shall give the following information:

- (1) Date, scale, north point, title, name of owner and the name of person preparing plan;
- (2) Location of existing boundary lines and dimensions of the tract;
- (3) Centerline of existing watercourses, drainage features, and location and size of existing and proposed streets and alleys;
- (4) Location and size to the nearest one-half foot of all proposed buildings and land improvements;
- (5) Clear designation of areas reserved for off-street parking and for off-street loading; the location and size of points of ingress and egress; and
- (6) The ratio of parking space to floor space.

**Secs. XX-141—XX-163. Reserved.**

*DIVISION 5. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY*

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**Sec. XX-164. Required.**

It shall be unlawful for any person, firm, or corporation to commence the construction, enlargement or structural alteration of any building in the city, or use or occupy the same without first applying for and securing a building permit, or to use or occupy the same without first securing a certificate of occupancy and compliance from the building official or such other official designated by the city council. Application shall be made on forms furnished by the building official.

**Secs. XX-165—XX-181. Reserved.**

**ARTICLE III. NONCONFORMING USES**

**Sec. XX-182. Lawful nonconforming uses and procedures for continuance.**

Any lawful use of property existing on March 28, 1973, which does not conform to the regulations prescribed herein shall be deemed a nonconforming use and may be continued subject to such regulations as to the maintenance of premises and conditions of operations as may, in the judgment of the board of adjustment, be reasonably required for the protection of adjacent property. A nonconforming use may be extended through an existing building provided no structural alterations, except those required by law or ordinance, shall be made therein, and if no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. A nonconforming use, if changed to a conforming use, may not thereafter be changed back to any nonconforming use. If a nonconforming use is discontinued for a period exceeding six months, such nonconforming use shall be deemed to have been abandoned and any future use thereof shall conform to the terms of this chapter.

**Sec. XX-183. Wireless communication facility (WCF) combination with nonconforming buildings, uses, and land.**

A WCF is permitted on a nonconforming building, on a lot with an existing nonconforming use, or in combination with a nonconforming use of land, provided that the WCF shall cease to operate if and when nonconforming building, structure, use or use of land be removed, if the nonconforming use is not able to be brought into compliance with the required provisions of this section.

**Sec. XX-184. Wireless communication facility (WCF) antenna on nonconforming towers.**

Additional WCF antennas are permitted on a nonconforming tower.

**Secs. XX-185—XX-202. Reserved.**

**ARTICLE IV. ZONING DISTRICT REGULATIONS**

**DIVISION 1. GENERALLY**

**Sec. XX-203. Establishment of zoning districts.**

For the purpose of this section the following districts are hereby established for the city:

- (1) *Open districts*
  - a. A: Agricultural District

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- b. OS: Open Space District
  - (2) *Residential districts.*
    - a. R-1: Single-Family District 1
    - b. R-1-A: Single Family District 1-A
    - c. R-2: Single Family District 2
    - d. R-3: Multi-Family District
    - e. M: Manufactured Home District
  - (3) *Commercial districts.*
    - a. C: Commercial District
    - b. CA: Central Area
    - c. GUI: Governmental, Utility and Institutional
  - (4) *Industrial district.*
    - a. I: Industrial District.

**Secs. XX-204—XX-229. Reserved.**

### *DIVISION 2. A Agricultural District*

**Sec. XX-230. General description.**

The Agricultural District is intended to be used principally for agriculture and those other related uses which are an integral part of the agricultural operation. This District is intended to preserve the larger tracts of land for future economic development in accordance with the Master Plan, while in the interim, permitting agricultural uses on the land to continue.

**Sec. XX-231. Uses permitted.**

Property and buildings in an A Agriculture District shall be used only for the following purposes:

- (1) Detached single-family dwelling.
- (2) Farms accessory buildings, garden orchard, plant nurseries and truck gardens each limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.
- (3) Ranches; including the feeding, raising and breeding of agricultural livestock; however, with exception of commercial feed lots; provided that no poultry or livestock other than household pets shall be housed within fifty (50) feet of any property line.
- (4) Parks, playgrounds, community buildings and other public recreational facilities that principally retain the original natural state of the land; owned and/or operated by the municipality or other governmental entity.
- (5) Water supply reservoirs and pumping plants when screened from public view.
- (6) Accessory buildings and uses as follows:
  - a. Residential



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- i. The term accessory use shall include customary home occupations such as the office of a milliner, dressmaker, Family Home, musician or artist, provided that such uses are located in the dwelling used by such person as his or her private residence, and provided that no assistant not a member of the family residing on the premises is employed, and no window display or sign is used to advertise same.
  - ii. A private garage with or without a storeroom and/or utility room shall be permitted as an accessory building. A garage or servant's quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- b. Agricultural
- i. Accessory buildings, structures or uses which are in addition to and directly associated with any permitted use, including burning brush from various agricultural operations on farm or ranch land to the extent permitted by State law.
  - ii. Solar collector and/or wind generator designed to supply energy for use on the premises.
- d. Any fence, hedge or enclosure wall on a corner lot, and situated within 15 feet of the intersections of the two property lines, shall be prohibited.

**Sec. XX-232. Height regulations.**

No residential building or related structure in this District shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height. No agricultural or related structure in this District shall exceed sixty (60) feet in height, excluding silos and similar appurtenances which are exempt from this Ordinance.

**Sec. XX-233. Area regulations.**

The area regulations in the A Agriculture District are as follows:

- (1) *Front yard.* The minimum depth of the front yard shall be 25 feet.
- (2) *Side yard.* For dwelling located on interior lots there shall be a side yard on each side of the main building of not less than 25 feet.
- (3) *Rear yard.* There shall be a rear yard for a main building of not less than 25 feet.
- (4) *Lot width.* For dwellings there shall be a minimum lot width of 150 feet at the front building line.
- (5) *Lot area.* For each dwelling, and building accessory thereto, there shall be lot area of not less than 1 acre.
- (6) *Impervious coverage.* Main and accessory buildings and other impervious cover shall not cover more than 60 percent of lot area on interior lots, and 50 percent of the lot area on corner lots. Main buildings shall not cover more than 50 percent of the impervious cover requirements.

**Secs. XX-234—XX-261. Reserved.**

***DIVISION 3. OPEN SPACE DISTRICTS***

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**Sec. XX-262. General description.**

The OS Open Space District is a tract of land provided as a general benefit for the community. Common open space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space should be appropriate to the scale and character of the surrounding development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. As a minimum, the total open space shall not be less than required for parks in the Subdivision Ordinance. Common open space should be improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are intended therefore, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.

**Sec. XX-263. Uses permitted.**

Property and buildings in an OS Open Space District shall be used only for the following purposes:

- (1) Cemeteries (conditional use)
- (2) Conservation Areas
- (3) Golf Courses
- (4) Outdoor recreational and athletic facilities
- (5) Outdoor swimming pools
- (6) Neighborhood parks, common open space, common open area, playgrounds and play fields
- (7) Wildlife sanctuaries

Permitted secondary uses are as follows:

- (1) Club Houses and Community Centers
- (2) Retail-oriented uses which are clearly secondary and customarily or necessarily incidental to the permitted use including but not limited to the following:
  - a. Retail sales and services operated as part of a golf course, recreational or athletic facility
  - b. Retail sales and services sponsored by service clubs, non-profit societies or organizations and concessions contracted with the City
  - c. Food and beverage sales, including alcoholic beverages (with conditional use permit) to members only
  - d. Restaurants including alcoholic beverage sales which are operated as part of or in conjunction with a Club House facility for members only
- (3) Caretaker residence
- (4) Maintenance buildings required to house equipment and material to maintain the site

**Sec. XX-264. Height regulations.**

No building in the OS Open Space District shall exceed 2½ stories or 35 in height except as provided in article V, division 3 of this chapter.

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**Sec. XX-265. Area regulations.**

The area regulations in the OS Open Space District are as follows:

- (1) *Front yard.* The minimum depth of the front yard shall be 25 feet.
- (2) *Side yard.* The minimum depth of the side yard shall be 10 feet.
- (3) *Rear yard.* There shall be a rear yard depth of not less than 25 feet.
- (4) *Lot width.* There shall be a minimum lot width of 60 feet at the front building line.
- (5) *Lot area.* There shall be lot area of not less than 7,500 square feet.
- (6) *Impervious coverage.* Main and accessory buildings and other impervious cover shall not cover more than 60 percent of lot area. Main buildings shall not cover more than 50 percent of the impervious cover requirements.

**Secs. XX-266—XX-281. Reserved**

*DIVISION 4. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICTS*

**Sec. XX-282. General description.**

The R-1 Single-Family Residential District is the most restrictive residential district. The principal use is the single-family dwelling and related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwelling and related facilities and through consideration of the proper functional relationship of the different uses.

**Sec. XX-283. Uses permitted.**

Property and buildings in an R-1 Single-Family Residential District shall be used only for the following purposes:

- (1) Detached single-family dwelling.
- (2) Churches, but not including revival tents or arbors.
- (3) Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
- (4) Public park and playground.
- (5) Library.
- (6) Growing of farm products.
- (7) Municipal use.
- (8) Telephone exchanges.
- (9) Home occupations.
- (10) Transportation and utility easements, alleys and rights-of-way.
- (11) Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.

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- (12) Uses customarily incidental to any of the uses set forth in subsection (a) of this section when located upon the same lot and not involving the conduct of a business.
  - (13) Fence. A fence, hedge or enclosure wall provided:
    - a. No solid fence or enclosure shall exceed a height of six feet;
    - b. An ornamental fence may exceed six feet in height but shall have a ratio of solid portion to open portion not in excess of one to four and shall not extend closer to any front street than 40 feet;
    - c. Reserved.
    - d. Any fence, hedge or enclosure wall on a corner lot, and situated within 15 feet of the intersections of the two property lines, shall be prohibited.

All wooden privacy fences shall have wood posts of sufficient width or diameter, embedded in concrete to support the weight and wind load of the fence.

- (14) A temporary bulletin board or sign, not exceeding 12 square feet in area appertaining to the lease, hire or sales of a single building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.
- (15) A church bulletin board or sign not exceeding 50 square feet in area, located on the same lot with the church building.
- (16) One unlighted sign not to exceed one square foot in area and attached flat-wise to the building, such sign to advertise only an accessory use allowed by this section and being conducted on the same property upon which such sign is located.
- (17) Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed.
- (18) Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.

**Sec. XX-284. Height regulations.**

No building in the R-1 Single-Family Residential District shall exceed 2½ stories or 35 in height except as provided in article V, division 3 of this chapter.

**Sec. XX-285. Area regulations.**

The area regulations in the R-1 Single-Family Residential District are as follows:

- (1) *Front yard.* The minimum depth of the front yard shall be 25 feet. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, then no building shall be erected closer to the building line than the minimum setback so established by the existing building; but this regulation shall not require a front yard of greater depth than 35 feet. When a yard has double frontage, the front yard requirements shall be complied with on both streets.
- (2) *Side yard.* For dwelling located on interior lots there shall be a side yard on each side of the main building of not less than 10 feet for dwellings. For unattached buildings of accessory use there shall be a side yard of not less than 5 feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than 3 feet from an interior sideline when all parts of the accessory building are located more than 90 feet behind the front lot lines. For dwelling and accessory

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buildings located on corner lots there shall be a side yard from the intersecting street of not less than 15 feet in case such lot is back-to-back with another corner lot, and 25 feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot. Churches and main accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than 25 feet.

- (3) *Rear yard.* There shall be a rear yard for the main building of not less than 15 feet. Unattached buildings of accessory use are located in the rear yard of the main building.
- (4) *Lot width.* For dwellings there shall be a minimum lot width of 70 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.
- (5) *Lot area.* For each dwelling, and building accessory thereto, there shall be a lot of area of not less than 6,000 square feet. For churches and main and accessory buildings, other than dwellings and accessory to buildings, the lot area shall be adequate to provide the yard areas required by this subsection and the off-street parking areas required; provided, however, that the lot area for a church shall not be less than 21,000 square feet.
- (6) *Impervious coverage.* Main and accessory buildings and other impervious cover shall not cover more than 45 percent of lot area on interior lots, and 50 percent of the lot area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements.
- (7) *Fencing.* Permanent six-foot fences shall be erected along all rear and side property lot lines which abut another residential lot or land use. Except in situations where the lot is 100 feet or more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line. All wooden fences shall have wood post of sufficient width or diameter, embedded in concrete to support the weight and wind load of the fence.
- (8) *Fence beautification standards:*
  - a. Newly installed fencing constructed with untreated wood lumber or other materials shall:
    - 1. Be painted with a clear coat,
    - 2. Be painted in earth tone colors, or
    - 3. Be prefabricated in earth tone colors.
  - b. Newly installed fencing constructed with pressure treated wood lumber is not required to meet any standard in subsection (a).
  - c. All fences shall be constructed with attractive portions facing outwards from the property if bordering on a public street, excluding alleys.
- (9) *Driveways and sidewalks.* An improved impervious driveway shall be constructed for each dwelling unit, and each driveway shall include enough area for two parking spaces. Sidewalks shall be constructed as specified in section 36-140. In addition, a fee in lieu of sidewalks may be required as specified in section 36-143.

Secs. ~~XX-286~~—~~XX-301~~. Reserved.

*DIVISION 5. R-1-A SINGLE-FAMILY RESIDENTIAL DISTRICT*

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**Sec. XX-302. General description.**

The R-1-A Single-Family Residential District is slightly less restrictive than the R-1 district. The principal use of land is for detached single family dwellings with a minimum of 1,700 square feet of living area, and related accessory structures, on a minimum lot size of 7,500 square feet.

**Sec. XX-304. Uses permitted.**

The following uses are permitted in the R-1-A Single-Family Residential District:

- (1) Real estate sales offices during the development of a residential subdivision but not to exceed two (2) years. Display dwellings with sales offices, provided that if said display dwellings are not moved are converted to a permitted use within a period of one (1) year, specific permission must be obtained from the City Council for said display houses to remain.
- (2) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon completion or abandonment of construction work.
- (3) Accessory structures and uses customarily incident to the above uses and located on the same lot therewith, not involving the conduct of any business or commercial enterprise.
- (4) A billboard, signboard, or advertising sign shall not be permitted as an accessory use; provided that the placing of and unilluminated "For Sale" or "For Rent" sign not more than eight (8) square feet in area may be permitted as an accessory use, and churches and other institutions may display signs showing names, activities and services therein provided, and that during construction of a structure or building one (1) unilluminated sign advertising contractors or architects on such premises shall be permitted that such sign shall not be more than eight (8) square feet in area and shall be set back of the established or customary building line, and such sign shall be removed immediately upon completion of the building.

**Sec. XX-305. Height regulations.**

No building in the R-2 Single-Family and Duplex Dwelling District shall exceed two standard stories or 35 feet in height except as provided in article V, division 3 of this chapter.

**Sec. XX-306. Area regulations.**

The area regulations in the R-1-A Single-Family Residential District are as follows:

- (1) *Front yard.* The minimum depth of the front yard shall be 25 feet. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, then no building shall be erected closer to the building line than the minimum setback so established by the existing building. When a yard has double frontage, the front yard requirements shall be complied with on both streets.
- (2) *Side yard.* For dwelling located on interior lots there shall be a side yard on each side of the main building of not less than 10 feet for dwellings of one story, and of not less than 15 feet for dwellings of more than one story except as hereinafter provided in this subsection. For unattached buildings of accessory use there shall be a side yard of not less than 5 feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than 3 feet from an interior sideline when all parts of the accessory building are located more than 90 feet behind the front lot lines. For dwelling and accessory buildings located on corner lots there shall be a side yard from the intersecting street of not less than 15 feet in case such lot is back-to-back with another corner lot, and 25 feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot. Churches and main accessory buildings, other than dwellings,

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and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than 25 feet.

- (3) *Rear yard.* There shall be a rear yard for the main building of not less than 25 feet. Unattached buildings of accessory use are located in the rear yard of the main building.
- (4) *Lot width.* For dwellings there shall be a minimum lot width of 60 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.
- (5) *Lot area.* For each dwelling, and building accessory thereto, there shall be a lot of area of not less than 7,500 square feet. For churches and main and accessory buildings, other than dwellings and accessory to buildings, the lot area shall be adequate to provide the yard areas required by this subsection and the off-street parking areas required; provided, however, that the lot area for a church shall not be less than 21,000 square feet.
- (6) *Impervious coverage.* Main and accessory buildings and other impervious cover shall not cover more than 45 percent of lot area on interior lots, and 50 percent of the lot area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements.
- (7) *Fencing.* Permanent six-foot fences shall be erected along all rear and side property lot lines which abut another residential lot or land use. Except in situations where the lot is 100 feet or more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line. All wooden fences shall have wood post of sufficient width or diameter, embedded in concrete to support the weight and wind load of the fence.
- (8) *Fence beautification standards:*
  - a. Newly installed fencing constructed with untreated wood lumber or other materials shall:
    1. Be painted with a clear coat,
    2. Be painted in earth tone colors, or
    3. Be prefabricated in earth tone colors.
  - b. Newly installed fencing constructed with pressure treated wood lumber is not required to meet any standard in subsection (a).
  - c. All fences shall be constructed with the attractive portions facing outwards from the property if bordering on a public street, excluding alleys.
- (9) *Driveways and sidewalks.* An improved impervious driveway shall be constructed for each dwelling unit, and each driveway shall include enough area for two parking spaces. Sidewalks shall be constructed as specified in section 36-140. In addition, a fee in lieu of sidewalks may be required as specified in section 36-143.

**Sec. XX-307. Reserved.**

**Secs. XX-308—XX-329. Reserved.**

***DIVISION 6. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT***

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**Sec. XX-330. General description.**

The R-2 Single-Family Residential District is slightly less restrictive than the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities area. These provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment and include internal stability, attractiveness, light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

**Sec. XX-331. Uses permitted.**

The following uses are permitted in the R-2 Single-Family Residential District:

- (1) Any use permitted in an R-1 Single-Family and Duplex Dwelling District.
- (2) Zero lot line two-family dwelling.
- (3) Industrialized housing.

**Sec. XX-332. Height regulations.**

The following are the height regulations in R-2 Single-Family Residential District: No building shall exceed two standard stories or 35 feet in height.

**Sec. XX-333. Area regulations.**

The following are the area regulations in R-2 Single-Family Residential District:

- (1) *Front yard.* The minimum depth of the front yard shall be 20 feet. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 20 feet, and no building varies more than 6 feet from this average setback line, then no building shall be erected closer to the street line, than the minimum setback so established by the existing buildings. When a yard has double frontage the front yard requirements shall be complied with on both streets.
- (2) *Side yard.*
  - a. For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than 5 feet for dwellings of one story, and not less than 7.5 feet for dwellings of more than one story, except as hereinafter provided in article V, division 2 of this chapter.
  - b. For unattached buildings of accessory use there shall be a side yard of not less than 5 feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than 3 feet from an interior side lot line when all parts of the accessory building are located more than 50 feet behind the front line.
  - c. For dwelling and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less 15 feet. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.
  - d. Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lines a distance of not less than 15 feet.
- (3) *Rear yard.* There shall be a rear yard for a main building of not less than 10 feet. Unattached buildings of accessory use may be located in the rear yard of a main building.



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- (4) *Lot width.* For dwellings there shall be a minimum lot width of 50 feet at the building line, and such lot shall abut on a street for a distance of not less than 25 feet.
- (5) *Lot area.*
- a. For each dwelling, and building accessory thereto, there shall be lot area of not less than 7,200 square feet.
  - b. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required in this subsection; provided, however, that the lot area for a church shall not be less than 10,000 square feet.
- (6) *Impervious coverage.* Main and accessory buildings shall not cover more than 45 percent of the lot area on interior lots, and 50 percent of the area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements.
- (7) *Fencing.* Permanent six-foot fences shall be erected along all rear and side property lot lines which abut another residential lot or land use. Except in situations where the lot is 100 feet or more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line. All wooden fences shall have wooden post of sufficient width or diameter, embedded in concrete to support the weight and wind load of the fence.
- (8) *Fence beautification standards:*
- a. Newly installed fencing constructed with untreated wood lumber or other materials shall:
    1. Be painted with a clear coat,
    2. Be painted in earth tone colors, or
    3. Be prefabricated in earth tone colors.
  - b. Newly installed fencing constructed with pressure treated wood lumber is not required to meet any standard in subsection (a).
  - c. All fences shall be constructed with the attractive portions facing outwards from the property if bordering on a public street, excluding alleys.
- (9) *Driveways and sidewalks.* An improved impervious driveway shall be constructed for each dwelling unit, and each driveway shall include enough area for two parking spaces. Sidewalks shall be constructed as specified in section 36-140. In addition, a fee in lieu of sidewalks may be required as specified in section 36-143.

**Sec. XX-334. Zero lot line two-family dwellings.**

- (a) *Subdivision for separate title.* A two-family dwelling may be subdivided through the common wall for the sole purpose of creating a separate fee simple title for each dwelling unit provided that the parcel containing each dwelling unit shall not be less than 3,000 square feet and provided each parcel had access to a public street and meets all applicable ordinances.
- (b) *Minimum criteria for development.* The following items are established as minimum criteria for development within the zero lot line two-family dwellings:
  - (1) Front yards shall have a minimum of 60 percent landscaped area.
  - (2) Front yards and side street yards shall be sodded and landscaped prior to an issuance of a certificate of occupancy.

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- (c) *Privacy fencing.* Permanent six-foot fences shall be erected along all rear and side property lot lines which abut another residential lot or land use. Except in situations where the lot is 100 feet or more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line. All wooden fences shall have wood post of sufficient width or diameter, embedded in concrete to support the weight and wind load of the fence.
  - (d) *Impervious coverage.* Main and accessory buildings shall not cover more than 45 percent of the lot area on interior lots, and 50 percent of the area on corner lots. Accessory buildings shall not cover more than ten percent of the impervious cover requirements.

**Secs. XX-335—XX-360. Reserved.**

### *DIVISION 7. R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT*

**Sec. XX-361. General description.**

The R-3 Multiple-Family Residential District is a residential district to provide for medium and high population density. The principal use of land may range from single-family to multiple-family and garden apartment uses. Certain uses which are more compatible functionally with intense residential uses than with commercial uses are permitted. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are permitted and including internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and relationship of each use permitted in the district.

**Sec. XX-362. Uses permitted.**

The following are permitted uses R-3 Multiple-Family Residential District:

- (1) Any use permitted in the R-3 residential district, except individual owned mobile homes, located on owner occupied lots.
- (2) Multiple-family dwellings and garden apartments.
- (3) Accessory buildings and uses customarily incidental to the uses in this section when located on the same lot.

**Sec. XX-363. Area regulations.**

All buildings shall be set back from street right-of-way lines or lot lines to comply with following yard requirements:

- (1) *Front yard.* There shall be a front yard having a minimum depth of not less than 25 feet. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.
- (2) *Side yard.* For multiple-family dwellings the side yard shall be ten feet where no windows or other openings for light face the side yard. In all other cases the minimum depth shall be not less than 12 feet, plus one foot for each 15 feet in length (L).

$$D = 12 + L/15$$

In all cases, where the side yard is adjacent to a side street, the side yard shall not be less than ten feet. Where the corner lot is a key lot, the required front yard shall be provided in both streets.

- (3) *Rear yard.* For multiple-family dwellings, same as side yard except where property backs up to residentially zoned property the rear yard must have a depth of 50 feet including parking areas. In

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addition, a brick, stone or acceptable masonry or other cementitious material wall not less than six feet high must be provided along rear property line.

- (4) *Distances.* The distance between buildings within an apartment development shall in no case be less than the sum of the required minimum depth of the yard requirements set forth in this section. One windowless wall, where window wall faces a windowless wall, the required distance between the two buildings shall be computed as if both walls contained windows.
- (5) *Lot coverage.* A lot on which there is erected or converted a multiple-family dwelling shall contain a total lot area according to the following schedule:

Each efficiency unit	525 square feet
Each one-bedroom unit	675 square feet
Each two-bedroom unit	1,000 square feet
More than two-bedroom unit	1,000 square feet, plus 200 square feet for each bedroom over two

Any room other than a living room, bathroom, dining room and kitchen shall be counted as a bedroom.

- (6) *Livability open space.* No less than 30 percent of the total gross land area used for people, planting and visual appeal.
- (7) *Front exterior walls.* There shall be a minimum of 75 percent brick, stone or stucco construction on all front exterior walls.

**Sec. XX-364. Height regulations.**

The following are height regulations for the A-Multiple-Family Residential District: no buildings shall exceed 50 feet in height.

**Sec. XX-365. Parking requirements.**

A minimum of two parking spaces per unit on an improved impervious driveway. With a minimum of 25 percent of said parking spaces being covered in a manner approved by the city prior to construction of said cover.

**Sec. XX-366—XX-390. Reserved.**

***DIVISION 8. MANUFACTURED HOUSING DISTRICT***

**Sec. XX-391. General description.**

The M Manufactured Housing District allows for HUD-Code manufactured homes. Homes shall be permanently affixed to a foundation with a visible foundation system and skirting acceptably similar in appearance to foundations of site-built residences. The foundation shall form a complete enclosure under exterior walls. Wheels and axles shall be removed. All units must also have site-built steps and porches.

**Sec. XX-392. Uses permitted.**

Property and buildings in an M Manufactured Housing District shall be used only for the following purposes:

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- (1) HUD-Code Manufactured Homes.
  - (2) Accessory building including one private garage.
  - (3) Uses customarily incidental to any of the uses set forth in subsection (a) of this section when located upon the same lot and not involving the conduct of a business.

**Sec. XX-393. Area regulations.**

The area regulations in the M Manufactured Housing District are as follows:

- (1) *Front yard.* The minimum depth of the front yard shall be 15 feet. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 15 feet, then no building shall be erected closer to the building line than the minimum setback so established by the existing building; but this regulation shall not require a front yard of greater depth than 40 feet. When a yard has double frontage, the front yard requirements shall be complied with on both streets.
- (2) *Side yard.* For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than 5 feet.
- (3) *Rear yard.* There shall be a rear yard for a main building of not less than 10 feet. Unattached buildings of accessory use are located in the rear yard of a main building.
- (4) *Lot width.* For dwellings there shall be a minimum lot width of 50 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.
- (5) *Lot area.* For each dwelling, and building accessory thereto, there shall be a lot area of not less than 5,000 square feet.
- (5) Fence. A fence, hedge or enclosure wall provided:
  - a. No solid fence or enclosure shall exceed a height of six feet.
  - b. An ornamental fence may exceed six feet in height but shall have a ratio of solid portion to open portion not in excess of one to four and shall not extend closer to any front street than 40 feet.
  - c. Reserved.
  - d. Any fence, hedge or enclosure wall on a corner lot, and situated within 15 feet of the intersections of the two property lines, shall be prohibited.

All wooden privacy fences shall have wood posts of sufficient width or diameter, embedded in concrete to support the weight and wind load of the fence.

**Sec. XX-394. Conditions and Limitations.**

- (1) Manufactured Homes must have a minimum of 1,000 square feet of living area.
- (2) Manufactured Homes must be skirted within ninety (90) days from date of installation.
- (3) Manufactured Homes must be tied down securely and in compliance with applicable regulations prior to occupancy.
- (4) No Manufactured Home may be located in any district other than "M"
- (5) *Fencing.* Permanent six-foot fences shall be erected along all rear and side property lot lines which abut another residential lot or land use. Except in situations where the lot is 100 feet or more in width or is 0.50 acres or more in size. Placement of any fencing along the side property lines shall start at the rear elevation of the dwelling and proceed to the rear property line. All wooden fences shall have wood

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post of sufficient width or diameter, embedded in concrete to support the weight and wind load of the fence.

(6) *Fence beautification standards:*

- a. Newly installed fencing constructed with untreated wood lumber or other materials shall:
  1. Be painted with a clear coat,
  2. Be painted in earth tone colors, or
  3. Be prefabricated in earth tone colors.
- b. Newly installed fencing constructed with pressure treated wood lumber is not required to meet any standard in subsection (a).
- c. All fences shall be constructed with attractive portions facing outwards from the property if bordering on a public street, excluding alleys.

(7) *Driveways and sidewalks.* An improved impervious driveway shall be constructed for each dwelling unit, and each driveway shall include enough area for two parking spaces. Sidewalks shall be constructed as specified in section 36-140. In addition, a fee in lieu of sidewalks may be required as specified in section 36-143.

**Sec. XX-395. Standards.**

- (1) No manufactured home older than 10 years from the date of application will be allowed.
- (2) No outside horizontal dimension shall be less than 14 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.
- (3) The exterior siding material, excluding skirting, shall be nonmetallic.
- (4) The structures shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with HUD codes.
- (5) Manufactured homes shall be installed in accordance with the following criteria:
  - a. By a person licensed by the State of Texas in compliance with state law.
  - b. Frame shall be supported by, and tied to, a foundation system capable of safely supporting the loads imposed as determined from the character of the soil. The minimum acceptable foundation design shall be a series of 8-inch grout-filled concrete block piers spaced no more than 8 feet on center and bearing on 12 inch by 12 inch solid concrete footings. A tie-down anchoring system separate and apart from the foundation ties shall be provided as recommended by the manufacturer, if different from the foundation ties.
  - c. Axle and hitch assemblies shall be removed at the time of placement on the foundation.
  - d. Each manufactured home shall be totally skirted with metal, masonry, pressure-treated wood, or other non-degradable material which is compatible with the design and exterior materials of the primary structure.
  - e. Electrical power supply shall be from a meter installation on the mobile home, or from a permanent pedestal.
  - f. Garage and carport additions are permitted, provided they cover a paved parking area and are connected to a street by a paved drive, meet minimum building setback requirements, and have roof and siding material compatible with the primary structure.

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- g. Patio and porch covers are permitted, provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements.
  - h. Living area additions are permitted, provided they meet the minimum building setback requirements, have a roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure.

**Secs. XX-396—XX-421. Reserved**

*DIVISION 9. C COMMERCIAL DISTRICT*

**Sec. XX-422. General description.**

The C Commercial District is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

**Sec. XX-423. Uses permitted.**

- (a) Property and buildings in a C Commercial District shall be used only for the following purposes:
  - (1) Antique shop.
  - (2) Appliance shop.
  - (3) Arts school, gallery or museum.
  - (4) Artists materials, supply studio.
  - (5) Automobile parking lot.
  - (6) Baby shop.
  - (7) Bakery goods store.
  - (8) Bank.
  - (9) Barbershop.
  - (10) Beauty shop.
  - (11) Book or stationery store.
  - (12) Camera shop.
  - (13) Candy store.
  - (14) Catering establishment.
  - (15) Cleaning, pressing, laundry collection agency.
  - (16) Curio or gift shop.
  - (17) Drug store or fountain.
  - (18) Dry goods store.
  - (19) Dairy products or ice cream store.
  - (20) Delicatessen.
  - (21) Dress shop.

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- (22) Florist shop, greenhouse, nursery.
  - (23) Furniture store.
  - (24) Grocery store or supermarket.
  - (25) Hardware store.
  - (26) Jewelry or notion store.
  - (27) Lodge hall.
  - (28) Meat market.
  - (29) Medical facility.
  - (30) Messenger or telegraph service.
  - (31) Musical instrument sales.
  - (32) Newspaper or magazine sales.
  - (33) Office business.
  - (34) Optometrists sales and service.
  - (35) Photographer studio.
  - (36) Pharmacy.
  - (37) Radio and television sales and service.
  - (38) Restaurant.
  - (39) Self-service laundry or dry cleaning.
  - (40) Sewing machine sales, instruction.
  - (41) Sporting goods sales.
  - (42) Shoe repair shop.
  - (43) Tailor shop.
  - (44) Toy store.
  - (45) Variety store.
  - (46) Amusement enterprises.
  - (47) Advertising signs or structures.
  - (48) Ambulance service, office or garage.
  - (49) Automobile retail gasoline service station.
  - (50) Bakery.
  - (51) Bathhouse.
  - (52) Boat sales.
  - (53) Billiard hall.
  - (54) Bus terminal.
  - (55) Cleaning plant, commercial laundry or dry cleaning.

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- (56) Clothing or apparel store.
  - (57) Commercial school or hall.
  - (58) Cafe.
  - (59) Department store.
  - (60) Hotel.
  - (61) Feed and fuel store.
  - (62) Frozen food locker.
  - (63) Furniture repair and upholstery.
  - (64) Funeral parlor or mortuary.
  - (65) Golf course, miniature or practice range.
  - (66) Heating, ventilating or plumbing supplies, sales and service.
  - (67) Interior decorating store.
  - (68) Ice storage locker plant, or storage house for food.
  - (69) Key shop.
  - (70) Laboratories, testing and experimental.
  - (71) Laundry.
  - (72) Leather goods shop.
  - (73) Museums.
  - (74) Novelty club.
  - (75) Novelty shop.
  - (76) Nursery or garden supply store.
  - (77) Outdoor advertising signs.
  - (78) Pawn shop.
  - (79) Pet shop.
  - (80) Printing plant.
  - (81) Recreation center.
  - (82) Research laboratories.
  - (83) Restaurant.
  - (84) Sign painting shop.
  - (85) Hospital for small animals.
  - (86) Sporting goods store.
  - (87) Stocks and bonds broker.
  - (88) Storage warehouse.
  - (89) Sale of beer for off-premises consumption.



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- (90) Theater.
  - (91) Toy store.
  - (92) Travel store.
  - (93) Travel trailer park.
  - (94) Used automobile sales.
  - (95) Wholesale distributing center.
  - (96) Buildings, structures, and uses accessory and customarily incidental to any of the uses set forth in this subsection (a), provided that there shall be no manufacture, processing, or compounding of products other than such as are customarily incidental and essential to retail establishments.
  - (97) Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration or traffic than those listed in this subsection (a).
- (b) No article or material stored or offered for sale in connection with uses permitted under this section shall be stored or displayed outside of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven feet in height shall be required.

**Sec. XX-424. Area regulations.**

The area regulations for dwellings in the C Commercial District shall be the same as the requirements of the R-3 Multiple-Family Residential District. The following requirements shall apply to all other uses permitted in the district:

- (1) *Front yard.* All buildings shall set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.
- (2) *Side yard.* On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten feet. There shall be a side yard setback from an intersecting street of not less than 25 feet.
- (3) *Rear yard.* The rear of a lot adjoining a dwelling district there shall be a rear yard of not less than ten feet, same as the requirements for a side yard.
- (4) *Area for off-street parking.* Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in this section.

**Sec. XX-425. Height regulations.**

No building in the C Commercial District shall exceed 50 feet in height.

**Sec. XX-426. Masonry requirements.**

All buildings in the C Commercial District shall have all exterior walls constructed using a masonry material covering at least 80 percent of said walls, exclusive of all windows, doors, roofs, glass construction materials or sidewalk and walkway covers.

**Sec. XX-427—XX-440. Reserved.**

***DIVISION 10. I GENERAL INDUSTRIAL DISTRICT***

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**Sec. XX-441. General description.**

The I General Industrial District is intended primarily for the conduct of manufacturing, assembling and fabrication. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation facilities.

**Sec. XX-442. Uses permitted.**

(a) Property and buildings in an I General Industrial District shall be used only for the following purposes:

- (1) Bottling works;
- (2) Book bindery;
- (3) Candy manufacturing;
- (4) Engraving plant;
- (5) Electrical equipment assembly;
- (6) Electronic equipment assembly and manufacture;
- (7) Food products processing and packing;
- (8) Furniture manufacturing;
- (9) Instrument and meter manufacturing;
- (10) Jewelry and watch manufacturing;
- (11) Laundry and cleaning establishment;
- (12) Leather goods fabrication;
- (13) Optical goods manufacturing;
- (14) Paper products manufacturing wholesale or warehousing enterprise;
- (15) Building material sales yard and lumberyard, including the sale of rock, sand, gravel and the like as an incidental part of the main business;
- (16) Contractor's equipment storage yard or plant, or rental equipment commonly used by contractors;
- (17) Freighting or trucking yard or terminal;
- (18) Oil field equipment storage yard;
- (19) Public utility service yard or electrical receiving yard;

provided, however, that all yard operations shall be so screened by ornamental walls, fences or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the use is located; provided, however, that screening shall not be required in excess of seven feet in height.

(b) The following uses when conducted within a completely enclosed building:

- (1) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products;
- (2) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bond, cellophane, canvas, cloth, cork feathers, felt, fiber, fur,

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glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn and paint not employing a boiling process;

- (3) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
  - (4) The manufacture and maintenance of electric and neon signs, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like;
  - (5) Manufacture of musical instruments, toys, novelties and rubber and metal stamps;
  - (6) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping and battery manufacturing;
  - (7) Machine shop;
  - (8) Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;
  - (9) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders and the like;
  - (10) Buildings, structures and uses accessory and customarily incidental to any of the uses in this subsection.
- (c) The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

**Sec. XX-443. Area regulations.**

- (a) *Front and side yards.* There are no specific front or side yard requirements for uses in the I General Industrial District; however, that a building shall set back a distance of not less than 25 feet from the side lot line that adjoins a dwelling district.
- (b) *Rear yard.* Where a building is to be serviced from the rear there shall be provided an alley, service court, rear yard or combination thereof of not less than 30 feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is greater. In all other cases no rear yard is required; provided, however, that a building shall set back a distance of not less than 25 feet from the rear lot line that adjoins a dwelling district.
- (c) *Yard area.* Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in this section.

**Sec. XX-444. Height regulations.**

No building in the I General Industrial District shall exceed 90 feet in height.

**Secs. XX-445—XX-507. Reserved.**

**ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS**

**DIVISION 1. GENERALLY**

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**Sec. XX-508. General provisions applying to all or to several districts.**

Application of regulation to the uses of a more restricted district are applicable. Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district, unless otherwise specified.

**Sec. XX-509. Dwelling units prohibited when nonresidential purposes intended.**

It is intended that these regulations be interpreted as not permitting a dwelling unit to be located on the same lot with or within a structure used or intended to be used primarily for nonresidential purposes.

**Sec. XX-510. Residential uses within commercial zone.**

Residential uses shall not be permitted on the grade level of any building or structure within a commercial zone. Residential use shall be permitted only on or above the second level of any building or structure within a commercial zone if said residential use fully complies with the most current version of the International Building Code or other building code as adopted by the city.

**Sec. XX-511. All single- and two-family districts.**

- (a) All single- and two-family dwellings shall have an area for two parking spaces on approved impervious driveway accessible to a public city approved and accepted street or alley. All single- or two-family dwellings having garages shall not be enclosed without first obtaining the required building permits and meeting all city ordinances.
- (b) The minimum single-family dwelling size shall be 800 square feet of living area.
- (c) The minimum two-family dwelling size shall be 800 square feet for each living unit.

**Secs. XX-512—XX-530. Reserved.**

*DIVISION 2. OPEN SPACE*

**Sec. XX-531. Purpose.**

The requirements of this division are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in section article IV of this chapter.

**Sec. XX-532. Existing building or structure.**

An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure.

**Sec. XX-533. Projections into yards.**

Open eaves, cornices, window sills, covered porches, and belt courses may project into any required yard a distance not to exceed three feet. Open uncovered porches or open fire escapes may project into a front or rear yard a distance not to exceed five feet. Fences, walls and hedges in residential districts may be erected in any required yard, or along the edge of any yard, provided that no fence, wall or hedge located in front of the dwelling shall exceed four feet in height, and no other wall or fence shall exceed seven feet in height.

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**Sec. XX-534. Fence, hedge or enclosure wall.**

- (a) A fence, hedge or enclosure wall provided:
  - (1) No solid fence or enclosure wall shall exceed a height of six feet and no such six-foot fence or enclosure shall extend beyond the front of a dwelling exclusive of porches. (See illustration.)
  - (2) An ornamental fence may not exceed four feet in height but shall have a ratio of solid material to open space not in excess of one-to-four and shall be allowed to extend to the front property line.
  - (3) Any fence, hedge or enclosure wall on a corner lot, and situated within 15 feet of the intersections of the two street lines shall not extend all the way to the corner of the property and shall not create any visual obstruction to traffic on a public street or highway. (See illustration of corner lot.)
  - (4) A privacy fence shall be at least six feet in height on the sides of the dwelling and no more than seven feet in height at the rear property line.
- (b) All wooden privacy fences shall have wood post of sufficient width or diameter, embedded in concrete to support the weight and wind load of the fence.
- (c) Fences shall be maintained in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, and rust, loosening, or leaning.
- (d) Common fences between properties will be the responsibly of all owners to maintain.
- (e) Fence beautification standards:
  - (1) Newly installed fencing constructed with untreated wood lumber or other materials shall:
    - a. Be painted with a clear coat, excluding metal posts,
    - b. Be painted in earth tone colors, excluding metal posts, or
    - c. Be prefabricated in earth tone colors excluding metal posts.
  - (2) Newly installed fencing constructed with pressure treated wood lumber is not required to meet any standard in subsection (1).
  - (3) All fences shall be constructed with the attractive portions facing outwards from the property if bordering on a public street, excluding alleys.

**Sec. XX-535. Street right-of-way widths less than 50 feet.**

Where the dedicated street right-of-way is less than 50 feet, the front yard depth shall be determined by measuring 50 feet back from the centerline of the street easement.

**Sec. XX-536. Ingress and egress to be provided.**

No dwelling shall be erected on a lot which does not abut on at least one street at least 50 feet in width, if a through street, and at least 30 feet in width if a dead-end street, for at least 35 feet. A street shall form the direct and primary means of ingress or egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress or egress. A garage apartment may be built to the rear of a main dwelling if there is compliance with all other provisions of this chapter. Accessory buildings which are not a part of the main building may be built in the rear yard but shall not cover more than 30 percent of the rear yard.

**Sec. XX-537. Commercial and industrial uses.**

No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this chapter that lots of sufficient size be used by any business or industry to provide adequate parking and unloading and loading space required for operation of the enterprise.

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**Sec. XX-538. Obstructions on corner lots prohibited.**

On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations between 2½ feet and six feet above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along the established to form a right triangle on the area of the lot adjacent to the street intersection.

**Sec. XX-539. Private garage setback.**

An attached or detached private garage which faces on a street shall not be located closer than 25 feet to the front property line.

**Sec. XX-540. Accessory building restrictions.**

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

**Sec. XX-541. Building in a cluster arrangement.**

Whenever one or more residential, institutional, commercial, or industrial buildings are proposed to be located in a cluster or grouping which has a different arrangement, orientation, or other site planning variation from that of other buildings, structures, or uses in the area or on adjacent properties, the architectural design, location, orientation, service and parking areas of such buildings shall be planned so as not to adversely affect the use of adjacent or other properties in the area, as determined by the planning and zoning commission.

**Sec. XX-542. Commercial and industrial uses in, or adjacent to residential districts.**

In all cases when a side or rear yard is adjacent to a residential property a wall of not less than six-foot shall be constructed of brick, stone, masonry or other cementitious material along that property line.

**Sec. XX-543. Fencing illustrations.**

The following are illustrations related to fencing:



ILLUSTRATION 1

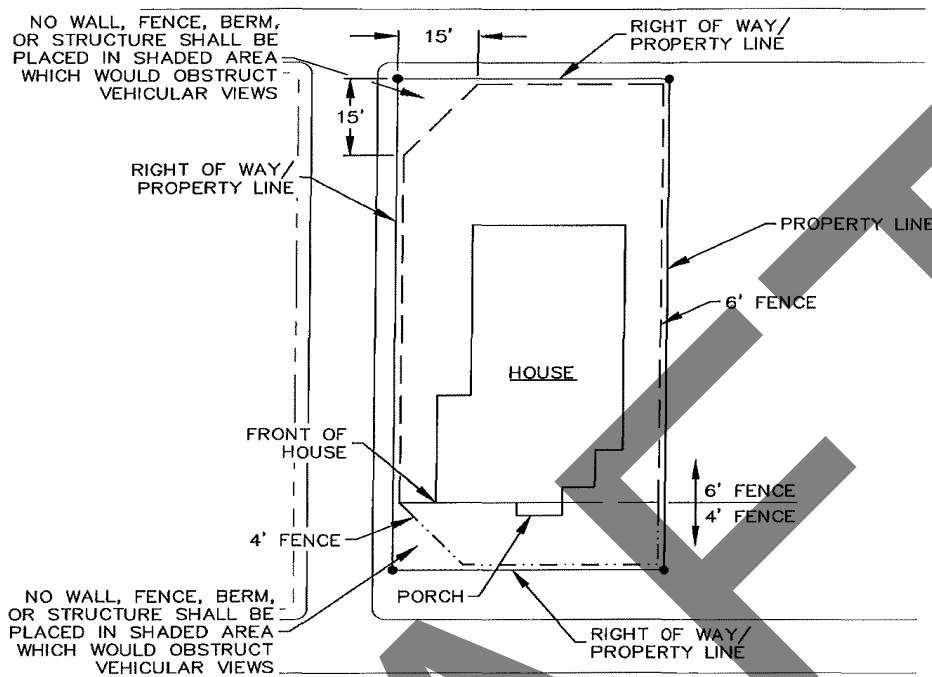
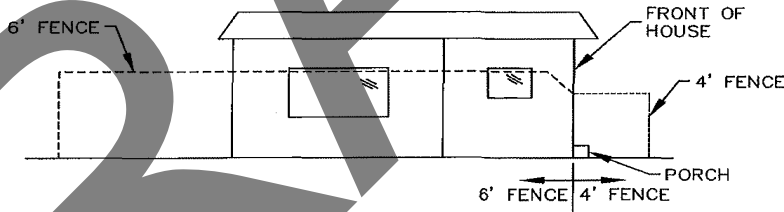


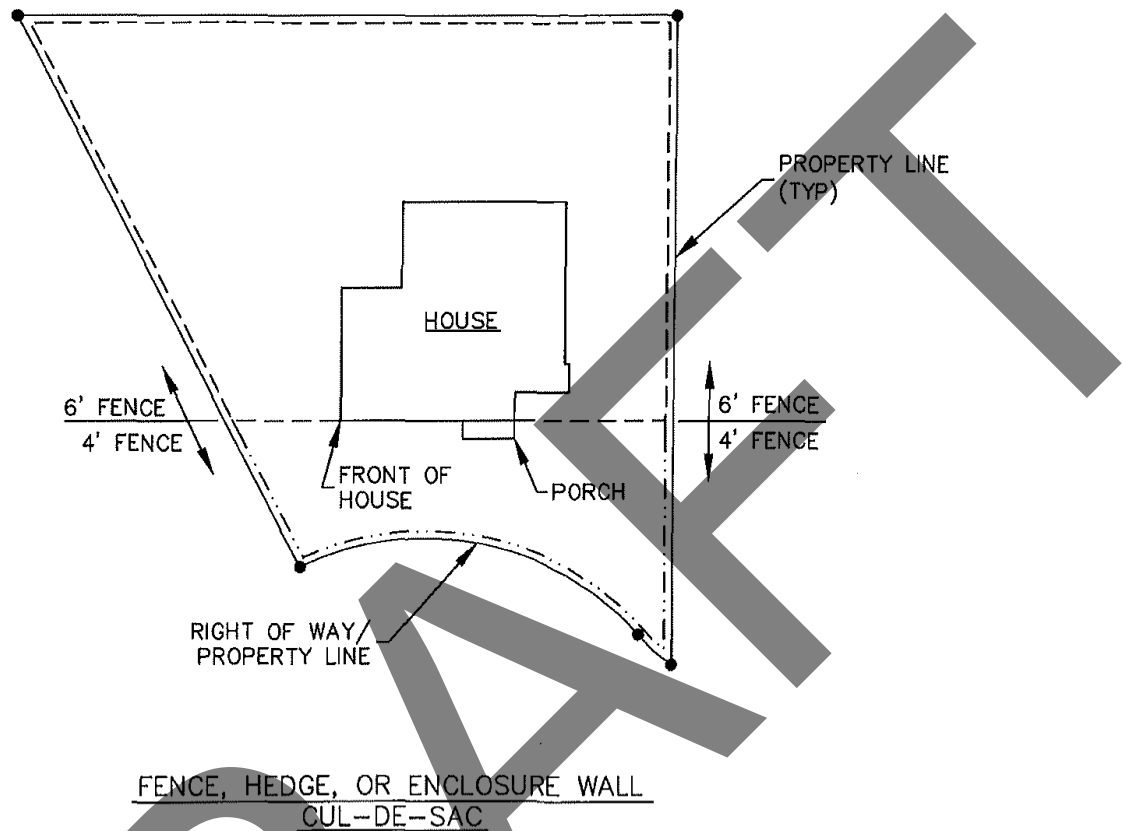
ILLUSTRATION 1 FENCE, HEDGE, OR ENCLOSURE WALL



FENCE HEIGHT TRANSITION

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ILLUSTRATION 2



Secs. **XX-544**—**XX-562**. Reserved.

*DIVISION 3. HEIGHT*

**Sec. XX-563. Purpose.**

The requirements of this division are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in article IV of this chapter.

**Sec. XX-564. Habitable basement or attic counted as a story.**

In measuring heights, a habitable basement or attic shall be counted as a story. A story in a sloping roof, the area of which story at a height of four feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

**Sec. XX-565. Projections not used for occupancy.**

Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.



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**Sec. XX-566. Public and semi-public buildings.**

Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one foot for each two feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

**Secs. XX-567—XX-595. Reserved.**

*DIVISION 4. STORAGE AND PARKING OF TRAILERS, RECREATIONAL, COMMERCIAL VEHICLES AND MOTOR HOMES*

**Sec. XX-596. Purpose.**

Commercial vehicles and trailers of all types, including travel, recreational vehicles, watercraft, camping and hauling shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the provisions set forth in this division.

**Sec. XX-597. Commercial vehicle restrictions.**

Not more than one commercial vehicle, which does not exceed two tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or other liquefied petroleum products be permitted.

**Sec. XX-598. Camping, recreational vehicle, motor home, travel trailer and other trailer restrictions.**

Not more than one camping, recreational vehicle, motor home, travel trailer, hauling trailer, boat or jet ski trailer, or similar equipment per family living on the premises shall be permitted, and said trailer shall not exceed 40 feet in length, or eight feet in width; and further provided that said trailer shall not be parked or stored for more than 48 hours unless it is located behind the front yard building line. A camping, recreational vehicle, motor home or travel trailer or mobile home park shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the ordinances of the city. When a recreational vehicle or trailer is parked in a driveway temporarily, at no time shall it encroach or block any public sidewalk.

**Secs. XX-599—XX-629. Reserved.**

*DIVISION 5. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING*

**Sec. XX-630. General intent and application.**

It is the intent of these requirements that adequate parking and loading facilities be provided off the street easement for each use of land within the city. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

**Sec. XX-631. Parking and loading spaces part of open space.**

- (a) Off-street parking or loading spaces shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

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- (b) The area required for off-street parking shall be in addition to the yard areas herein required; except that the front yard required in a C-1 Neighborhood Shopping District or an I General Industrial District may be used for uncovered parking area; and further provided that the front drive in a residential district may be used for the uncovered parking area for vehicles associated with a residential use.

**Sec. XX-632. Location.**

The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

**Sec. XX-633. Joint parking facilities.**

Whenever two or more uses are located together in a common building, shopping center or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements.

**Sec. XX-634. Size of off-street parking space.**

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet, plus adequate area for ingress and egress.

**Sec. XX-635. Amount of off-street parking and loading required.**

- (a) Off-street parking and loading facilities shall be provided in all zoning districts, except within the Downtown Historic District, in accordance with the following schedule:
- (1) Dwelling, single-family or two-family: Two parking spaces for each separate dwelling unit within the structure.
  - (2) Dwelling, multiple family: Two parking spaces shall be provided upon the lot for each dwelling unit. No parking shall be permitted in the required front yard. No parking shall be allowed within four feet of any building, nor closer than two feet to the side yard lines. No parking space shall be used for storage of any trucks, truck-trailer or van, except panel and pickup trucks not exceeding one-ton capacity and boat and travel trailers may be parked in a required parking space when the operator or owner of such vehicle resides upon the premises. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the city's standard specifications. Travel trailers, recreational vehicles and other trailers as defined in this section shall not exceed eight feet in width or 40 feet in length. At no time shall any such vehicle, recreational vehicle, motor home or trailer be parked so as to block a sidewalk.
  - (3) Boardinghouse, rooming house, tourist home, bed and breakfast or hotel: One parking space for each two guests provided overnight accommodations.
  - (4) Hospitals: One space for each four patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus one space for each three employees including nurses, plus adequate area for the parking of emergency vehicles.
  - (5) Medical or dental clinics or offices: Six spaces per doctor plus one space for each two employees.
  - (6) Sanatoriums, convalescent or nursing homes: One space for each six patient beds, plus one space for each staff or visiting doctor plus one space for each two employees including nurses.
  - (7) Community center, theater, auditorium, church sanctuary: One parking space for each four seats, based on maximum seating capacity.

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- (8) Convention hall, lodge, club, library, museum, place of amusement or recreations: One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
  - (9) Office building: One parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.
  - (10) Restaurants, cafes, dinners, clubs, bars and other establishments which provide tables and/or bar seating: One parking space for each four seats and one space for each two employees.
  - (11) Commercial establishments not otherwise classified: One parking space for each 150 square feet of floor space used for retail trade in the building and including all areas used by the public.
  - (12) Industrial establishments: Adequate area to park all employees and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
  - (13) Public elementary school and middle school (junior high): One space per 300 square feet of classrooms.
  - (14) Private school, primary: One space per 300 square feet of classrooms.
  - (15) Private school, secondary: One space per 200 square feet of classrooms.
  - (16) Public high school: One space per 200 square feet of classrooms.
  - (17) Post-secondary institution: One space for each two residents for dormitories or other residences; one space for each 500 square feet of gymnasium and classrooms; one space for each 300 square feet of administrative and office space.
- (b) For all uses not covered by the uses listed in subsection (a) of this section, the planning and zoning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
- (c) Zoning districts located within the Downtown Historic District shall not have any minimum parking requirements or loading zone requirements as denoted in subsection (a) or (b). Any off-street parking constructed voluntarily within the Downtown Historic District shall be limited to a maximum of six parking spaces, this standard shall not be applicable to any government or transit authority created off-street parking spaces. Creation of voluntary on-site loading zones shall also be prohibited within the Downtown Historic District, however this standard shall not be applicable to any government or transit authority created on-site loading zones.

**Sec. XX-636. Paved surface required.**

All parking spaces shall be paved with a sealed surface pavement and maintained in a manner that no dust will result from continued use.

**Sec. XX-637. Off-street parking lots in residential districts.**

Whenever off-street parking lots for more than six vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

- (1) All sides of the lot within or abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five feet nor more than six feet. Such fence, wall or hedge shall be maintained in good condition year round.
- (2) No parking shall be permitted within a front yard setback line established 15 feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required.

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- (3) Driveways used for ingress and egress shall be confined to and shall not exceed 25 feet in width exclusive of curb returns.
  - (4) All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
  - (5) Whenever lighting is provided, the intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.
  - (6) No sign of any kind shall be erected except information signs used to guide traffic and to state the condition and terms of the use of the lots. Only nonintermittent white lighting of signs shall be permitted.

All yards shall be landscaped with grass and shrubs and maintained in good condition yearround.

**Secs. XX-638—XX-662. Reserved.**

### *DIVISION 6. LOT AREA REQUIREMENTS FOR SEPTIC TANKS*

**Sec. XX-663. Purpose.**

Whenever connection with sanitary sewer system cannot be made, as determined by City Engineer, and septic tanks are to be installed for residential lots, the requirements of this division shall be met.

**Sec. XX-664. Minimum lot area.**

Residential lots shall have an area of at least 12,000 square feet, shall be at least 80 feet wide, and shall be at least 120 feet deep.

**Sec. XX-665. Additional lot area may be necessary.**

Where, as the result of necessary percolation tests as required by the city, the city's engineer deems the minimum lot area insufficient, the city shall require additional lot area sufficient to accommodate the sanitary facilities deemed necessary by the city's engineer.

**Secs. XX-666—XX-688. Reserved.**

### *DIVISION 7. SPECIAL PARKING AND AREA REGULATIONS AND EXCEPTIONS*

**Sec. XX-689. Vision clearance.**

On any corner lot on which front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to cause danger to traffic by obstructing the view and when topography prevents a clear view, this obstruction shall be removed.

**Sec. XX-690. Building lines.**

- (a) *Front.* The front building line of the main dwelling hereafter constructed in residence districts, or altered in such a manner as to change the position of such front building line, shall be located the distance required from the front lot line as may be required in the residential district in which such dwellings are located.
- (b) *Extensions into front yard.* Open porches of dwellings may extend into the front yard a distance of ten feet from the main line of the building. Cornices and eaves of the main building may project not more than three feet into the front yard.

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**Sec. XX-691. Lot area.**

On any lot separately owned on March 28, 1973, a single-family dwelling may be erected even though such lot has less area than required by these regulations.

**Sec. XX-692. Location of dwellings and buildings.**

Only one main building for single-family, two-family, or multiple-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width of 30 feet. Where a lot or tract of land is used for local retail or industrial purposes, more than one 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 district, and when all such main buildings face upon a street or officially approved place, other than an alley. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such development is approved by the city planning and zoning commission, said buildings shall comply with normal requirements for platting.

**Sec. XX-693. Special exception approval.**

- (a) The planning and zoning (P&Z) commission may grant a special exception from the requirements of certain provisions of this Code if the special exceptions are not contrary to public interest and the spirit of this Code is preserved and substantial fairness is accomplished. The only special exceptions that may be granted are:
  - (1) Front and back setback requirements;
  - (2) Building size requirements;
  - (3) Building height requirements;
  - (4) Vehicle parking requirements;
  - (5) Screening and buffering requirements;
  - (6) Building construction materials;
  - (7) Roof pitch.
- (b) In granting the special exception, the (P&Z) may impose conditions for which the applicant or his successors shall be in compliance before a certificate of occupation may be issued by the building official. Any special exceptions shall be included on a preliminary and final plat, site plan or, if necessary, through a separate recordable document approved by the (P&Z).
- (c) In no event can a special exception exceed ten percent over or under the requirements of this Code for which a special exception is granted.
- (d) Any single- or two-family dwelling having garages shall not be enclosed or converted into living area, removing garage doors or changing the intended purpose of general storage and parking and storage of vehicles without first building an approved replacement two-car garage accessible to a public city-approved and accepted street or alley, or provide off-street parking on city-approved impervious driveways for at least two vehicles and meeting all city ordinances effective.
- (e) The building size and type of construction shall be as defined in each residential zoning district unless 25 percent of the dwellings on one side of the street do not meet the restrictions in place, then the size and construction materials used may meet the type and size "based on living area" as on that established side of the street with approval of the building official.

**Secs. XX-694—XX-714. Reserved.**

*DIVISION 8. UNPLATTED PROPERTY*

**Sec. XX-715. City council to permanently zone all plats.**

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 shall have been permanently zoned by the city council.

**Sec. XX-716. Pending annexations.**

The planning and zoning commission shall not approve any plat of 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.

**Sec. XX-717. Commission may make zoning and annexation recommendation to city council.**

In the event the planning and zoning commission holds a hearing on a proposed annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the city council so that the city council can, if it desires, act on the matter of permanent zoning and annexation at the same time.

**Secs. XX-718—XX-737. Reserved.**

**Sec. XX-738. General standards.**

- (a) *Public government exemption.* A public governmental entity shall be exempt from the requirements of this division.
- (b) *Prohibited in historic districts and placement on signs.* Any WCFs shall be prohibited in any local designated historic district and on placement of any signs.
- (c) *Automation.* Except as provided in subsection (d) and during construction or an emergency, a WCF shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance.
- (d) *Maintenance and repair.* All WCFs and associated equipment shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person. Routine testing and maintenance shall be limited to weekdays between sunrise and sunset. Emergency repairs shall be allowed at all times.
- (e) *Removal.* Any WCF that is not operated for a continuous period of six months shall be considered abandoned and shall be removed within 60 days of receipt of notice from the city of such abandonment. Each property owner and person in control of the site is responsible for removal, jointly and severally. If such facility is not removed within said 60 days, the city may remove such facility at their expense. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease operations on the facility housing the users.
- (f) *Improvement and replacement.* An existing WCF may be improved or replaced with a new WCF provided the improvements or replacement comply with the provisions of this section.

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- (g) *Easements and approvals.* The applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the WCF and that access is provided to the facility or the owner of the building or structure to which the WCF will be attached has granted permission for the proposed facility to be attached and maintained.
  - (h) *Engineer's certification for roof-mounted WCF and/or equipment.* Any WCF mounted to a roof must receive engineer's certification that the roof will support the proposed WCF and associated roof-mounted equipment.
  - (i) *Landscaping and irrigation for WCFs.* Any required landscaping must be shown on a landscape plan and an irrigation plan must be concurrently provided which shows an underground or above ground drip irrigation system adequate enough to water landscaping. Any irrigation system shall be required to have rain sensor.
  - (j) *Application.* An application packet will need to be completed by an applicant and approved by the city. Information shall be provided as indicated within the application packet and this division. The applicant is responsible for full completion of the application packet.
  - (k) *As-built letter.* After the WCF has been constructed the project engineer or project architect, as applicable, shall provide a letter certifying that the WCF was constructed in accordance with the approved plans.

**Sec. XX-739. Wireless communication facilities (WCF).**

- (a) *Exemption.* WCFs associated with a television or radio stations shall be exempt from this section.
- (b) *Monopoles and self-enclosed monopoles.*
  - (1) *Permitted locations.*
    - a. Monopoles may only be in any commercial zoning district, industrial zoning district, or in any Planned Development District (PDD) with commercial or industrial uses unless otherwise prohibited in the PDD provided the location of the monopole is at least 200 feet from any residential zoning district, residential land uses in a PDD, or a residential land use on five acres of land or less for properties without a zoning category, or is at least 200 feet from the edge of the right-of-way of U.S. Hwy 290 or State Road 95, subject to the following conditions:
      - 1. Only one monopole is permitted for every ten acres on the lot. Poles may be clustered together.
    - b. Self-enclosed monopoles may be in any commercial zoning district or industrial zoning districts or in any Planned Development District (PDD) with commercial or industrial uses unless otherwise prohibited in the PDD, subject to the following conditions:
      - 1. Only one self-enclosed monopole is permitted for every five acres on the lot. Poles may be clustered together.
    - c. Self-enclosed monopoles may be in any residential zoning districts, excluding PDDs, in accordance with section XX-138, subject to the following conditions:
      - 1. WCFs must be separated by a distance of one-quarter of a mile from each other.
      - 2. Documentation from an engineer that an attached WCF or stealth WCF cannot accommodate the proposed improvement.
  - (2) *Setbacks.* The standard setbacks for each zoning district, including setbacks within the Planned Development District (PDD), shall apply to the poles and any associated equipment.
  - (3) *Maximum height.*

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- a. *Commercial zoning districts, industrial zoning districts, or Planned Development Districts (PDD) with commercial or industrial uses.* The maximum height of a pole shall be 150 feet.
  - b. *Residential zoning districts or Planned Development Districts (PDD) with residential uses.* The maximum height of a pole shall be 80 feet.
  - c. The maximum height of associated equipment located at the base of a monopole or self-enclosed monopole shall be no more than ten feet.
- (4) *Color.* Monopoles and self-enclosed monopoles shall be painted a non-contrasting gray, beige or similar neutral color minimizing its visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration.
  - (5) *Lighting.* No pole shall be artificially lighted except as required by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) or their predecessors. Security lighting around the equipment shelter is permitted provided it is not visible from neighboring properties. Lighting for maintenance purposes is permitted, provided the lights are not used at any other time.
  - (6) *Screening.* The equipment shelter at the base of a pole shall be screened from public view by an unpainted split-face decorative masonry wall with a minimum height of one foot greater than the height of the equipment shelter.
  - (7) *Collocation requirements.* New monopoles and self-enclosed monopoles shall be designed to accommodate at a minimum three antennae and any associated ground-mounted equipment, unless an engineer demonstrates that such a design is not feasible for technical or physical reasons. Service providers shall allow the collocation of antenna by competing service providers.
  - (8) *Mandatory co-location required.* An applicant shall be required to co-locate, as feasible, on an existing tower if it is within one-quarter mile of the proposed new monopole or self-enclosed monopole tower. The applicant shall inquire about potential collocation opportunities at all technically feasible locations.
- (c) *Attached WCF.*
- (1) *Permitted locations.*
    - a. An attached WCF may be placed on a building or structure in the residential zoning district that only allows for multi-family development, commercial zoning district, or industrial zoning districts.
    - b. An attached WCF may be placed on a building or structure on a lot that has schools, religious institutions, facilities or buildings or structures owned by a utility, multi-family land uses, commercial land uses, or industrial land uses in a Planned Development District (PDD), unless otherwise prohibited in the PDD.
    - c. An attached WCF may also be attached to a building with non-residential uses that is in a residential zoning district. This includes schools, religious institutions, facilities or buildings or structures owned by a utility, subject to the conditions of this section.
  - (2) *Mounting and setbacks.*
    - a. The support structure or equipment for an attached WCF that is mounted flush with the vertical exterior of the building or structure to which it is attached or shall project no more than 24 inches from the surface of the building or structure to which it is attached, and shall not violate the building setback requirements of the zoning district in which the building or structure is located.
    - b. Support structure or equipment for an attached WCF may be placed on the roof of a building in accordance with this section.



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- c. Support structure or equipment for an attached WCF must be placed underground if not located on the side of a building or on the roof. Placement on the ground may be allowed so long as it cannot be visible from the street in accordance with this section.
- (3) *Maximum height.* An attached WCF shall not extend more than ten feet above the building or structure to which it is attached and shall not violate the maximum height restriction of the zoning district in which the building or structure is located.
- (4) *Visibility.*
- a. Equipment associated with roof-mounted WCFs shall be screened from public view. Screening shall utilize the same or similar materials as the principal structure or building. If roof decks with mechanical equipment are visible from any level of adjacent buildings, the mechanical equipment must be painted to match the finished roof material.
  - b. Attached WCFs that are side-mounted shall blend with the existing building's architecture and shall be painted or shielded with material that is consistent with the design features and materials of the building.
  - c. All cabinets, boxes, and WCF associated equipment that is not roof-mounted or side-mounted shall be located underground, unless it is so designed and located that it is not visible from a street.
- (d) *Stealth WCF.*
- (1) *Permitted locations.*
- a. A stealth WCF can be located in all zoning districts or all uses in a Planned Development District (PDD), unless otherwise prohibited by the PDD.
  - b. A stealth WCF can be attached to any building or structure or be freestanding.
- (2) *Setbacks.* The standard setbacks for each zoning district or Planned Development District (PDD) shall apply to all stealth WCFs. To protect citizens in their homes, freestanding stealth WCFs shall be placed a minimum distance equal to the height of the freestanding stealth WCF away from any residential structure. No guy wires may be used.
- (3) *Maximum height.* The maximum height of a stealth WCF shall be determined by the height limitations for the type of structure the WCF resembles, the zoning district maximum height, or the required setback distance whichever results in less height.
- (4) *Visibility.* The antenna and associated equipment of a stealth WCF shall be screened, disguised, concealed or otherwise camouflaged as part of a structure such that the antenna and associated equipment of the WCF are indistinguishable from the structure that it is attached to or within. If freestanding it shall resemble natural elements such as a flagpole, tree, or shrub, including colors. If the city determines that the associated equipment cannot be feasibly or adequately camouflaged due to the unique circumstances of the proposed location, it shall be placed underground; or it may be screened from view from a street and adjacent properties by an unpainted decorative masonry wall with a minimum height of one foot greater than the height of the equipment shelter. In residential zoning districts the required masonry wall shall be screened by planting one five-gallon or larger size shrub for every three linear feet around the boundary of the wall.

**Secs. XX-740—XX-747. Reserved.**

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