

CITY OF NOLANVILLE

ORDINANCE NO. 6051-12

AN ORDINANCE REPEALING ORDINANCE NO. 6051-08 IN ITS ENTIRETY, CHANGING AND UPDATING ALL ARTICLES THEREIN, ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF NOLANVILLE, TEXAS, AND PROVIDING FOR THE USES AND REGULATIONS, ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND FOR THE REPEAL OF ALL PRIOR ZONING ORDINANCES AND ALL ORDINANCES IN CONFLICT HERewith.

WHEREAS, under the laws of the State of Texas, Local Government Code Chapter 211 authority is conferred upon the City of Nolanville to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City to enact such an Ordinance; and

WHEREAS, the City Council, pursuant to the provisions of the State Statutes, has appointed a Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with the Land Use Plan, designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to guide and limit the use of areas subject to periodic flooding in order to protect and promote the public health, safety, and general welfare; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, the Planning and Zoning Commission has made a preliminary report, and submitted its final report to the City Council; and

WHEREAS, the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, the City Council finds that this Ordinance is consistent with, and in furtherance of, the Comprehensive Plan; and

WHEREAS, all requirements of the State Statutes, with regard to the preparation of the report of the Planning and Zoning Commission and subsequent action of the City Council have been met.

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

That there be enacted the following Comprehensive Zoning Ordinance of the City of Nolanville, together with a map creating and delineating the City Zoning Districts established herein.

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ARTICLE I

SECTION 101.1: Title

This Ordinance shall be known as and may be cited and referred to as the “Zoning Ordinance of the City of Nolanville, Texas.”

SECTION 102.1: Purpose

This Ordinance is enacted for the purpose of promoting the health, safety, morals, and general welfare of the community lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration or population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; conserving the value of buildings and encouraging the most appropriate use of land throughout the community and promoting the development of the community in accordance with a comprehensive plan.

SECTION 103.1: Interpretation and Application

As concerns interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of rules or regulations or Ordinance, the provision of this Ordinance shall control. Terms and words are to be used and interpreted as defined in Article II of this Ordinance. Words used in the present tense including the future; the singular shall include the plural and the plural the singular; the word “building” shall mean as well the word “structure”; the word “used” shall include “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased”, or “intended to be used”, and the word “shall” is mandatory and not directory, except where the natural construction of the writing indicates otherwise.

SECTION 104.1: Jurisdiction

This Ordinance shall be in full force and effect in the corporate limits of the City of Nolanville, Texas. Territory annexed to the corporate limits of the City of Nolanville, Texas, subsequent to the effective date of this Ordinance shall immediately be subject to the provisions of this Ordinance and shall be deemed to be designated as R-1 Single Family Standard District until altered or reclassified in the manner provided by law.

SECTION 105.1: Severability Clause

In case any portion of this Ordinance shall be held to be invalid or unconstitutional, the

remainder of the Ordinance shall not thereby be invalid, but shall remain in full force and effect.

SECTION 106.1: Repeal of Conflicting Ordinance

Any Ordinance now in effect that conflicts or is inconsistent with any provisions of this Ordinance is hereby repealed to the extent of such conflict or inconsistency.

ARTICLE II DEFINITIONS

SECTION 201.1: Interpretation of Words and Terms

For the purpose of this Ordinance, certain terms and words are hereby defined.

- (a) **Word interpretations.** Interpretations of certain words used in this Ordinance shall be as follows:
 - (1) All words used in the present tense shall include the future.
 - (2) All words in the singular number include the plural number, and all words in the plural number include the singular number.
 - (3) The term "structure" includes the word "building," and the term "dwelling" includes the terms "residence" and "place of habitation." The term "lot" includes the word "plot."
 - (4) The term "person" includes corporation, co-partnership, association, and individual.
 - (5) The term "shall" is mandatory and not discretionary.
- (b) **Undefined terms.** Terms not defined in this section shall have the meanings assigned to them in the City building codes. Terms not defined in this section or in the building codes shall have the customary meaning assigned to them.
- (c) **Words and terms defined.** The definitions in this section supplement, restrict, and define the meaning and intent of the Use Regulations as set forth in this Ordinance. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory Apartment: an accessory dwelling for the use and occupancy by any person employed on the premises on a full-time basis for domestic or medical help or family members

to the second degree of consanguinity and affinity. Such dwelling shall not have separate utility services or meters. This may also include an accessory dwelling located in a commercial or industrial district for the use of any person employed by the business or property owner to provide management, maintenance or security for the property.

Accessory Use: a structure or use that:

- (a) Is clearly incidental to and customarily found in connection with a principal building or use.
- (b) Is subordinate to and serves a principal building or a principal use; is subordinate in area, extent, or purpose to the principal building or principal use served.
- (c) Is located on the same lot as the principal building or use served.

Accessory Use (Residential): a subordinate use which is detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.

Agriculture: the use of land for agricultural purposes including farming, dairying, pasturing, horticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however that the operation of any such accessory shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include commercial feeding of swine or other animals, stockyards, commercial feed lots for cattle.

All-weather Surface: a hard smooth paved surface of either hot-mixed asphaltic concrete (HMAC) or Portland cement concrete (PCC) and the appropriate base material, meeting the following minimum specifications:

- (a) Hot-mixed asphaltic concrete:
 - (1) Surface: 1.5 inches of type D or type C material.
 - (2) Base: six inches of compacted iron ore gravel or the equivalent flexible base, or four inches of compacted hot sand asphaltic base.
- (b) Portland cement concrete:

- (1) Surface: five inches of class A, 3,000 psi concrete, reinforced with WWF 6 X 6, W 2.9 - 2.9.
- (2) Base: four inches of compacted granular material.

Material shall conform to City and State department of transportation specifications. Other possible types of paved surfaces will be considered on a case-by-case basis by the City's planning and engineering departments.

Alley: a minor right-of-way dedicated to public use not more than twenty (20) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Amusement, Commercial (Indoor): an amusement enterprise wholly enclosed in a building, including but not limited to a bowling alley, bingo parlor or amusement arcade, but not including a billiard parlor or pool hall.

Amusement, Commercial (Outdoor): any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to a golf driving range, archery range, and miniature golf course.

Animal Hospital or Clinic: a facility for the treatment or care of domestic animals, which includes a veterinarian's office, and may include overnight stays, but does not include outside pens.

Animal Control Facility: an establishment that is operated, controlled or contracted with/by the City for the confinement, safekeeping, control and/or destruction of animals that come into the custody of the City.

Antique Shop: an establishment offering for sale articles such as glass, china, furniture or similar furnishing and decorations which have value and significance as result of age, design or sentiment; and when all such items displayed or offered for sale are housed within a building and there is no exterior display except the usual sign or advertising.

Apartment: a room or suite of rooms in a multiple dwelling, or in a building in which more than one living unit is established above or on the same floor as non-residential uses, which room or suite is intended, or designed for use as a residence by one family and which includes culinary accommodations.

Apartment House: a building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking in said building, including apartments and apartment hotels.

Applicant: a person seeking a municipal approval under this Ordinance. An Applicant must be the property owner, or a duly authorized agent of the property owner.

Area of Lot: the square-foot area of a lot within the bounding property lines and exclusive of dedicated streets or alleys.

Arts School or Studio: a school for instruction and practice of the performing, visual or martial arts.

Asphalt or Concrete Hatching Plant (Temporary): a temporary facility for producing asphalt or concrete products used in construction activities on the same or nearby sites.

Assembly Hall: a building, or part of a building, in which facilities are provided and used for such purposes as a meeting, gathering, or assembly of persons for civic, educational, political, religious, or social events, including weddings and receptions, and may include a banquet hall, private club, or fraternal organization.

Auto Repair Garage: a building or place arranged, designed, used or intended to be used for the primary purpose of providing general repair and servicing of motor vehicles. Such repair or servicing may include reconditioning of engines, air conditioning systems and transmissions; wrecker service; replacement or repair of brakes, shock absorbers, tires, batteries, mufflers or upholstery; and other similar services, but excluding body work, painting, undercoating or rust proofing, and tire retreading or recapping.

Automobile Repair, Major: general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

Automobile Service Station or Filling Station: any area used for retail sale of gasoline or oil fuels or automobile accessories, and incidental service including facilities for lubricating, and washing and cleaning, but not including painting, major repair, or the sale of butane or propane fuels.

Automobile Wash or Automatic Car Wash: a building or structure or chain conveyor, blowers, steam cleaners, and other mechanical devices used primarily for the purpose of washing motor vehicles.

Banks and Financial Institutions: activities and institutions for the extension of credit and the custody, loan or exchange of money.

Bed and Breakfast Establishment: a private single-family residence in which lodging for one or more nights and breakfast is provided by the resident owner for compensation.

Billiard Parlor or Pool Hall: a facility for the playing of billiards and pool. Food service may be allowed as an ancillary use.

Block: an area enclosed by streets, or if such word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest street and the end of such dead-end street.

Board: the Zoning Board of Adjustment as provided for in DIVISION 4, ARTICLE VII of this Ordinance.

Boardinghouse or Rooming House: a building, other than a hotel or multiple-family dwelling, where lodging is provided for five or more persons for compensation, where meals may or may not be served and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boardinghouse.

Building: any structure designed, built or intended for the shelter or enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. When separated by an absolute fire separation, each portion of such structure so separated shall be deemed a separate building. This definition includes structures wholly or partly enclosed with an exterior wall.

Building Accessory: see “Accessory Use or Structure”.

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

Building Line: a line established, in general, parallel to the front property line, over which no part of a building shall project, except as otherwise provided in this Ordinance.

Building and Landscape Materials and Lumber Sales (Outside Sales): a facility for the sale of home, lawn and garden supplies and construction materials such as brick, lumber and other similar materials. The facility may include outside sales.

Cabinet and Woodwork Shop (Custom): a shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planning mill or similar woodworking plant.

Carnival or Circus (Temporary): a temporary traveling show or exhibition usually housed in tents, and which has no permanent structure or installation; a temporary event that is characterized by mechanical rides, games of skill or chance, entertainment, or food, performance of acrobats, trained or exotic animals, or clowns, which has no permanent structure or installation.

Carwash: a facility or area for the cleaning or steam cleaning, washing, polishing or waxing of passenger vehicles by machine or hand-operated facilities. A carwash may be a single unit, multiple single washing units, or a tunnel type which can wash several vehicles in tandem.

Cemetery: a land use intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Chemical and Allied Products: includes the manufacturing of industrial inorganic and organic chemicals, plastics materials, and synthetic resins, synthetic rubber, synthetic and other manmade fibers; drugs; soap, detergents, cleaning preparations, perfumes, and other toilet preparations; paints, varnishes, lacquers, enamels, and allied products; gum and wood products; agricultural chemicals; and other chemical and allied products.

Child Care Center: any place, home or institution which receives three or more children under the age of sixteen years for care apart from their natural parents, legal guardians or custodians, and received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court, children related by blood or marriage within the third degree to the custodial person or to the churches or other religious or public institutions caring for children within their institutional building while their parents or legal guardians are attending service or meetings or classes and other church activities.

Church or Place of Worship: a facility or area for people to gather together for public worship, religious training, or other religious activities including a temple, mosque, synagogue or other structure, together with its customary accessory structures and uses, including a parsonage or rectory. This does not include home meetings or other religious activities conducted in a privately occupied residence.

City Council: the official governing body of the City of Nolanville.

City Limits: the incorporated municipal boundary.

City Manager: the chief administrative officer of the City, or the City Manager's designee.

Cleaning/Laundry Shop With On-site Plant: a custom cleaning, laundry or pressing shop with a pickup station not exceeding 4,000 square feet in floor area where work is performed on-site utilizing an approved chemical process for cleaning or laundry.

Cleaning/Laundry Shop, Pickup Station Only: a pickup station for cleaning or laundry where the work is performed other than on the premises.

Cleaning/Laundry Shop With Pickup Station: a custom cleaning, laundry or pressing shop with a pickup station where work is performed on-site utilizing a nonchemical process for cleaning or laundry.

Clinic: a place used for the care, diagnosis and treatment of sick, ailing, infirm and inured persons and those in need of surgical or medical attention but who are not customarily provided with board and room or kept overnight on the premises.

Club, Non-Profit: an association of persons who are bona fide members, paying regular dues, and organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on a commercial enterprise.

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

Common Areas: private property owned in common by, and designated for the private use of the owners or occupants of dwellings in a particular project or subdivision. Common Area uses include, but are not limited to, recreation areas, parks and plazas, ornamental areas open to the general view within the project or subdivision, and buildings setbacks not otherwise required by Ordinance. The Common Area does not include public streets, alleys, required building setbacks or utility easements.

Comprehensive Plan: the official City plan of the City of Nolanville, Texas also refers to the specific document, "General Plan, Nolanville, Texas".

Community Center (Private):

(a) A building or group of rooms designed and used as an integral part of a residential or

apartment project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project.

- (b) A private nonprofit community center operated as a boys' or girls' club or similar use. A private community center shall not be operated as a place of public meetings, or as a business.

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

Concession: a temporary food establishment where food is offered to the public that operates for a period of no more than 14 consecutive days in conjunction with a single circus, carnival, special event, or celebration.

Conditional Permitted Use: a land use that, because of its unique nature, is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include the imposition of additional standards and conditions.

Convenience Store: any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with such and having a gross floor area of less than 7,500 square feet.

Convent or Monastery: the living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

Contractor or Maintenance Yard: an open storage yard for supplies and operational equipment, including buildings, but not constituting a junkyard, wrecking yard or salvage yard.

Country Club (Private Membership): an area of 20 acres or more containing a golf course and a clubhouse and available only to a private specific membership. Such a club may contain as adjunct facilities a private club and dining room, swimming pool, tennis courts and similar recreation facilities.

Coverage: the percent of a lot area which is covered by a roof, floor or other structure and is not open to the sky. Roof eaves to the extent of two feet, and ordinary projections from the building not exceeding 12 inches, shall not be counted in computing coverage.

Crop Agriculture: the use of land for the primary purpose of raising and harvesting row, field or tree crops on a commercial basis.

Custom Personal Service: barber shop, beauty shop, tailor, dressmaker, shoe shop or similar shop offering custom service.

Custom Sewing and Millinery: custom making of items of apparel and millinery, by a seamstress, but not involving a factory.

Dancehall: an establishment open to the public for entertainment primarily dancing, but excluding any entertainment characterized or distinguished by specified anatomical areas or specified sexual activities and excluding the sale or consumption of alcoholic beverages.

Day Camp for Children: a facility arranged and conducted for the organized recreation and instruction of children, including outdoor activities, on a daytime basis only.

Day Care: a facility or area used regularly to provide daytime care, training, education, custody, treatment or supervision to more than four children, adults or elderly in other than a family setting for less than 24 hours a day, whether for compensation or not. This definition includes preschools, private kindergartens, nurseries and other similar uses not listed elsewhere in this Ordinance.

Density: as follows:

- (a) **Residential Density:** the relationship of dwelling units or rooms to the area of the lot or tract upon which a residential structure is located or erected, and is expressed in "units per acre."
- (b) **Nonresidential Density:** the ratio of the area of the building to the area of the site. See Floor area ratio (FAR).

District: a section or sections of the City of Nolanville, Texas for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling: any building or portion thereof designed or used as a residence of one or more persons, but not including a tent, cabin, trailer coach, manufactured home, mobile home, boarding or rooming house, hotel or motel.

Dwelling, Single-Family: a building containing one (1) dwelling unit and designed for or used exclusively by one (1) family.

Dwelling, Two-Family: a building containing two (2) dwelling units and designed for or used

exclusively by two (2) families; also includes the word “duplex”

Dwelling, Multi-Family: a building or portion thereof containing three (3) or more dwelling units and designed or used by three (3) or more families; also includes the word “apartments”.

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

Eating Place with Drive-In or Curb Service: an establishment offering food for sale to customers in automobiles and wherein the food for sale is to customers in automobiles and wherein the food service is to the automobile.

Eating Place without Drive-In or Curb Service: any eating establishment, cafeteria, restaurant or inn where food service is offered to the customers not in automobiles.

Emergency Ambulance Service: a facility for the operation and dispatch of emergency medical vehicles. Typically this operation is ancillary to a hospital or a fire station, but it may also be a primary use on a property.

Escort: a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for fee, tip or other consideration.

Essential Services: the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, including poles, wires, mains, drains, sewer, pipes, conduits, and other similar equipment and accessories thereof, reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Fabricated Metal Products: includes the manufacturing of ordnance and accessories; machinery, equipment and supplies; transportation equipment; and other fabricated metal products.

Fairground: a specific facility that hosts special indoor and outdoor events including exhibits or competitions of agricultural products, livestock, machinery, etc.; a large exhibition or show of products from various countries; an exhibition or sale of fancywork or other items for the benefit

of some cause; or a gathering of buyers or sellers of some product or service.

Family: One (1) or more persons (but not more than six (6) unrelated persons) living together as a single housekeeping unit; a person living alone or two (2) or more persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, fraternity house or sorority house as a herein defined.

Family or Group Home: a community-based residential home providing food and shelter, personal guidance, care, rehabilitation services, or supervision. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for seniors, and maternity homes. Requires licensing by the State. Family homes shall have a maximum of six (6) clients plus two (2) staff members residing in a house. The term "group home" does not include post-incarceration facilities or facilities for those who are a danger to themselves or others.

Farm, Ranch, Garden or Orchard: an area of three acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep, including a private stable and also including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by City Ordinance or law.

Farmers' Market: the retail sale of farm products by individual vendors either within a building or outside. Items sold may include fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey. The sale of new and used household goods, personal effects, tools, artwork, small household appliances and similar merchandise are not included.

Feed Store, Retail (Livestock, No Mill): an establishment for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Filling Station or Service Station: any building or premises used for the dispensing, sale, or offering for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, or retail store, the premises are classified as a public garage or retail store.

Flag: a piece of cloth type material used as a symbol for a nation, state, county, municipality, and nationally or internationally recognized organizations not for advertisement purpose,

fastened to a structure, pole, staff or rope.

Flag Pole: a permanent metal pole, not to exceed 4 inches in diameter, and 35 feet in height unless regulated by a district, which holds the flag defined above.

Flea Market: a building or open area in which stalls or sales areas are set aside and rented, or otherwise provided, and which are intended for the sale of articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the retail selling of goods by businesses or individuals who are generally engaged in retail trade. This does not include garage sales.

Floor Area: the total square-foot area of all floors in the building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.

Floor Area Ratio (FAR): the ratio between the total square feet of floor area in the building to the total square feet of land in the lot or tract; e.g., "2:1": that the building contains twice the amount of area as there is in the lot.

Foster Home: a facility or area providing full-time parental care for six (6) or more unrelated minor children for which compensation or fee is received in return for such services. This must comply with statutory licensing requirements.

Fraternity/Sorority House: any building occupied and maintained by a social association of college students, or where organization-sponsored functions are regularly held.

Front Yard Building Line: front yard setback.

Frontage: all the property on one side of a street between two intersecting streets (crossing or terminated), measured along the line of the street or if the street is dead-ended, then all property abutting on one side between an intersecting street and the dead-end of the street.

Garage, Private: an accessory building or portion of the main use building, designed or used for the housing of the motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a commercial vehicle and of not more than one and one-half (1½) tons capacity.

Garage, Repair: a building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

Garage, Parking: any building or portion thereof used for the storage of four (4) or more

automobiles in which any servicing which may be provided in incidental to the primary use for storage purposes, and where repair facilities are not provided.

Garage, Public: a building or portion thereof, other than a private garage, designed or used for quipping, repairing hiring, servicing, selling, or storing motor driven vehicles. The vehicles may be a commercial vehicle and of not more than one and one-half (1½) tons capacity.

Garage or Estate Sale: a sale for the purpose of offering clothing, household furniture or appliances belonging to the residents may be conducted as home based business provided that no such sale may be held on any lot or premise more often than four (4) times in each calendar year, and not to exceed three (3) days during each sale.

Garden Shop and Plant Sales (Display or Greenhouse): an enclosed or open area for the retail sale of plants and gardening products, including fertilizers, soil and gardening implements.

General Contractor: a person or business association that contracts to do work or provide supplies for another.

Golf Course (Public or Private): a golf course owned or controlled publicly or privately. This includes such uses as a clubhouse, food service, retail, and other customary accessory uses.

Golf Driving Range: a facility for the organized practice of golf techniques. It may include a practice green for putting, a clubhouse and other minor ancillary uses.

Government Facility: a facility for public purposes, owned or operated by the City, county, state or federal government. These typically include City hall, courthouse, police and fire stations, public library or museum.

Grade:

- (a) For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.)
- (b) For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalk at the center of the walls adjoining the streets.
- (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from the street line shall be

considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

Grain Mill Products: includes the manufacturing of flour and other grain mill products, feeds for animals and fowl, cereal preparations, rice milling, blending and preparing flour, and wet corn milling.

Group Home: includes housing for persons with disabilities, children and domestic abuse shelters, foster families, hospice, and fraternities. Group homes do not include overnight shelters, halfway houses, or facilities providing alcohol and drug detoxification.

Guesthouse (Detached): a secondary structure on a lot or tract containing dwelling accommodations but excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not rented or used for permanent occupancy.

Halfway House (Criminal): a facility for the housing, rehabilitation, and training of persons on probation or parole from correctional institutions, or other persons found guilty of criminal offenses.

Hardware Store: an establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builder's hardware, paint and glass, house-wares and household appliances, and cutlery.

Health Club or Studio: a wholly enclosed facility for fitness training and practice.

Height: the vertical distance from the average grade of the finish ground level at the center of all walls to the highest finished roof surface for flat roofs; to the deck line of mansard roofs; and to one-half the distance between the roof eave and the peak for gable, hip and gambrel roofs. In measuring the height of a building, the following structures shall be excluded if not exceeding four feet in height: chimneys, cooling towers, elevator penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls.

High Voltage Electrical Transmission Line: Any electric service that delivers three phase power at 60 kilovolts (kV) or greater.

Home Occupation: an occupation carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling; without the display or advertising of any commodity or service for sale on the premises; with the employment of no more than 1 person other than members of the immediate family; without the use of any lighting

or display; without the use of other than domestic or household equipment or appliances; and the conduct of which does not generate noise, odor, fumes, vibration, additional vehicle traffic or any other condition visible, obnoxious or detrimental to abutting or adjacent properties.

Hospice: a facility for the terminally ill, where patients are under the supervision of a doctor, but undergo limited curative treatment, and which is licensed by the State.

Hospital (Chronic Care): an institution where those persons suffering from generally permanent types of illnesses, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the State.

Hospital (General Acute Care): an institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State.

Hotel or Motel: a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of twenty (20) individual guestrooms or units and shall furnish the customary hotel services such as linen, maid service, telephone, use and upkeep of furniture, and the accommodations shall not be designed as permanent dwelling units.

Household Appliance and Equipment Repair: a shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools, and similar items, where all such items are stored within a building or a storage area surrounded by a solid fence, wall or screen.

Ice or Roller Skating Rink: a facility for the practice of ice or roller skating. Accessory uses may include food service and other indoor amusements, contained entirely within the primary structure.

Industry: Storage, repair, manufacture, preparation or treatment of any article, substance, or any commodity for commercial use.

Industrialized Housing: a residential structure that is designed for the use and occupancy of one (1) or more families, that is constructed according to the rules of the State department of labor and standards in one or more modules, or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation. The term includes the plumbing, heating, air conditioning, and electrical systems.

Inflatable Promotion/Advertising: a temporary outdoor inflatable which includes but is not limited to balloons, banners, cartoons or any similar objects for special sales or promotions.

Institution, Drug or Psychiatric Treatment: any facility used or intended to be used primarily for the treatment of alcohol or drug dependency or the housing and care of persons with a mental illness that requires them to be confined in an institutional facility.

Junk or Salvage Yard: a place where waste, discarded or salvage materials are bought, sold, exchanged, bailed, packed, disassemble or handled, including all wrecking yards, house wrecking yards, used lumber and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

Keeping of Livestock or Poultry: the use of land for the keeping or raising of livestock or poultry, whether as an accessory or principal use or on a commercial or noncommercial basis.

Kennel: any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, boards and/or trains dogs and/or cats for profit. Veterinary hospitals shall not be considered a kennel, unless such hospitals contain pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats or other domesticated animals, swine, equine, or other livestock or animals other than, or in addition to, short-term care incidental to the hospital use. Kennels must be established, maintained and operated in compliance with all applicable zoning and land Use Regulations of the City.

Laundry or Dry Cleaning, Self-service: an establishment providing facilities for washing or dry cleaning garments and similar items and where the customer may personally supervise and handle the cleaning operation.

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

Livestock Auction Pens or Sheds: a facility or area for the auction of livestock. Accessory uses may include but are not limited to feed pens, stalls, and outside pens or runs.

Lot: a tract of land having specific boundaries or being used for a given purpose.

Lot, Corner: a lot which has at least two adjacent sides abutting on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

Lot, Depth: the mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: a lot having frontage on two (2) or more dedicated streets other than a corner lot.

Lot Lines: the property or lease lines bounding a lot or tract.

Lot Line, Interior: a lot line delineating the division between two (2) contiguous lots on the interior of a block and not adjacent to a street.

Lot Line, Front: the boundary of a lot which abuts a public street. Where the lot abuts more than one (1) street, the owner may select the front lot line.

Lot Line, Rear: the boundary of a lot which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: any boundary of a lot which is not a front lot line or a rear lot line.

Lot, Wedge Shaped: a lot situated so that the front is either wider or narrower than the rear of the lot.

Lot of Record: a lot which is part of a subdivision plat which has been recorded in the office of the County Clerk or a tract of land described by metes and bounds, the description of which is recorded in the office of the County Clerk.

Lot Width: the width of a lot at the required front yard line or at the building line if such is established at a greater distance from the street than the required front yard line.

Lumber and Wood Products Manufacturing: includes logging camps and contractors; sawmills and planing mills; and the manufacturing of millwork, veneer, plywood, prefabricated structural wood products, wood furniture; and other lumber and wood products.

Luminaire: a complete lighting unit including a light source and all necessary mechanical, electrical, reflective and decorative parts.

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

Main Use: the dominant, main or primary use of the land.

Maintenance Services: an establishment primarily engaged in the provision of off-site maintenance and custodial services. Typical uses include, but are not limited to, carpet cleaning, janitorial, landscape maintenance, pest control, septic tank and window cleaning services.

Manufacturing, General: an establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, excluding uses classified as manufacturing, hazardous or objectionable.

Manufacturing, Hazardous or Objectionable: a use engaged in storage of, or manufacturing processes utilizing, hazardous materials as defined by the Uniform Fire Code, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Typical uses include, but are not limited to, chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, meat packing plants, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, steel works, slaughterhouses and tanneries.

Manufacturing, Light: an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding activities classified in another land use category. Typical uses include, but are not limited to, apparel and garment factories, appliance and computer products assembly, boatbuilding and repair, electrical and electronic equipment, fixtures, jewelry manufacturing, leather products, meat cutting and wholesale storage, monument and grave marker manufacturing, motion picture production lots, musical instrument manufacturing and toy manufacturing.

Manufactured Home: a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet 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. The term includes HUD Code Manufactured Homes.

Manufactured Home Park: a unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this Ordinance, and designed to accommodate manufactured homes for a long-term duration. The

term also includes the condominium regime.

Masonry Materials: shall mean and include that form of construction defined below and composed of clay brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit by unit set in mortar.

- (a) Brick – Includes kiln fired clay or shale brick manufactured to ASTM C216 or C652, Grade SW, can include concrete brick if the coloration is integral, shall not be painted, and it is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay or shale brick.
- (b) Stone – Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches when applied as a veneer.
- (c) Decorative Concrete Block – Includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.
- (d) The following materials shall not qualify nor be defined as “masonry construction” in meeting the minimum requirements for exterior construction of buildings, unless specifically approved by variance:
 - (A) Stucco, exterior plaster, adobe or mortar wash surface material;
 - (B) Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material; or
 - (C) Cementitious fiber board siding (such as “Hardy Plank” or “Hardy Board”).

Maximum (%) Coverage: the percent of the lot with any impervious improvements including but not limited to building improvements, patios, drives, and parking.

Mean Lot Elevation: the average elevation of a lot.

Meat Products Processing or Manufacturing: includes meat, poultry, and small game packing and the manufacturing of sausages and other prepared meat products, but not including the slaughtering of animals or poultry.

Medical Facilities: including but not limited to:

- (a) Nursing Home, Rest or Convalescent Home: See “Nursing and Convalescent Homes”.
- (b) Dental or Medical Clinic: A building used for the examination and treatment for the physically ill, provided that no facilities are provided for patients remaining overnight except under emergency conditions, except as provided for elsewhere.
- (c) Dental or Doctor’s Office: The same as dental or medical clinics, including the various dental and medical specialties.
- (d) Hospitals: Any institution providing physical and mental health services primarily for human in-patient medical or surgical care of the sick or injured related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

Microbrewery: a business that:

- (a) Operates under a manufacturer's license, as described in V.T.C.A., Alcoholic Beverage Code, Chapter. 62, issued by the Texas Alcoholic Beverage Commission ("T.A.B.C.");
- (b) May operate, but is not required to operate under a brewer's permit as described in V.T.C.A., Alcoholic Beverage Code, Chapter 12, issued by T.A.B.C.;
- (c) Has a total maximum production per year of beer, malt liquor and ale of not more than 15,000 barrels (or 465,000 standard gallons); and
- (d) Does not produce or generate any generally obnoxious odors.

Mining and Quarrying: the extraction of metallic and nonmetallic minerals, including rock crushing, screening and the accessory storage of explosives. Typical uses include earth borrow pits, sand and gravel pit operations, and rock and stone quarries.

Mini-Warehouse: an enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to persons exclusively for dead storage of their household goods or personal property.

Mobile Home: a structure that was constructed before June 15, 1976, or one constructed after this date that does not meet the rules 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 forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

Model Home: a single-family or duplex residential structure temporarily used for the display and sale of new residences within the subdivision or development in which the residential structure is located. A model home shall not be used as a construction office.

Mortuary or Funeral Home: a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Motor Vehicle Fuel Service Station: a building or place arranged, designed, used or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other minor automobile accessories at retail direct to the motor vehicle trade and where other services to motor vehicles can be rendered such as the following: sales and servicing of spark plugs and other ignition parts; tire repair and servicing, but no recapping; replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, floor mats, wiper blades and arms for windshields, radiator cleaning and flushing; washing and polishing; greasing and lubrication; air cleaners; adjusting brakes, tuning engines; air conditioner service; wheel balancing and alignment; provided, however, that the above automotive services are considered vehicle maintenance and replacement services and shall never be construed to include any major overhaul; the removal and/or rebuilding of an engine, cylinder head, transmission, differential, radiator, springs, or axles; steam cleaning; body or frame work; painting; upholstering; or replacement of glass. This use may include the incidental sale of meats, fruits, vegetables, bakery products, dairy products, personal care items, cleaning products and similar household items to a localized or neighborhood market, for off-premises consumption, provided that in no case shall the floor area devoted to such sales exceed 2,400 square feet.

Museum, Library or Art Gallery (Public): an institution for the collection, display and distribution of books and objects of art, or science and sponsored by a public or quasipublic agency and open to the general public.

Multifamily (Apartments): any building or portion thereof which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

Nightclub or Dancehall: an establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

- (a) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians;
- (b) Dancing; or
- (c) Any combination of subsections (a) and (b) of this definition.

This does not include theaters, auditoriums and stadiums with fixed row seating; private clubs; bars; teen clubs; or any establishment defined elsewhere in this Ordinance as an adult entertainment establishment.

Non-Conforming: any building, land, structure, or use lawfully occupied in existence at the time of passage of this Ordinance or amendment thereto, which does not conform after the passage of this Ordinance or amendment there to which the regulations of the district in which it is situated.

Nursing and Convalescent Homes: an establishment which furnishes, in single or multiple facilities, food and shelter to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment and, in addition, provides minor treatment under the direction and supervision of a physician, or services which meet some need beyond the basic provision of food, shelter and laundry.

Office, General and Professional: a facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this Ordinance.

Office, Medical or Dental: an office or group of offices for one (1) or more physicians, surgeons, dentists or other health care professionals to treat sick or injured patients who do not remain overnight.

Office, Showroom/Warehouse: an establishment with a maximum of seventy five percent (75%) of its total floor area devoted to storage and warehousing not accessible to the general public. The remaining floor area not used for storage and warehousing shall be devoted to retail and wholesale sales areas, sales office, and display areas for products sold and distributed from the storage and warehousing areas.

Open Space: an area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves, and is exclusive of driveways or parking areas.

Open Storage (No Enclosure): storage in the open of vehicles, machinery or any equipment or commodity where permitted as a primary use of land and accessory storage in the open of commercial and industrial products where such storage is not enclosed by a fence, wall or building.

Open Storage with Visual Screen: the permitted storage of any equipment or commodity in a open area which is enclosed by a fence or wall, as defined in this Ordinance, or surrounded by a building so as to create an effective visual screening of the storage from the adjacent property.

Orphanage: an institution for the care of orphans or other abandoned children.

Outdoor Lighting Nuisance: all outdoor lighting fixtures exceeding six hundred (600) lumens per fixture, regardless of the number of bulbs, that are not shielded so that the luminous elements of the fixture are visible from any other property.

Owner: the holder of fee simple interest in real property.

Parcel: a lot defined herein.

Paper and Allied Products Manufacturing: includes the manufacture of pulp, paper, paperboard, converted paper and paperboard products, paperboard containers and boxes, building paper and building board.

Park or Playground, Public: an open recreation facility or park owned and operated by a public agency such as the City or school district and available to the general public or operated by an approved homeowners' association for the benefit of a specifically defined area of the City.

Parking Lot, Commercial: a premises providing a paved, ground-level, open space area, used solely for the parking of motor vehicles, and where such parking is allowed with or without payment of a fee, contract or other form of remuneration.

Parking Space: an area enclosed or unenclosed containing not less than two hundred (200) square feet exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

Parking Structure, Commercial: a building or structure consisting of one or more levels, above or below grade, available for the parking of motor vehicles, with or without payment of a fee, contract or other form of remuneration.

Pawnshop: a building or premises, other than a bank, savings and loan or mortgage banking company, used for the business of lending money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a certain price within a certain period of time, and licensed by the State to conduct such a business.

Personal Improvement Services: an establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include, but are not limited to, portrait shops, photography studios, artists' studios, art and music schools, driving schools, handicraft or hobby instruction and counseling and referral services.

Pet Shop: a place for the display and sale of small animals and birds as pets, such as dogs, cats, parakeets or canaries, but not involving the boarding or treating of dogs or similar pets.

Petroleum Refining and Related Industries: includes the refining of petroleum and the manufacturing of paving and roofing materials; lubricating oils and greases and other petroleum and coal products.

Piercing Studio: any establishment that performs any type of body piercing.

Plant Nursery or Garden Shop: an establishment primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants that they grow themselves.

Planning and Zoning Commission: the Nolanville City Planning and Zoning Commission also referred to as "Planning and Zoning Commission."

Pool House (Detached): a secondary structure on a lot with a swimming pool, excluding separate utility services or meters, and intended for temporary recreation use and not used as a permanent occupancy.

Poultry Hatchery: a commercial facility for the hatching and raising of domestic fowl, including a research facility for such activity.

Primary Metal Products Manufacturing: includes blast furnaces, steel works and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of nonferrous metals and alloys, rolling, drawing and extruding of nonferrous metals; and nonferrous foundries.

Principal Use: see main use.

Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks Manufacturing: includes the manufacturing of engineering, laboratory and scientific and research instruments and associated equipment; instruments for measuring, controlling, and indicating physical characteristics; optical instruments and lenses; surgical, medical, and dental instruments and supplies; ophthalmic goods; photographic equipment and supplies; and watches, clocks, clockwork-operated devices and parts.

Psychiatric Hospital or Institution: a facility or area for providing health services primarily for inpatient medical care for alcoholic, narcotic, or psychopathic patients, and which may include related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities. This includes a substance abuse and rehabilitation facility.

Public Building, Shop or Yard: facilities such as office buildings, maintenance yards and shops required by branches of local, state or federal government for service to an area, such as a transportation department yard, City service center or agricultural experiment station.

Public Health Center: a facility utilized by a health unit primarily for providing public health services, including related facilities.

Railroad Team Track: a siding for spotting and unloading or loading boxcars or other railroad cars, and which area is connected to a public street by a drive for access.

Railroad Track: railroad track or track right-of-way, but not including railroad stations, sidings, team tracks, loading facilities, docks, yards or maintenance areas.

Racetrack: an indoor or outdoor facility for the recreational or competitive racing of horses, canines, or motor vehicles, including the necessary accessory uses such as retail sales, automobile maintenance, veterinarian supplies and shops, exercise areas and stables.

Radio or Television Transmission Station (Commercial): a facility used for the production and transmission of programming by radio or television to the general public. Included are commercial, religious, educational and other stations.

Radio, Television, Microwave or Cellular Communication Tower (Commercial): structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Radio Tower (Noncommercial): a radio tower located on a residential property which is for home use, only, and which is not taller than fifteen (15) feet above the maximum building height allowed in the district.

Recreation Club or Area (Private): a building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the normal active and passive facilities as provided in a park or playground, or public recreation facility.

Recreation Facility (Public): a facility or area sponsored by a public entity and devoted to sports, entertainment, games of skill or recreations to the general public. This may include swimming pools, tennis courts, playgrounds, community clubhouses, park facilities and other similar uses.

Recycling Drop-off Center: a small collection facility where presorted, nonbiodegradable and nonhazardous recyclable materials are purchased or accepted from the public. Typical uses include, but are not limited to, neighborhood recycling stations and thrift or charitable store collection trucks.

Refreshment Stand: the use of a portable building or other temporary facilities for the retail sale of food and beverages in a ready-to-consume state. This use may be a principal use or an accessory use to a principal use located on the premises.

Repair Services, General: an establishment engaged in the repair of trucks, buses, agricultural equipment, construction equipment or other heavy equipment.

Repair Services, Limited: an establishment engaged in the repair of personal apparel and household appliances, furniture, and similar items, excluding repair of motor vehicles. Typical uses include, but are not limited to, apparel repair and alterations, small appliance repair, bicycle repair, lawn mower repair, clock and watch repair, and shoe repair shops.

Residential: a land use for living quarters for one of more families.

Restaurant, Drive-Thru: an establishment where the principal business is the sale of food and beverages in a ready-to-consume state and that provides service exclusively to customers in motor vehicles.

Restaurant, Fast Food: an establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or method of operation includes any service to a customer in a motor vehicle, other than an establishment classified as a drive-in

restaurant.

Restaurant, General: an establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation includes one or more of the following:

- (a) A sit-down restaurant where customers, normally provided with an individual menu, are generally served in non-disposable containers by a restaurant employee at the same table or counter at which such items are consumed.
- (b) A cafeteria or cafeteria type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant building.
- (c) A small specialty restaurant having floor area exclusively within a shopping center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian access way within the center.

This use may include takeout service, but includes any service to a customer in a motor vehicle.

Retail, General (Indoors): a retail establishment that does not fit the definition of any other land use classification and that does not entail any outdoors sales, service, display, storage or other activity. Typical uses include, but are not limited to, apparel and accessory stores, camera and photographic supply stores, clothing rental stores, consumer electronics stores, gift, novelty and souvenir shops, luggage and leather goods stores, jewelry stores, music stores and video tape rental stores.

Retail, General (Outdoors): a retail establishment that does not fit the definition of any other land use classification and that entails some outdoors sales, service, display, storage or other activity. Typical uses include, but are not limited to, boat dealers, hot tub dealers, recreational vehicle dealers and monument sales.

Retail, Single Tenant: an establishment primarily occupied by a single tenant retail use that may include secondary accessory uses enclosed in a single building. Primary retail uses may include, but are not limited to, supermarkets, department stores, home improvement centers, discount centers and automotive sales and service. Secondary accessory uses may include, but are not limited to, banks, video rental, restaurant, fast food, garden centers and automotive service uses.

Retirement Home: a residential facility principally designed for persons fifty five (55) years of age or older. Dwelling units may include full kitchen facilities, and recreational, social, nursing or other services may be available. This does not include a nursing or convalescent home.

Rubber and Miscellaneous Plastics Manufacturing: includes the reclaiming of rubber and the manufacture of tires and inner tubes; rubber footwear; plastic products; and other fabricated rubber products.

Sales, Temporary or Seasonal: a retail sales operation limited to Christmas tree sales from Thanksgiving Day through the day after Christmas Day and pumpkin sales during the months of October and November.

Sales Trailer, Temporary: a mobile office trailer used while model homes are being constructed.

Satellite Dish: the dish and its structural elements that is commonly used in the reception of television signals from orbiting satellites.

School, K-12, Public or Private: a school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

School, Vocational: a business operating for profit and offering instruction and training in a service or art, such as a secretarial school, barber college, commercial art school; or offering instruction and training in a trade such as welding, bricklaying, machinery operation and other similar manual trades. This does not include truck or heavy equipment driving schools.

Secondhand Store: an establishment primarily engaged in the retail sale of previously owned merchandise. Typical uses include, but are not limited to, consignment shops and pawnshops.

Service Station: any facility where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include facilities where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body or fender work are conducted.

Sexually Oriented Business: the establishment of an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center, as such terms are defined in SECTION 610.4, Special Use Conditions, Sexually Oriented Business.

Sign: any word, lettering, part of letters, figures, numeral phrases, sentences, emblems, devises, designs, pictures, trade names or trademarks be which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a

service, a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. “For Sale”, and “For Rent” shall be deemed signs within the meaning of this definition, but the term “sign” shall not include the flag, pennant, or insignia of any nation, State, City, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event use for a public purpose in the public interest.

Sign, Display Surface Area: the net geometric area of the surface of the sign upon, against, or through which the message is displayed or illustrated, including the outward extremities of all letters, figures, characters, and delineations, provided that only one face of a double-faced sign shall be included in the computation of display surface area.

Sign, Illuminated: a sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

Sign, Projecting: a sign erected on the face or outside wall of a building which projects out at an angle there from.

Sign, Temporary: signs of temporary nature used to advertise the premises for sale, rent, or lease.

Single-Family Dwelling (Attached): a dwelling unit on a separately owned lot which is joined to another dwelling unit on one or more sides by a party wall or abutting separate walls and occupied by not more than one family.

Single-Family Dwelling (Detached): a detached building having a single dwelling unit and occupied by not more than one family.

Single-Family Dwelling (Zero Lot Line): a dwelling unit on a separately owned lot on which one wall of the principal dwelling is located within one foot of the side property line of an adjacent residential lot, and the other side yard meets or exceeds the minimum required side yard for the district.

Special Event: an event or gathering open to the public in areas or venues not specifically designated for that purpose and which requires a temporary exception to otherwise applicable rules or requirements specifically including, but not limited to:

- (a) Carnival;
- (b) Festival;

- (c) Circus;
- (d) Race or Rally;
- (e) Parade;
- (f) Seasonal sales;
- (g) Fairgrounds;
- (h) Exhibition Area;
- (i) Concert; and
- (j) Any event or gathering that requires:
 - (1) The temporary complete or partial closure of a public street;
 - (2) The temporary closure or restriction of access to public property;
 - (3) The temporary offer of merchandise, food, or beverages on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;
 - (4) The temporary erection of a tent on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;
 - (5) The temporary erection of a stage, band shell, portable building, grandstand, or bleachers on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;
 - (6) The temporary use, for other than storage, of a trailer or van on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;
 - (7) The temporary use of equipment to amplify and transmit sound, which exceeds ambient (background) sound pressure levels at the property lines; or
 - (8) The placement of portable toilets on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy.

Special Use: a land use that, because of its unique nature, is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the special use in relation to the existing and planned uses of adjoin property and the neighborhood can be mitigated through imposition of additional standards and conditions. A Special Use requires a Special Use Permit.

Stable, Commercial: a facility housing horses or mules which are boarded or rented to the public or any stable other than a private stable; but not including a sales barn, auction, or similar trading activity.

Stable, Private: a facility or area for keeping horses, mules or other domestic animals for the private use of the property owner.

Stadium or Playfield, Public: an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field or stadium.

Stone, Clay, Glass and Concrete Products Manufacturing: includes the manufacturing of glass; flat glass and glassware; cement; structural clay products; pottery and related products; concrete, gypsum and plaster products; cut stone and stone products; and abrasive, asbestos and other nonmetallic mineral products.

Story: 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 it there is no floor above it, then the space between the floor and the ceiling next above it.

Street (Private): privately owned and maintained right-of-way which provides the primary public access point to abutting property and is used primarily for vehicular circulation.

Street (Public): a public right-of-way more than thirty (30) feet in width which provides the primary public: of access to abutting property and used primarily for vehicular circulation.

Structure: a building or anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, poster boards, large vending machines employees walk inside to restock, and pergolas.

Structural Alterations: any change in the supporting members of building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Stucco, conventional 3-step hard-coat (3-step hard-coat stucco): A material made of portland cement, sand, and water; three coats for 7/8” thickness applied by hand or machine to a solid base such as masonry, concrete walls, or metal lath attached to frame construction, solid masonry, or concrete construction; a vapor-permeable, water-resistant building paper separates the plaster and lath from water-sensitive sheathing or framing; coloration shall be integral to the masonry material and shall not be painted on.

Studio (Art, Drama, Speech, or Dance): a building or rooms in a building used for the instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.

Super Market: a retail establishment with 6,000 square feet of floor area or more that primarily offers for sale: meats, fruits, vegetables, bakery products, dairy products, personal care items, cleaning products and similar household items for off-premises consumption.

Swimming Pool, Private: a swimming pool constructed and maintained for the exclusive use of residents and their nonpaying guests.

Tattoo Salon: an establishment or facility in which tattooing is performed.

Telephone Equipment Station: a site used for telephone exchange, switching, relay and transmitting equipment, but not including public business facility, storage or repair facilities.

Tennis Court (Lighted): an outside tennis court with elevated lighting for nighttime play.

Tennis Court (No Lights): an outside tennis court without elevated lighting for nighttime play.

Textile Mill Products Manufacturing: includes the manufacturing of woven fabrics, knit goods, rugs, carpets, yarns, and threads, and other textile goods; and the dyeing and finishing of textiles.

Theater, Movie or Live (Enclosed): a facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Thoroughfare Plan: the part of the Comprehensive Plan referring to transportation development goals, principles, and standards; also includes use of the words “Major Street Plan” and “Traffic ways Plan” or “Circulation Plan”.

Tobacco Products Manufacturing: includes the manufacturing of cigarettes, cigars, chewing and smoking tobacco, snuff; tobacco stemming and redrying.

Tourist Court (Auto Courts, Motels, or Motor Lodge): a group of attached, semi-detached, or detached buildings containing individuals sleeping or living units, designed for or used temporarily by automobile tourist, or transients, with garage attached or parking space conveniently located to each unit, and offering to the public daily as well as for other long term rental rates, and maintaining a register of guest and/or their vehicles.

Townhouse: one of a series of single-family dwelling units which are either structurally connected, or which are constructed immediately adjacent to each other without side yards between the dwelling units. The terms “Townhome” and “Row House” are similarly defined and may be used interchangeably.

Townhouse Group: two or more Townhouses constructed as an integral part of a Town house project.

Townhouse Project: one or more Townhouse groups, together with commonly owned structures or areas.

Townhouse Subdivision: one or more Townhouse Projects.

Trailer: any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “trailer” shall include recreational vehicle, when used for any purpose stated above. For the purposes of this Ordinance a trailer is a single-family dwelling and shall conform to all regulations therefore when not located in a trailer camp as herein defined.

Transmission Pipeline: the use of land, including easements on property primarily used for other purposes, for the conveyance of hazardous material through transmission pipelines, but specifically excluding the distribution lines of a local natural gas utility.

Travel Trailer/RV Park: any lot upon which two or more travel trailer or other recreational vehicle sites are located established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a short-term basis by campers, vacationers, and travelers.

Truck or Heavy Equipment Driving School: a type of vocational school where education is provided behind the wheel of trucks or heavy equipment.

Two-Family Dwelling: a detached building having two dwelling units and occupied by not more

than two families.

Use, Nonresidential: any use other than a one- or two-family residence, or a rooming house or boardinghouse, and their bona fide accessory uses.

Use, Residential: a one- or two-family residence, or a rooming house or boardinghouse, together with bona fide accessory uses.

Utility Facilities (Major): includes such uses as electrical substations, wastewater treatment plants, elevated water storage and water treatment plants.

Utility Lines and Transmission: includes local utilities such as electric power, telephone, gas, water, sewer, and air monitoring stations. It also includes inline facilities such as gas regulating stations and water wells or pumping stations; sewage pumping stations; telephone exchange, switching and transmitting equipment; and electrical transmission lines operated by a municipality or a franchised utility company. It does not include major utility facilities.

Vehicle and Equipment Sales or Rental: an establishment, not classified in any other land use category, engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles, other than automobiles, or equipment. Typical uses include, but are not limited to, boat and motorcycle dealers, construction equipment rental yards, farm equipment and machinery sales and rental, mobile homes sales, manufactured home sales, moving trailer rental, recreational vehicle and travel trailer sales or rental, and truck or bus sales or rental.

Veterinary Office (No Hospital or Clinic): a facility for the diagnosis and treatment of animals, without an overnight stay.

Warehouse/Storage (Inside): a building or group of buildings providing enclosed shelter and protection for commodities stored therein. No open or unenclosed storage shall be classified as a warehouse.

Wine Retail Establishment: any establishment which derives the majority of its gross revenue from the sale of wine to the general public for off-premises personal or household consumption and rendering services incidental to the sale of such goods.

Wrecking Yard, Junkyard, Salvage Yard or Reclamation Yard: a yard or building where automobiles, machinery, appliances or other used commodities and equipment are stored, dismantled, and/or offered for sale as whole units or as salvaged parts.

Yard: an open space on the same lot with a building, unoccupied and unobstructed by any

portion of a structure from the grown upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the horizontal distance between the lot line and the main building shall be used.

Yard, Front, Required: a yard facing and abutting a street and extending across the front of the lot between the side lot lines and having a minimum horizontal depth measured from the street equal to the depth of the minimum front yard specified for the district in which the lot is located. The required front yard line represents the line in front of which no building or structure may be erected.

Yard, Rear, Required: a yard extending across the rear of the lot between side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located.

Yard, Side, Required: a yard located on a lot and extending from the required front yard to the required rear yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located. Any lot line which is not a rear or front line shall be deemed a side lot line.

Zoning Board of Adjustment: the Nolanville City Zoning Board of Adjustment, also referred to as “Zoning Board of Adjustment.”

Zoning District Map: the official, certified map upon which the boundaries of the various zoning districts are shown and which are an integral part of this Ordinance and, together with the zoning text in this Ordinance, make up the Zoning Ordinance for the City.

ARTICLE III ESTABLISHMENT OF DISTRICTS

SECTION 301.1: Districts

For the purpose of this Ordinance and the promotion of public health, safety, and general welfare of the community, the following Districts are hereby established for the City of Nolanville, Texas.

R-1SSingle Family Suburban District
R-1.....Single Family Standard District
R-DTDowntown Single Family District
R-THTownhouse District

- R-2.....Two Family District
- R-3Multifamily District
- R-MHManufactured Home District
- B-1Professional Business District
- B-2.....Neighborhood, Community Retail Business District
- B-3.....Secondary & Highway Business District
- B-4.....General Business District
- M-1.....Light Manufacturing District
- M-2Heavy Manufacturing District
- A-1General Agriculture District

SECTION 301.2: Zoning Map Incorporated

The location and boundaries of the Zoning Districts shall be established by Ordinance and shall be delineated and shown on a map entitled “Zoning Map of the City of Nolanville, Texas” and the Zoning Map is hereby incorporated as part of this Ordinance.

SECTION 301.3: District Boundaries Established

The boundaries of a Zoning District shall extend to a center line of abutting streets, regardless of the legal description used in establishing such districts. Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines. Boundaries indicated as approximately following City limits shall be construed as following City Limits. Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way or, if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines. Boundaries indicated as following the shoreline of lakes shall be construed to follow such shoreline and in the event of change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams drainage ways or other bodies of water shall be construed to follow such centerlines, and, in the event of change in the centerlines of the streams, drainage ways or other bodies of water shall be construed as moving with such centerlines. Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts. In the event of uncertainty in the exact boundaries of any of the districts as shown on the “Zoning Map of the City of Nolanville”, the Planning and Zoning Commission, upon written application or upon its own

motion, shall recommend the location of such boundaries to the Zoning Board of Adjustment, and the Zoning Board of Adjustment shall make the final determination.

SECTION 301.4: Maintenance of Official Zoning Map

It shall be the duty of the City Secretary to maintain and up-to-date official “Zoning Map of the City of Nolanville, Texas” including all amendments directly adopted by the City Council.

ARTICLE IV DISTRICT REGULATIONS

SECTION 400.1: Purpose

For the purpose of regulation and restricting the heights and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, and other open spaces, the density of population, and the location and use of buildings, structure, and land for trade, industry, residence, or other purposes, the City of Nolanville is hereby divided into zoning districts, of which there shall be 14 classes in number, and which shall be known as:

- R-1SSingle Family Suburban District
- R-1.....Single Family Standard District
- R-DTDowntown Single Family District
- R-THTownhouse District
- R-2.....Two Family District
- R-3Multifamily District
- R-MHManufactured Home District
- B-1Professional Business District
- B-2.....Neighborhood, Community Retail Business District
- B-3.....Secondary & Highway Business District
- B-4.....General Business District
- M-1.....Light Manufacturing District
- M-2Heavy Manufacturing District
- A-1General Agriculture District

SECTION 400.2: Zoning Map

The boundaries of the district, described above are shown on a map maintained by the City and which map is designated as the “Zoning Map of the City of Nolanville.”

SECTION 400.3: Vacated Thoroughfares

Whenever any street, alley, or other public way is lawfully vacated by the Council of the City of Nolanville, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacated area and shall be subject to all applicable regulations of the extended districts.

SECTION 400.4: Future Annexation

All territory hereafter annexed to the City of Nolanville shall be classified as “R-1” Single Family Standard District, until permanently zoned by the governing body of the City of Nolanville. The City Planning and Zoning Commission shall, within 90 days, after annexation of any territory to the City of Nolanville, institute proceedings on its own motion to give the newly annexed territory permanent zoning and the procedures to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

SECTION 400.5: Intensity of Use

Except as hereinafter provided:

- (a) No building shall be erected, converted, enlarged, reconstructed, or structurally altered, and no building or land shall be used for any purpose that is not permitted in the district in which the building or land is situated.
- (b) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for district in which the building is situated.
- (c) The minimum yards and other open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced to the area less than the district requirements of this Ordinance.
- (d) Every building hereafter or structurally altered shall be on a lot as here defined, and in no case shall there be more than one (1) main building on one (1) lot except as otherwise provided in this Ordinance.

DIVISION 1 – R-1S: Single Family Suburban District

SECTION 401.1: Purpose and Intent

The R-1S: Single Family Suburban District is designated primarily for single-family detached

development on lots that are a minimum of 6,500 square feet in area. In addition to the use and area regulations of this division, development in the R-1S: Single Family Suburban District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 401.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-1S: Single Family Suburban District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the R-1S: Single Family Suburban District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 401.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-1S: Single Family Suburban District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 401.4: Temporary Uses

The following uses shall be permitted in the R-1S: Single Family Suburban District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: DIVISION 2: ARTICLE V Supplementary District Regulations.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Model Home (Temporary), subject to Permitted Use Conditions SECTION 616.7
Special Event (Temporary), subject to Special Use SECTION 609.1	Field Office, (Temporary), subject to Limitations on Use SECTION 552.1

SECTION 401.5: Minimum and Maximum Dimensions

All lots and improvements within the “R-1S” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: The Minimum Lot Area per Dwelling Unit in the R-1S: Single Family Suburban District shall be 6,500 square feet, subject to ARTICLE V: DIVISION 5.

- (b) Minimum Lot Width: The Minimum Lot Width for residential uses in the R-1S: Single Family Suburban District shall be 65 feet, subject to ARTICLE V: DIVISION 5.
- (c) Minimum floor area per unit: The Minimum Floor Area per Dwelling Unit in the R-1S: Single Family Suburban District shall be 1,200 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: The minimum front yard in the R-1S: Single Family Suburban District shall be 20 feet except for front-entry garages and carports which shall be 25 feet, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: The minimum side yard in the R-1S: Single Family Suburban District shall be 5 feet, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the R-1S: Single Family Suburban District shall be 10 feet, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The maximum lot coverage in the R-1S: Single Family Suburban District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the R-1S: Single Family Suburban District shall be three stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 401.6: Flags and Flag Poles

Flag poles shall not exceed twenty five (25) feet in height, must have a minimum setback of fifteen (15) feet and the flag shall not exceed fifteen (15) square feet in surface area.

DIVISION 2 – R-1: Single Family Standard District

SECTION 402.1: Purpose and Intent

The R-1: Single Family Standard District is designated primarily for single-family detached development on lots that are a minimum of 6,000 square feet in area. In addition to the use and area regulations of this division, development in the R-1: Single Family Standard District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 402.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-1: Single Family Standard District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the R-1: Single Family Standard District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 402.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-1: Single Family Standard District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 402.4: Temporary Uses

The following uses shall be permitted in the R-1: Single Family Standard District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Model Home (Temporary), subject to Permitted Use Conditions SECTION 616.7
Special Event (Temporary), subject to Special Use SECTION 609.1	Field Office, (Temporary), subject to Limitations on Use SECTION 552.1

SECTION 402.5: Minimum and Maximum Dimensions

All lots and improvements within the “R-1” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: The Minimum Lot Area per Dwelling Unit in the R-1: Single Family Standard District shall be 6,000 square feet, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: The Minimum Lot Width for residential uses in the R-1: Single Family Standard District shall be 60 feet, subject to ARTICLE V: DIVISION 5.
- (c) Minimum floor area per unit: The Minimum Floor Area per Dwelling Unit in the R-1: Single Family Standard District shall be 1,000 square feet, subject to ARTICLE V:

DIVISION 5.

- (d) Minimum Front Yard: The minimum front yard in the R-1: Single Family Standard District shall be 20 feet except for front-entry garages and carports which shall be 25 feet, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: The minimum side yard in the R-1: Single Family Standard District shall be 5 feet, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the R-1: Single Family Standard District shall be 10 feet, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The maximum lot coverage in the R-1: Single Family Standard District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the R-1: Single Family Standard District shall be two stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 402.6: Flags and Flag Poles

Flag poles shall not exceed twenty five (25) feet in height, must have a minimum setback of twelve (12) feet and the flag shall not exceed fifteen (15) square feet in surface area.

DIVISION 3 – R-DT: Downtown Single Family District

SECTION 403.1: Purpose and Intent

The R-DT: Downtown Single Family District is designated primarily for single-family detached development on lots of the original downtown area. In addition to the use and area regulations of this division, development in the R-DT: Downtown Single Family District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 403.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-DT: Downtown Single Family District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use

Chart shall be permitted in the R-DT: Downtown Single Family District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 403.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-DT: Downtown Single Family District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 403.4: Temporary Uses

The following uses shall be permitted in the R-DT: Downtown Single Family District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Model Home (Temporary), subject to Permitted Use Conditions SECTION 616.7
Special Event (Temporary), subject to Special Use SECTION 609.1	Field Office, (Temporary), subject to Limitations on Use SECTION 552.1

SECTION 403.5: Minimum and Maximum Dimensions

All lots and improvements within the “R-DT” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: The Minimum Lot Area per Dwelling Unit in the R-DT: Downtown Single Family District shall be 5,500 square feet, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: The Minimum Lot Width for residential uses in the R-DT: Downtown Single Family District shall be 55 feet, subject to ARTICLE V: DIVISION 5.
- (c) Minimum floor area per unit: The Minimum Floor Area per Dwelling Unit in the R-DT: Downtown Single Family District shall be 1,000 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: The minimum front yard in the R-DT: Downtown Single Family District shall be 20 feet except for front-entry garages and carports which shall be 25 feet, subject to ARTICLE V: DIVISION 5.

- (e) Minimum Side Yard: The minimum side yard in the R-DT: Downtown Single Family District shall be 5 feet, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the R-DT: Downtown Single Family District shall be 10 feet, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The maximum lot coverage in the R-DT: Downtown Single Family District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the R-DT: Downtown Single Family District shall be two stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 403.6: Flags and Flag Poles

Flag poles shall not exceed twenty five (25) feet in height, must have a minimum setback of twelve (12) feet and the flag shall not exceed fifteen (15) square feet in surface area.

DIVISION 4 – R-TH: Townhouse District

SECTION 404.1: Purpose and Intent

The R-TH: Townhouse District is designated primarily for single-family detached or attached development on lots that are a minimum of 4,800 square feet in area. In addition to the use and area regulations of this division, development in the R-TH: Townhouse District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 404.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-TH: Townhouse District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the R-TH: Townhouse District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 404.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be

permitted in the R-TH: Townhouse District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 404.4: Temporary Uses

The following uses shall be permitted in the R-TH: Townhouse District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Model Home (Temporary), subject to Permitted Use Conditions SECTION 616.7
Special Event (Temporary), subject to Special Use SECTION 609.1	Field Office, (Temporary), subject to Limitations on Use SECTION 552.1

SECTION 404.5: Minimum and Maximum Dimensions

All lots and improvements within the “R-TH” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: The Minimum Lot Area per Dwelling Unit in the R-TH: Townhouse District shall be 4,800 square feet, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: The Minimum Lot Width for residential uses in the R-TH: Townhouse District shall be 48 feet, subject to ARTICLE V: DIVISION 5.
- (c) Minimum floor area per unit: The Minimum Floor Area per Dwelling Unit in the R-TH: Townhouse District shall be 1,000 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: The minimum front yard in the R-TH: Townhouse District shall be 25 feet, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: For attached dwelling units the minimum side yard in the R-TH: Townhouse District shall be 0 feet subject to ARTICLE V: DIVISION 5. For detached dwelling units the minimum side yard in the R-TH: Townhouse District shall be 5 feet, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the R-TH: Townhouse District shall be 10 feet, subject to ARTICLE V: DIVISION 5.

- (g) Maximum % Coverage: The maximum lot coverage in the R-TH: Townhouse District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the R-TH: Townhouse District shall be two stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 404.6: Flags and Flag Poles

Flag poles shall not exceed twenty five (25) feet in height, must have a minimum setback of twelve (12) feet and the flag shall not exceed fifteen (15) square feet in surface area.

DIVISION 5 – R-2: Two Family District

SECTION 405.1: Purpose and Intent

The R-2: Two Family District is designated primarily for two family dwellings/duplex development at densities of five dwelling units per net acre or greater. In addition to the use and area regulations of this division, development in the R-2: Two Family District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 405.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-2: Two Family District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the R-2: Two Family District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 405.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-2: Two Family District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 405.4: Temporary Uses

The following uses shall be permitted in the R-2: Two Family District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Model Home (Temporary), subject to Permitted Use Conditions SECTION 616.7
Special Event (Temporary), subject to Special Use SECTION 609.1	Field Office, (Temporary), subject to Limitations on Use SECTION 552.1

SECTION 405.5: Minimum and Maximum Dimensions

All lots and improvements within the “R-2” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: The Minimum Lot Area per Dwelling Unit in the R-2: Two Family District shall be 5,500 square feet per duplex dwelling unit, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: The Minimum Lot Width for residential uses in the R-2: Two Family District shall be 55 feet, subject to ARTICLE V: DIVISION 5.
- (c) Minimum floor area per unit: The Minimum Floor Area per Dwelling Unit in the R-2: Two Family District shall be 1,000 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: The minimum front yard in the R-2: Two Family District shall be 25 feet, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: The minimum side yard in the R-2: Two Family District shall be 6 feet, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the R-2: Two Family District shall be 10 feet, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The maximum lot coverage in the R-2: Two Family District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the R-2: Two Family District shall be three stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 405.6: Flags and Flag Poles

Flag poles shall not exceed twenty five (25) feet in height, must have a minimum setback of twelve (12) feet and the flag shall not exceed fifteen (15) square feet in surface area.

DIVISION 6 – R-3: Multifamily District

SECTION 406.1: Purpose and Intent

The R-3: Multifamily District is designated primarily to accommodate multifamily housing types at densities of five dwelling units per net acre or greater. In addition to the use and area regulations of this division, development in the R-3: Multifamily District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 406.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-3: Multifamily District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the R-3: Multifamily District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 406.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-3: Multifamily District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 406.4: Temporary Uses

The following uses shall be permitted in the R-3: Multifamily District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use	Model Home (Temporary), subject to Permitted Use Conditions SECTION 616.7
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Conditions SECTION 615.3	
Special Event (Temporary), subject to Special Use SECTION 609.1	Field Office, (Temporary), subject to Limitations on Use SECTION 552.1

SECTION 406.5: Minimum and Maximum Dimensions

All lots and improvements within the “R-3” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: The Minimum Lot Area per Dwelling Unit in the R-3: Multifamily District shall be 2,800 square feet, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: The Minimum Lot Width for residential uses in the R-3: Multifamily District shall be 55 feet, subject to ARTICLE V: DIVISION 5.
- (c) Minimum floor area per unit: The Minimum Floor Area per Dwelling Unit in the R-3: Multifamily District shall be 600 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: The minimum front yard in the R-3: Multifamily District shall be 25 feet, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: The minimum side yard in the R-3: Multifamily District shall be 10 feet, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the R-3: Multifamily District shall be 20 feet, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The Maximum Lot Coverage in the R-3: Multifamily District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the R-3: Multifamily District shall be three stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 406.6: Flags and Flag Poles

Flag poles shall not exceed twenty five (25) feet in height, must have a minimum setback of twenty five (25) feet and the flag shall not exceed fifteen (15) square feet in surface area.

DIVISION 7 – R-MH: Manufactured Home District

SECTION 407.1: Purpose and Intent

The R-MH: Manufactured Home District is designed primarily to accommodate manufactured home parks and manufactured home subdivisions. In addition to the use and area regulations of this division, development in the R-MH: Manufactured Home District shall be in compliance with all other applicable provisions of this Ordinance. R-MH: Manufactured Home District shall be in accordance with the procedures and standards of Ordinance No. 6012-J of the City of Nolanville as Amended.

SECTION 407.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-MH: Manufactured Home District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the R-MH: Manufactured Home District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 407.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the R-MH: Manufactured Home District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 407.4: Temporary Uses

The following uses shall be permitted in the R-MH: Manufactured Home District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Model Home (Temporary), subject to Permitted Use Conditions SECTION 616.7
Special Event (Temporary), subject to Special Use SECTION 609.1	Field Office, (Temporary), subject to Limitations on Use SECTION 552.1

SECTION 407.5: Minimum and Maximum Dimensions

All lots and improvements within the “R-MH” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: The Minimum Lot Area per Dwelling Unit in the R-MH: Manufactured Home District shall be 5,000 square feet, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: The Minimum Lot Width for residential uses in the R-MH: Manufactured Home District shall be 50 feet, subject to ARTICLE V: DIVISION 5.
- (c) Minimum floor area per unit: There shall be no Minimum Floor Area per Dwelling Unit requirement in the R-MH: Manufactured Home District.
- (d) Minimum Front Yard: The minimum front yard in the R-MH: Manufactured Home District shall be 20 feet, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: The minimum side yard in the R-MH: Manufactured Home District shall be 5 feet, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the R-MH: Manufactured Home District shall be 10 feet, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The Maximum Lot Coverage in the R-MH: Manufactured Home District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the R-MH: Manufactured Home District shall be two stories or 30 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 407.6: Flags and Flag Poles

Flag poles shall not exceed twenty five (25) feet in height, must have a minimum setback of twelve (12) feet and the flag shall not exceed fifteen (15) square feet in surface area.

DIVISION 8 – B-1: Professional Business District

SECTION 408.1: Purpose and Intent

The B-1: Professional Business District is designed primarily to accommodate office and service uses ranging from garden office developments for small professional practices to larger multistory facilities for large tenants. In addition to the use and area regulations of this division,

development in the B-1: Professional District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 408.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the B-1: Professional Business District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the B-1: Professional Business District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 408.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the B-1: Professional Business District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 408.4: Temporary Uses

The following uses shall be permitted in the B-1: Professional Business District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Field Office (Temporary), subject to Limitations on Use SECTION 552.1	Refreshment Stand (Temporary), subject to Permitted Use Conditions SECTION 616.3
Special Event (Temporary), subject to Special Use SECTION 609.1	Construction Structures and Storage Areas (Temporary), subject to Limitations on Use SECTION 552.1	Outdoor or Seasonal Sales/Promotions (Temporary), subject to Permitted Use Conditions SECTION 616.4

SECTION 408.5: Minimum and Maximum Dimensions

All lots and improvements within the “B-1” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: There shall be no Minimum Lot Area per Dwelling Unit requirement in the B-1: Professional Business District, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: There shall be no Minimum Lot Width requirement in the B-1: Professional Business District.
- (c) Minimum floor area per unit: The minimum floor area per unit in the B-1: Professional Business District shall be 600 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: There shall be no minimum front yard requirement in the B-1: Professional Business District, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: There shall be no minimum side yard requirement in the B-1: Professional Business District, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the B-1: Professional Business District shall be 15 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The Maximum Lot Coverage in the B-1: Professional Business District shall be 60 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the B-1: Professional Business District shall be three stories or 35 feet for all uses, subject to Article V: DIVISION 5.
- (i) When Adjacent to a Residential District, a Side Yard: The minimum side yard in the B-1: Professional Business District when adjacent to a residential district shall be 25 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (j) When Adjacent to a Residential District, a Rear Yard: The minimum rear yard in the B-1: Professional Business District when adjacent to a residential district shall be 25 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 408.6: Flags and Flag Poles

Flag poles shall not exceed thirty five (35) feet in height and must have a minimum setback of twelve (12) feet and the flag shall not exceed twenty four (24) square feet in surface area.

DIVISION 9 – B-2: Neighborhood, Community and Retail Business District

SECTION 409.1: Purpose and Intent

The B-2: Neighborhood, Community and Retail Business District is designed primarily to accommodate neighborhood and community oriented business uses. In addition to the use and area regulations of this division, development in the B-2: Neighborhood, Community and Retail Business District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 409.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the B-2: Neighborhood, Community and Retail Business District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the B-2: Neighborhood, Community and Retail Business District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 409.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the B-2: Neighborhood, Community and Retail Business District only upon approval of a Special Use Permit by the City Council in accordance with procedures and

SECTION 409.4: Temporary Uses

The following uses shall be permitted in the B-2: Neighborhood, Community and Retail Business District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Field Office (Temporary), subject to Limitations on Use SECTION 552.1	Refreshment Stand (Temporary), subject to Permitted Use Conditions SECTION 616.3
Special Event (Temporary), subject to Special Use SECTION 609.1	Construction Structures and Storage Areas (Temporary), subject to Limitations on Use SECTION 552.1	Outdoor or Seasonal Sales/Promotions (Temporary), subject to Permitted Use Conditions SECTION 616.4

SECTION 409.5: Minimum and Maximum Dimensions

All lots and improvements within the “B-2” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: There shall be no Minimum Lot Area per Dwelling Unit requirement in the B-2: Neighborhood, Community and Retail Business District, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: There shall be no Minimum Lot Width requirement in the B-2: Neighborhood, Community and Retail Business District.
- (c) Minimum floor area per unit: The minimum floor area per unit in the B-2: Neighborhood, Community and Retail Business District shall be 600 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: There shall be no minimum front yard requirement in the B-2: Neighborhood, Community and Retail Business District, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: There shall be no minimum side yard requirement in the B-2: Neighborhood, Community and Retail Business District, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the B-2: Neighborhood, Community and Retail Business District shall be 15 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The maximum lot coverage in the B-2: Neighborhood, Community and Retail Business District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the B-2: Neighborhood, Community and Retail Business District shall be three stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (i) When Adjacent to a Residential District, a Side Yard: The minimum side yard in the B-2: Neighborhood, Community and Retail Business District when adjacent to a residential district shall be 25 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (j) When Adjacent to a Residential District, a Rear Yard: The minimum rear yard in the B-2: Neighborhood, Community and Retail Business District when adjacent to a residential

district shall be 25 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 409.6: Flags and Flag Poles

Flag poles shall not exceed thirty five (35) feet in height and must have a minimum setback of twelve (12) feet and the flag shall not exceed twenty four (24) square feet in surface area.

DIVISION 10 – B-3: Secondary and Highway Business District

SECTION 410.1: Purpose and Intent

The B-3: Secondary and Highway Business District is designed primarily to accommodate neighborhood and community oriented business uses. In addition to the use and area regulations of this division, development in the B-3: Secondary and Highway Business District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 410.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the B-3: Secondary and Highway Business District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the B-3: Secondary and Highway Business District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 410.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the B-3: Secondary and Highway Business District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 410.4: Temporary Uses

The following uses shall be permitted in the B-3: Secondary and Highway Business District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching	Field Office (Temporary),	Refreshment Stand
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Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	subject to Limitations on Use SECTION 552.1	(Temporary), subject to Permitted Use Conditions SECTION 616.3
Special Event (Temporary), subject to Special Use SECTION 609.1	Construction Structures and Storage Areas (Temporary), subject to Limitations on Use SECTION 552.1	Outdoor or Seasonal Sales/Promotions (Temporary), subject to Permitted Use Conditions SECTION 616.4

SECTION 410.5: Minimum and Maximum Dimensions

All lots and improvements within the “B-3” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: There shall be no Minimum Lot Area per Dwelling Unit requirement in the B-3: Secondary and Highway Business District, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: There shall be no Minimum Lot Width requirement in the B-3: Secondary and Highway Business District.
- (c) Minimum floor area per unit: The minimum floor area per unit in the B-3: Secondary and Highway Business District shall be 600 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: There shall be no minimum front yard requirement in the B-3: Secondary and Highway Business District, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: There shall be no minimum side yard requirement in the B-3: Secondary and Highway Business District, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the B-3: Secondary and Highway Business District shall be 15 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The maximum lot coverage in the B-3: Secondary and Highway Business District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the B-3: Secondary and Highway Business District shall be three stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (i) When Adjacent to a Residential District, a Side Yard: The minimum side yard in the B-3:

Secondary and Highway Business District when adjacent to a residential district shall be 25 feet for all uses, subject to ARTICLE V: DIVISION 5.

- (j) When Adjacent to a Residential District, a Rear Yard: The minimum rear yard in the B-3: Secondary and Highway Business District when adjacent to a residential district shall be 25 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 410.6: Flags and Flag Poles

Flag poles shall not exceed fifty (50) feet in height and must have a minimum setback of twenty five (25) feet and the flag shall not exceed thirty two (32) square feet in surface area.

DIVISION 11 – B-4: General Business District

SECTION 411.1: Purpose and Intent

The B-4: General Business District is designed for the conduct of personal and business services and the general retail trade of the community. In addition to the use and area regulations of this division, development in the B-4: General Business District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 411.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the B-4: General Business District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the B-4: General Business District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 411.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the B-4: General Business District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 411.4: Temporary Uses

The following uses shall be permitted in the B-4: General Business District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Field Office (Temporary), subject to Limitations on Use SECTION 552.1	Refreshment Stand (Temporary), subject to Permitted Use Conditions SECTION 616.3
Special Event (Temporary), subject to Special Use SECTION 609.1	Construction Structures and Storage Areas (Temporary), subject to Limitations on Use SECTION 552.1	Outdoor or Seasonal Sales/Promotions (Temporary), subject to Permitted Use Conditions SECTION 616.4

SECTION 411.5: Minimum and Maximum Dimensions

All lots and improvements within the “B-4” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: There shall be no Minimum Lot Area per Dwelling Unit requirement in the B-4: General Business District, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: There shall be no Minimum Lot Width requirement in the B-4: General Business District.
- (c) Minimum floor area per unit: The minimum floor area per unit in the B-4: General Business District shall be 600 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: There shall be no minimum front yard requirement in the B-4: General Business District, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: There shall be no minimum side yard requirement in the B-4: General Business District, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the B-4: General Business District shall be 15 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (g) Maximum % Coverage: The maximum lot coverage in the B-4: General Business District shall be 50 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the B-4: General

Business District shall be three stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

- (i) When Adjacent to a Residential District, a Side Yard: The minimum side yard in the B-4: General Business District when adjacent to a residential district shall be 30 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (j) When Adjacent to a Residential District, a Rear Yard: The minimum rear yard in the B-4: General Business District when adjacent to a residential district shall be 30 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 411.6: Flags and Flag Poles

Flag poles shall not exceed fifty (50) feet in height and must have a minimum setback of twenty five (25) feet and the flag shall not exceed thirty two (32) square feet in surface area.

DIVISION 12 – M-1: Light Manufacturing District

SECTION 412.1: Purpose and Intent

The M-1: Light Manufacturing District is designed primarily a wide variety of repair/service and light industrial uses. In addition to the use and area regulations of this division, development in the M-1: Light Manufacturing District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 412.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the M-1: Light Manufacturing District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the M-1: Light Manufacturing District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 412.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the M-1: Light Manufacturing District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE

V: DIVISION 1 and DIVISION 8.

SECTION 412.4: Temporary Uses

The following uses shall be permitted in the M-1: Light Manufacturing District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Field Office (Temporary), subject to Limitations on Use SECTION 552.1	Refreshment Stand (Temporary), subject to Permitted Use Conditions SECTION 616.3
Special Event (Temporary), subject to Special Use SECTION 609.1	Construction Structures and Storage Areas (Temporary), subject to Limitations on Use SECTION 552.1	Outdoor or Seasonal Sales/Promotions (Temporary), subject to Permitted Use Conditions SECTION 616.4

SECTION 412.5: Minimum and Maximum Dimensions

All lots and improvements within the “M-1” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: There shall be no Minimum Lot Area per Dwelling Unit requirement in the M-1: Light Manufacturing District, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: There shall be no Minimum Lot Width requirement in the M-1: Light Manufacturing District.
- (c) Minimum floor area per unit: The minimum floor area per unit in the M-1: Light Manufacturing District shall be 600 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: There shall be no minimum front yard requirement in the M-1: Light Manufacturing District, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: There shall be no minimum side yard requirement in the M-1: Light Manufacturing District, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the M-1: Light Manufacturing District shall be 15 feet for all uses, subject to ARTICLE V: DIVISION 5.

- (g) Maximum % Coverage: The maximum lot coverage in the M-1: Light Manufacturing District shall be 55 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) Maximum Height: The maximum height of buildings and structures in the M-1: Light Manufacturing District shall be three stories or 40 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (i) When Adjacent to a Residential District, a Side Yard: The minimum side yard in the M-1: Light Manufacturing District when adjacent to a residential district shall be 35 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (j) When Adjacent to a Residential District, a Rear Yard: The minimum rear yard in the M-1: Light Manufacturing District when adjacent to a residential district shall be 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 412.6: Flags and Flag Poles

Flag poles shall not exceed thirty five (35) feet in height and must have a minimum setback of twenty five (25) feet and the flag shall not exceed twenty four (24) square feet in surface area.

DIVISION 13 – M-2: Heavy Manufacturing District

SECTION 413.1: Purpose and Intent

The M-2: Heavy Manufacturing District is designed primarily to accommodate a wide variety of repair/service and industrial uses. In addition to the use and area regulations of this division, development in the M-2: Heavy Manufacturing District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 413.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the M-2: Heavy Manufacturing District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the M-2: Heavy Manufacturing District, subject to meeting the applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 413.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the M-2: Heavy Manufacturing District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 413.4: Temporary Uses

The following uses shall be permitted in the M-2: Heavy Manufacturing District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Field Office (Temporary), subject to Limitations on Use SECTION 552.1	Refreshment Stand (Temporary), subject to Permitted Use Conditions SECTION 616.3
Special Event (Temporary), subject to Special Use SECTION 609.1	Construction Structures and Storage Areas (Temporary), subject to Limitations on Use SECTION 552.1	Outdoor or Seasonal Sales/Promotions (Temporary), subject to Permitted Use Conditions SECTION 616.4

SECTION 413.5: Minimum and Maximum Dimensions

All lots and improvements within the “M-2” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: There shall be no Minimum Lot Area per Dwelling Unit requirement in the M-2: Heavy Manufacturing District, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: There shall be no Minimum Lot Width requirement in the M-2: Heavy Manufacturing District.
- (c) Minimum floor area per unit: The minimum floor area per unit in the M-2: Heavy Manufacturing District shall be 600 square feet, subject to ARTICLE V: DIVISION 5.
- (d) Minimum Front Yard: There shall be no minimum front yard requirement in the M-2: Heavy Manufacturing District, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: There shall be no minimum side yard requirement in the M-2: Heavy Manufacturing District, subject to ARTICLE V: DIVISION 5.

- (f) **Minimum Rear Yard:** The minimum rear yard in the M-2: Heavy Manufacturing District shall be 15 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (g) **Maximum % Coverage:** The maximum lot coverage in the M-2: Heavy Manufacturing District shall be 55 percent for all uses, subject to ARTICLE V: DIVISION 5.
- (h) **Maximum Height:** The maximum height of buildings and structures in the M-2: Heavy Manufacturing District shall be three stories or 45 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (i) **When Adjacent to a Residential District, a Side Yard:** The minimum side yard in the M-2: Heavy Manufacturing District when adjacent to a residential district shall be 35 feet for all uses, subject to ARTICLE V: DIVISION 5.
- (j) **When Adjacent to a Residential District, a Rear Yard:** The minimum rear yard in the M-2: Heavy Manufacturing District when adjacent to a residential district shall be 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 413.6: Flags and Flag Poles

Flag poles shall not exceed thirty five (35) feet in height and must have a minimum setback of twenty five (25) feet and the flag shall not exceed twenty four (24) square feet in surface area.

DIVISION 14 – A-1: General Agriculture District

SECTION 414.1: Purpose and Intent

The A-1: General Agriculture District is designed primarily to accommodate a wide variety of agriculture uses. In addition to the use and area regulations of this division, development in the A-1: General Agriculture District shall be in compliance with all other applicable provisions of this Ordinance.

SECTION 414.2: Permitted Uses

- (a) The land uses designated by “P” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the A-1: General Agriculture District, subject to compliance with any applicable conditions and all other provisions of this Ordinance.
- (b) The land uses designated with an “*” (asterisk) in Exhibit A, Zoning Ordinance Land Use Chart shall be permitted in the A-1: General Agriculture District, subject to meeting the

applicable conditions specified in ARTICLE V: DIVISION 9.

SECTION 414.3: Special Uses

The land uses designated by “S” in Exhibit A, Zoning Ordinance Land Use Chart, shall be permitted in the A-1: General Agriculture District only upon approval of a Special Use Permit by the City Council in accordance with procedures and standards of the Special Use: ARTICLE V: DIVISION 1 and DIVISION 8.

SECTION 414.4: Temporary Uses

The following uses shall be permitted in the A-1: General Agriculture District only upon approval of a temporary use permit in accordance with the procedures and standards of the Temporary Use: ARTICLE V: DIVISION 2.

Asphalt or Concrete Batching Plant (Temporary), subject to Permitted Use Conditions SECTION 615.3	Field Office (Temporary), subject to Limitations on Use SECTION 552.1	Refreshment Stand (Temporary), subject to Permitted Use Conditions SECTION 616.3
Special Event (Temporary), subject to Special Use SECTION 609.1	Construction Structures and Storage Areas (Temporary), subject to Limitations on Use SECTION 552.1	Outdoor or Seasonal Sales/Promotions (Temporary), subject to Permitted Use Conditions SECTION 616.4

SECTION 414.5: Minimum and Maximum Dimensions

All lots and improvements within the “A-1” District shall meet the following requirements:

- (a) Minimum Lot Area per dwelling: The Minimum Lot Area per Dwelling Unit for residence uses in the A-1: General Agriculture District shall be two acres or 87,120 square feet, subject to ARTICLE V: DIVISION 5.
- (b) Minimum Lot Width: The Minimum Lot Width for residential uses in the A-1: General Agriculture District shall be 200 feet, subject to ARTICLE V: DIVISION 5.
- (c) Minimum floor area per unit: The Minimum Floor Area per Dwelling Unit in the A-1: General Agriculture District shall be 1,200 square feet, subject to ARTICLE V: DIVISION 5.

- (d) Minimum Front Yard: The minimum front yard for all uses in the A-1: General Agriculture District shall be 40 feet, subject to ARTICLE V: DIVISION 5.
- (e) Minimum Side Yard: The minimum side yard in the A-1: General Agriculture District shall be 25 feet for residential uses, and 25 feet for nonresidential uses, subject to ARTICLE V: DIVISION 5.
- (f) Minimum Rear Yard: The minimum rear yard in the A-1: General Agriculture District shall be 20 feet, subject to ARTICLE V: DIVISION 5.
- (g) Maximum Height: The maximum height of buildings and structures in the A-1: General Agriculture District shall be three stories or 35 feet for all uses, subject to ARTICLE V: DIVISION 5.

SECTION 414.6: Flags and Flag Poles

Flag poles shall not exceed twenty five (25) feet in height and must have a minimum setback of fifteen (15) feet and the flag shall not exceed fifteen (15) square feet in surface area.

ARTICLE V SUPPLEMENTARY DISTRICT REGULATONS

DIVISION 1 – Special Use

SECTION 510.1: Applicability

No building permit shall be issued in any zoning district for any use for which a Special Use Permit is required until a Special Use Permit has been approved according to the requirements of this division and any applicable sections of DIVISION 8 Special Use Conditions in this Article.

SECTION 510.2: Submittal Requirements

- (a) An applicant within the City limits, requesting approval of a Special Use Permit, shall file an application with the City. The completed application shall include the following information:
 - (1) A clear description of the proposed use.
 - (2) A drawing, at a scale of not less than one (1) inch to two hundred (200) feet, indicating the following:

- (A) Existing zoning district classifications;
 - (B) Proposed zoning district classifications in a format that identifies boundaries between different zoning districts;
 - (C) Comprehensive master plan features, whether on-site or proposed, from any or all of the following elements: land use, urban design, parks and open space, trail network, and thoroughfares;
 - (D) The location of high voltage electrical lines, transmission pipelines and associated easements.
- (3) A vicinity map indicating the general location of the subject property.
 - (4) A metes and bounds description of the subject property typewritten on an 8½-inch by 11-inch sheet of paper.
 - (5) A filing fee shall be submitted with every petition in accordance with the fee schedule. In addition, a site plan review fee shall be submitted with every petition requesting a Special Use Permit that requires a site plan in accordance with the fee schedule.
 - (6) A site plan drawing reduced to fit on an 8 1/2 x 11 sheet of paper. Such site plan shall be attached as an exhibit to the Special Use Permit. Development of the site shall be in accordance with the approved site plan.
- (b) If a zoning amendment is required or requested in writing, such application shall accompany the application for a Special Use Permit.
 - (c) If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a Special Use Permit. Approval of the Special Use Permit shall not become effective until final approval of the subdivision application; provided that if the land is to be divided in phases, the approval of the Special Use Permit shall take effect upon final approval of the phase of the subdivision containing the property on which the Special Use is to be located.

SECTION 510.3: Procedures, Evaluation, and Approval

- (a) The City Manager, in considering and determining its recommendations to the Nolanville City Council on any request for a Special Use Permit, may require from the applicant

plans, information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed.

- (b) Upon receipt of the recommendation from the City Manager, the Planning and Zoning Commission shall conduct a public hearing in order to formulate its recommendations to the City Council on the Special Use Permit application. Following the public hearing, the Planning and Zoning Commission shall recommend approval, approval subject to modification, or denial of the proposal to the City Council. If the appropriateness of the use cannot be assured at the location, the Planning and Zoning Commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.
- (c) The City Council shall be the final decision-maker on applications for Special Use Permits. Following a public hearing, and in consideration of the Planning and Zoning Commission's recommendations, the City Council shall approve, modify or deny the proposal for a Special Use Permit. If the appropriateness of the use cannot be assured at the location, the application for Special Use Permit shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.
- (d) The City Council may, in the interest of the public welfare and to ensure compliance with this section, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any use listed as a Special Use Permit, the City Council may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from traffic, noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, aesthetic harm, offensive view or other undesirable or hazardous conditions. Any conditions imposed shall be set forth in the motion approving the special use, and shall be incorporated into or noted on the site plan for final approval.

SECTION 510.4: Issuance

The City Council, after public hearing and proper notice to all parties affected and after public hearing and recommendation by the City Manager, may authorize the issuance of Special Use Permits for the uses indicated in the Use Regulations of the zoning district of the property for which the Special Use Permit is requested. The City Manager shall verify that the site plan incorporates all conditions set forth in the special use, and shall sign the plan to indicate final approval. The City shall maintain a record of such approved special uses and the site plans and conditions attached thereto.

SECTION 510.5: Prohibition on Waivers, Special Exceptions & Duration

- (a) Conditions imposed upon a particular Special Use Permit shall not be waived by the Zoning Board of Adjustment the Zoning Board of Adjustment. In conformity with the authority of the City Council to authorize Special Uses, the City Council may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this Section, provided.
- (b) The expiration, extension & termination of a Special Use Permit shall be governed by the following rules:
 - (1) A Special Use Permit may be approved for a term not to exceed two (2) years.
 - (2) Special use permits for existing uses and/or structures shall automatically renew for successive two (2) year periods unless an objection is raised by the City Manager based on either:
 - (A) A history of poor code compliance; or
 - (B) A revision to the Comprehensive Plan that renders the Special Use Permit incompatible.
 - (C) Special use permits for new uses/structures shall be deemed to have expired and shall become null and void if construction is not completed and occupation commenced within two (2) years of the date the Special Use Permit was approved.
 - (D) If a Special Use Permit expires, or if the requisites of subsection (c) above are not met, two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no request for extension of a Special Use Permit is submitted, then the Special Use Permit shall be null and void.
 - (E) In determining whether to grant a request for extension of a Special Use Permit, the City Council shall take into account the following factors:
 - (i) Reasons for the lapse;
 - (ii) Ability of the property owner to comply with any conditions attached to the original approval;
 - (iii) Extent to which development regulations would apply to the plan at that point in time;

- (iv) History of code compliance at the premises; and
 - (v) Consistency of the Special Use Permit with the current Comprehensive Plan.
- (F) The City Council shall either extend the Special Use Permit or deny the request, in which instance the originally approved Special Use Permit shall be deemed null and void. The property owner may thereafter submit a new plan application for rezoning or a Special Use Permit, and shall conform to the regulations then in effect.
- (G) The City Manager may revoke a Special Use Permit for failure to comply with municipal regulations and the conditions placed on the use.

SECTION 510.6: Amendment

- (a) No proposed or existing building, premise or land use authorized as a Special Use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the Special Use Permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Section, and the Special Use Permit and approved site plan are amended accordingly.
- (b) The Zoning Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Special Use Permit.

SECTION 510.7: Use Regulations

Uses allowed by Special Use Permit are specified in Exhibit A (Nolanville Zoning Ordinance Land Use Chart).

SECTION 510.8: Transferability

A Special Use Permit is issued to a specific person or entity, and as such is nontransferable. A Special Use Permit is personal to a particular applicant. It does not run with the land. Subsequent purchasers or tenants seeking to continue the Special Use on the premises may apply for a new Special Use Permit.

DIVISION 2 – Temporary Use

SECTION 520.1: Temporary Use Permits

Temporary use permits may be issued by the building official, subject to the following provisions:

- (a) Application. Application for a temporary use permit shall be made on forms provided by the building official.
- (b) Zoning. The use for which the permit is requested shall be authorized as a temporary use in the district in which the use is to be located.
- (c) Conditions. The applicant shall meet all conditions for such temporary use permit set forth in ARTICLE V: DIVISION 2, DIVISION 8, and DIVISION 9 of this Code.
- (d) Time limit. A time limit for the discontinuance of the temporary use shall be specified on the temporary use permit.
- (e) Penalty. If the temporary use is not discontinued after the prescribed time limit the applicant shall be fined up to two hundred fifty dollars (\$250.00) for each violation. Each day the violation shall exist shall be considered a separate violation.

DIVISION 3 – Exterior Building Material

SECTION 530.1: Compliance with DIVISION Provisions; General Intent

The exterior wall surface of buildings shall comply with the standards of this division. The general intent of this division is to shape future development in a way that will protect and preserve the unique character of Nolanville, while increasing the quality, adaptability, and durability of Nolanville's building stock and ensuring that new areas maintain their value and are sustainable in future years.

SECTION 530.2: General Regulations.

- (a) Nonresidential
 - (1) This division applies to all exterior wall surfaces on all new nonresidential buildings constructed after the adoption of this Ordinance.

- (2) Any repair, addition, or alteration to a building constructed after the adoption of this Ordinance shall comply with this division.
- (3) Where a lawful building exists at the effective date of adoption of this Ordinance and said building could not be built under the terms of this Ordinance, it may continue so long as it remains lawful, subject to the following provisions:
 - (A) Such a building may not be enlarged by more than twenty five percent (25%) of its existing foundation footprint unless the entire building is brought into conformity of this Ordinance.
 - (B) The exterior walls of such a building may not be modified, altered, or enlarged in a way which increases its nonconformity unless the modification, alteration, or enlargement is in conformity with the provisions of this Ordinance.
 - (C) Should a building be destroyed by any means or requires repair to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

(b) Residential

- (1) This division applies to all exterior wall surfaces of all new residential buildings constructed after the adoption of this Ordinance.
- (2) Any repair, addition or alteration to the exterior wall surfaces of a residential building constructed after the adoption of this Ordinance, shall also comply with this division.
- (3) Where a lawful building exists at the effective date of adoption of this Ordinance and said building could not be built under the terms of this Ordinance, it may continue so long as it remains lawful, subject to the following provisions:
 - (A) Such a building may not be enlarged by more than twenty five percent (25%) of its existing foundation footprint unless the entire building is brought into conformity of this Ordinance.
 - (B) The exterior walls of such a building may not be modified, altered, or enlarged in a way which increases its nonconformity unless the modification, alteration, or enlargement is in conformity with the provisions of this Ordinance.

- (C) Should a building be destroyed by any means or requires repair to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

SECTION 530.3: Exterior Wall Construction For Residential Buildings; Exceptions

Exterior wall construction for residential dwelling units in all districts, except “A-1” general agricultural district, “R-DT” downtown single family district and “R-MH” manufactured home district, shall conform to the following restrictions and requirements:

- (a) The front of the building and any side of the building facing the street on each story or floor of every single-family, two-family, or multifamily residential dwelling unit shall consist of a minimum of eighty percent (80%) masonry construction or a combination of masonry and 3-step hard-coat stucco, exclusive of the following:
- (1) Windows, doors, dormers and gables over the entrance of an extended garage.
 - (2) Any rear wall area cantilevered twelve (12) or more inches from the wood frame wall.
 - (3) Any side wall area cantilevered twelve (12) or more inches from the wood frame wall; provided, however, that such cantilevered side wall area shall not exceed thirty-five percent (35%) of the total exterior wall area of the side wall from which it is cantilevered.
 - (4) Any rear multistory straight wall with an exterior surface construction that is in excess of seventy percent (70%) glass or windows.
 - (5) Any wall area above a first floor roof where the exterior masonry veneer cannot directly bear upon the foundation (for example, wall area above a shed roof or an attached garage).

The remaining front of the building shall consist of masonry, cementitious fiber board siding, 3-step hard-coat stucco, or metal construction in accordance with the City’s building and fire codes.

- (b) All remaining sides or portions of the building, including the rear, shall consist of seventy-five percent (75%) masonry construction or a combination of masonry and 3-step hard-coat stucco, exclusive of doors, windows, glass and entryway treatments, and atriums of glass

and metal construction.

The remaining portion of the sides of the building shall consist of masonry, cementitious fiber board siding, 3-step hard-coat stucco, or metal construction in accordance with the City's building and fire codes.

- (c) The exterior area or sides of chimney flues on exterior walls that are visible from the street shall be enclosed in masonry veneer construction, cementitious fiber board siding or a combination of masonry and 3-step hard-coat stucco, except that chimney flues not visible from the street may be enclosed by materials approved by the building code for exterior exposure and in compliance with the flue manufacturer's recommendation.

SECTION 530.4: Exterior Wall Construction in "R-DT" District

Exterior wall construction in "R-DT" Downtown Single Family District except for accessory buildings related to a downtown single family structure shall consist of the following:

- (a) The front of the building and any side of the building facing the street on each story or floor shall consist of a minimum of seventy-five percent (75%) masonry construction or a combination of masonry and 3-step hard-coat stucco, exclusive of doors, windows, glass and entryway treatments, and atriums of glass and metal construction. The remaining front of the building shall consist of masonry, cementitious fiber board siding, 3-step hard-coat stucco, or metal construction in accordance with the City's building and fire codes; and
- (b) All remaining sides or portions of the building shall consist of fifty percent (50%) masonry construction or a combination of masonry and 3-step hard-coat stucco, exclusive of doors, windows, glass and entryway treatments, and atriums of glass and metal construction. The remaining portion of the sides of the building shall consist of masonry, cementitious fiber board siding, 3-step hard-coat stucco, or metal construction in accordance with the City's building and fire codes; and
- (c) The rear of the building shall consist of masonry, cementitious fiber board siding, 3-step hard-coat stucco, or metal construction in accordance with the City's building and fire codes.

SECTION 530.5: Exterior Wall Construction For Nonresidential Buildings; Exceptions

Exterior wall construction for all nonresidential buildings in all districts except "M-1" Light Manufacturing and "M-2" Heavy Manufacturing shall consist of the following:

- (a) The front of the building and any side of the building facing the street on each story or floor shall consist of eighty-five percent (85%) masonry construction or a combination of masonry and 3-step hard-coat stucco after a minimum of a three (3) foot one hundred percent (100%) masonry construction barrier from the ground floor level construction, exclusive of doors, windows, glass and entryway treatments, and atriums of glass and metal construction, provided that the exterior surface construction of such entryway treatments and atriums are in excess of seventy percent (70%) glass or windows; and
- (b) All remaining sides or portions of the building below the first floor ceiling plate line, including the rear, shall consist of not less than seventy-five percent (75%) masonry construction or a combination of masonry and 3-step hard-coat stucco after a minimum of a three (3) foot one hundred percent (100%) masonry construction barrier from the ground floor level construction, exclusive of doors, windows, glass and entryway treatments, and atriums of glass and metal construction, provided that the exterior surface construction of such entryway treatments and atriums are in excess of seventy percent (70%) glass or windows; all in accordance with the City's building and fire codes.
- (c) A Special Use Permit may be granted for the exterior surface construction of the rear of the building to consist of cementitious fiber board siding or metal construction in accordance with the City's building and fire codes.

SECTION 530.6: Exterior Wall Construction in “M-1” and “M-2” Districts

Exterior wall construction for all nonresidential buildings “M-1” light manufacturing district and “M-2” heavy manufacturing district shall consist of fifty percent (50%) masonry construction or a combination of masonry and 3-step hard-coat stucco after a minimum of a three (3) foot one hundred percent (100%) masonry construction barrier from the ground floor level construction on the front of the building, exclusive of doors, windows, glass and entryway treatments, and atriums of glass and metal construction, provided that the exterior surface construction of such entryway treatments and atriums are in excess of seventy percent (70%) glass or windows, and all remaining sides or portions of the building shall consist of masonry, cementitious fiber board siding, 3-step hard-coat stucco, or metal construction in accordance with the City's building and fire codes.

DIVISION 4 – Outdoor Lighting

SECTION 540.1: Purpose and Objectives

- (a) Purpose. Good outdoor lighting at night benefits everyone and enhances the City's

nighttime character. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare and light trespass that reduce residents' privacy. Excessive glare can be annoying and may cause safety problems. There is a need for lighting regulations that recognizes the benefits of good outdoor lighting and provides clear guidelines for its installation so as to help maintain and complement the City's character and which strives to provide linkage between the built and natural environment and acknowledges and sustains the unique nature of the City's corporate-commercial, suburban and rural lifestyles. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the City.

- (b) Objectives. Outdoor lighting for nonresidential uses and multifamily uses has the following objectives:
- (1) It is intended to reduce the problems created by improperly designed and installed outdoor lighting in those areas zoned for nonresidential uses and multifamily uses;
 - (2) It is intended to eliminate problems of glare and minimize light trespass by establishing regulations which limit the area that certain types of outdoor light fixtures can illuminate and by limiting the total allowable illumination of lots located in the City;
 - (3) All lighting installed in nonresidential uses and multifamily uses should be designed with the idea of being a good neighbor, thereby eliminating or reducing unnecessary direct light from shining onto abutting properties or streets;
 - (4) It is the declared purpose of this division that nonconforming luminaries be eliminated and be required to conform to the regulations of this division within a reasonable time.

SECTION 540.2: Applicability

- (a) New fixtures or additional lighting. This division shall apply to all installations of new fixtures or additional lighting to any new or existing nonresidential or multifamily use or structure.
- (b) Nonconforming Lighting. Luminaries installed prior to the adoption of the Ordinance from which this division is derived shall immediately be re-aimed or shielded such that the fixture no longer creates a nuisance as defined in Article II SECTION 201.1. Shielding may be accomplished by louvers, baffles, visors, or shields placed on the luminaries, or any

other method whereby the light there from does not constitute a nuisance as defined in ARTICLE II SECTION 201.1.

(c) Exemptions.

- (1) Street lighting installed by a governmental agency for public benefit on public rights-of-way; and
- (2) Public outdoor recreational sport fields and sport courts complex.

SECTION 540.3: Enforcement

The enforcement of the rules and the provisions of this division shall be by the City Manager or his designee.

SECTION 540.4: Measurement

- (a) Metering Equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter.
- (b) Method of footcandle measurement. The meter sensor shall be not more than six (6) inches above ground level in a horizontal position. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.

SECTION 540.5: Prohibited lighting

The following lighting is prohibited. No owner or occupant of land shall permit any of the following conditions to exist:

- (a) An unshielded light source, including bare bulbs, above 600 lumens, except for temporary seasonal lighting;
- (b) The operation of searchlights, strobes, or pulsating lights;
- (c) The use of low pressure sodium bulbs as a light source;
- (d) The use of a partial cutoff light source;
- (e) The use of a drop lens;
- (f) Luminaires located within the compatibility buffer between dissimilar uses;

- (g) Any luminaire that produces a disability glare;
- (h) Any light or combination of lighting that creates an outdoor lighting nuisance as defined in Article II Section 201.1.
- (i) Any lighting installed to illuminate an unimproved surface or private outdoor recreational activities that exceed requirements set forth in this Ordinance without an approved variance, as set forth in Article V DIVISION 4 Section 541.4.

SECTION 540.6: Height for Light Pole Standards

Maximum height for light pole standards shall be as follows:

- (a) In parking areas containing zero (0) to one hundred fifty (150) parking spaces, maximum height of lighting pole standards shall not exceed twenty five (25) feet.
- (b) In parking areas containing one hundred fifty one (151) or more parking spaces, maximum height of lighting pole standards shall not exceed thirty five (35) feet.

SECTION 540.7: Building Mounted Lighting

All building mounted luminaires exceeding six hundred (600) lumens shall be directed down with a full cutoff fixture.

SECTION 540.8: Floodlighting

- (a) Luminaires used for floodlighting shall not direct the luminance above the facade of the object being lighted.
- (b) Spotlights and floodlights mounted overhead on poles or building walls and used for area lighting, including but not limited to residential areas, shall be installed so that the fixture is full cutoff as defined herein, with no light above ninety (90) degree nadir.

SECTION 540.9: Building Entry Points

At all building entry points average projected footcandle readings as determined by the point method photometrics shall not exceed a measurement of five (5) footcandles.

SECTION 540.10: Canopy Lighting

All canopy lighting shall be fully recessed fixtures with full cutoff lens and shall not exceed forty

five (45) footcandles at any point under the canopy.

SECTION 541.1: Spacing

- (a) In parking areas containing zero (0) to one hundred fifty (150) parking spaces, minimum spacing of lighting pole standards shall be no less than two times the height of the standard.
- (b) In parking areas containing one hundred fifty one (151) or more parking spaces, minimum spacing of lighting pole standards shall be no less than four times the height of the light standard, a ratio of four (4) to one (1).

SECTION 541.2: Parking Area Lighting

Parking area lighting shall not exceed a measurement of fifteen (15) footcandles at any point in the parking area. The average projected footcandle reading as determined by the point method photometrics shall not exceed two (2) footcandles.

SECTION 541.3: Penalty

- (a) Any person violating any provision of this division shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine as set by the City. A separate offense shall be deemed committed of each day during or on which a violation or failure to comply occurs or continues to occur.
- (b) A footcandle reading, as performed in accordance with ARTICLE V DIVISION 4 SECTION 540.4, in excess of those amounts defined in ARTICLE V DIVISION 4 SECTIONS 540.5 through 541.2, shall be prima facie evidence of a violation of this division.

SECTION 541.4: Variance

- (a) A variance as to the height restriction may be permitted by the Zoning Board of Adjustment for the replacement of luminaries installed prior to the adoption of the Ordinance from which this division is derived if such luminaires are damaged, destroyed, or otherwise become inoperable.
- (b) A variance is permissible for such replacement luminaries only in those situations where more than one luminaire existed prior to the adoption of the Ordinance from which this division is derived. The Zoning Board of Adjustment may grant a variance, upon application by the property owner or his designee, if the Zoning Board of Adjustment

determines that the replacement of a damaged, destroyed, or otherwise inoperable luminaire with a luminaire conforming to the height requirement set forth in this division would:

- (1) Create a nuisance as defined in Article II Section 201.1; or
- (2) Be aesthetically inconsistent with the remaining luminaires in determining whether a replacement luminaire would be aesthetically inconsistent, the Zoning Board of Adjustment may consider the following factors:
 - (A) The location of the replacement luminaire on the subject property;
 - (B) The type of construction material of the replacement luminaire;
 - (C) The location of the subject property; and
 - (D) The outdoor lighting used on adjacent and surrounding property.
- (3) Under no circumstances may the replacement luminaire exceed thirty five (35) feet in height.

SECTION 541.5: Architectural Lighting of Buildings and Structures

For spotlights and floodlights mounted at or near ground level and used to light a building wall, sign, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the side of the illuminated object.

SECTION 541.6: Architectural Lighting of Landscaping

Landscape lighting installed for nonresidential uses and multifamily uses shall be installed according to the following:

- (a) Any lighting that is to be placed in the canopy of a tree shall be directed in a downward position to simulate natural light received by the area.
- (b) The fixture shall be shielded so that all of the light is directed downward and shall not be directed toward the tree, to reduce light intrusion.
- (c) All proposed lighting that is to be placed in a tree shall be affixed to the trunk or branch through the use of an adjustable bracketing system that will allow for the continued growth of the tree.

- (d) The mounting height of landscape lighting shall not exceed twenty five (25) feet.
- (e) No lighting shall be bolted, nailed, or glued to the trunk or any appendages of the tree, and such unauthorized attachment will be treated as a violation.

**DIVISION 5 – Dimensional Regulations, Limitations on Use,
Application of Regulation in Districts Authorized**

SECTION 550.1: Purpose and Objectives

Purpose. No land, building, structure, or improvement shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the use, height, area, coverage, yard, space, and other requirements established in the District in which such land, building, structure, or improvement is located, and such use is authorized, except as provided by ARTICLE VI, Nonconforming Structures and Uses.

SECTION 550.2: Use Regulations

- (a) Accessory Building: No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.
- (b) Railroad Right-of-Way: On all existing rights of way of railroad companies, regardless of the zoning district in which such rights-of-way are located, railroad tracks and accessories to railroad movement may be constructed or maintained.
- (c) When a single family residence is built in a non-residential district it shall comply with all “R-1S” District requirements.

SECTION 550.3: Minimum Lot Area per Dwelling Unit

- (a) Generally: Residential uses shall comply with the Minimum Lot Area per Dwelling Unit standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.
- (b) Density:
 - (1) No on-site sewage facilities shall be allowed on tracts of land of 1/2 acre or less.

- (2) In a district in which commercial or industrial buildings are built with one (1) or more stories for residential purposes above the commercial or industrial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two (2) rooms deep from front to rear.
- (3) No setback or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a setback or an open space for another building. Every part of a required setback shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear setback and except the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features which may project into such yards a distance of no more than two (2) feet.
- (4) Open, unenclosed porches, platforms, or landing places not covered by roof or canopy may extend or project into the front yard for a distance not exceeding six (6) feet.
- (5) Uncovered terraces, porches, platforms, and patios which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side yard, provided these projections be distant at least two (2) feet from the adjacent side lot lines.

SECTION 550.4: Minimum Lot Width

- (a) Generally. Lots used for residential uses shall comply with the Minimum Lot Width standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.
- (b) Measurement. Lot width shall be measured as the distance between the side lot lines measured along the front setback. In the case of a lot having more than one required front yard, the lot width shall be measured along the building line associated with the shortest front lot line.
- (c) Cul-de-sacs. Notwithstanding any other provisions of this Ordinance, lots fronting on a cul-de-sac shall be a minimum of forty (40) feet wide at the right of way.

SECTION 550.5: Minimum Floor Area per Dwelling Unit

- (a) Generally. Residential uses shall comply with the Minimum Floor Area per Dwelling Unit

standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.

- (b) Measurement. The floor area of a dwelling, for the purpose of these minimum floor area per dwelling unit requirements, refers to the total of the horizontal area of each floor, measured from the outside face of the building walls and excluding garages, carports, cellars and accessory buildings.

SECTION 550.6: Minimum Front Yard Setback

- (a) Generally. The location of buildings shall comply with the minimum front yard setback standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.
- (b) Permitted obstructions. Every part of a required front yard shall be open and unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other architectural features of the main building, projecting no more than twelve (12) inches into the required front yard. Roof eaves and roof extensions of the main building or a porch without posts or columns may project into the required front yard for a distance of no more than two (2) feet, and subsurface structures, platforms or slabs may project into the front yard to a height no greater than thirty (30) inches above the average grade of the yard.
- (c) Corner lots. For lots with frontage on two (2) intersecting streets, a front yard shall be provided along the shorter of the two (2) street lines.
- (d) Plat building lines. Where a building line has been established by a plat approved by the City and such line requires a greater or lesser front yard setback than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such Ordinance or plat, provided that no such front yard setback shall be less than fifteen (15) feet.
- (e) Special regulations for residential districts. In all residential zoning districts, including agricultural, the following building setbacks from street lines shall be required:
 - (1) On minor arterials, a minimum twenty five (25) foot front yard setback shall be required.
 - (2) On major arterials, the minimum front yard setback shall be forty (40) feet.
 - (3) Notwithstanding the foregoing, during the platting process, the City Council may

authorize exception to these special front yard requirements in instances where there exists right-of-way widths in excess of one hundred fifty (150) feet, irregular or jogged right-of-way lines, or other such special circumstances.

- (f) Special regulations for nonresidential districts. In the nonresidential districts, the following building setbacks from street lines shall be required:
 - (1) On major arterials, a minimum thirty (30) foot front yard shall be required.
 - (2) On all other streets and roads, one of the following shall be provided, except that a combination of the two setback options may be allowed if approved by the planning and zoning commission on a site plan:
 - (A) A minimum ten (10) foot front yard with no parking allowed in the minimum front yard; or
 - (B) A fifty (50) foot front yard.
- (g) Gas pump islands. Motor vehicle fuel dispenser islands, including any roof or canopy over such islands, may not be located closer than twenty (20) feet to the front property line.
- (h) Accessory buildings. No accessory building shall be located within the required front yard in any district.

SECTION 550.7: Minimum Side Yard Setback

- (a) Generally. The location of buildings shall comply with the Minimum Side Yard Setback standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.
- (b) Permitted obstructions. Every part of a required side yard shall be open and unobstructed, except for accessory buildings as permitted in subsection (c) of this section and the ordinary projections of window sills, belt courses, cornices and other architectural features of the main building projecting no more than twelve (12) inches into the required side yard. Roof eaves of the main building shall project no more than two (2) feet into the required side yard.
- (c) Accessory buildings. Detached accessory buildings may be located within a required side yard, subject to Article V DIVISION 5 Section 551.2, Accessory Buildings.

- (d) Garage or carport. Where a garage or carport is designed and constructed to be entered from a side street, such garage or carport shall be set back from the side street a minimum distance of twenty (20) feet from the right-of-way line and shall not encroach over a sidewalk so as not to interfere with the use of the street by other vehicles or persons.
- (e) Special regulations for residential districts. In all residential zoning districts, including agricultural, the following building setbacks from street lines shall be required:
 - (A) On minor arterials, a minimum twenty five (25) foot side yard setback.
 - (B) On major arterials, a minimum forty (40) foot side yard setback.
 - (C) Notwithstanding the foregoing, during the platting process, the City Council may authorize exceptions to these special side yard requirements in instances where there exists irregular or jogged right-of-way lines, or other such special circumstances.

SECTION 550.8: Minimum rear yard setback

- (a) Generally. The location of buildings shall comply with the minimum rear yard setback standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.
- (b) Permitted obstructions. Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lot, except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features of the main building projecting no more than two (2) feet into the required rear yard.
- (c) Nonresidential buildings. No rear yard shall be required for nonresidential buildings if an alley is located adjacent to the rear lot line. In the “M-1” or “M-2” district where rail lines exist at the rear of lots or tracts occupied by industrial or commercial buildings, the buildings may be located for direct service by rail transportation.
- (d) Accessory buildings. Detached accessory buildings may be located within a required rear yard, subject to Article V DIVISION 5 Section 551.2, Accessory Buildings.

In the “R-1S”, “R-1”, “R-2”, “R-TH”, “R-3” or “R-MH” District accessory buildings shall not occupy more than thirty percent (30%) of the required minimum rear yard area. Accessory buildings shall be a minimum of ten (10) feet from the main use building. In the “R-1”, “R-2”, “R-TH”, “R-3”, “R-DT”, or “R-MH” District no accessory building shall be

more than one (1) story high.

- (e) Special regulations for residential districts. In all residential zoning districts, including agricultural, the following building setbacks from street lines shall be required:
 - (1) On minor arterials, a minimum twenty five (25) foot rear yard setback.
 - (2) On major arterials, a minimum forty (40) foot rear yard setback.
 - (3) Notwithstanding the foregoing, during the platting process, the City Council may authorize exceptions to these special rear yard requirements in instances where there exists an irregular or jogged right-of-way line, or other such special circumstances.

SECTION 550.9: Maximum Lot Coverage

- (a) Generally. The size of buildings shall comply with the maximum lot coverage standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.
- (b) Measurement. Lot coverage refers to the percentage of the lot area covered by the foundation or first floor of the main and all accessory buildings.

SECTION 550.10: Minimum Building Size

- (a) Generally. The size of buildings shall comply with the minimum floor area ratio (FAR) standards contained in the district, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.
- (b) Measurement. Floor area refers to the total of the horizontal area of each floor, measured from the outside face of the building walls. Floor area ratio (FAR) refers to the ratio of the total floor area on a lot to the area of the lot.

SECTION 551.1: Maximum Height

- (a) Generally. The height of buildings and structures shall comply with the maximum height standards contained in the district regulations, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this Ordinance.
- (b) Measurement. Height refers to the vertical distance of a building or structure measured from the average established grade at the street line or from the average natural front yard

ground level, whichever is higher. Height may be measured in either feet or number of stories. Where the district regulations establish height standards in both feet and number of stories, buildings and structures shall comply with both standards as follows:

- (1) Height, when measured in feet, shall be measured to the highest point of the roof surface if a flat surface, the deck line of mansard roofs or the mean height level between eaves and ridges for hip and gable roofs. If the street grade has not been officially established, the average front yard shall be used for a base level.
 - (2) Height, when measured in stories, shall not include cellars or basements where more than one-half of the height of the story is below average grade.
- (c) Permitted exceptions. The calculation of building height shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding fifteen (15) feet in height
- (d) Additional height. Additional height above that permitted by district regulations may be granted by the planning and zoning commission at the time of site plan approval, and the planning and zoning commission may require that the front, side and rear yards be increased above the minimum requirements to mitigate the impacts of such increased height.

Public, semi-public or public service buildings, hospitals, institutions of schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from its established set back at least one (1) foot for each two (2) feet additional height above the height limit otherwise provided in the district in which the building is located.

SECTION 551.2: Accessory Buildings

- (a) Generally. Attached accessory buildings shall conform to the regulations applicable to the main building to which they are attached.
- (1) Number area. Except in A-1: General Agricultural Zoning Districts, no more than two (2) accessory buildings may be placed on any residential lot. In no case shall the combined area of the primary structure and accessory buildings exceed the maximum percentage of lot coverage allowed for the zoning district in which the structures are located. Accessory dwellings are not subject to these regulations and shall be governed by other provisions of this Ordinance.

- (2) Barns and stables. Barns and/or stables directly associated with the support of a bona fide agricultural use of the property shall be limited in area to that allowed by the building code for their use and construction type, but in no case shall the combined floor area of the primary use and all accessory buildings exceed the maximum percentage of lot coverage allowed for in the district. Such barns and/or stables shall not be located within fifty (50) feet of any property line.
 - (3) Location. Accessory buildings must be located at least five (5) feet from any other building or structure on the property.
 - (4) Walls abutting property line. When accessory buildings are constructed less than five (5) feet from any property line, no windows, doors or other penetrations of the exterior wall shall be allowed in the wall abutting that property line.
- (b) Setback requirements.
- (1) Detached accessory buildings less than one hundred twenty (120) square feet shall be subject to the following regulations, in addition to any applicable regulations of this Ordinance.
 - (A) Generally.
 - (i) No accessory building shall be located within any easement.
 - (ii) No accessory building may be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of storm water flows.
 - (B) Front. Accessory buildings shall not be located closer to the front property line than the primary building or the front yard setback requirement for that zoning district, whichever is greater.
 - (C) Side. Accessory buildings shall be set back a minimum of five (5) feet from the side property line. When accessory buildings are placed on corner lots adjacent to an exterior side yard setback, the accessory building shall be required to adhere to the exterior side yard setback established for the primary structure. Garages detached or attached to the main use building entering on the side street of a corner lot shall maintain a side yard of twenty five (25) feet in the front of the garage.
 - (D) Rear. There need be no rear setback for accessory buildings where lots abut an

alley. Where lots do not abut an alley, the rear setback shall be in accordance with district regulations.

- (E) Height. Accessory buildings shall be limited to a height of not more than fifteen (15) feet.
 - (F) Permit. A building permit shall be required. Accessory buildings thirty six (36) square feet or less do not require a permit but must meet all other regulations of the Ordinance.
- (2) Detached accessory buildings one hundred twenty (120) square feet or larger shall be subject to the following regulations, in addition to any applicable regulations of this Ordinance.
- (A) Generally.
 - (i) No accessory building shall be located within any easement.
 - (ii) No accessory building may be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of storm water flows.
 - (B) Front. Accessory buildings shall not be located closer to the front property line than the primary building or the front yard setback requirement for that zoning district, whichever is greater.
 - (C) Side. Accessory buildings shall be set back a minimum of five (5) feet from an interior side property line. When accessory buildings are placed on corner lots adjacent to an exterior side yard setback, the accessory building shall be required to adhere to the exterior side yard setback established for the primary structure. When accessory buildings are constructed less than five (5) feet from a side property line, no windows, doors or other penetrations of the exterior wall shall be allowed in the wall abutting the side property line. Where a garage or carport is designed to be entered from a side street, the structure shall be set back not less than twenty five (25) feet from the exterior side property line.
 - (D) Rear. There need be no rear setback for accessory buildings where lots abut an alley. Where lots do not abut an alley, the rear setback shall be a minimum of five (5) feet. Where a garage or carport is designed and constructed to be entered from an alley or street at the rear of a lot, such garage or carport shall be set back not less than twenty five (25) feet from the rear property line.

- (E) Height. Accessory buildings shall be limited to a height of not more than twenty (20) feet.

Exception. Accessory building located in A-1: General Agricultural Zoning Districts shall be no more than thirty five (35) feet to the peak of the roof.

- (F) Roof.

- (1) The minimum roof slope shall be three (3) to twelve (12) feet.

Exception. Metal carports and engineered metal buildings.

- (2) The color and materials of the roof of the accessory building must closely resemble the color and materials of the roof of the main building.

- (G) Exterior walls. Accessory buildings over three hundred (300) feet in area must have exterior walls that are at least the same masonry content required of the main structure. The masonry used on the accessory building shall closely resemble the masonry used on the main building.

- (H) Permit. A building permit shall be required.

SECTION 551.3: Application of Regulations to the Uses of a More Restricted

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 set forth in the regulations of the more restricted District, unless otherwise specified.

SECTION 551.4: Residential Uses Restricted to Residential Lots

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 non-residential purposes except that one (1) accessory residential unit may be provided for a night watchman, motel manager, or similar purpose where essential to the main use of the lot.

SECTION 551.5: Division of Lots

An improved lot shall not hereafter be divided into two (2) or more lots unless all lots resulting from such division comply with all the applicable yard, space, area, parking and loading regulations of the Zoning District in which it is located.

SECTION 551.6: Use of Setbacks

No building, structure, or improvement shall be permitted to encroach upon required setbacks set forth in the provisions of this Ordinance; provided, however, that surfaced parking facilities, sign, fences, and gasoline pumping services units may be permitted to occupy required yard space unless otherwise prohibited in those Districts permitting such improvements and provided that no inoperative vehicle may be stored in the front or side setback of a lot in a Residential District.

SECTION 551.7: Street Access

No principle building shall hereafter be constructed on a lot which does not abut a public dedicated street.

SECTION 551.8: Trailers and Commercial Vehicles, Storage and Parking in Residential Districts

- (a) Commercial vehicles, trailers of all types, including travel, camping and hauling trailers, and manufactured homes 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 following provisions:
 - (1) No more than one (1) commercial vehicle per lot shall be permitted.
 - (2) Any commercial vehicle lawfully parked under this Section shall not exceed one and one-half (1½) tons rated capacity.
 - (3) No commercial vehicle shall be used for hauling explosives.
 - (4) No more than two (2) camping, travel, or hauling trailer per lot shall be permitted, and only one (1) shall be permitted in front of the front yard building line.
 - (5) Any trailer parked in front of the front yard building line shall be parked on an all-weather surface such as asphalt, concrete, or other similar permanent hard surface material.
 - (6) Any trailer lawfully parked under this Section shall not exceed thirty-two (32) feet in length.
 - (7) Any trailer lawfully parked under this Section shall not exceed nine (9) feet in width.

- (b) No trailer of any type, including travel, camping and hauling shall be occupied either temporarily or permanently while it is parked or stored in any area within the City Limits.
- (c) No commercial vehicles, trailers of any type, including travel, camping and hauling trailers, or manufactured homes shall be parked on a City right-of-way, City easement, drainage area, roadway, road, alley, street curb, sidewalk or fire lane for any period of time.

SECTION 551.9: Hobby, Race, or Rally Vehicle Repair (Major or Minor), Storage and Parking in Residential Districts

- (a) All hobby, race, or rally vehicle repairs (Major or Minor) in any residential district shall be: (1) performed in an enclosed building, or (2) screened from public view by a landscape buffer or opaque fence. Each hobby, race, or rally vehicle repair shall also be performed behind the front yard building line. Only one (1) hobby, race, or rally vehicle repair per lot is permitted at any given time. Any noise audible at the property line associated with the repair shall be restricted to the hours between 8:00 am and 8:00 pm.
- (b) No more than one (1) hobby, race, or rally vehicle per lot shall be permitted in any residential district. Said hobby, race, or rally vehicle shall be located behind the front yard building line and shall be: (1) in an enclosed building, or (2) screened from public view by a landscape buffer or opaque fence.

SECTION 551.10: Display in Commercial and Industrial Districts

Commercial vehicles and trailers of all types may be displayed in such Business Districts allowing sales of said vehicles or in such Industrial Districts allowing their manufacture; provided, however, said vehicles may not be used for advertisement purposes unless it is advertisement for the business granted to the lot in which it sets on; and may not be used for dwelling purposes either temporarily or permanently.

SECTION 551.11: Mailboxes

- (a) Along streets and roadways with less than twenty four (24) feet of improved driving surface, mailboxes serving single-family residences shall not be placed closer than twelve (12) feet from the centerline of the improved surface. An all-weather driving surface of asphalt, concrete crushed stone, or other material as approved by the City shall be placed so as to provide access to the mailbox. Maintenance of the mailbox and driving surface shall be the sole responsibility of the property owner. A light reflective device shall be affixed to each side of the supporting structure of the mailbox which faces in the direction of traffic.

- (b) Along streets and roadway with twenty four (24) feet or more of improved driving surface, mailboxes serving single-family residences may be placed adjacent to the roadway or at the back of the curb.
- (c) A building permit shall not be required; however, the location of the mailbox must be approved by the building official or authorized representative prior to construction of the mailbox.

SECTION 552.1: Commercial Activities

- (a) Permanent structure required. Except as herein provided, every business within the City must be operated out of a permanent, stationary, site-built building. Temporary buildings used for educational purposes by the school district are, however, permissible.
- (b) Temporary construction structures. Temporary buildings and building material storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a temporary permit issued by the building official for a period not exceeding the period of construction. Upon completion or abandonment of construction, such field offices and buildings shall be removed at the owner's expense.
- (c) Temporary sales structures. Temporary buildings for temporary sales offices, and temporary off-street parking areas, may be permitted in conjunction with new home sales. Such uses may not be placed on-site until public improvements are accepted by the City Council, or in the case of developed sites where improvements exist, until a permit is issued. Such structures and parking areas shall be removed when the subdivision is sold out. One temporary sales office is permitted per builder in a subdivision.
- (d) Used car sales. It shall be prohibited to place on lots any vehicles, including automobiles, boats, lawn equipment, all-terrain vehicles, or other similar items, for sale or lease, unless the sale of such items are permitted within the district and there is a current certificate of occupancy for the location. Provided however, that this prohibition shall not apply to the sale, by owner, of a private vehicle, boat, trailer, or recreational vehicle, provided such is in operating condition, and when parked, is parked on an all-weather surface on the owner's residential property.
- (e) Portable buildings or structures. Portable buildings or structures, including but not limited to cargo boxes or tractor-trailers, are not permitted for use as commercial or business operations. Provided, however, that such may be used as accessory structures for storage for a main business. The number and location of such structures are subject to a site development plan review and approval. Manufactured homes or recreational vehicles are

not permitted to be used as accessory buildings.

- (f) Restroom facilities. Every business within the City must provide permanent restroom facilities on-site available for use by the customers of that particular business. These facilities shall be located within the same building as the business. Restroom facilities shall be in compliance with all applicable State, County and City building and health code provisions, including restroom facilities for handicapped individuals, for the size and type of business to be conducted at that location.

SECTION 552.2: Outdoor Sales

Outdoor sales, unless otherwise authorized by this Ordinance, shall be permitted in “B” or “M” district for commercial or business purposes, accessory to the principal use, only under the following conditions and procedures:

- (a) Permit required. No person shall conduct outdoor sales either in the open or under a tent or other temporary cover for commercial or business purposes without first obtaining a permit under this section.
- (b) Application for permit. Any person desiring to conduct outdoor sales shall apply to the Zoning Official for a permit. The application shall state: the name of the person conducting the activity; the proposed location; the name of the owner of the property where the sales are to be located; the nature of the intended activity; and the proposed dates of use; and other pertinent information on the form. A copy of the activity's sales tax certificate shall also be submitted prior to issuance of a permit. A site development plan shall also be submitted to the Zoning Official containing all information required by the zoning Ordinance for administrative review. The City reserves the right to require additional information or verifications, such as health permits, depending upon the type of business and regulatory oversight by other governmental entities.
- (c) Fee. The Zoning Official shall charge and collect a fee before issuance of a permit, in an amount set by the City Council. If the activity ceases, closes, or is terminated for any reason prior to the expiration of the permit, there shall be no refund of the required fee.
- (d) Zoning compliance required. Outdoor sales will be allowed for commercial or business purposes only at locations which are properly zoned for the nature of commercial or business activity to be conducted at that location. Further, all outdoor sales activities must comply with the setback requirements, parking requirements and other standards in City Ordinances.

- (e) Number of permits. There shall not be more than three (3) permits issued to a person or business, or for a location, within a calendar year, nor shall the aggregate period of outdoor sales within a calendar year exceed seventy-five (75) days.
- (f) Removal. The permittee must remove all items, tents, and materials used for the conduct of the outdoor sales from the location on or before the final day of the permit period.
- (g) Compliance with all codes. All tents or other coverings and materials used for commercial and business purposes must otherwise comply with all applicable fire, safety, and other codes in effect during the dates of the permitted activity.
- (h) Posting. A copy of the permit shall be conspicuously posted at or upon the entrance to the outdoor sales activity at all hours during the approved dates of the activity.
- (i) Operating without a permit; false information. Any person or entity conducting outdoor sales for commercial or business purposes without complying with this article, or who gives false, misleading, or incomplete information on an application, shall within one (1) day of notice of violation obtain the required permit for a fee in an amount which shall be triple the normal fee, or immediately cease and desist from all activity covered by this article, and remove the outdoor sales activity from the premises before midnight of that day.
- (j) Existing outdoor sales. Any person conducting outdoor sales on the effective date of this provision is required to be permitted pursuant to this section and must either apply for and receive a permit, or cease the use and remove the activity no later than 5:00 p.m. ninety (90) calendar days after the effective date of this section.
- (k) Outdoor sales in parking areas. Outdoor sales activities within any parking lot shall not be permitted if the proposed area is not within an enclosed and well-defined area, is within a required parking/paving setback area, reduces the capacity of the parking area below that required by this Ordinance, or occupies an area greater than twenty (20) percent of the ground floor area of the building or tenant space.
- (l) Exceptions. This article shall not apply to conducting of outdoor sales or commercial activity by a governmental entity, public utility, or tax exempt not-for-profit organization formed for education, philanthropic, scientific, or religious purposes, where any proceeds and profits are designed to be contributed to such entity conducting the activity, or where the activity occurs on property owned by a governmental entity. However, such entities and organizations shall comply with all other Ordinances and laws applicable to their activity, and no such activities shall be allowed on the public rights-of-way.

SECTION 552.3: Outdoor Displays of Merchandise

Outdoor displays of merchandise by retail businesses shall be allowed, if the display involves items for sale by a commercial retailer located within a permanent structure. Such displays may not cover more than half of the width of the pedestrian walkway between the storefront and the curb, unless other accommodations for pedestrian travel satisfactory to the Zoning Official are made.

SECTION 552.4: Special Events

All special events, within any district, must apply for and obtain a permit through the City of Nolanville and have emergency access and provide adequate parking.

DIVISION 6 – Parking Regulations

SECTION 560.1: General Standards – Off-Street Parking and Loading Requirements

- (a) Whenever a structure is erected, converted, or structurally altered for a single-family dwelling, a minimum of (2) parking space shall be provided and maintained on the lot for the building. Such parking spaces shall be arranged on the lot so as to permit satisfactory ingress and egress of an automobile and such parking space shall be in addition to driveway and shall be surfaced and maintained with an all weather surface such as asphalt, concrete or other similar permanent hard surface material sufficient to prevent mud, dust, loose material, and other nuisances. Parking in the yard is prohibited.
- (b) Whenever a structure is erected, converted, or structurally altered for a two-family or multi-family dwelling, two (2) parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking spaces shall be arranged on the lot so as to permit satisfactory ingress and egress of an automobile and such parking space shall be in addition to driveway and shall be surfaced and maintained with an all weather surface such as asphalt, concrete or other similar permanent hard surface material sufficient to prevent mud, dust, loose material, and other nuisances. Parking in the yard is prohibited.
- (c) Whenever a structure is erected, converted, or structurally altered for a business use (B-1, B-2, B-3, B-4, M-1 or M-2) it shall provide parking spaces and loading berths and shall be surfaced and maintained with an all-weather surface such as asphalt, concrete or other similar permanent hard surface material sufficient to prevent mud, dust, loose material, and other nuisances.

- (d) Parking spaces and loading berths required herein, together with aisles and maneuvering areas, enclosed or unenclosed shall be surfaced and maintained with an all-weather surface such as asphalt, concrete or other similar permanent hard surface material sufficient to prevent mud, dust, loose material, and other nuisances. Required spaces and berths shall be connected by an all-weather permanently surfaced driveway to a public street or alley.
- (e) In determining the required number of parking spaces, fractional spaces shall be rounded to the next higher whole space. Parking spaces located in buildings used for repair garages or auto laundries shall not be counted as meeting the requirements of minimum off-street parking.
- (f) The floor area of buildings already devoted to off-street parking of vehicles shall be excluded from the total floor area when computing requirements for off-street parking.
- (g) For sites with more than one (1) use, or for adjacent sites served by a common parking facility, the parking requirements shall be the composite or sum of the requirements for each use or site.
- (h) Off-street parking facilities complying with those regulations shall be provided for any new building constructed and for any new use established. Off-street parking facilities complying with these regulations shall be provided for any addition or enlargement of an existing building or use or any change in occupancy or manner of operation that would result in additional parking spaces being required. If sufficient parking does not exist on a lot site, the number spaces required meeting the needs of both the existing and new building or use shall be provided.
- (i) Parking facilities being used for off-street parking on the effective date of this Ordinance shall not be reduced in capacity to less than the number of spaces prescribed, or altered in design or function to less than the minimum standards prescribed herein.
- (j) All required parking facilities shall be maintained for the duration of the use requiring such areas. Those facilities shall be used for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one (1) ton in capacity, exclusively. They shall not be used for the sale, display, or storage of merchandise, or for the storage display, or repair of vehicles or equipment.
- (k) All required parking facilities shall be located on the same site as the use for which such facilities are required.
- (l) The following provisions for off-street parking shall apply to all parking adjacent to a

public thoroughfare:

- (1) Parking spaces so situated that the maneuvering of a vehicle in entering or leaving such space is done on a public street or alley shall not be classified as off-street parking in computing any parking requirements herein, except Districts “R-1S”, “R-1”, “R-DT”, “R-2”, “R-TH”, “R-MH”.
- (2) All such parking facilities in existence at the time of the enactment of these regulations are hereby declared to be nonconforming use of land and subject to the provisions of the Parking Regulations in this Section.
- (m) No off-street parking space or loading berth shall be located either in whole or in part of any public street, sidewalk, parkway, alley, or other public right-of-way, or within any fire lane required by Ordinance or code of the City. Maneuvering areas located adjacent to a public street shall be computed from the curb line of the street.
- (n) Lighting to the maximum extent, shall be so arranged as to be reflected away from property zoned or used for residential purposes.
- (o) No publicly owned property may be considered in determining whether or not any private property meets the parking and loading requirements of this Ordinance.
- (p) No entrance or exit to any parking facility for any property in a business or manufacture zoning district shall be located within fifty (50) feet of any intersection of any public streets.
- (q) Compact vehicle spaces may be provided in any parking facility required by this regulation; however, no more than twenty-five percent (25%) of the total parking spaces required may be designed for compact vehicles and they must be signed and marked for compact vehicles.

SECTION 560.2: Design Standards

- (a) The following design standards shall be observed for off-street parking spaces and loading berths.
 - (1) Each space shall consist of a rectangular area designed in accordance with Table A. Each space shall have a vertical clearance of not less than seven point five (7.5) feet and each space shall be independently accessible. Single family residence parking spaces are exempt from independent access, i.e., in-line parking is acceptable.

- (2) Each parking space designed for use by the handicapped shall consist of a rectangular area of not less than twelve point five (12.5) feet wide and twenty (20) feet long, with a vertical clearance of seven point five (7.5) feet, shall be located on a grade not to exceed a two percent (2%) slope, and shall be located near and convenient to a level or ramped entrance to the building. Parking spaces for the handicapped shall be signed and restricted for use by the handicapped.
 - (3) Each off-street loading berth shall consist of a rectangular area not less than ten (10) feet wide and forty (40) feet long, with a vertical clearance of not less than fifteen (15) feet.
 - (4) Each parking space or loading berth shall have adequate drives, aisles, turning and maneuvering space for access and usability, and shall at all times be connected to a public street.
- (b) All parking space or loading berth shall have adequate drives, aisles, turning and maneuvering space for access and usability, and shall at all times be connected to a public street or alley.
- (c) In determining whether to approve an adjustment under this section for parking located in a common, continuous parking facility, intended to meet the needs of all users. When any adjustment is authorized, off-site parking shall not be permitted.
- (1) The characteristics of each use and the differences in projected peak parking demands including day and/or hours of operation.
 - (2) Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers, or residents of the uses served.
 - (3) Potential improvements in parking facility design, circulation and access afforded by a joint parking facility.
 - (4) The report and recommendation of the City Planning and Zoning Commission.

SECTION 560.3: Safety Features

Parking and loading facilities shall meet the following standards:

- (a) Safety barriers, protective bumpers, or curbing, and directional markings shall be provided to ensure safety, promote efficient utilization, protect landscaping, and prevent

encroachment onto adjoining public or private property.

- (b) Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual spaces, when circulating within a parking facility, and when entering or exiting a parking facility.
- (c) Internal circulation patterns and the location and direction of all access drives, shall be designed and maintained in accordance with accepted principals of traffic engineering and traffic safety.

SECTION 560.4: Noise

Areas used for primary circulation, for frequent idling of vehicle engines, or for loading or unloading activities, shall be designed and located to minimize the noise impact on adjoining properties, including provisions for screening or sound baffling when required.

SECTION 560.5: Adjustments

For a use or a site subject to review or a Special Use Permit, the minimum requirements of Tables A and B may be adjusted in their application, provided such change is determined by the City to provide improved design, usability, attractiveness, and protection to the adjoining uses, in a manner equal to or greater than the specific requirements of this section.

SECTION 560.6: Location: Off-Site or Remote Parking

- (a) The City may approve locating a portion of the required parking for a use on another site when both primary use and the remote parking are located in an area zoned, used, or platted for commercial use.
- (b) Off-site parking shall be located within three hundred (300) feet of the use for which it serves, measure as the shortest practical walking distance from the nearest off-site parking space to the nearest entrance of the building or use it serves.

SECTION 560.7: Determining Approval

In determining whether to approve off-site parking, the City shall consider all relevant factors including but not limited to:

- (a) The location of the use and the proposed off-site parking.
- (b) Existing and potential parking demand created by other uses in the vicinity.

- (c) The characteristics of the use, including employee or customer parking demands, hours of operation and projected convenience and frequency of use of the off-site parking.
- (d) Adequacy, convenience, and safety of pedestrians between off-site parking and the use.
- (e) Traffic patterns on adjacent streets, and proposed access to the off-site parking.
- (f) The report and recommendations of the City Planning and Zoning Commission.

SECTION 560.8: Written Authorization Sometimes Required

The City may require a written agreement of the owner or owners of the off-site parking area authorizing the use of the off-site parking in such a manner as to assure the continued availability and usability of any off-site parking.

SECTION 560.9: Adjustments: Parking for Mixed Use Developments

The City may authorize an adjustment in the total parking requirements for separate uses located on the same site, or for separate uses located on adjoining sites and served by a common parking facility, pursuant to this section. A request for such adjustment shall require the submission of a site plan and a detailed report addressing the relevant factors.

SECTION 560.10: Handicapped Facilities

Exclusive of one and two family residential, and multi-family under six (6) units, in each parking facility a portion of the total parking spaces shall be specifically designed, located, and reserved for vehicles licensed by the State for use by the handicapped, according to the latest adopted addition of the Building Code.

SECTION 561.1: Number of Parking Spaces

- (a) Parking facilities for each use shall be provided in accordance with the minimum requirements as set forth in Table B.
- (b) The off-street parking requirements for a use not specifically listed herein shall be the same as required for a use of similar nature as determined by the City.
- (c) All commercial or manufacture uses shall provide parking spaces, in addition to those provided herein, to accommodate all trucks and other vehicles used in connection therewith.

SECTION 561.2: Off-Street Loading Requirements

- (a) Any use that receives or distributes materials or merchandise by vehicle shall provide off-street loading spaces in accordance with the following requirements:
 - (1) In districts zones “B-1”, “B-2”, “B-3”, and “B-4”, one (1) loading space shall be provided for the first fifteen thousand (15,000) square feet of floor area in the building, and one (1) additional space for each fifteen thousand (15,000) square feet or fraction thereof of floor space.
 - (2) In districts zoned “M-1” and “M-2” one (1) off-street loading space shall be provided for each ten thousand (10,000) square feet or fraction thereof floor space in the building.
- (b) The following shall be applied in computing the number of off-street loading spaces that are required.
 - (1) Off-street loading spaces shall be provided for any new building constructed and for any new use established exclusive of residential use. Off-street loading spaces shall be provided for any addition or enlargement of an existing building or use or any change in occupancy or manner of operation that would require the additional loading spaces.
 - (2) The required loading space shall be located on the same lot or tract as the use that requires the loading space. All required loading spaces shall be maintained for the duration of the use required such areas. They shall not be used for the sale, display, or storage of merchandise, or for the storage, display, or repair of vehicles or equipment.

**TABLE A
PARKING FACILITIES DESIGN**

PARKING PATTERN	MANEUVERING LANE WIDTH		PARKING SPACE WIDTH	PARKING SPACE LENGTH	TOTAL WIDTH OF 2 TIERS OF SPACES AND MANEUV. LANE	
	ONE WAY	TWO WAY			ONE WAY	TWO WAY
PARALLEL	12'	20'	8.5'	25' (22')	29'	37' (34')
45°	12'	20'	9' (8.5')	21' (16.5')	34' (45')	60' (53')
60°	13'	22'	9' (8.5')	20.5' (16.5')	54' (45')	63' (55')
90°	15'	24'	9' (8.5')	20' (16.5')	55' (48')	64' (57')

NOTE: Compact car spaces are listed in parenthesis where applicable.

*Measured perpendicular to length of vehicle

** Measured perpendicular to length of maneuvering lane.

TABLE B

PARKING AND DRIVEWAY REQUIREMENTS

USES	NUMBER OF SPACES	REQUIRED FOR EACH	ADDITIONAL REQUIREMENTS
RESIDENTIAL			
Single Family	2	Dwelling Unit	10' X 20' (min) OPEN OR ENCLOSED
Two-Family/Multi Family	2	Dwelling Unit	10' X 20' (min) per space concrete surface
Hotel, Motel, or Tourist Court	1 ½	Guest room or residence unit	
INSTITUTIONAL AND SPECIAL			
A. Community or Welfare Center	1	200 Square feet of floor area	
B. School – Public or Private			
1. Elementary	1	Staff member including cooks and custodians	One extra space for each 50 students for visitors.
2. Middle School	1	Staff member including cooks and custodians	One extra space for each 25 students for visitors
3. High School	1	Staff member including cooks and custodians	One extra space for each 5 students for visitors
C. College or University	1	4 day students	
D. Kindergarten, Day Care, Nursery	1	Staff Member	One space extra for each 25 students-minimum of 3 visitors
E. Church	1	Three (3) seats in sanctuary or auditorium	
F. Hospital	1	Three (3) beds	
G. Sanitarium, Convalescence Home or Home for the aged	1	Four (4) beds	
H. Retirement Center	1	Residence or Apartment	
I. Library	1	350 sq. ft. of floor area	
J. Fraternity or Sorority	1 ½	Two members of residence	
K. Student Religious Center	1	250 sq. ft. of floor area	
L. Mortuary, Funeral Chapel	1	Three (3) seats in chapel	
RECREATIONAL AND ENTERTAINMENT			
A. Place of Assemble	1	Three (3)seats	
B. Theater	1	Three (3) seats	

C. Bowling Alley	4	Lane	1 per 300 sq. ft. of floor area of lane area
D. Tavern, Night Club, Dance Hall	1	25 sq. ft. of floor area	
E. Commercial Amusement (outdoor)	1	400 sq. ft. of site area exclusive of buildings	
F. Commercial Amusement (indoor)			
1. Bingo Hall	1	20 sq. ft. of floor area	
2. Video Arcade	1	75 sq. ft. of floor area	May be reduced to 1 per 100 when in conjunction with outdoor amusement
3. Billboard or Pool Hall	1	75 sq. ft. of floor area	
G. Ballpark, stadium	1	3 seats	
H. Lodge, Fraternal Organization	1	150 sq. ft. of floor area	
PERSONAL SERVICE AND RETAIL			
A. Personal Service Shop	1	150 sq. ft. of floor area	
B. Retail Stores or Shops (inside)	1	150 sq. ft. of floor area	
C. Furniture Store	1	1000 sq. ft. of floor area	
D. Retail Stores or Shops (outside)	1	500 sq. ft. of floor area	
FOOD AND BEVERAGE SERVICE			
A. Restaurant			
1. Inside Service	1	100 sq. ft. of floor area	
2. Carry Out	1	200 sq. ft. floor area	Minimum 4 spaces
3. Service to Auto	1	100 sq. ft. of floor area	Minimum 12 spaces
BUSINESS SERVICE			
A. Bank	1	300 sq. ft. of floor area	
B. Savings and Loan or Similar Institution	1	300 sq. ft. of floor area	
C. Medical, Dental, Clinic or Office	1	250 sq. ft. of floor area	
D. Other Office, Business or Professional	1	250 sq. ft. of floor area	
AUTOMOTIVE			
A. Service Station			

1. Full Service	1	200 sq. ft. of floor area	Minimum 20 spaces
2. Self Service	1	300 sq. ft. of floor area	Minimum 15 space
B. Auto Repair Garage or Shop (inside)	1	500 sq. ft. of floor area	Minimum 5 per bay
C. Auto Parts Sales	1	800 sq. ft. of floor area	Minimum 10 spaces
D. Vehicle or Machinery Sales (indoor)	1	400 sq. ft. floor area	Minimum 5 spaces
E. Vehicle or Machinery Sales (outdoor)	1	1000 sq. ft. of site area exclusive of building	
F. Car Wash	5	Service lane	
STORAGE, WHOLESALE, AND MANUFACTURING			
A. Lumber or Brick Yard or Similar Area	1	4000 sq. ft. of yard area exclusive building	Plus spaces to accommodate all trucks and other vehicles used in connection therewith
B. Open Storage of Sand, Gravel or Petroleum	1	4000 sq. ft. of site area	Plus spaces to accommodate all trucks and other vehicles used in connection there with
C. Warehouse and Enclosed Storage	1	2000 sq. ft. of floor area	Plus spaces to accommodate all trucks and other vehicles used in connection therewith
D. Wholesale or Manufacture Operations	1	800 sq. ft. of floor area	Plus spaces to accommodate all trucks and other vehicles used in connection therewith
E. Freight Docks	1	1000 sq. ft. of floor area	Plus spaces to accommodate all trucks and other vehicles used in connection therewith.

NOTE: Floor area in this Ordinance refers to the total floor area of a building with each story measured separately.

DIVISION 7 – Performance Standards

SECTION 570.1: Applicability

All uses in any district of the City shall conform in operation, location and construction to the performance standards specified in this division for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, vibration and open storage.

SECTION 570.2: Noise

- (a) Generally. At no point on the bounding property line of any use in any district shall the sound pressure level of any use, operation or plant exceed the standards specified in this division. For the purposes of this division, the bounding property line shall be interpreted as being at the far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) parcels of property shall be interpreted as the bounding property line.
- (b) Standards. The maximum permissible octave band-decibel limits at the bounding property line in any district shall be as shown in the following tables. Sound level may be measured in frequency bands as shown by Table C or by Table D as follows:

Table C Preferred Frequencies		Table D Octave Band Frequencies	
Center Frequency (cycles per second)	Maximum Permitted Sound Pressure Levels (decibels)	Octave Band (cycles per second)	Maximum Permitted Sound Pressure Level (decibels)
31.5	76	20—75	75
63.0	74	75—150	70
125.0	68	150—300	64
250.0	63	300—600	59
500.0	57	600—1,200	53
1,000.0	52	1,200—2,400	47
2,000.0	45	2,400—4,800	40
4,000.0	38	4,800—10,000	34
8,000.0	32		

- (c) Modifications to standards. The following corrections shall be made to the table of preferred frequencies (Table C) or octave band-decibel limits (Table D) in determining compliance with the noise level standards in any district:

Table E Noise Standard Modifications	
Type of Operation or Character of Noise	Correction in Decibels
Noise source operates less than:	
20 percent of any one hour period	Plus 5 (+5)
5 percent of any one hour period	Plus 10 (+10)
1 percent of any one hour period	Plus 15 (+15)
Noise of impulsive character (hammering, etc.)	Minus 5 (-5)
Noise of periodic character (hum, screech, etc.)	Minus 5 (-5)

- (d) Noise measurement. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noises analyzer shall be employed. The flat network and fast meter response of the sound level meter shall be used. Sounds of short duration that cannot be accurately measured with the sound level meter shall be measured with the impact analyzer.
- (1) Octave band analyzer calibrated in the Preferred Frequencies (American Standards Association S1-6-1960, Preferred Frequencies for Acoustical Measurement) shall be used with Table A.
 - (2) Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z-24-1953, Octave Filter Set) shall be used with Table B.
- (e) Exemptions. The following uses and activities shall be exempt from the noise level regulations specified in this section:
- (1) Noises not directly under the control of the property user.
 - (2) Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours).
 - (3) Noises of safety signals, warning devices and emergency pressure relief valves.
 - (4) Transient noise of moving sources such as automobiles, trucks, airplanes and railroads.

SECTION 570.3: Smoke and Particulate Matter

- (a) Opacity limit. No operation or use in any district shall cause, create or allow the emission for more than three minutes in any one hour of air contaminants, which at the emission point or with the bounds of the property are:
 - (1) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines Information Circular 7118, or in violation of the standards specified by the Texas Air Control Board Regulations for the Control of Air Pollution, as published by the State, or as such regulations may be amended.
 - (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in subsection (a)(1) of this section.
- (b) Exception to opacity limit. When the presence of uncombined water is the only reason for failure to comply with subsection (a) of this section, or when such contaminants are emitted inside a building that prevents their escape into the outside atmosphere, the standards in subsection (a) of this section shall not apply.
- (c) Open storage and processing. Open storage and open processing operations (including on-site transportation movements that are the source of wind or airborne dust or other particulate matter, and processes involving dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting) shall be so conducted that dust and other particulate matter so generated are not transported across the bounding property line of the tract on which the use is located in concentrations exceeding four grains per one thousand (1,000) cubic feet of air.

SECTION 570.4: Odorous Matter

- (a) Odor threshold. No use shall be located or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person.
- (b) Measurement. The odor threshold as set forth in subsection (a) of this section shall be

determined by observation by a person. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures as specified by American Society for Testing Materials, A.S.T.M.D. 1391-57, entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used, and a copy of A.S.T.M.D. 1391-57 is hereby incorporated into this section by reference.

SECTION 570.5: Fire and Explosive Hazard Material

- (a) Explosives. No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted in any district except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the City Manager and the Fire Chief of the City as not presenting a fire or explosion hazard.
- (b) Flammables. No storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the fire code of the City.

SECTION 570.6: Toxic And Noxious Matter

No operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the State in Threshold Limit Values Occupational Health Regulations.

SECTION 570.7: Vibration

No operation or use in any district shall at any time create earthborne vibration that, when measured at the bounding property line of the source of operation, exceed the limit of displacement set forth in the following table in the frequency ranges specified:

Table F Frequency	
Cycles per second	Displacement (in inches)
Less than 10	0.0010
10 to 20	0.0008
20 to 30	0.0005

30 to 40	0.0004
40 and over	0.0003

SECTION 570.8: Open Storage

No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an “M1” or “M-2” Manufacturing district. No open storage operation shall be located in front of a main building. No wrecking, junk or salvage yard shall be permitted as a storage use in any district.

SECTION 570.9: Glare Into Residential Properties

No use or operation in any district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

SECTION 570.10: Manufacturing Districts (M-1 and M-2) Standards

Any use constructed, established, altered, or enlarged in a Manufacturing District, after the effective date of this Ordinance shall be so operated as to comply with the following standards. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable standards hereinafter for a Manufacturing District is required.

- (a) No building shall be used for residential purposes, except a watchman may reside on the premises.
- (b) No retail sales or services shall be permitted except as incidental to or accessory to a permitted use.
- (c) No storage, manufacture, or assembly of goods shall be conducted out of a building unless the nearest point of said activity is more than one hundred (100) feet from the boundary of any Zoning District.
- (d) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District.
- (e) All manufacturing, fabricating assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, water and merchandise shall be carried on in such a manner

as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust, or other particle matter, toxic or noxious matter, odors, glare, beat, fire, or explosive hazards.

- (f) No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.
- (g) No operation or activity shall cause or create noise in excess of the sound levels prescribed below. In the “M-1” and “M-2” Districts, at no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use, operation, or activity exceed the maximum permitted decibel levels for the designated octave as set forth in Tables G and H below.

Center Frequency Cycles per Sound	Maximum Permitted Sound Pressure Level, Decibels
31.5	79
63	74
125	68
250	63
500	57
1000	52
2000	45
4000	38
8000	32

Octave Band Cycles per second	Maximum Permitted Sound Pressure Level, Decibels
20-75	75
75-100	70
150-300	64
300-600	59
600-1200	53
1200-2400	47
2400-4800	40
4800-10KC	34

- (1) For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed as the method of measurement. The flat network and the fast duration as from forge hammers, punch presses, and metal shears which cannot be measure accurately with the sound level meter shall be measured with the impact noise analyzer.
- (2) Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S 1.6-1960, Preferred Frequencies for Acoustical Measurements) shall be used with Table I. Octave band analyzers calibrated with pre-1960 octave band (American Standards Association Z24.10-1954, Octave Band Filter Set) shall use

Table II.

- (3) For impact sounds measured with the impact noise analyzer, the sound pressure levels set forth in Tables I and II may be increased by six decibels in each octave band.
- (4) The following uses and activities shall be exempt from the noise level regulations:
 - (A) Noises not directly under the control of the property user.
 - (B) Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.
 - (C) The noises of safety signals, warning devices, and emergency pressure relief valves.
 - (D) Transient noises of moving sources, such as automobile, truck, airplanes, and railroads.
- (h) No toxic matter, noxious matter, smoke gas, or odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.
- (i) Earth carried vibration shall be limited so that detection by seismograph at any property line of an industrial establishment shall not exceed a value measured and computed as follows:
 - (1) Method of Measurement: Measurement shall be made at the property line, vibration displacements shall be measure with an instrument capable of measuring in three (3) mutually perpendicular directions.
 - (2) Maximum Permissible Displacements: The following formula shall be used in computing the maximum displacements permitted in the "M-1" district: $D = K/f$. (Where D = displacements in inches, $K=.01$, f =the frequency of the vibration transmitted through the ground in cycles per second.)
- (j) Exterior lighting fixtures, wherever necessary, shall be shaded to avoid casting direct light upon property located in any Residential District.
- (k) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

- (l) No outside storage of equipment and/or material, except equipment in daily use, shall be permitted in such a location where it can be viewed from any public street.
- (m) Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

DIVISION 8 – Special Use Conditions

SECTION 608.1: Requirements

No special use shall be established and no building permit or Certificate of Occupancy (C.O.) may be issued for any use designated by this Ordinance as a special use within a zoning district until a Special Use Permit (Special Use Permit) is issued by the City. An application for a Special Use Permit shall be accompanied by a site plan prepared in the manner described in this Ordinance. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in this Ordinance. The conditions in this division apply to the listed uses when referenced in the Use Regulations of a particular zoning district of DIVISION 1 through 14 of ARTICLE IV.

SECTION 608.2: Description

A special use is a land use that, because of its unique nature, is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include a determination that the external effects of the special use in relation to the existing and planned uses of adjoin property and the neighborhood can be mitigated through imposition of additional standards and conditions. This subsection sets forth the standards used to evaluate proposed special uses and the procedures for approving a permit application.

SECTION 608.3: Status of Permitted Special Uses

The following general rules apply to all special uses:

- (a) The designation of a use in a zoning district as a special use does not constitute an authorization or assurance that such use will be approved.
- (b) Approval of a Special Use Permit shall authorize only the particular use for which the specific Special Use Permit is issued.
- (c) No use authorized by a Special Use Permit shall be enlarged, extended or relocated, nor

may the number of living unit equivalents be increased, unless an application is made for approval of a new Special Use Permit in accordance with the procedures set forth in this division.

- (d) Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, or any permits required by regional, State and Federal agencies.

SECTION 608.4: Evaluation Standards

When considering applications for a Special Use Permit, the City Planning and Zoning Commission and the City Council shall evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. Decisions shall be rendered on the basis of the site plan and other information submitted. The City Planning and Zoning Commission and the City Council shall specifically consider the extent to which:

- (a) The proposed use at the specified location is consistent with the policies embodied in the Comprehensive Plan;
- (b) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (c) The proposed use meets all supplemental standards specifically applicable to the use, as established in the Supplementary District Regulations in Article V.
- (d) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods, and (as required by the particular circumstances) includes improvements or modifications (either on-site or within the public rights-of-way) to mitigate development-related adverse impacts, including but not limited to the following:
 - (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - (2) Off-street parking areas, loading areas, and pavement type;
 - (3) Refuse and service areas;
 - (4) Utilities with reference to location, availability, and compatibility;

- (5) Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
 - (6) Control of signs, if any;
 - (7) Control of exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (8) Required yards and open space;
 - (9) Height and bulk of structures;
 - (10) Hours of operation;
 - (11) Exterior construction material, building design, and building facade treatment;
 - (12) Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets; and
 - (13) Provision for pedestrian access/amenities/areas.
- (e) The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity; and, there are no nuisances attributed to noise, odors, or dust.

SECTION 609.1: Special Event (Temporary)

A temporary use permit for a special event may be issued by the City Manager, or his or her duly appointed representative subject to the following conditions:

- (a) A legible and complete application for a permit shall be made at least fifteen (15) business days prior to the date such temporary special event shall commence operation.
 - (1) If a legible and complete application for a permit under this section is submitted less than fifteen (15) business days prior to the commencement date of any such event the applicant, specifically including nonprofit organizations, shall pay a late submittal fee in the amount of one hundred dollars (\$100.00) per day for each day or part of a day less than fifteen (15) business days before the event that the submittal is made.
 - (2) A legible and complete application for a permit under this section that is submitted

less than three (3) business days prior to the commencement date of any such event shall be subject to the foregoing late submittal fee. In addition the City makes no assurances that the review of the permit application and the issuance of the permit will be complete for any such application prior to the planned date of the event. Further, it shall be a violation of this section to commence operation of a temporary special event without first receiving a temporary special event permit.

- (3) A permit pursuant to this section shall be granted or denied by the City Manager or his or her duly appointed representative within fifteen (15) business days after submission to the City of a legible and complete permit application.
 - (4) A maximum of six (6) special event permits may be issued per year to the same address, property owner, and/or business owner.
- (b) The application for a permit shall be submitted to the City of Nolanville, and shall contain the following information in order to be considered complete:
- (1) Name, address, and telephone number of person, organization, or company conducting the event and property owner.
 - (2) Date or dates of the special event.
 - (3) Name of any and all food vendors participating in the event including, but not limited to, the types of foods and beverages to be offered to the public and the manner in which said foods and beverages are packaged, prepared and served.
 - (4) A legible site plan drawn to scale and/or with dimensional detail showing the location, size, number and configuration in detail of the different component parts of the temporary special event including, but not limited to, the following:
 - (A) All shows;
 - (B) Concessions;
 - (C) Amusements (specifically including, but not limited to, inflatable slides and jump houses) or rides;
 - (D) Businesses;
 - (E) Signs, including balloons or inflatable devices, that are visible from the public

right-of way

- (F) Entrances and exits;
 - (G) Parking area;
 - (H) Sanitary facilities;
 - (I) Loudspeakers or sound-amplification devices (together with an indication regarding their directional orientation);
 - (J) Any other pertinent information.
- (5) A written lease or agreement from the owner of such property granting the applicant permission to operate a temporary special event on said property during the dates of the proposed application. The written lease or agreement must be signed by the owner of such property and be properly notarized.
- (6) The approximate number of persons who are anticipated to attend and, if applicable, the number and types of animals and vehicles that will constitute such event.
- (7) Proof of public liability insurance; may be required to have a minimum combined limits of \$1,000,000.00.
- (c) The temporary special event shall be set up and operated in accordance with and pursuant to the approved site plan and any conditions imposed by the permit. Before any modifications, revisions or deletions are made that conflict with the approved site plan including, but not limited to, the addition or removal of signs, concessions vendors, amusements and rides an amended site plan shall be submitted for review and approval three (3) business days prior to commencement or continuation of the event in accordance with and pursuant to the amended site plan. Resubmittals or revised site plans shall be limited to one (1) change per event. Notwithstanding the timely submittal of the amended site plan of the special event shall not be authorized to operate in accordance with and pursuant to said amended site plan until such time as the amended site plan is approved. The amended site plan shall be approved or disapproved no later than three (3) business days after submittal.

A submittal, including a submittal for an amended site plan, shall not be reviewed until it is complete. An amended site plan shall be submitted together with all information, detail and supporting documentation as is required for the initial submission to obtain a permit. In addition, the submission of an amended site plan shall be accompanied by the appropriate

fee. Failure to pay the fee or the omission of any component required for an original submittal may result in the delay, denial or revocation of the requested permit and/or amended site plan.

- (d) Exception. A religious or educational program, presentation or fund-raising event that is contained entirely upon or entirely within the confines of private property and does not require the temporary use of or closing off of public streets, lanes or public property; does not include sales, vendors, or transferring of money; that lasts or runs for no more than eight hours on any one day and is limited to a total of two (2) consecutive days in any calendar month; and, which is planned, presented, performed, offered and sponsored by and for the sole benefit of a nonprofit entity ("exempt event") shall not be required to obtain a special event permit. The fact that an event or gathering is held on Killeen Independent School District ("KISD") property does not, in and of itself, make the event or gathering an exempt event. However, any event or gathering that is a component of, and which is specifically related to, the educational mission, programming and curriculum of KISD including KISD sponsored extracurricular activities is an exempt event. Documentation of non-profit status must be provided to the City.
- (e) Safe and orderly movement of normal traffic shall not be substantially interrupted. The City may require the permit holder to provide additional signage for traffic control and safety-related issues, as deemed necessary by staff. If any special event is located adjacent to or abutting a TXDOT-controlled road, a TXDOT sign permit must be obtained and signs must be in place before the event starts. (The specific requirement for TXDOT signs may be waived if staff determines that sufficient traffic control measures are already in place.)
- (f) The temporary special event shall not impede the movement of firefighting equipment, ambulances or any other emergency vehicle.
- (g) Waste from nondomestic animals shall be removed daily from the premises which are the subject of the site plan. Animals shall be kept at least three hundred (300) feet away from any residence or commercial establishment during non-operating hours of such event.
- (h) The application shall be reviewed and approved or disapproved by the building official, police department, and fire department as well as the City Manager, or his or her duly appointed representative for traffic control, security, fire and other health and safety related issues.
- (i) Any person or entity that seeks a permit for an event shall be required to pay all costs and expenses including, but not limited to, labor and overtime costs as well as materials, gasoline and equipment rental or usage incurred by the City to provide onsite police

protection for the event and its participants as well as any costs and expenses incurred by the City to erect and take down warning signs, cones and barricades along and about the course to be traveled by the event participants. The City may require that the person or entity seeking a permit or to whom a permit is issued post a cash bond or deposit with the City against which the City may recover all such costs and expenses. Failure to post such a cash deposit or bond may result in the denial of the permit application or revocation of a previously issued permit. Events that are sponsored entirely, or in part, by the City may, in the sole discretion of the City, be exempted from the requirement to post a cash deposit or bond for such City-sponsored event. In the event that security precautions for the event are materially different than those contained in the permit application or in the event public safety is or may be compromised, then such concerns shall first be communicated by a City representative to the permit holder or designee of the permit holder in an effort to expeditiously to resolve any such public safety concerns. In the event such public safety concerns are not adequately addressed, the City Manager or his or her duly appointed representative may revoke the permit.

- (j) Only one (1) race or rally upon and across the roads, streets and thoroughfares of the City shall be allowed per day unless otherwise approved by the City. Dates for such races or rallies shall be assigned by the police department and maintained at the Nolanville City Hall. If two (2) or more such race or rally events are planned for the same date, the special event permit will be awarded first to a race or rally event that is sponsored entirely by the City. In all other circumstances, the special event permit shall be awarded to the race or rally event that first submits a fully completed permit application for the date in question.
- (k) The permit will be valid for a maximum period of five (5) days. If the permit is issued in conjunction with a seasonal sales permit, this permit shall last for no more than three (3) days and will expire the same day as the seasonal sales permit expires.
- (l) It shall be unlawful for any person to "hawk" or waive patrons into a special event.
- (m) A special event permit may be denied if:
 - (1) A special event permit has been granted for another special event at the same place and time; or
 - (2) The proposed special event will unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available; or
 - (3) The application is incomplete; or

- (4) The applicant fails to comply with or the proposed special event will violate a City code or other applicable law, unless the prohibited conduct or activity would be allowed under this section; or
- (5) The applicant makes a false statement of material fact on an application for a special event permit; or
- (6) The applicant, or the operator of the event (the "event operator"), or the owner of the premises on which the event is planned (the "property owner") has had a special event permit revoked within the preceding six (6) months or the applicant, event operator or property owner have individually or collectively entered a plea of guilty and/or been convicted of two (2) or more violations of a condition or a provision of a special event permit or of this section within the preceding eleven (11) months; or
- (7) The proposed special event would unduly burden City services, and pose a risk to the public health, safety and welfare.

(n) The City may revoke a special event permit if:

- (1) The applicant fails to comply with or the special event is in violation of a condition or a provision of the permit or the site plan and any amended site plan, an Ordinance of the City, or any other applicable law; or
- (2) The permit holder made a false statement of material fact on an application for a special event permit; or
- (3) The special event unduly burdens City services or unreasonably disrupts the public order and poses a risk to the public health, safety and welfare.
 - (A) The applicant, event operator, and/or the property owner shall immediately, upon receiving notice that the City has revoked the special event permit, cause the event to cease operations and close and shut down all component parts of the event. At or about the same time, the applicant, event operator, and/or the property owner shall ask or direct all customers, visitors and patrons to leave the premises on which the event is being held.
 - (B) The applicant, event operator, and/or the property owner may appeal the revocation of the special event permit to the City Manager by filing a written request for appeal of said revocation with the City Secretary's Office, the City Manager's Office and the department that revoked said permit within three (3)

calendar days after the permit was revoked.

- (C) The written request for appeal shall identify the contact person for the special event and provide the contact person's telephone number, e-mail address and fax number to assist in scheduling a hearing on said appeal. The written request for appeal shall also state in detail what actions have been or will be taken to guarantee that the conditions which gave rise to the revocation will not recur.
 - (D) Such an appeal shall not stay the revocation of the permit or authorize the continued or renewed operation of the special event.
 - (E) The revocation appeal hearing shall, to the extent reasonably practicable, be scheduled to occur within three (3) business days after receipt of the written request for appeal. The appeal shall be heard by the City Manager or the City Manager's duly authorized representative. The applicant, event operator, or property owner may present information regarding the revocation and the actions that have been taken or will be enacted to prevent a recurrence of the conditions that led to the permit revocation. City staff shall also be allowed to present information regarding the revocation and opine regarding the continued or renewed operation of the special event with the additional conditions proposed by the applicant, event operator, or property owner.
 - (F) The City Manager shall uphold the revocation or overrule the revocation. The City Manager may also overrule the revocation and impose such additional conditions on the continued or renewed operation of the special event as the City Manager deems prudent to avoid a recurrence of the conditions that led to the permit revocation. If the City Manager overrules the permit revocation, the operation of the special event may be renewed or continued provided that any and all additional conditions for operation are enacted and observed.
 - (G) Any aggrieved party may appeal the City Manager's determination to the Zoning Board of Adjustment in the manner provided for appeals of an administrative official's decision. The special event may be renewed or continued during the pendency of an appeal to the Zoning Board of Adjustment if and only if the City Manager overrules the permit revocation and provided that any and all additional conditions for operation imposed by the City Manager are enacted and observed.
- (o) The granting of a special event permit does not relieve the applicant, event operator or property owner from complying with all other provisions of the City's Code of Ordinances

(e.g. tent permits, building permits, electrical permits, food establishment and handling permits). All other permits and licenses required by code or other law for specific activities conducted in conjunction with or as a part of the special event must be applied for separately in a form satisfactory to the City.

- (p) A person commits an offense if he/she:
- (1) Commences or conducts a special event without the appropriate permits or fails to comply with any requirement or condition of a permit or this Ordinance; or
 - (2) Participates in a special event for which a permit has not been granted, or for which a permit has been suspended or revoked; or
 - (3) Sets up or operates the special event in a manner inconsistent with the approved site plan or any subsequently approved amended site plan.

SECTION 609.2: Communication Tower, Commercial

A commercial communication tower shall comply with the following standard:

- (a) Height. The height of commercial communication towers shall be measured from the average grade of the ground adjacent to the base to the highest point on the structure. If located on a building, the height of the tower shall include the height of the building. Commercial communication towers shall not be subject to the height regulations of the district in which they are located, provided that they shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
- (b) Setbacks. The principal support structure of all commercial communication towers shall conform to the minimum setback standards of the district in which the use is located. In addition, the following setback standards shall apply to all commercial communication towers:
- (1) Commercial communication towers shall be located so as to provide a minimum distance from the tower to all property lines equal to twenty percent (20%) of the height of the tower.
 - (2) Commercial communication towers shall be set back a minimum of fifty (50) feet from any existing or planned street right-of-way line/

- (3) Commercial communication towers shall be set back a minimum of fifty (50) feet from any property line adjacent to a residential district.
- (c) Residential districts. When a commercial communication tower is proposed in or adjacent to a residential district, it shall be demonstrated that existing or approved commercial communication towers within the proposed service area cannot accommodate the equipment planned to be located on the proposed commercial communications tower. Factors to be considered in evaluating the practicality of sitting a tower would include structural capacity, RF interference, geographic service area requirements, and cost (if fees and costs for sharing would exceed the cost of the new tower).
- (d) Anchor location. Commercial communication tower peripheral supports and guy anchors may be located within required yard setbacks, provided that they shall be located entirely within the boundaries of the property on which the tower is located and shall be located no closer than five (5) feet from any property line and no closer than twenty (20) feet from a property line if the tower is adjacent to a single-family residential district or residential uses. All commercial communication tower supports and peripheral anchors shall be set back a minimum of fifty (50) feet from any existing or planned street right-of-way line.
- (e) Location of accessory structures. All structures accessory to a commercial communication tower, other than peripheral guy anchors, shall conform to the setback standards for the district in which the use is located.
- (f) Fencing. A solid fence or wall of brick, stone or approved masonry construction not less than eight feet in height from finished grade shall be constructed around each commercial communication tower and around each guy anchor, if used. Access to the tower shall be through a locked gate. Barbed wire shall be used along the top of the fence or wall if it is necessary to preclude unauthorized access to the tower.
- (g) High voltage signs. If high voltage is necessary for the operation of the commercial communication tower and, it is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE - DANGER."
- (h) Landscaping and screening. Commercial communication towers shall comply with screening requirements in that a landscape screen or wall shall be placed around the perimeter of the tower and any accessory structures, including guy anchors, provided that the screening requirement shall be waived when the base of the tower is not visible from adjacent lots or rights-of-way. Landscaping shall be placed on the outside of fences.

- (i) Additional uses permitted on lot. Commercial communication towers may be located on lots containing another principal use, and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the district in which it is located. Towers and their associated equipment shall be separated from other structures on the lot by a minimum distance of fifty (50) feet.
- (j) Aircraft hazard. Commercial communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
- (k) Shared use. To encourage shared use, all applicants for commercial communication towers shall issue and advertise for a two (2) week period a request for information (RFI) to obtain information from potential lessors.
- (l) Removal of obsolete facilities. All obsolete or unused commercial communication towers shall be removed within twelve (12) months of cessation of use.
- (m) Radiation standards. A commercial communication tower shall comply with current Federal Communications Commission standards for non-ionizing electromagnetic radiation (NIER).

SECTION 609.3: Country Club, Private

A private country club with a golf course shall only be permitted on a site with fifty (50) acres or more. A private country club without a golf course shall only be permitted on a site with twenty (20) acres or more. Such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

SECTION 610.1: Accessory Dwelling

The issuance of permits for construction and occupancy of an accessory dwelling shall be subject to compliance with the following conditions:

- (a) The accessory dwelling shall be located on the same lot/tract as the existing primary dwelling and located in a separate structure.
- (b) An accessory dwelling shall not be located on any lot/tract of less than two (2) acres.
- (c) No more than one accessory dwelling per tract or lot shall be allowed.

- (d) Accessory dwellings shall not be used as rental units.
- (e) The accessory dwelling shall be serviced by the same utility meter as the primary dwelling, and the building materials and architecture will be similar to or in concert with the primary dwelling.
- (f) The habitable floor area of the accessory dwelling shall not exceed fifty percent (50%) of the habitable floor area of the primary dwelling. The maximum habitable floor area shall not exceed two thousand (2,000) square feet.
- (g) An accessory dwelling shall conform to the same side and rear yard setbacks as provided for the primary dwelling in the zoning district in which it is located.
- (h) The front setback for an accessory dwelling shall be behind the primary structure at a point not closer than ten (10) feet from the rear wall line of the primary dwelling.
- (i) In no case shall the combined area of the primary dwelling, accessory dwelling and/or other accessory buildings exceed the maximum percentage of lot coverage allowed for the zoning district in which the structures are located.

SECTION 610.2: Kennel

No kennel shall be located within fifty (50) feet of any property line, unless it is completely enclosed and soundproofed so that no noise from the kennel is audible at any bounding property line.

SECTION 610.3: Manufactured Home Park or Dwelling

Manufactured home parks and manufactured home dwellings within a manufactured home subdivision shall be subject to the following requirements:

- (a) Manufactured home parks and manufactured home subdivisions with density exceeding one dwelling unit per two acres shall connect to the sanitary sewer system of the City. Existing manufactured home parks or manufactured home subdivisions shall not be enlarged, expanded or additional manufactured homes permitted unless the same shall be connected to the sanitary sewer system of the City.
- (b) Exterior boundaries of manufactured home parks shall be developed with a masonry wall constructed of brick, stone or other approved material having a minimum height of six (6) feet and designed in an irregular or undulating pattern to create an attractive border. The

land between the wall and the public street improvements shall be landscaped with street trees and other landscaping materials and shall be maintained by the owner of the manufactured home park.

- (c) Notwithstanding any other provision of this Ordinance, manufactured home sites in manufactured home parks and manufactured home lots within manufactured home subdivisions shall be developed according to the dimensional regulations for manufactured home dwellings set forth in ARTICLE IV, DIVISION 7 of this Ordinance.

SECTION 610.4: Sexually Oriented Business

The establishment of a sexually oriented business shall include the following:

- (a) The opening or commencement of any sexually oriented business as a new business;
- (b) The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
- (c) The addition of any sexually oriented business to any other existing sexually oriented business; or
- (d) The relocation of any sexually oriented business.
- (e) A sexually oriented business shall be in accordance with the procedures and standards of Ordinance No. 3003-07-20-2009 of the City of Nolanville as Amended.

SECTION 610.5: Transmission Pipeline

- (a) Residential lots shall not be platted into transmission pipeline easements or rights-of-way.
- (b) No building, structure, pool or spa shall be constructed in or moved into the transmission pipeline easement or right-of-way.
- (c) Limited parallel fencing may be constructed within the transmission pipeline easement or right-of-way. Cross fencing may be constructed, provided that a letter of approval is obtained from the transmission pipeline entity.

SECTION 610.6: Veterinary Hospital (Inside Pens)

An animal clinic or animal hospital is a facility where animals are given medical care and the boarding of animals is limited to short term care incidental to the hospital use. A veterinary

hospital (inside pens) shall be wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property boundary line.

SECTION 610.7: Veterinary Hospital (Outside Pens)

No veterinary hospital (outside pens) shall be located within fifty (50) feet of any property line, unless it is completely enclosed and soundproofed so that no noise from the outside pens is audible at any bounding property line.

SECTION 611.1: Package Store

The building, creation, establishment of a package store shall be subject to the conditions of this section. A Package Store shall be for sale of alcoholic beverages for off premises consumption. Any exceptions to the following conditions shall require the approval of the City Council:

- (a) The property, if located outside the commercial zone of Business Highway 190, must meet the following criteria:
 - (1) Be part of a commercial development containing a minimum of 12,000 square feet of leasable retail floor space, i.e., shopping center or mall.
 - (2) Be located a minimum of three hundred (300) feet measured from the front door of the establishment to any “R” zoned property by the most commonly traveled public roadway.
 - (3) A building or premises shall be used only for the following purposes: Sale of alcoholic beverages for off premises consumption or any uses permitted in the “B” zoning of that property.
- (b) No side yards are required except that on a corner lot, side yard on a street shall be twenty-five (25) feet. A lot abutting an “R” district shall have a side yard of no less than thirty (30) feet. A rear yard is not required except when it abuts upon and “R” district in which case there shall be a rear yard of not less than thirty (30) feet.
- (c) Where any structure is erected, reconstructed or converted for beer and wine retail sales, parking spaces shall be provided in the ratio of not less than one (1) parking spaces for each two hundred (200) square feet of floor space in the building which is used for beer and wine retail sales. Parking areas shall be off-street parking. Such parking space may be located adjacent to the building. Two (2) or more owners may join together to provide the parking space.

SECTION 611.2: Restaurant/Club

Restaurant/Club shall be subject to the conditions of this section. Any exceptions to the following conditions shall require the approval of the City Council:

- (a) Regulations and Penalties Applicable.
 - (1) During any consecutive four (4) month period, a restaurant/club must produce at least fifty-one percent (51%) of its total revenues, exclusive of tips and gratuities, from the provision of food service. Documentation of this requirement may be affidavit of a certified public accountant or by examination of the books by the City at the City's option. No more than two (2) request for such documentation shall be made of any restaurant/club during any calendar year by the City, unless good cause is shown as determined by the City Council in a hearing before the Council requested by the Mayor asking that a restaurant provide the City with the documentation requested on more than two (2) occasions during one (1) calendar year. The restaurant must be given fourteen (14) days notice of such hearing.
 - (2) The failure of any restaurant/club to allow its books to be inspected by the City or provide an affidavit of compliance from a certified public accountant within fourteen (14) days of a request being made by the City to verify that the provisions of this section are being complied with as well as the failure to obey any other provisions of the Ordinance of the City of Nolanville concerning the sale of beer, wine and/or alcoholic beverages, or the operation of a private club, or the Ordinance of the City of Nolanville, shall result in the following:
 - (A) Notification in writing mailed to owner/operator that a violation exists, and what such violation is.
 - (B) The notification shall give the owner/operator fifteen (15) days in which to correct the violation.
 - (C) If the violation is not corrected within fifteen (15) days, a fine of up to two hundred fifty dollars (\$250.00) shall be assessed for each violation. Each day the violation shall exist shall be considered as a separate violation.
- (b) No side yards are required except that on a corner lot, side yard on a street shall be twenty-five (25) feet. A lot abutting an "R" district shall have a side yard of no less than thirty (30) feet. A rear yard is not required except when it abuts upon and "R" district in which case there shall be a rear yard of not less than thirty (30) feet.

- (c) Where any structure is erected, reconstructed or converted for beer and wine retail sales, parking spaces shall be provided in the ratio of not less than one (1) parking spaces for each two hundred (200) square feet of floor space in the building which is used for beer and wine retail sales. Parking areas shall be off-street parking. Such parking space may be located adjacent to the building. Two (2) or more owners may join together to provide the parking space.
- (d) Hours of operation shall be between 6:00 am and 12:00 pm.

SECTION 611.3: Tavern

A Tavern is designed primarily to accommodate the sale of alcoholic beverages to include beer and wine for on-premises consumption. A Tavern shall be subject to the conditions of this section. Any exceptions to the following conditions shall require the approval of the City Council:

- (a) Uses Allowed. A Tavern shall be restricted to indoor areas, unless in the Special Use Permit application a request is made for outdoor area use. An Outdoor Tavern shall:
 - (1) Be enclosed by a solid fence or wall six (6) feet in height.
 - (2) Be lighted when in use. Lighting shall be sufficient to illuminate the area in use but shall not be less than six hundred (600) lumens of light for every five hundred (500) square feet.
 - (3) Have lighted fire exits in accordance with the Standard Fire Code.
 - (4) Have all required fire extinguishers equipped in accordance with the Standard Fire Code.
- (b) No side yards are required except that on a corner lot, side yard on a street shall be twenty-five (25) feet. A lot abutting an “R” district shall have a side yard of no less than thirty-five (35) feet. A rear yard is not required except when it abuts upon and “R” district in which case there shall be a rear yard of not less than thirty-five (35) feet.
- (c) Where any structure is erected, reconstructed or converted for beer and wine retail sales, parking spaces shall be provided in the ratio of not less than one (1) parking spaces for each two hundred (200) square feet of floor space in the building which is used for beer and wine retail sales. Parking areas shall be off-street parking. Such parking space may be located adjacent to the building. Two (2) or more owners may join together to provide the

parking space.

- (d) Hours of operation shall be between 11:00 am and 2:00 am.

SECTION 611.4: Tattoo Studio, Body Piercing, and Smoke Shop

A Tattoo Studio, Body Piercing Studio, and Smoke Shop service are services designed primarily to accommodate adults and shall be subject to the conditions of this section. Any Tattoo Studio, Body Piercing Studio, or Smoke Shop shall comply with the State regulations, all of which are adopted hereby and made a part hereof as if fully set out herein. Any exceptions to the following conditions shall require the approval of the City Council:

- (a) Uses Allowed. A Tattoo Studio, Body Piercing Studio, and Smoke Shop shall be restricted to indoor areas.
- (b) No side yards are required except that on a corner lot, side yard on a street shall be twenty-five (25) feet. A lot abutting an “R” district shall have a side yard of no less than thirty-five (35) feet. A rear yard is not required except when it abuts upon and “R” district in which case there shall be a rear yard of not less than thirty-five (35) feet.
- (c) Hours of operation shall be between 11:00 am and 11:00 pm.

SECTION 611.5: Gun Range (Indoor)

- (a) A gun range (indoor) shall be wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line.
- (b) Hours of operation shall be between 9:00 am and 9:00 pm.
- (c) A gun range (indoor) shall be wholly enclosed in a building in which in no case shall a projectile penetrate through the building walls.
- (d) A gun range (indoor) shall not be located within forty (40) feet of any abutting property line.

SECTION 612.1: Rodeo Grounds

- (a) Rodeo grounds and livestock pens shall not be located within fifty (50) feet of any property line.
- (b) Hours of operation for a rodeo ground shall be between 10:00 am to 9:00 pm.

- (c) There shall be emergency access and adequate parking.
- (d) Noise generated by the enterprise may not exceed seventy five (75) decibels, as measured at the property line.
- (e) No odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.

SECTION 612.2: Child Day Care Facility

- (a) At home Child Day Care shall be limited to six (6) or fewer children at any one time. The maximum of six (6) children includes the family's natural or adopted children under the age of fourteen (14).
- (b) At home Child Day Care shall include a fence at least six (6) feet in height along property lines for the outdoor play and instruction area.

SECTION 612.3: Group Day Care Home

- (a) At home Group Day Care shall be limited to six (6) or fewer clients at any one time.
- (b) At home Group day Care shall include a fence at least four (4) feet in height along property lines for the outdoor space.

SECTION 612.4: Sewage Pumping Station

- (a) Sewage Pumping Stations shall not be located within one hundred (100) feet of any property line. Sewage Pumping Stations shall not be located within two hundred and fifty (250) feet of any residential property lot line.
- (b) Noise generated by the enterprise may not be detected, as measured at the property line.
- (c) No odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.
- (d) All Sewage Pumping Stations shall be fully enclosed in a structure. The facility shall be screened from public view by a landscape buffer or opaque masonry fence.

SECTION 612.5: Telephone Switching/Exchange Building

- (a) Telephone/Switching/Exchange Buildings shall not be located within twenty five (25) feet

of any property line or within fifty (50) feet of any residential property lot line.

- (b) Noise generated by the enterprise may not be detected, as measured at the property line.
- (c) No odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.
- (d) The facility shall be screened from public view by a landscape buffer or shall be fenced. If a chain-link fence is utilized, a native or adapted vine in at least a five-gallon container shall be planted for every eight linear feet of fence.

SECTION 612.6: Waste Water Treatment Plant

- (a) Waste Water Treatment Plants shall not be located within three hundred (300) feet of any property line. Waste Water Treatment Plants shall not be located within five hundred (500) feet of any residential property lot line.
- (b) Noise generated by the enterprise may not be detected, as measured at the property line.
- (c) No odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.
- (d) All Waste Water Treatment Plants shall be screened from public view by a landscape buffer or opaque masonry fence.

SECTION 612.7: Water Supply (Elevated Storage Tank)

- (a) Water Supply (Elevated Storage Tanks) structures shall not be located within one hundred (100) feet of any property line. Water Supply (Elevated Storage Tanks) structures shall not be located within one hundred (100) feet of any residential property lot line.
- (b) Noise generated by the enterprise may not be detected, as measured at the property line.
- (c) No odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.
- (d) Water Supply (Elevated Storage Tanks) structures shall be fenced. If a chain-link fence is utilized, a native or adapted vine in at least a five-gallon container shall be planted for every eight linear feet of fence.

SECTION 612.8: Water Supply Facility (Private)

- (a) Water Supply Facilities (Private) shall not be located within one hundred (100) feet of any property line. Water Supply Facilities (Private) shall not be located within one hundred (100) feet of any residential property lot line.
- (b) Noise generated by the enterprise may not be detected, as measured at the property line.
- (c) No odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.
- (d) Water Supply Facilities (Private) shall be fenced. If a chain-link fence is utilized, a native or adapted vine in at least a five-gallon container shall be planted for every eight linear feet of fence.

SECTION 613.1: Slaughter House

- (a) Any Slaughter House shall not be located within five hundred (500) feet of any property line. Any Slaughter House shall not be located within one thousand (1000) feet of any residential property lot line.
- (b) Noise generated by the enterprise may not be detected, as measured at the property line.
- (c) No odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.
- (d) Slaughter house operations must be conducted in a fully enclosed structure.
- (e) All Slaughter House facilities shall be screened from public view by a landscape buffer or opaque fence.

SECTION 613.2: Residential Loft

The issuance of permits for construction and occupancy of a residential loft shall be subject to compliance with the following conditions:

- (a) The Residential Loft shall be located on the same lot/tract as the existing primary dwelling and located in the same structure.
- (b) The habitable floor area of the Residential Loft shall not exceed fifty percent (50%) of the habitable floor area.

SECTION 613.3: Orchard/Crop Propagation

- (a) Noise generated by the enterprise may not be detected, as measured at the property line.
- (b) No odorous or particle matter shall be emitted that is detectable beyond the lot lines of the on which the use is located.
- (c) Minimum lot area is one (1) acre.

SECTION 613.4: Family or Group Home or Home for the Aged

- (a) A family or group home or home for the aged is limited to six (6) or fewer residents at any one time.
- (b) A family or group home shall include a fence at least four (4) feet in height along property lines for an outdoor space.
- (c) Adequate off-street parking is required for all staff members and visitors at all times.

DIVISION 9 – Permitted Use Conditions

SECTION 614.1: Requirements

No Conditional Permitted Use shall be established and no building permit or Certificate of Occupancy (C.O.) may be issued for any use designated by this Ordinance as a Conditional Permitted Use within a zoning district without meeting the requirements established in this Ordinance. The conditions in this division apply to the listed uses when referenced in the Use Regulations of a particular zoning district of DIVISION 1 through 14 of ARTICLE IV.

SECTION 614.2: Description

A Conditional Permitted Use is a land use that, because of its unique nature, is compatible with the permitted land uses in a given zoning district only under certain conditions. Such conditions include the imposition of additional standards and conditions. This subsection sets forth the standards used to evaluate proposed special uses and the procedures for approving a permit application.

SECTION 614.3: Status of Conditional Permitted Uses

The following general rules apply to all special uses:

- (a) The designation of a use in a zoning district as a Conditional Permitted Use does not

constitute an authorization or assurance that such use will be permitted.

- (b) Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, or any permits required by regional, State and Federal agencies.

SECTION 614.4 Evaluation Standards

The Building Official shall evaluate the conditions of the Conditional Permitted Use. Decisions shall be rendered on the basis of the site plan and other information submitted. The Building Official shall specifically consider the extent to which:

- (b) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (b) The proposed use is consistent with required conditions of this division;
- (c) The proposed use meets all supplemental standards specifically applicable to the use, as established in the Supplementary District Regulations in Article V.

SECTION 615.1: Accessory Use, General

Accessory uses not elsewhere specifically provided for in this Ordinance shall be permitted, subject to the following conditions:

- (a) Such accessory uses shall be limited to those customarily associated with and appropriate, incidental and subordinate to the principal use.
- (b) Such accessory uses shall be located on the same lot or tract as the associated principal use.
- (c) Such accessory uses shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this Ordinance.
- (d) Such accessory uses shall not be permitted without a primary use.

SECTION 615.2: Amusement, Commercial (Indoor)

An indoor commercial amusement enterprise shall be wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line.

SECTION 615.3: Asphalt or Concrete Batching Plant (Temporary)

A temporary asphalt or concrete batching plant permit may be approved by the Building Official, subject to the conditions of this section. Any exceptions to the following conditions shall require approval of the City Council:

- (a) The batching plant site shall comply with all applicable provisions of City, State and Federal laws.
- (b) The batch plant shall not be located within six hundred (600) feet of an inhabited residence.
- (c) Hours of operation will be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m. and Saturday, 9:00 a.m. to 5:00 p.m. Aggregate trucks shall be prohibited from hauling to or from the site on Saturday.
- (d) The batch plant permit shall be valid for a three (3) month period.
- (e) No portion of the batch plant or its operation shall be located on a public or private street, or on land dedicated to the City for parks and open space.
- (f) The batch plant shall only furnish concrete, asphalt, or both, to the specific project for which the temporary permit is issued. The placement of a temporary batching plant for a private project is restricted to the site of the project.
- (g) The temporary plant shall be operated in a manner that eliminates unnecessary dust, noise and odor (as illustrated by, but not limited to, covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintaining driveways and parking areas free of dust).
- (h) The site must be clear of all equipment, material and debris upon completion of the project.
- (i) All public improvements that are damaged during the operation of the temporary batching plant must be repaired or replaced within thirty (30) days of completion of the project.
- (j) Upon expiration of the temporary permit and cessation of activities, the City Building Official shall walk the site to verify compliance with these special conditions.

SECTION 615.4: Caretaker or Guard Residence

A caretaker or guard residence shall contain a minimum floor area of five hundred (500) square

feet.

SECTION 615.5: Electrical Line Substation, High Voltage

- (a) No residential building or school facility shall be constructed within one hundred (100) feet of the edge of the right-of-way or easement for a high voltage electrical transmission line.
- (b) No building located in the B-1: Professional Business District zoned tract of land or any allowable use permitted there under, regardless of zoning district, shall be located within fifty (50) feet of the edge of the right-of-way or easement for a high voltage electrical transmission line.
- (c) Except as otherwise provided in subsection (b) of this section, no nonresidential building shall be located within the right-of-way or easement for a high voltage electrical transmission line.

SECTION 615.6: Farmers' Market

All farmers' markets shall be located in covered spaces providing shelter for vendors and customers and shall provide for adequate off-street parking. No more than twenty percent (20%) of the display area shall be devoted to the sale of nonfood articles, and the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, and/or home canned or packaged items shall be prohibited.

SECTION 615.7: Garage Sale

A garage sale shall be subject to the following conditions:

- (a) A garage sale shall only be permitted as a temporary accessory use to a single-family detached, duplex or single-family attached dwelling.
- (b) An individual garage sale shall not exceed three (3) consecutive days.
- (c) The number of garage sales shall be limited to four (4) per year per household.

SECTION 615.8: Home Based Business

A home based business shall be permitted as an accessory use to a dwelling unit, subject to compliance with the following conditions:

- (a) A home based business shall be permitted only when it is an accessory use to a detached

single-family dwelling unit.

- (b) A home based business shall not involve any external structural alteration of the main building.
- (c) A home based business shall be conducted wholly within the main building, and not in any accessory building. The total floor area to be used for a home based business shall not exceed twenty percent (20%) of the total floor area of the main building, including garages. Notwithstanding the above, instructional classes may be held outside of the main building, providing a maximum of six (6) students may be allowed in each session and other stipulations of this section are met.
- (d) Only one (1) employee other than occupants of the residence may be employed in the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home based business shall be considered an employee for the purposes of this section, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business.
- (e) No outdoor storage of materials, goods, supplies or equipment shall be allowed.
- (f) A home based business shall not involve more than four (4) patrons on the premises at one time.
- (g) Any outdoor activities associated with a home based business shall be screened from the neighboring property by a solid fence of at least six (6) feet in height.
- (h) A home based business may include the sale of products on the premises, provided that compliance is maintained with all other conditions specified in this section.
- (i) A home based business shall produce no offensive noise, vibration, smoke, electrical interference, dim odors or heat in excess of those normally found in residential areas. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for business purposes.
- (j) A home based business shall not include the physical or medical treatment of persons or animals, beauty shops, dance studios, carpenter shops, electrical shops, massage establishments, plumber shops, heating and air conditioning shops, radio shops, auto repairing or painting, furniture repairing, sign painting or similar activities.
- (k) Off-street parking must be provided for and utilized by non-resident employee if applicable.

SECTION 615.9: Farm Animals

Stables, barns, poultry coops or other buildings for the housing of livestock or poultry shall not be located within fifty (50) feet of any property line.

SECTION 616.1: Pet Shop

A pet shop shall be wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line.

SECTION 616.2: Recycling Drop-Off Center

A recycling drop-off center shall be permitted as an accessory use in shopping center parking lots or other appropriate places, subject to the following conditions:

- (a) The use shall not occupy more than five hundred (500) square feet and shall not occupy any parking area required for the primary use.
- (b) The use shall employ no mechanical sorting or processing equipment.
- (c) The use shall be maintained free of litter, debris and residue on a daily basis.
- (d) Containers shall be durable and covered.
- (e) The name and phone number of a responsible party shall be clearly posted.

SECTION 616.3: Refreshment Stand (Temporary)

A temporary use permit for a refreshment stand may be issued by the building official, subject to compliance with the following conditions:

- (a) A portable building may be used on a temporary basis as a refreshment stand for a period not to exceed four (4) months on the same lot or parcel within any consecutive twelve (12) month period, measured from the date of the issuance of the temporary permit.
- (b) It shall be the responsibility of the applicant to comply with all provisions of this section.
- (c) A deposit in a sum two hundred twenty five dollars (\$225.00) shall be required at the time the temporary permit for the refreshment stand is obtained to ensure the removal of the stand if the use is discontinued and the stand is not removed from the site within ten days of the expiration or abandonment of the permit. Such deposit will be refunded once the

stand has been removed, and all other requirements have been met.

- (d) All other applicable permits must be obtained.
- (e) A refreshment stand and all appurtenances thereto, shall comply with all applicable requirements of the district in which it is located. Such facility shall not be required, however, to meet the landscaping, exterior masonry or underground utility requirements of the applicable zoning district.
- (f) A refreshment stand may be located on parking spaces, provided that such spaces are not necessary to meet the minimum parking requirements of the other uses on the lot or parcel.
- (g) A refreshment stand in a portable building shall not be located within, nor encroach upon, a fire lane, maneuvering aisle, vehicle stacking space or required landscaping areas of the lot or parcel upon which the facility is placed. The location of such facility shall comply with all visibility obstruction regulations of the City.
- (h) A site plan shall be submitted providing a well delineated "safety" area to keep vehicles from entry into the stand and table area; such site plan shall be reviewed and approved by the building official.

SECTION 616.4: Outdoor or Seasonal Sales/Promotions (Temporary)

A temporary use permit may be issued by the building official for a temporary outdoor or seasonal sales/promotions use, subject to the following conditions:

- (a) Temporary use permits shall be issued only for the following types of temporary seasonal sales uses: Christmas tree sales and pumpkin sales.
- (b) A temporary permit for Christmas tree sales shall only be issued for the period from Thanksgiving Day through the day after Christmas Day. A temporary permit for pumpkin sales shall only be issued for the months of September, October and November.
- (c) The use shall not involve more than one tent or temporary building on a lot.
- (d) The applicant shall have written permission from the property owner.
- (e) No structure or activity relating to the use shall be located within the required yard setbacks.

SECTION 616.5: Stable, Commercial Boarding, or Rental

Commercial boarding or rental stables shall not be located on any lot of less than two acres. Stables shall not be located within fifty (50) feet of any property line.

SECTION 616.6: Swimming Pool, Private

A private swimming pool shall be located and fenced in accordance with the regulations of the City. The pool shall be set back a minimum of five (5) feet from all property lines. No pool or deck shall be located within any easement.

SECTION 616.7: Model Home (Temporary)

The construction of model homes prior to the acceptance of public improvements by the City shall be subject to the conditions of this section. Any exceptions to the following conditions shall require the approval of the City Council:

- (a) Each builder shall be allowed a maximum of one (1) model homes per subdivision, subject to the limitations set forth in subsection (b) of this section.
- (b) No more than three (3) model homes shall be allowed in any one (1) subdivision.
- (c) No model home may be constructed prior to the issuance of a building permit by the City.
- (d) No model home shall be sold until a final certificate of occupancy has been issued for the structure and a final acceptance of subdivision improvements is obtained from the City in accordance with the rules, regulations and Ordinances of the City.
- (e) The developer/owner shall file a hold harmless agreement with the City agreeing to fully release the City from all claims, suits, judgments and demands against the City which have accrued or which may accrue, and to hold the City harmless from all claims, suits, judgments and demands against the City, either severally or jointly, which have accrued or which may accrue as a result of the improvements, including sidewalks, streets, water and sewer lines, installation of electricity and other utilities, not having been fully inspected and improved by the City.
- (f) The hold harmless agreement shall also indicate that the City shall assume no liability for the development or construction of the development or the improvements. The City only grants permission for the construction and showing of the model homes and in no way shall be held liable for the development of the development or for any injury or damages which

may result from the improvements, including those mentioned in subsection (e) of this section, not having been fully inspected and accepted by the City.

SECTION 616.8: Beer and Wine Retail Sales

The retail sale of beer and wine shall be subject to the conditions of this section. Any exceptions to the following conditions shall require the approval of the City Council:

- (a) Where any structure is erected, reconstructed or converted for beer and wine retail sales, parking spaces shall be provided in the ratio of not less than one (1) parking spaces for each two hundred (200) square feet of floor space in the building which is used for beer and wine retail sales. Parking areas shall be off-street parking. Such parking space may be located adjacent to the building. Two (2) or more owners may join together to provide the parking space.
- (b) No side yards are required except that on a corner lot, side yard on a street shall be twenty-five (25) feet. A lot abutting an “R” district shall have a side yard of no less than thirty (30) feet. A rear yard is not required except when it abuts upon and “R” district in which case there shall be a rear yard of not less than thirty (30) feet.

SECTION 616.9: Open Storage/Outside Storage

- (a) Open Storage/Outside Storage shall not be located within one hundred (100) feet of any property line. Open Storage/Outside Storage shall not be located within two hundred and fifty (250) feet of any residential property lot line.
- (b) Noise generated by the enterprise may not be detected, as measured at the property line.
- (c) All Open Storage/Outside Storage facilities shall be screened from public view by a landscape buffer or opaque masonry fence.

DIVISION 10 – Wind Energy Conversion Units

SECTION 620.1: Purpose and Applicability

- (a) The purpose of this division is to facilitate the siting, installation, and construction of small and medium wind energy conversion units within the City, subject to reasonable restrictions, which will preserve the health and safety of the public, ensure compatibility with surrounding land uses, and provide guidelines in the protection of listed species.

- (b) The requirements of this division apply within the City where all wind energy conversion units used to generate electricity or perform work that may be connected to a utility grid, serve as an independent source of energy, or serve as a hybrid system.
- (c) Wind energy units in place prior to the effective date of this Ordinance as amended, are not required to meet the requirements of this division, however, any pre-existing wind energy unit that is not producing energy for a continuous period of six (6) months must meet the requirements of this division prior to recommencing production of energy.
- (d) Any physical modification to an existing and permitted wind energy unit that materially alters the size, type, power output, or number of wind energy units, or other equipment, requires a permit modification from the City.
- (e) Accessory use for this division refers to the stipulation that the energy generated by a wind energy unit must be used onsite and any additional energy produced above the total onsite demand can only be sold to an electrical utility that normally provides electrical power to the property.
- (f) The leasing of land or establishment of wind energy units on land for the commercial sale of wind energy is prohibited within the City limits.

SECTION 620.2: Permitted Use/Setbacks

- (a) All required setbacks of this Ordinance are measured from the property line or utility easement, if present and applicable.
- (b) If an applicant is able to present evidence that the proposed wind energy system has been engineered with a break-point along the tower, the City may determine that the measurement of the length of the longest segment following a break at the break-point can be used in determining the fall radius and setback.
- (c) All applications for wind energy units as a permitted-by-right use are subject to permit review and the requirements of this division.
- (d) No wind energy unit may be located in any required front or side setback, or located in front of the front setback of the principal residential, commercial, agricultural, rural, or industrial building on the lot served by the wind energy unit.
- (e) Vertical Ground Clearance: The blade tip of any wind energy unit at its lowest point, must have a ground clearance of no less than twelve (12) feet for a vertical axis wind energy

unit, and twenty five (25) feet for a horizontal axis wind energy unit, as measured at the lowest point of the turbine unit for a vertical axis unit, or lowest point of the arc of the blades for a horizontal axis unit.

- (f) Communication and Electrical Lines: Each wind energy unit must be set back a minimum distance of one hundred percent (100%) of the total unit height from any right-of-way, or public or private easement where above ground structures or utility lines exist, or are likely to exist, without proof of the consent of the easement owners.
- (f) Professional Engineer Certification: The maximum height of any structurally-mounted or freestanding wind energy unit will be dependent upon the results of the structural engineering plans approved by a registered professional engineer in Texas.
- (g) All Maximum Heights: Maximum heights for all wind energy units may not exceed the manufacturer's height recommendations for the unit.
- (h) Wind energy units are allowed as an accessory use to a building or structure requiring energy only in the Districts listed below and as a permitted-by-right use on platted lots as follows:
 - (1) The following standards apply to the single-family, two-family, secondary and highway business, general business uses in zoning districts R-1S, R-1, R-2, R-DT, R-TH, B-3, and B-4.
 - (A) One building or structurally-mounted unit is permitted for a twenty thousand (20,000) square feet of a building requiring energy, not to exceed a height of fifteen (15) feet above the highest point of the structure, excluding chimneys and steeples, with a fall radius that falls within the property lines, and clears all other structures onsite.
 - (B) In addition to building or structurally-mounted units, one small free-standing unit is permitted on any lot originally platted as one (1) acre (43,560 sq. ft.) in size or greater, the total unit height of which may not exceed fifty five (55) feet above the natural grade, with a fall radius that falls within the property lines.
 - (2) The following standards apply to the manufacturing districts (M-1 and M-2).
 - (A) One building or structurally-mounted unit is permitted for every twenty thousand (20,000) square feet of a building requiring energy, not to exceed a height of thirty five (35) feet above the highest point of the structure, excluding

chimneys and steeples, with a fall radius that falls within the property lines and clears all other structures onsite.

- (B) In addition to building or structurally-mounted units, one small free-standing unit is permitted on a platted lot, the total unit height of which may not exceed eighty five (85) feet above the natural grade, with a fall radius that falls within the property lines and clears all other structures onsite.

- (3) The following standards apply to the agricultural uses in zoning district A-1:

- (A) One building or structurally-mounted unit is permitted ten thousand (10,000) square feet of a building requiring energy, not to exceed a height of thirty five (35) feet above the highest point of the structure, excluding chimneys steeples, with a fall radius that falls within the property lines and clears all other structures onsite.

- (B) In addition to building or structurally-mounted units, two small free-standing units or one medium free-standing unit are permitted on a platted lot with a minimum of five (5) acres (217,800 sq. ft.), the total unit height of which may not exceed eighty five (85) feet above the natural grade, with a fall radius that falls within the property lines and clears all other structures onsite.

SECTION 620.3: Prohibitions and Nuisance Abatement

- (a) The following wind energy units are prohibited in all zoning districts:

- (1) Guyed or latticed towers for small or medium wind energy units;
- (2) Experimental, homebuilt, prototype models, or any model not listed on the City's list of approved manufacturers and models.

- (b) Signal Interference

- (1) Prevention: The manufacturer or wind energy unit representative must take into consideration the proposed location of the wind energy unit and certify that the siting of the wind energy unit will not interfere with any of the following:
 - (A) Existing microwave communications links.
 - (B) Existing fixed broadcast, retransmission, or reception antenna (including residential reception antenna) for radio, television, wireless phone, or other

personal communication systems.

(C) Military or civil navigational or defense radar signals.

- (2) Military Base Facilities: Wind energy units are prohibited in areas deemed critical as navigational and defense radar sensitive areas by any military facility or installation.
- (3) Mitigation: Operation of wind energy units must be discontinued if such interference occurs after the construction, until such time as the interference is mitigated or eliminated.

(c) Sound Emissions

- (1) Sound Levels: The sound levels emitted by all wind energy units at all the neighboring property lines may not exceed the sound levels, or be in violation of, any of the standards established under SECTION 570.2.
- (2) Sound Level Complaints: All noise nuisance complaints will be processed by the City in accordance with the standards and requirements established under SECTION 570.2 and may require the owner of the wind energy unit to cease operation of the unit until the complaint has been resolved and the unit has been brought into compliance.

(d) Security

- (1) Ground Clearance: The bottom of a freestanding tower or mounting structure, measured from ground level to fifteen (15) feet above ground level, must be designed in a manner to discourage unauthorized climbing.
- (2) Access: All access doors to wind turbine towers and electrical equipment must be lockable.

(e) Other Properties: The wind energy unit may not adversely affect the uses of adjoining and adjacent properties.

(f) Enforcement

- (1) Safety: Any wind energy unit found to be unsafe by the Building Official must be repaired by the owner within sixty (60) days of the Building Official's notice to meet Federal, State, local and manufacturer safety standards, and the standards of this division.

- (2) Notice: If any wind energy unit is not operated for at least a continuous period of six months due to operational difficulties or abandonment, the landowner shall provide the City the reasons for the operational difficulty or abandonment and provide a reasonable timetable for corrective action, or removal of the wind energy unit.
- (3) Resolution: If the City Manager deems the timetable for corrective action as unreasonable, City Manager may notify the landowner or operator, to remove the wind energy unit within six months of receipt of such notice.

SECTION 620.4: Requirements for all Wind Energy Units

- (a) Certification: All wind energy units must be approved under an Emerging Technology program, such as the California Energy Commission, IEC, or any other small and medium wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.
- (b) Permits and Inspections: All wind energy units require a Building Permit and Electrical Permit by the City. The Building Permit and Electrical Permit must be issued prior to the mounting, pouring of a concrete pad, or construction and assembly of the wind energy unit. All wind energy units must be inspected by the City's Building and Electrical Inspectors.
 - (1) An application for approval of a wind energy unit must include plans and specifications sufficient to show that the proposed wind energy unit complies with the standards under this division. An application may not be deemed complete unless it includes the following items:
 - (A) Original signatures are required for the applicant and all co-applicants applying for the Special Use Exception, Building Permit, and Electrical Permit. If the applicant or co-applicant is represented by an agent, the original signature of the property owner authorizing the agent to represent the applicant and/or co-applicant is required.
 - (B) An estimate of the total on-site electrical demands and the approximate generating capacity of the wind energy unit.
 - (C) The name of the certified manufacturer and model proposed for use from the City's list of certified manufacturers and models.
 - (D) The height of the wind energy unit to be constructed.

- (E) The phone number and name of a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
- (2) Site Plan: Two copies of a site plan submitted for a small or medium wind energy unit submitted on a minimum size of 8½ x 14 sheets, with the requirement that all of the submittal requirements listed under this division are included on additional site plan sheets. The site plan must include the following information:
- (A) Legal description, including lot and block or metes and bounds, and address of the project site.
 - (B) Adjacent land uses and zoning designations.
 - (C) The locations of all easements, rights-of-way, building, street side, and rear yard setback lines, and locations of all existing buildings, fences, and overhead utility lines on the property.
 - (D) The exact location and orientation of each wind energy unit within the site and the direction of the prevailing winds.
- (3) System Design Drawings: Certified and sealed engineered drawings prepared by a professional engineer registered in the State of Texas are required and must include the following information:
- (A) Engineering design specifications of the wind energy unit, including the tower and supporting structure, base, footings, and the unit components, showing compliance with the City Building Code.
 - (B) Drawings that indicate the total finished wind energy unit heights from the grade level prior to any modifications, including any engineered break points along the tower.
 - (C) The wind survival speed of the entire unit and supporting structure, including turbine, rotor blades, covers, and other components.
 - (D) Data pertaining to the tower or supporting structure's safety and stability, including any safety results from test facilities.
 - (E) A copy of the manufacturer's installation instructions.

- (F) For building or structurally-mounted systems, the certified and sealed engineering plans must show how the wind energy unit will be installed on the portions of the building or structure and how the unit is compatible with such building or structure.
- (4) Written Statements and Additional Documentation: In addition to the site plan, applications for all wind energy units must include proof of the following in the form of written statements:
- (A) A statement verifying that any small or medium wind energy conversion unit will be used solely for on-site consumption of electricity and any additional energy produced above the total onsite demand can only be sold to an electrical utility that normally provides electrical power to the property.
 - (B) A statement indicating what safety precautions and emergency plans the applicant proposes to utilize in a storm event greater than Category I, seventy four (74) mph winds.
 - (C) A statement from any architectural review board, property owners, or homeowners association that the proposed unit complies with association requirements and restrictions, if applicable.
 - (D) A statement that the project site is, or is not, within a protected area surrounding an airport or air installation where air traffic may be a consideration affecting the installation of the unit, if required. (The applicant shall provide evidence of compliance with any applicable aviation regulatory requirements).
 - (E) Copies of any City, State, Federal, or Military reviews, permits, licenses, biological opinions, environmental assessments, records of decision, memoranda of understanding, exemption, variance, or other authorization or approval related to the proposed wind energy project, if required.
 - (F) Copy of the manufacturer's scheduled maintenance requirements for the proposed unit.
 - (G) For wind energy units that will be connected to an electrical grid, approved by the electric utility service provider that serves the proposed site indicating that the applicant has been approved for the installation of a wind energy conversion unit is required.

- (c) Review Standards: The applicant's submittal for a Building Permit and Electrical Permit must demonstrate compliance with the following standards under this section.
 - (1) Public Safety: The proposed wind energy unit must be designed and operated to protect public safety by measures that include, but are not limited to, the following:
 - (A) The proposed wind energy unit must be designed, constructed, and operated so the public cannot come within close proximity to turbine blades and electrical equipment.
 - (B) The proposed wind energy unit must be designed, sited, constructed, operated, and maintained to prevent the structural failure of the system or blades that could endanger public safety.
 - (2) State, Federal, Military, and Civil Requirements: The proposed wind energy unit shall be designed, sited, and will operate in compliance with the regulations, codes, statutes, and laws of all local Government, Military, State, and Federal agencies.
- (d) Survival Wind Speed: All wind energy units and associated components, including, but not limited to, generator, rotor blades, or other components and covers, must be constructed of materials and be installed to meet or exceed the minimum wind-resistant construction standards of the State Wind Load Factors for the Nolanville area and the City Building Code.
- (e) Controls and brakes: All wind energy units must have automatic and manual braking systems that engage at the maximum wind speeds allowable as designated for the type of wind energy unit in order to prevent uncontrolled rotation and excessive pressure on the tower structure, rotor blades, turbine components, and supporting and mounting structures.
- (f) Maintenance: The owner and operator of a wind energy unit must maintain the unit to manufacturer standards. All required periodic maintenance must be performed as recommended by the manufacturer.
- (g) Appearance and Signs: All wind energy units must maintain a non-reflective finish. Advertising or identification of any kind on wind energy conversion units is prohibited.
- (h) Wiring and Lighting: All electrical wires associated with a freestanding wind energy conversion unit must be located on or within the tower or supporting structure in a manner that minimizes their visibility, and must be installed in compliance with the City Electrical Code. All transmission wires must be installed underground and comply with the City

Electrical Code. Wind energy units may not be artificially-lighted, unless requested or required by the Federal Aviation Administration.

- (i) Flood Elevations: All electrical and mechanical equipment associated with a wind energy unit must meet the Base Flood Elevation requirements of the City.
- (j) Federal Aviation Administration (FAA) Requirements: All proposed wind energy units are subject to the FAA's requirements.
- (k) Naval Air Station (NAS) & Military Bases and Airports: Wind energy units proposed within military Accident Potential Zones, Air Installation Compatibility Use Zones, or that may interfere with military or civilian Navaid or defense radar systems will require review by the Federal Aviation Administration.
- (l) State and Federally Protected Species and Wetlands: All proposed wind energy units are subject to review by State and Federal agencies responsible for the protection of listed species, migratory bird species, wetlands, and State waters. Permit review may require proof of consultation with jurisdictional agencies and additional biological assessments may have to be performed on the proposed site if it is determined by the reviewing agency that protected species are likely to be impacted on the site.
 - (1) Sanctuaries: Any wind energy unit proposed within one mile from designated bird sanctuaries, preserves, wildlife state or federal parks, or wildlife resource or management areas require consultation and review by the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service and may require mitigation or permitting measures by the applicant.
 - (2) Protected Species: Any wind energy unit proposed within an area inhabited by a protected species or associated rookeries, leks, breeding, or foraging grounds, requires consultation and review by the Texas Parks and Wildlife Department and the U.S. Fish and Wildlife Service and may require mitigation or permitting measures by the applicant.
 - (3) Wetlands: Wind energy units proposed within the boundaries of any jurisdictional wetlands require consultation and review by the Army Corps of Engineers and the Texas General Land Office.
 - (4) Utility Notification: No wind energy unit that has the ability to be connected to a power grid may be installed until the applicant has provided evidence of compliance with all State laws.

- (5) Permit Issuance: The applicant must show consideration of, and proof of compliance with the above agencies if required, prior to receiving a Building Permit, Electrical Permit, or Special Use Exception for the wind energy unit from the City.

SECTION 620.5: Decommissioning

- (a) Useful Life: The wind energy unit is presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- (b) Responsibility: The property owner or operator shall, at its sole expense, complete decommissioning of the wind energy unit within six months from the time it is determined that the wind energy unit has met the end of its useful life.
- (c) Required Action: Decommissioning must include removal of the entire wind energy unit, including buildings, cabling, electrical components, and any other associated facilities.
- (d) Remediation: Any disturbed earth must be graded and re-seeded.

ARTICLE VI NONCONFORMING STRUCTURES AND USES

SECTION 710.1: Intent

- (a) Within the Districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land and structure which are lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but no to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the Districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same District. A nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance.
- (b) The following uses now in existence and not in a strict conformity with the provisions of the district in which it is located and hereby prohibited and such uses now in existence in the City of Nolanville, shall be altered, replaced, or removed to conform to the provisions of this Ordinance on or before the date shown in the following schedule:

- (1) Junk Yards and Automobiles Wrecking Yards: Twenty-four (24) months from enactment.
- (2) Communication Towers: Twenty-four (24) months from enactment.

SECTION 710.2: Nonconforming Lots of Record

In any District in which a lot exists of record at the effective date or adoption or amendment of this Ordinance which does not conform in size or area to the provisions of this Ordinance, buildings for the use permitted in such Districts may be erected on such a lot, notwithstanding limitations imposed by other provisions of this Ordinance, provided that such a lot is in separated ownership and not of continuous frontage with other lots in the same ownership.

SECTION 710.3: Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

No such structure may be enlarged or altered in a way which increases its nonconformity.

Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

SECTION 710.4: Nonconforming Uses of Structures

If a lawful use of a structure, or of structure and premises in a combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the District under the terms of this Ordinance, that lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the

District in which it is located.

- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the District in which such structure is located, and the nonconforming use may not hereafter be resumed.
- (d) When a nonconforming use of a structure, or structure and premises in combination, is discontinued for six (6) consecutive months there is a rebuttable presumption the owner intended to abandon the nonconforming use, and the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located.
- (e) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 710.5: Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful uses of land exist that are no longer permissible under the terms of this Ordinance as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (b) No such nonconforming use shall be enlarged or increased to extend to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- (c) If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days there shall be a rebuttable presumption the owner intends to abandon the nonconforming use, and any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located.

SECTION 710.6: Changes in Nonconformity

A nonconforming use of structure, or of a structure and land in combination, shall not be changed unless changed to a use permitted in the District in which located; except that the Zoning Board of Adjustment may permit a change to a more restricted nonconforming use and such change shall be construed as an abandonment of the former permitted nonconforming use.

SECTION 710.7: Resubmission of Zoning Requests

When zoning request has been disapproved by the City Council, the same request shall not be resubmitted for a period of one hundred eighty (180) days after disapproval by the City Council. Upon disapproval of a second identical request, the same request shall not be resubmitted for a period of twelve (12) months from the date of the last disapproval. Each, subsequent disapproval of the identical request will result in a new delay of twelve (12) months. The provisions of this section will be inactive when transfer of title to a new owner is recorded.

SECTION 710.8: Notification of Rezoning Request

- (a) Public notifications of meetings on rezoning requests will be made in accordance with State regulations.
- (b) In addition to “(a)” above, the following notifications will be made using available ownership records and addresses. Lack of proper address or unavailability of owner which prevents timely notification will not act to bar or delay action on rezoning request.
 - (1) For request to rezone to “R-2” or “R-TH” Districts, owners of “R-1S”, “R-1” or “R-DT” zoned property within two hundred (200) feet will be notified.
 - (2) For request to rezone to “R-3” from any “R” District, owners of “R” zoned property within three (300) feet will be notified.
 - (3) For requests to rezone to “B-1”, “B-2”, or “B-3” from any “R” District, owners of “R” zoned property within four hundred (400) feet will be notified.
 - (4) For request to rezone to “B-4”, owners of property within six hundred (600) feet will be notified.
 - (5) For request to rezone to any “M” Districts, owners of property within six hundred (600) feet will be notified.
- (c) The additional cost of notifications beyond two hundred (200) feet will be paid by the owner of the property to be rezoned or his representative prior to action being taken by the

Planning and Zoning Commission, the cost will be computed according to the Fee Schedule and as cost of postage plus one dollar (\$1.00) per owner to be notified.

SECTION 711.1: Abandonment of Business Within Residential Districts

Whenever a single business activity, zoned as any non-residential District exists within any residential district, has been abandoned or terminated by the owner or operator, or has been inactive as a business for a period of three hundred and sixty (360) consecutive days, the City Council may with prior notification to the owner of the property, review the non-residential District zoning, and if appropriate, rezone the property to a compatible residential District.

SECTION 711.2: Certificate of Occupancy

- (a) No vacant land shall be occupied or used except for agricultural uses, until a Certificate of Occupancy shall have been issued by the Building Inspector.
- (b) No premises shall be used and no building hereafter erected or structurally altered shall be used, occupied, or changed in use, until a Certificate of Occupancy and compliance shall have been issued by the Building Laws and the provisions of these regulations.
- (c) Certificates of Occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection of structural alterations of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on files in the office of the City Secretary.
- (d) No permit for excavation for any building shall be issued before application has been made for Certificate of Occupancy and compliance.
- (e) A Certificate of Occupancy shall be required of all non-conforming uses. Application for a certificate of occupancy for nonconforming uses shall be filed within twelve (12) months from the effective date of this Ordinance, with the City Secretary.

ARTICLE VII ADMINISTRATION AND PROCEDURES

DIVISION 1 – Administrative Responsibilities

The City's decision-making bodies and officials described in this article, without limitation upon the authority each possesses by law, have responsibility for implementing and administering this

Ordinance in the manner described in this article or allowed by law.

SECTION 810.1: Administrative and Enforcement Official

The City Manager shall act as the Zoning Official in the event the City Council has not designated the Zoning Official. The Zoning Official's duties and responsibilities shall include, but are not limited to:

- (a) Accept and process all submitted applications for Special Use Permits, text amendments to the zoning regulations, and amendments to the official zoning district map;
- (b) Prepare staff comments for review by the Commission, City Council, and the Zoning Board of Adjustment;
- (c) Represent the City at all public hearings;
- (d) Maintain all records, minutes, and the official zoning district map, related to the enforcement and procedures of this Ordinance;
- (e) Serve as the enforcement officer to ensure compliance with this Ordinance;
- (f) Serve as liaison between the Commission and City Council; and,
- (g) Perform other duties as necessary and appropriate to uphold the provisions of this Ordinance.

DIVISION 2 – City Council

SECTION 820.1: City Council Responsibilities

In addition to the responsibilities and duties referenced in City Charter the City Council shall have the powers and duties to perform the following:

- (a) Amend the zoning regulations of the City, in accordance with State law;
- (b) Initiate, on behalf of the City, any amendment in the zoning classification of any land within the City; and
- (c) Hear and decide Special Use Permits; and

- (d) Hear and decide on recommendations of the Commission, after receipt of a final report, for applications related to rezoning requests and text amendments.

DIVISION 3 – Planning and Zoning Commission

SECTION 830.1: Planning and Zoning Commission Responsibilities

In addition to the stated responsibilities and duties in the City's Charter, the Planning and Zoning Commission (hereinafter referred to as the "Commission") shall be responsible for the following:

- (a) Hear testimony on behalf of applicants and consider the facts, findings, and recommendation of the Zoning Official;
- (b) Consider the interests of the public related to the public health, safety, morals and general welfare;
- (c) Identify the appropriateness of requested map and text amendments considering conformance with the adopted zoning regulations, official zoning district map, and land use policies;
- (d) Make recommendations to the City Council, in the form of a final report, related to approval or denial of an application;
- (e) Perform other such duties and be vested with such powers as the City Council shall from time to time prescribe.
- (f) Composition, appointment. The Commission shall consist of six (6) regular members and any number the Commission chooses as alternate members. The Chairperson is to be appointed by the City Council.
 - (1) The six (6) regular members shall be composed of a Chairperson, Vice Chairperson; Secretary and three (3) members.
 - (2) The Chairperson, or in her/her absence, the Vice Chairperson, shall conduct and preside over the meetings.
 - (3) An alternate member shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same

manner as a vacancy among the regular members.

- (g) Terms, filling vacancies. Each appointment of a member of the Commission shall be for a two-year term. Any vacancy due to death, resignation, or other reason shall be replaced by an appointee selected in the manner provided herein as soon as practical after such vacancy. Such appointment shall be for the unexpired term of office.
- (h) Meetings. The Commission shall hold regular monthly meetings and may call any special meetings necessary to conduct business. The meetings shall be held in accordance with the State open meeting law and proper notice of meetings posted as required.
- (i) Officers. The Vice Chairperson and Secretary of the commission shall be elected from the commission by a majority vote of a quorum of the Commission once every year. Should a vacancy occur, for whatever reason, in either the position of vice chairperson or secretary of the commission, such vacancy shall be filled by a majority vote of a quorum of the Commission at the next meeting immediately following such vacancy. Such term shall be for the remainder of the unexpired term.
- (j) Attendance at meetings. The members are required to attend all regular and special called meetings of the Commission. Should any member miss three (3) consecutive regular meetings, such member may be removed, with a majority vote of the Commission.
- (k) Public hearings. The Commission shall hold public hearings as required by law and at the request of the City Council. The Chairperson of the Commission shall conduct and preside over such meetings. The meeting shall be conducted in a public place and with members of the Commission present.

SECTION 830.2: Application For Zoning Text or Map Amendment

An application for an amendment to the text of this Ordinance or the Official Zoning District Map may be initiated by the Commission, City Council, or by a owner filing a complete application with the Zoning Official.

SECTION 830.3: Submission of Application

A complete application for amendment of the text of this Ordinance or the official zoning district map shall be submitted to the Zoning Official in a form established by the City. No application shall be processed until the established fee has been paid and the application has been deemed complete by the Zoning Official. No application or fee shall be required when the amendment is proposed by the Commission or City Council.

If an application for a zoning change is not submitted by the owner of the property under consideration, a notarized letter from the owner authorizing said applicant to act as the agent on behalf of the owner is required. A owner application shall include, but is not limited to, the following information:

- (a) Name, address, and telephone number of applicant(s), owner(s), and agent(s);
- (b) A statement of the reasons why the amendment is being requested;
- (c) Legal description of the property that is the subject of the proposed amendment;
- (d) Filing fee, as established by the City Council; and
- (e) Other information or documentation necessary to process the application, as required by the Zoning Official, Commission, and/or City Council.

SECTION 830.4: Submission of Technical Studies

The Zoning Official, Commission, or City Council may require an applicant for map amendments to submit such technical studies as may be necessary to enable the commission or City Council to evaluate the application. Required studies may include, but are not limited to, traffic studies, engineering studies, noise studies or economic impact reports. The costs of all studies shall be borne by the applicant. The person or firms preparing the studies shall be subject to the approval of the City.

SECTION 830.5: Application and Submission Deadlines

The Zoning Official or the Commission may establish submission deadlines for materials required in support of any application submitted under this Ordinance. Compliance with such deadlines shall be required in order to have the application placed on the Commission's agenda.

SECTION 830.6: Property Owner Notification

Public notice of hearings held before the Planning and Zoning Commission or Zoning Board of Adjustment, unless otherwise required by law, shall be given as follows:

Mailing. Before the 10th day before the date of the public hearing, written notice of the time and place of a public hearing for a change in district boundary shall be sent by the applicant to each owner, as indicated by the most recently approved municipal tax roll, of real property within two

hundred (200) feet of the property on which a change in classification is proposed. The mailed notice shall be given by certified mail, return receipt requested, and shall be in letter form, stating the time and place of the hearing, a general description of the proposal, the legal description and general street location of the property subject to the proposed change, and a statement explaining that the public may be heard at the public hearing. When notice has been properly addressed and mailed by the applicant, failure to receive mailed notice shall not invalidate any action taken on the application. Prior to the public hearing, the applicant shall file with the Zoning Official the returned receipts from the certified mailings and an affidavit stating the names and addresses of the persons to whom notice was sent; failure to submit the affidavit prior to the hearing may result in a continuance of the hearing.

Posting of Signs. Notice of required public hearings on landowner applications for a zoning reclassification, a Special Use Permit, or a variance shall also be provided by way of a sign posted at least ten (10) days before the date of the public hearing on the land that is the subject of the application. One sign shall be posted by the applicant for each two hundred (200) feet of frontage along a public street, with a maximum of three (3) signs required per frontage. Signs shall be located so that the lettering is visible from the street. Where land does not have frontage on a public street, signs shall be posted on the nearest public street with a notation indicating the location of the land subject to the application. The sign shall be furnished by the City to the applicant, and the applicant shall maintain the sign for at least ten (10) days immediately preceding the date of the public hearing. The applicant shall provide visual proof at the time of the public hearing verifying that the sign was posted as required by this section. The provisions of this paragraph shall not apply to any application initiated by the commission or the City Council.

SECTION 830.7: Commission Public Hearing

The Commission shall, after due notice in accordance with Section 830.5, conduct a public hearing on the proposed amendment. At the public hearing the Commission shall consider the application, the relevant supporting materials, and all comments and written materials submitted at the public hearing.

SECTION 830.8: Commission Consideration

The Commission may give consideration to the following criteria, to the extent pertinent to the application. In addition, other factors may be considered which may be relevant to the application.

- (a) Conformance of the proposed zoning classification with the City's land use policies.

- (b) The character of the neighborhood.
- (c) The zoning and use of nearby properties, and the extent to which the proposed zoning and use would be compatible.
- (d) The suitability of the property for the uses permitted by right in the proposed zoning district.
- (e) The extent to which approval of the application would detrimentally affect nearby properties.
- (f) The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property.
- (g) The extent to which approval of the application would harm the value of nearby properties.

SECTION 830.9: Commission Report

After the public hearing, the Commission shall adopt and transmit a final report to the City Council recommending approval or denial of the request. A tie vote on a request for an amendment to the official zoning district map is deemed to be a recommendation for denial.

SECTION 831.1: City Council Hearing and Action

After receiving the final report of the Commission, the City Council shall hold a public hearing on the amendment request, for which notice of the time and place of the hearing has been published in the official newspaper before the 15th day before the date of the hearing date. After the close of the public hearing, the City Council may approve or deny the request, return it to the Commission for further consideration, or take whatever other action the City Council deems appropriate.

SECTION 831.2: Protest Procedures

If a proposed change in a zoning regulation or classification is protested in accordance with the provisions below, such change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council. A protest filed under this section must be written and signed by the owners of at least twenty percent (20%) of either:

- (a) The area of the lots or land covered by the proposed change; or

- (b) The area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area.

In computing the percentage of land, the area of streets and alleys shall be included.

SECTION 831.3: Joint Hearings

The City Council may call and hold a joint public hearing with the Commission on a request for a text or official zoning district map amendment as provided by State law. In case of a joint hearing, the City Council shall not act on the request until it receives the final report of the Commission on the matter. A two-thirds (2/3) majority of City Council may prescribe the type of notice to be given of the time and place of a joint public hearing.

DIVISION 4 – Zoning Board of Adjustment

SECTION 840.1: Establishment of Board

- (a) Established. The Zoning Board of Adjustment (hereinafter referred to as the "Board") is established in accordance with the provisions of Texas Local Government Code, Section 211.008, Board of Adjustment (Ordinance #2011-05-05 #7017). Under this Ordinance, the Board shall perform the following functions:
 - (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this section;
 - (2) Hear and decide appeals of any interpretation of the text of this Ordinance made by the Zoning Official;
 - (3) Authorize in specific cases such variances from the terms of this section as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done; and,
 - (4) Hear and decide special exceptions to the terms of the Zoning Ordinance when this Ordinance requires the Board to do so.
- (b) Authority. In exercising its authority as prescribed in this section, the Board may reverse or affirm, in whole or in part, or modify the Zoning Official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement,

decision, or determination, and for that purpose the Board has the same authority as the Zoning Official. The concurring vote of seventy-five percent (75%) of the members of the Board is necessary to:

- (1) Reverse an order, requirement, decision, or determination of the Zoning Official;
 - (2) Decide in favor of an applicant on a matter on which the Board is required to pass under this section; or
 - (3) Authorize a variation from the terms of this Ordinance.
- (c) Operation. The Zoning Board of Adjustment shall consist of five (5) regular members, who shall be appointed by a simple majority vote of the City Council, and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended. The City Council shall provide for the appointment of up to four (4) alternate members to serve in the absence of one or more of the regular Board members on an alternating basis such that all alternate members have equal opportunities to serve on the Board. Appointments to the Zoning Board of Adjustment shall be for staggered terms of two years. Alternate members shall serve in the absence of one or more regular board members when required to do so by the Mayor or City Manager. The City Council may remove a member or alternate member of the Board for cause, as found by the City Council on a written charge, after a public hearing.

SECTION 840.2: Rules of the Board

The Board by majority vote shall adopt rules to carry out the duties conferred by this division. Meetings of the Board shall be held at the call of the presiding officer and at other times as determined by the Board. All meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately with the City Secretary and are public records.

SECTION 840.3: Variances

Variances are deviations from the property development standards for the applicable district where development is proposed. The Board shall have authority to grant variances upon such terms and conditions, as it deems necessary and appropriate, in accordance with Section 840.7.

SECTION 840.4: Application for a Variance

A complete application for a variance shall be submitted by a landowner, or an agent acting on behalf of the landowner, to the Zoning Official, on a form prescribed by the City, along with a nonrefundable fee, which may be established from time to time by the City Council. No application shall be processed until the application fee has been paid and the application has been determined to be complete by the Zoning Official. The Zoning Official may require that the applicant submit additional information necessary to undertake a complete analysis and evaluation of the variance request and to determine whether the circumstances prescribed for granting the variance exists.

SECTION 840.5: Review and Recommendation by Zoning Official

After determining that the application for a variance is complete, the Zoning Official shall review the application and prepare a report, which may include a recommendation of approval, approval with conditions, or disapproval based upon the criteria in SECTION 840.7.

SECTION 840.6: Public Hearing

After due notice, the board shall hold a public hearing on an application for a variance. At the public hearing, the Board shall consider the application, the report of the Zoning Official, the relevant supporting materials and the public testimony given at the public hearing. After the close of the public hearing, the Board shall vote to approve, approve with conditions, or disapprove the application for a variance.

SECTION 840.7: Conditions for Considering Variances

To approve an application for a variance, the Board shall make an affirmative written finding that each of the following criteria are met:

- (a) Special circumstances exist that are peculiar to the land or structure.
- (b) These special circumstances are not self-imposed or the result of the actions of the applicant.
- (c) Literal interpretation and enforcement of the terms and provisions of this Ordinance would cause an unnecessary and undue hardship.
- (d) Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of

this Ordinance and would result in substantial justice.

- (e) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
- (f) Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
- (g) The variance will not adversely affect the health, safety or welfare of the public.

SECTION 840.8: Conditions for Approval

The Zoning Official may recommend and the Board may impose such conditions on a variance as are necessary to accomplish the purposes of this Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include, but are not limited to limitations on size, bulk, location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; other on-site improvements; and limitations on the duration of the permit.

SECTION 840.9: Effect of Variance

- (a) Generally. Issuance of a variance shall authorize only the particular variation which is approved in the variance request and shall not constitute a precedent. A variance shall run with the land.
- (b) Time limit. Unless otherwise stated in the variance, an application to commence construction of the improvements that are the subject of the variance must be applied for and approved within six (6) months of the date of approval of the variance; otherwise the variance shall automatically become null and void. Upon written request, and for good cause shown, one extension of the six-month timeframe may be granted by the Board.

SECTION 841.1: Appeal to Board

As specified in SECTION 211.010 of the Texas Local Government Code, any person aggrieved by, or any Officer, Department, Board, or Bureau of the City affected by the decision of the Zoning Official on matters contained within this section may appeal such decision to the Board. The appellant must file with the Board and the Official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. On receiving the notice, the Official from whom the appeal is taken shall transmit to the Board all the papers constituting the record of the action that is appealed.

An appeal stays all proceedings in furtherance of the action that is appealed unless the Official from whom the appeal is taken certifies in writing to the Board facts supporting the Official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a Court of Record on application, after notice to the Official, if due cause is shown.

The Board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within a reasonable time.

SECTION 841.2: Conditions for Considering Appeals

- (a) The Board shall apply the following standards in deciding the appeal:
 - (1) That there is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map.
 - (2) That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.
 - (3) The decision of the Board must be such as will be in the best interest of the community and consistent with the spirit and intent of the City's zoning regulations.
- (b) An appeal that involves an interpretation of a term contained in this Ordinance, and that is decided contrary to the zoning or administrative official's decision shall be kept on file with the Zoning Official and shall constitute the official meaning of the term until such may be amended by Council.

SECTION 841.3: Special Exceptions

Special exceptions are deviations from otherwise applicable performance standards where development is proposed that would be compatible with surrounding land uses, in keeping with the public interest, and consistent with the purposes of this Ordinance. They must be specifically authorized by this Ordinance in order for the board to consider an application.

To approve a special exception, the Board shall make an affirmative finding that granting the special exception will:

- (a) Ensure the same general level of land use compatibility as the otherwise applicable standards;

- (b) Not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development;
- (c) Not adversely affect property values in any material way; and
- (d) Be generally consistent with the purposes and intent of this Ordinance.

The Board, upon application for a special exception, shall set a reasonable time for a hearing, and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the hearing in person or by agent or attorney.

A special exception applies only to the property which is applied for and approved, shall not constitute a precedent, and shall run with the land.

ARTICLE VIII ENFORCEMENT

SECTION 910.1: Responsibility for Enforcement, Building Official

It shall be the duty of the Building Official to enforce this Ordinance. The Code Enforcement Officer shall act as the Building Official, in the event the City Manager has not designated a Building Official. If the City Secretary shall find that any of the provisions of this Ordinance are being violated, she/he shall notify in writing the persons responsible for such violations, including the nature of the violation and ordering the action necessary to correct it, and shall take such other action as is authorized by law to ensure compliance with or to prevent violation of its provisions.

SECTION 910.2: New Construction

No building or other structure shall be erected, constructed, enlarged, altered or repaired in such manner as to prolong the life of the building that is not in compliance of this Ordinance. No building permit shall be issued for any construction not conforming to this Ordinance.

SECTION 910.3: Change in Use of Land or Building

No change shall be made in the use of any land or building or structure after the passage of this Ordinance that is not in compliance of this Ordinance.

SECTION 910.4: Violations and Penalties, Fines

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be fined in accordance with current fee for each offence. Each day that a violation permitted to exist shall constitute a separate offense.

ARTICLE IX AMENDMENTS

SECTION 1010.1: Procedures, Planning and Zoning Commission Recommendation Required

The regulations, restrictions, prohibitions and limitations imposed and the District created may from time to time be amended, supplemented, changed, modified, or repealed by Ordinance, but no change shall be made until the Planning and Zoning Commission, after notice and public hearing files with the City Council a report and recommendation on the proposed change.

SECTION 1010.2: Application for Amendment

An owner or his duly authorized agent or representative may take application for the amendment of the Zoning restrictions applicable to his property by filing with the Planning and Zoning Commission a written application in such form and content as the Planning and Zoning Commission may by resolution established. An application for amendment shall be accompanied by the payment of a fee. Cost of notice and posting shall be billed to the applicant.

SECTION 1010.3: Notice of Public Hearing

Upon receipt of an application, the Planning and Zoning Commission shall set a date for public hearing not less than twenty (20) days or more than sixty (60) days from the date of filing. Fifteen (15) days notice of the public hearing shall be given by the Planning and Zoning Commission by publication in a newspaper of general circulation.

SECTION 1010.4: Planning and Zoning Commission Action

- (a) After notice and public hearing, the Planning and Zoning Commission shall vote to:
 - (1) Recommend to the City Council that the application be approved as submitted or as amended, or be approved subject to modification, or;
 - (2) Recommend to the City Council that the application be denied.

- (b) An application recommended for approval, or approval subject to modification, shall be transmitted to the City Council with the report and recommendation of the Planning and Zoning Commission action.
- (c) An application recommended for denial shall not be considered further unless the applicant, within fifteen (15) days from the date of the Planning and Zoning Commission action, files a written appeal and request with the City Council for a hearing. A fee shall accompany the request, the Planning and Zoning Commission shall forthwith transmit the application and its report and recommendation to the City Council.

SECTION 1010.5: City Action

The City Council shall hold a hearing on each application regularly transmitted, pursuant to the receipt of a fee set by the City Council, and on each application which has been transmitted pursuant to an appeal as provided for in SECTION 1010.4:C. The City Council may approve the application as submitted and recommend by the Planning and Zoning Commission, or approve the application subject to modification, or deny the application, or return the application to the Planning and Zoning Commission for further study.

SECTION 1010.6: Protest to Amendment

If a written protest against an amendment, change, or repeal of this Ordinance or any part thereof is presented, duly signed and acknowledged by the owners or twenty percent (20%) or more of the area of the lots on lands immediately abutting the territory included in such proposed change or separated there from only by an alley or street, and extending two hundred (200) feet there from, such amendment shall not be passed except by the favorable vote of four (4) members of the City Council.

SECTION 1010.7: Validity

- (a) If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.
- (b) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PASSED & APPROVED this, the 17th day of May, 2012 by vote of 4 (ayes) 0 (nays) to 0 (abstentions) of the City Council of Nolanville, Texas.

APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney

Exhibit A Nolanville Zoning Ordinance Land Use Chart

NOLANVILLE ZONING ORDINANCE LAND USE CHART

EXHIBIT A

"P" - Permitted Uses; "S" - Special Uses; "*" Conditional Permitted Uses

Land Use	Residential Uses								Non-Residential Uses						
	R-1S	R-1	R-DT	R-TH	R-2	R-MH	R-3	B-1	B-2	B-3	B-4	M-1	M-2	A-1	
AGRICULTURAL															
Bulk Grain and/or Feed Storage												P	P	P	
Farm Animals (Exempt-FFA, 4H) *														P	
Farm Animals (Non-Exempt) *														P	
Farms, General (Crops), Commercial														P	
Garden (Non-Retail)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouse (Non-Retail)	P	P												P	
Livestock Sales *														P	
Orchard/Crop Propagation	S	S	S	S	S	S	S	S	S	S	S	S	S	P	
Plant Nursery (Commercial)										P	P	P	P	P	
Small Scale Farm *														P	
Stable, Commercial *														P	
Stables (Private, accessory use) *														P	
Stables (Private, principal use) *														P	
RESIDENTIAL															
Accessory Use *	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory Dwelling	S													P	
Apartments						P	P								
Caretaker's/Guard Residence *	P													P	
Community, Family, or Group Home	S	S	S	S	S									S	
Dormitories							P	P	P						
Duplex/ Two-Family					P	P	P								
Garage Residential Conversion	P	P	P											P	
Garage Sale *	P	P	P	P	P	P								P	
Garden Home/Townhome			P	P	P	P	P	P							
HUD-Code Manufactured Home						P									
Living Quarters on Site with a Business								P	P	P	P				
Lodges							P			P	P				
Manufactured Home Park						S									
Model Home (Temporary) *	P	P	P	P	P	P	P								
Multiple Family Dwelling						P	P								
Residential Loft								P	P	P	P	S	S		
Rooming/Boarding House							P		P						
Single Family Dwelling, Detached	P	P	P	P	P	P	P	P	P	P	P			P	
Swimming Pool, Private *	P	P	P	P	P	P	P	P	P	P	P			P	
OFFICE															
Armed Services Recruiting Center								P	P	P	P				
Bank								P	P	P	P				

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Check Cashing Service									P	P	P			
Credit Agency								P	P	P	P			
Insurance Agency Offices								P	P	P	P			
Municipal Buildings							P	P	P	P	P			P
Offices, General/Professional								P	P	P	P			
Office, Brokerage Services								P	P	P	P			
Offices, Health Services								P	P	P	P			
Offices, Legal Services								P	P	P	P			
Offices, Parole/Probation										P	P			
Offices, Professional								P	P	P	P			
Offices, Real Estate Office								P	P	P	P			
Optical Sales								P	P	P	P			
Saving & Loan									P	P	P			
Security Monitoring Company								P	P	P	P			
Suite Shop								P	P	P	P			
Telemarketing Center								P	P	P	P			
COMMERCIAL & RETAIL														
Accessory Retail/Service Uses										P	P			
All Terrain Vehicle Dealer (Sales Only)										P	P			
Ambulance Service (Private)									P	P	P			
Antique Shop								P	P	P	P			
Appliance Repair									P	P	P			
Art Dealer/Gallery								P	P	P	P			
Artisan's Shop										P	P	P		P
Artist Studio	P	P	P	P	P	P	P	P	P	P	P			P
Auto Sales (New & Used)										P	P			
Auto Supply Store										P	P	P		
Bakery or Confectionary (Retail)								P	P	P	P			
Barber Shop								P	P	P	P			
Beauty Shop								P	P	P	P			
Bed & Breakfast Inn or Facility								P	P	P	P			P
Beer and Wine Retail Sales *										P	P			
Bicycle Sales and Repair								P	P	P	P			
Book Store								P	P	P	P			
Building Materials Sales										P	P			
Cabinet/Counter/Woodworking Shop (Custom) Retail											P	P	P	
Cabinet/Counter/Woodworking Shop (Manufacturing) Wholesale											P	P	P	
Cafeteria								P	P	P	P			

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Clothes Rentals								P	P	P	P			
Coffee Shop								P	P	P	P			
Communication Equipment Repair									P	P	P			
Computer Sales									P	P	P			
Consignment Shop									P	P	P			
Convenience Store (With Gas Sales)									P	P	P			
Convenience Store (Without Gas Sales)									P	P	P			
Cooking School									P	P	P			
Dance/Drama/Music Studio or School									P	P	P			
Department Store									P	P	P			
Diner								P	P	P	P			
Drapery, Blind, Upholstery Store								P	P	P	P			
Exterminator Services										P	P			
Farmers' Market *								P	P	P	P			P
Financial Services								P	P	P	P			
Florist Shop								P	P	P	P			
Food or Grocery Store (General)									P	P	P			
Food or Grocery Store (Limited)									P	P	P			
Funeral Home or Mortuary										P	P			
Furniture Store (New and/or Used)									P	P	P			
Garden Shop (Inside Storage)									P	P	P			
General or Community Retail Store									P	P	P			
Gravestone/Tombstone Sales										P	P			
Gun Range (Indoor)										S	S	S	S	
Gun Shop										P	P			
Hardware Store								P	P	P	P			
Home Based Business *	P	P	P	P	P	P	P	P						P
Home Improvement Center										P	P			
Ice Hut									P	P	P	P	P	
Laundry/Dry Cleaning									P	P	P			
Lawnmower Sales & Repair										P	P			
Live-in Security Quarters								P	P	P	P			
Locksmith									P	P	P			
Major Appliance Sales										P	P			
Market (Public)									P	P	P			
Massage/Day Spa								P	P	P				
Mini-Warehouse-Self Storage										P	P			
Motel or Hotel										P	P			

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	R-1S	R-1	R-DT	R-TH	R-2	R-MH	R-3	B-1	B-2	B-3	B-4	M-1	M-2	A-1
Motorcycle Dealer (Sales, Repair)										P	P			
Nail Salon								P	P	P	P			
Outdoor or Seasonal Sales/Promotion (Temporary) *								P	P	P	P			
Package Store										S	S			
Party and Game Store/Rentals									P	P	P			
Pet Shop/Supplies *									P	P	P			
Pharmacy									P	P	P			
Photocopying/Duplicating								P	P	P	P			
Photography Studio								P	P	P	P			
Plant Nursery (Retail Sales, Outdoors)										P	P			
Printing Shop									P	P	P			
Radio or Television Studio									P	P	P			
Recycling Center											P	P	P	
Recycling Center (Drop Off) *								P	P	P	P	P	P	
Refreshment Stand (Temporary) *								P	P	P	P			P
Restaurant (No Drive-Thru)									P	P	P			
Restaurant (With Drive-Thru)										P	P			
Restaurant/Club									S	S	S			
Retail, General (Indoors)									P	P	P			
Retail, General (Outdoors)										P	P			
Security Systems Installation Company										P	P			
Sexually-Oriented Business											S			
Shoe Repair									P	P	P			
Smoke Shop										S	S			
Studio, Tattoo or Body Piercing										S	S			
Surveyor								P	P	P	P			
Swimming Pool Commercial									P	P	P			
Swimming Pool Sales										P	P			
Tailor Shop								P	P	P	P			
Tanning Salon								P	P	P	P			
Tavern											S			
Tool & Machinery Rental (Indoor Storage)									P	P	P			
Tool & Machinery Rental (Outdoor Storage)										P	P			
Travel Agency								P	P	P	P			
Upholstery Shop									P	P	P			
Used Merchandise/ Furniture									P	P	P			
Vacuum Cleaner Sales & Repair									P	P	P			
Veterinarian Clinic (Indoor Kennels)									P	P	P			

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	R-1S	R-1	R-DT	R-TH	R-2	R-MH	R-3	B-1	B-2	B-3	B-4	M-1	M-2	A-1	
Wedding Shop/Rentals									P	P	P				
Woodworking Shop (Ornamental, Hand-made)									P	P	P				
TRANSPORTATION & AUTO SERVICES															
Antique Vehicle Restoration										P	P				
Auto Body Repair										P	P				
Auto Financing & Leasing									P	P	P				
Auto Muffler Shop										P	P				
Auto Paint Shop										P	P				
Auto Tire Sales & Repair										P	P				
Auto Upholstery Shop										P	P				
Auto Washing Facility, Attended										P	P				
Auto Washing Facility, Unattended										P	P				
Auto Wrecker Service											P				
Automobile Repair, Major										P	P				
Automobile Repair, Minor									P	P	P				
Car Dealership										P	P				
Car Wash									P	P	P				
Indoor Auto Parts Sales										P	P				
Limousine/ Taxi Service											P				
Oil Change & Inspection									P	P	P				
Parking Structure, Commercial									P	P	P				
Tire Dealer, Indoor Storage									P	P	P				
AMUSEMENT/RECREATION															
Amusement Services (Indoor) *									P	P	P				
Amusement Services (Outdoor)										P	P				
Amusement Arcade (Four or more devices)									P	P	P				
Billiard/Pool Facility										P	P				
Bingo Hall										P	P				
Bowling Center									P	P	P				
Broadcast Station (With Tower)												P	P		
Civic/Conference Center										P	P				
Country Club (Private)										S	S				
Dance Hall										P	P				
Day Camp for Children										P	P			P	
Dinner Theatre									P	P	P				
Driving Range										P	P				
Golf Course (Miniature)										P	P				
Golf Course (Public, Private)	P									P	P	P	P	P	

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	R-1S	R-1	R-DT	R-TH	R-2	R-MH	R-3	B-1	B-2	B-3	B-4	M-1	M-2	A-1	
Health Club								P	P	P	P				
Motion Picture Studio, Commercial										P	P	P	P		
Motion Picture Theatre										P	P				
Museum									P	P	P				
Park and/or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Psychic Reading Services									P	P	P				
Rodeo Grounds											S	S	S	S	
Skate Park										P	P				
Skating Rink										P	P				
Special Event (Temporary)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Stadium										P	P	P	P		
Swimming Pool, Public									P	P	P				
Tennis Court	P	P	P	P	P	P	P							P	
Theatre (Stage)									P	P	P				
Video Rentals/Sales									P	P	P				
INSTITUTIONAL/GOVERNMENT															
Assisted Living Facility							P		P	P	P				
Business or Trade School								P	P	P	P				
Cemetery or Mausoleum	P	P												P	
Child Day Care Facility	S	S	S	S	S	S	P	P	P	P	P			P	
Church, Religious Assembly	P	P	P	P	P	P	P	P	P	P	P			P	
Civic Club								P	P	P	P				
College or University	P	P	P	P	P	P	P	P	P	P	P			P	
Communications Tower (Commercial)										S	S	S	S	S	
Community Center (Municipal or Public)									P	P	P				
Dental Clinic or Office								P		P	P				
Educational Institution	P	P	P	P	P	P	P	P	P	P	P			P	
Electrical Generating Plant												P	P		
Electrical Substation *												P	P		
Emergency Care Clinic										P	P				
Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fraternal Lodge or Union								P	P	P	P				
Government Building (Mun, St, Fed)									P	P	P				
Group Day Care Home	S	S	S	S	S	S	P	P	P	P	P			P	
Heliport											P	P	P		
Home for the Aged, Residential	S	S	S	S	S	S	P	P	P	P	P			P	
Hospice									P	P	P				
Hospital (Acute Care, General)								P	P	P	P				

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Library								P	P	P	P			
Maternity Home								P	P	P	P			
Medical Clinic or Office								P	P	P	P			
Nursing/Convalescent Home								P	P	P	P			
Orphanage							P	P	P	P	P			
Philanthropic Organization								P	P	P	P			
Post Office	P	P	P	P	P	P	P	P	P	P	P			P
Private Franchise Utility								P	P	P	P	P	P	
School, K Through 12 (public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sewage Pumping Station	S	S	S	S	S	S	S	S	S	S	S	P	P	S
Telephone Switching/Exchange Bldg.								S	S	S	P			
Transmission Pipeline										S	S	P	P	
Waste Water Treatment Plant	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Supply (Elevated Storage Tank)	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Supply Facility (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S
COMM. & WHOLESALE TRADE														
Book Bindery										P	P			
Feed & Grain Store										P	P	P	P	
Furniture Manufacture										P	P	P	P	
Heating & Air Conditioning Sales/Service										P	P			
Pawn Shop										P	P			
Propane Sales (Retail)										P	P			
Taxidermist											P			
Transfer Station/Refuse Pick-up												P	P	
Veterinarian (Indoor Kennels or Pens)											P			S
Veterinarian (Outdoor Kennels or Pens)											P			S
Warehouse/Office											P	P	P	
Welding Shop											P	P	P	
LIGHT INDUSTRIAL/MFG.														
Asphalt or Concrete Batching Plant (Temporary) *								P	P	P	P	P	P	P
Contractor's Office (No Outside Storage)									P	P	P	P	P	
Contractor's Office (with Outside Storage) *											P	P	P	
Electronic Assembly											P	P	P	
Engine Repair or Manufacture												P	P	
Foundry												P	P	
Laboratory Equipment Manufacture												P	P	
Machine Shop												P	P	
Maintenance & Repair Services for Bldgs.											P			

NOLANVILLE ZONING ORDINANCE LAND USE CHART

EXHIBIT A

"P" - Permitted Uses; "S" - Special Uses; "*" Conditional Permitted Uses

Land Use	Residential Uses								Non-Residential Uses						
	R-1S	R-1	R-DT	R-TH	R-2	R-MH	R-3	B-1	B-2	B-3	B-4	M-1	M-2	A-1	
Open Storage/Outside Storage *											S	P	P	S	
Plumbing Shop										P	P				
Research Lab (Non-Hazardous)										P	P	P	P		
Sand/Gravel Quarrying												P	P		
Sand/Gravel/Stone Sales or Storage										P	P	P	P	P	
Sign Manufacturing										P	P	P	P		
Slaughter House												S	S		
Solar Farm												P	P		
Stone/Clay/Glass Manufacturing											P	P	P		

CITY OF NOLANVILLE

ORDINANCE No. 2013-18-07

PLANNED DEVELOPMENT DISTRICTS

AN ORDINANCE AMENDING THE CITY OF NOLANVILLE ZONING ORDINANCE, NO. 6051-12, ESTABLISHING REGULATIONS FOR THE CREATION AND DESIGNATION OF PLANNED DEVELOPMENT DISTRICTS AS SPECIALIZED ZONING DISTRICTS; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; SEVERABILITY; AND PROPER NOTICE & HEARING.

- WHEREAS,** the City Council of the City of Nolanville (“City Council”) seeks to protect the health, safety, and welfare of those living, working, and visiting the City; and
- WHEREAS,** the City of Nolanville’s Comprehensive Plan provides that ensuring an adequate supply of decent, safe, and sanitary housing for all income groups requires the use of a wide variety of private and public skills and resources. The City Council recognizes that smaller homes are affordable, are more sustainable to build and heat and cool, and have less maintenance.
- WHEREAS,** the U.S. Census Bureau predicts the number of people turning 65 each year to continue to rise until 2025 and the percentage of households with children will fall demonstrating the projected demand smaller for housing options.
- WHEREAS,** the City Council seeks to alleviate traffic, promote healthy pedestrian opportunities, and increase safety with mixed socio-economic groups and land uses that are connected with trails and sidewalks.
- WHEREAS,** the City Council finds that the public benefit from rules and regulations that are crafted specifically to govern particular tracts for particular projects through the negotiation and enactment of Planned Development Districts that address the size of lots; height, number of stories, and size of buildings and other structures; use of real property; percentage of lot that may be occupied; size of yards, courts and other open spaces; population density; location of buildings and other improvements; land for use for business, industrial, residential or other purposes; landscaping; and
- WHEREAS,** the Planned Development District is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family

dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners; and

WHEREAS, a Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate: (1) the height, number of stories, and size of buildings and other structures; (2) the percentage of a lot that may be occupied; (3) the size of yards, courts, and other open spaces; (4) population density; (5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; (6) the pumping, extraction, and use of groundwater by persons other than retail public utilities for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health; (7) construction, reconstruction, alteration, or razing of buildings and other structures in the case of designated places and areas of historical, cultural, or architectural; and (8) the bulk of buildings; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Nolanville to adopt an ordinance regulating land use and development through Planned Development Districts.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Nolanville:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

2. ENACTMENT

Zoning Ordinance is hereby amended by adding Article X to the Nolanville Zoning Ordinance as set forth in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this

Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.


7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 18th day of July, 2013 by vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Nolanville, Texas.

CITY OF NOLANVILLE:

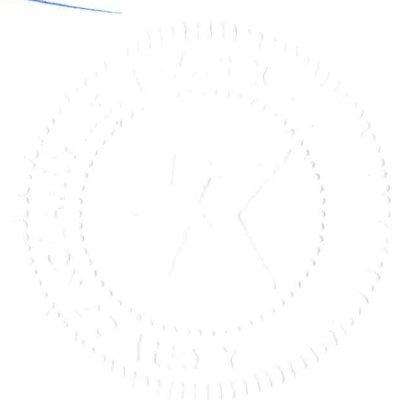
by: _____


Mayor Christina Rosenthal

ATTEST:



Ginger Metcalf, City Secretary



Attachment "A"

ZONING ORDINANCE AMENDMENT

PLANNED DEVELOPMENT DISTRICTS

ARTICLE X PDD: PLANNED DEVELOPMENT DISTRICT

SECTION 1011.1: Popular Name

This Section shall be commonly cited as the "Planned Development District Ordinance."

SECTION 1011.2 Scope

This Section applies to all property within the incorporated municipal boundaries (i.e., "city limits"), and may also extend to the extraterritorial jurisdiction ("ETJ") to the extent property owners are willing to be voluntarily annexed into the City concurrently with the adoption of the Planned Development District.

SECTION 1011.3: Definitions

(a) General

Words and phrases used in this Section shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the City of Nolanville's Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the City of Nolanville's Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(b) Specific

City: The City of Nolanville, an incorporated municipality located in Bell County, Texas.

Planned Development District: Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

PDD Master Plan: A development plan that serves as the basis for the enactment of a Planned Development District. The plan may be for one or more lots. The plan depicts the existing and proposed conditions of the lot, including: water features; landscaping and open spaces; walkways, means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; screening devices; and any other information required by this Section. A PDD Master Plan is not required to have an engineer's seal.

Site Plan: An engineered development plan that serves as the basis for the issuance of a Site Development Permit, in accordance with the City's Zoning Ordinance.

SECTION 1011.4: Intent

(a) Purpose

This Section provides standards and procedures for the legislative creation of specialized zoning districts that are crafted specifically for certain land endeavors. Planned Development (PD) Districts are intended to allow flexibility and encourage creative land use and site development while providing natural resource preservation and protecting adjoining properties. Through PD Districts the City is better able to give developers the flexibility they need for complicated projects, while protecting the public interest by providing walkable opportunities for commerce and outdoor recreation and mitigating externalities related to vehicles, pavement, traffic, noise, aesthetics, lighting and drainage.

Planned Development Districts are established by ordinance and, thus, are not agreements, although often they are developed through negotiations between the City and property owners.

The development project must comply with all applicable City regulations unless clearly stated in the ordinance creating the PD district. PD districts are intended to surpass the minimum standards of development while allowing some flexibility to deviate from the traditional standards for a superior development. PD districts are intended to implement the goals and objectives of the City's Comprehensive Plan. PD districts are also intended to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- (1) To provide for a superior design of lots and buildings;

- (2) To provide for increased recreation and/or open space opportunities for public use;
 - (3) To provide a safe and connected walkable neighborhood with opportunities for education, employment, and commerce.
 - (4) To provide amenities or features that would be of special benefit to the property users or community;
 - (5) To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, hills, viewscapes, and wildlife habitats;
 - (6) To protect or preserve existing historical buildings, structures, features or places;
 - (7) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and,
 - (8) To meet or exceed the present standards of this ordinance.
- (b) Nature of District: Each PD district shall be a free-standing zoning district in which land uses and intensities of land use may be tailored to fit the physical features of the site and to achieve compatibility with existing and planned adjacent uses.

SECTION 1011.6: Minimum Standards

- (a) Standards by Ordinance: Minimum standards proposed for the PD district must be incorporated within an ordinance adopted by the City Council. In the adopting ordinance, the City Council may incorporate minimum standards by making reference to a standard zoning district and districts. Standards for exterior building materials and landscaping may not be less than the standard City of Nolanville requirements.
- (b) Land Use:
 - (1) Uses: An application for a PD district shall specify the base zoning district(s) upon which the PD is based. The application shall specify the use or the combination of uses proposed, particularly if any of the proposed uses are not allowed by right in the base zoning district. Special use permits allowed in a base zoning district may be allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an “additional use” in the ordinance establishing the PD. Additional uses included in the PD ordinance shall then be allowed by right in the PD district.

- (2) Base District: In the PD District, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The particular zoning district must be stated in the granting ordinance.
- (3) Variances: All applications to the City shall list all requested variances from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete).
- (4) Special Uses: Special use permits allowed in a base zoning district may be allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an additional use in the ordinance establishing the PD. Additional uses included in the PD ordinance shall then be allowed by right in the PD district.
- (5) Location: The location of all authorized uses shall be consistent with the PD Master plan and the PD site plan.
- (6) Residential Uses: Unless otherwise provided by the PD ordinance, the following standards shall apply to all residential uses within a PD district:
 - i. Density - Except on the basis of exceptional design that 1) mitigates vehicular use and views; 2) provides enhanced walkable open spaces; 3) provides walkable commercial land uses, and 4) provides mixed commercial and residential opportunities on the same lot, residential density shall be no greater than the density permitted in the base zoning district for each type of housing.
 - ii. Drainage - Drainage features shall be integrated into the design of the development and shall be contained within ponds and streams with a natural appearance wherever possible.

(c) Open Space Standards

- (1) Public or Private: Unless otherwise provided by the PD ordinance, a site-appropriate area or areas within the entire PD District shall be devoted to open space. Open space for PD districts may be satisfied by space that can be classified as public, such as a central gathering space, or by a combination of public and private open space. Open space requirements specified in this Subsection are in addition to the City's general requirements for landscaping and buffering. Public open space shall be dedicated to the City.

- (2) Preservation of Natural Features: Unless otherwise provided by the PD ordinance or PD Master plan:
 - (i) Floodplain areas shall be preserved and maintained as open space; and
 - (ii) Significant stands of native trees shall be preserved and protected from destruction or alteration pursuant to a tree preservation plan submitted to the City by the applicant.
- (3) Open Space Allocation and Preservation: Open space requirements shall be satisfied for each phase of a multi-phased development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the PD District must be provided prior to completion of development within the PD District.
- (d) Height Regulations: Unless otherwise provided by the PD ordinance, height regulations for uses shall be those established within the City's zoning regulations for the base zoning district.
- (e) Area Regulations: Unless otherwise provided by the PD ordinance, area regulations for uses shall be those established within the City's zoning regulations for the base zoning district. The minimum allowable size for a PD shall be one acre.

SECTION 1012.1: Master Plan

- (a) Mandatory: The PD Master Plan is mandatory step in the creation of a PD district. It establishes general guidelines for the PD district by identifying the proposed land uses and intensities, building locations, parking, building footprints, thoroughfare locations, and open space boundaries, including pedestrian connectivity. The PD Master Plan, as incorporated in the PD ordinance and together with the text of the ordinance, establishes the development standards for the PD district.
- (b) Compliance with Approved Plans: Except as otherwise provided by the City's Subdivision Regulations, no development shall begin and no building permit shall be issued for any land within a PD District until a PD Site Plan that is substantially consistent with the PD Master Plan has been approved. Each PD District shall be developed, used, and maintained in compliance with the approved PD Master Plan, and subsequently conforming site plans, for the PD District.
- (c) Establishment of District
 - 1. Zoning Amendment: The procedures for establishing a PD district shall be as for

any other type of zoning request, except that more information is typically needed along with the request, and a Master plan shall be submitted along with the request.

2. Application: An application for the establishment of a PD District shall be submitted in accordance with this Section. The application shall include:
 - (i) A PD Master plan;
 - (ii) A list of proposed PD District development standards;
 - (iii) Identification of a zoning district, if any, which shall apply to the extent not otherwise provided by the PD Master plan or by the proposed PD district development standards;
 - (iv) A Master plan informational statement, and
 - (v) A traffic impact analysis, unless waived by the City Council.
 - (vi) A traditional subdivision layout to determine a density baseline as permitted under the base zoning district, unless waived by the City Council.
- (d) Governing Regulations: Except to the extent provided by the PD Master Plan and the PD ordinance, development within the PD district shall be governed by all of the ordinances, rules, and regulations of the City in effect at the time of such development, including the standards of the zoning district identified in the application.
- (e) Conflict: In the event of any conflict between the PD Master plan, the PD ordinance, and/or the ordinances, rules, and regulations of the City in effect at the time of the establishment of the PD, the terms, provisions, and intent of the PD Master Plan and PD ordinance shall control.
- (f) PD Master Plan Requirements:
 - (1) A Master plan shall be submitted along with a PD zoning request, and shall be processed simultaneously with the PD zoning request. The Master plan shall be reviewed by the City's development review team. If the PD zoning application is approved, the PD Master Plan shall be incorporated and made a part of the PD ordinance.
 - (2) Development Standards: Proposed PD district development standards shall be processed simultaneously with the PD zoning application, and if the PD zoning application is approved, such standards shall be incorporated as part of the PD ordinance. Such proposed development standards may include, but shall not be limited to, uses; density; lot size; building size; lot dimensions; setbacks; coverage;

height; landscaping; lighting; screening; fencing; parking and loading; signage; open space; drainage; utility and street standards and development and construction timelines. Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD ordinance, shall be considered as regulatory standards. In the event of any conflict, the more stringent standards shall apply. At the City Manager's discretion, the City Manager may waive any of items listed in this subsection. The City Council may require submission of the above information or any other item deemed necessary by the Council for creation of a PD district.

(3) Informational Statement: A PD Master plan shall be accompanied by an informational statement containing the information set forth below. If the PD zoning application is approved, the informational statement shall be binding on the applicant or the land owner, but shall not be considered part of the PD Master plan or the PD ordinance. If the PD Master Plan and the PD Ordinance conflict in any way, the PD Ordinance shall be considered the controlling document. Informational statements shall be updated concurrently with any amendment to the PD Master plan. Each statement shall include the following:

- (i) A general statement setting forth how the proposed PD district will relate to the City's Comprehensive Plan;
- (ii) The total acreage within the proposed PD district;
- (iii) If the development is to occur in phases, a conceptual phasing plan that identifies the currently anticipated general sequence of development, including the currently anticipated general sequence for installation of major capital improvements to serve the development; and
- (iv) An aerial photograph with the boundaries of the PD Master plan clearly delineated.

(g) Master Plan Amendments:

- (1) PD Master Plans: PD Master Plans, excluding informational statements, are considered part of the PD ordinance. Any substantive amendment to a PD Master Plan, as determined by the City Manager, shall be considered a zoning change. Non-substantive modifications may be approved by the City Manager.
- (2) PD Site Plans: PD site plans are not considered part of a PD ordinance. Except as otherwise provided within this Subsection, any amendment/revision to an approved site plan shall be in accordance with the City's Ordinances.

(h) Lapse of Master Plan:

A PD Master plan shall be effective for a period of one year (365 calendar days).

- (i) Extension & Reinstatement: Extension of a PD Master plan or site plan shall be in accordance with the following:
 - (1) Prior to the lapse of approval for a PD Master Plan, the applicant may request that the City, in writing, to extend the plan approval. Such request shall be considered at a public meeting before the P&Z and the City Council, and an extension may be granted by City Council at such meeting. Two (2) extensions of six (6) months each in length may be granted, unless otherwise specified by ordinance. If no petition for extension of PD Master Plan approval is submitted, then the plan shall be deemed to have automatically expired by operation of law and shall become null and void.
 - (2) Determination of Extension: In determining whether to grant a request for extension, the City Council shall take into account the reasons for the lapse, the ability of the applicant to comply with any conditions attached to the original approval, and the extent to which development regulations would apply to the concept plan or site plan at that point in time. The P&Z and City Council shall either extend the PD Master Plan or deny the request, in which instance the originally approved plan shall be deemed null and void. However, the two (2) aforementioned extensions shall not be unreasonably withheld without due cause.
- (j) Contents for Master Plans:
 - (1) Objective: A PD application and the Master Plan must include enough information to allow the City to plan for infrastructure and to demonstrate that the plan will be an enhancement to the City, while allowing for flexible and creative planning.
 - (2) Scale: The Master Plan shall be prepared at a scale no smaller than one inch equals two hundred feet (1" = 200') and on sheets twenty-four inches by thirty-six inches (24" x 36")
 - (3) Contents: The Master Plan shall show the following:
 - (i) A title block within the lower right hand corner of the concept plan with the proposed name of the project or subdivision, the name and address of the owner and the land planner, engineer architect or surveyor responsible for the design or survey, the scale of the drawing, both written and graphic scale, the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Bell County, Texas;
 - (ii) A vicinity or location map that shows the location of the proposed development within the City or its extraterritorial jurisdiction and in

relationship to existing roadways;

- (iii) The boundary survey limits of the tract and scale distances with north clearly indicated;
- (iv) The names of adjacent additions or subdivisions, or the name of the owners of record and recording information for adjacent parcels of unplatted land, including parcels on the other sides of roads and creeks. The concept plan shall include a depiction of all contiguous holdings of the property owners, the existing and proposed uses of the subject property, a general arrangement of future land uses, including the approximate number of lots and any residential uses anticipated, and a generalized circulation plan for the subject property;
- (v) The existing zoning and existing and proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements with recording information; existing buildings; railroad rights-of-way; topography, including contours at two-foot intervals with existing drainage channels or creeks, including the 100-year flood plain, if applicable; any other important natural features (such as rock outcroppings, wildlife habitats, etc.); all substantial natural vegetation; and adjacent political subdivisions, corporate limits, and/or school district boundaries;
- (vi) Proposed strategies for tree preservation, which may include showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction;
- (vii) The layout and width, including right-of-way lines and curb lines, of existing and proposed thoroughfares, collector streets and/or intersections, and a general configuration of proposed streets, lots and blocks, including proposed median openings and left turn lanes on future divided roadways. Existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings;
- (viii) A general arrangement of land uses and buildings, including but not limited to proposed non-residential and residential densities; building heights, square footages, massing, orientation, loading and service areas, recycling containers, compactors and dumpster enclosures, pedestrian walkways, and parking areas; any proposed sites for parks, schools, public facilities, public or private open space; flood plains and drainage ways; and other pertinent development related features; and
- (ix) The phasing scheduled for the development.

SECTION 1012.2: Submission & Review Process

- (a) Submission of Complete Application:
 - (1) For the purpose of this Section, the “official submission date” shall be the date upon which a complete application for approval of a PD, that contains all elements and information required by this Section, is first submitted to the City Manager. No application shall be deemed officially submitted until the City Manager determines that the application is administratively complete and a fee receipt is issued by the City.
 - (2) PD Master Plan applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the City, and shall not be scheduled on a P&Z agenda until the proper information is provided to City staff.

- (b) Additional Information: The City’s staff may require information and data other than that set out in this Section for specific PD Master Plans. This information data may include but is not limited to: geologic information, water yields, flood data and hydrological studies, environmental information, traffic impact analysis, road capacities, market information, historic structure(s) and/or land, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a PD may establish conditions for construction based upon such information.

- (c) Principles & Standards for Review:
 - (1) The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City of Nolanville, and to ensure that all developments are, to the best extent possible, constructed according to the City’s codes and ordinances.
 - (2) The City Manager shall review the PD for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Nolanville; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.
 - (3) PD review and evaluation by the City Manager shall be performed with respect to

the following:

- (i) The plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Nolanville.
- (ii) The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
- (iii) The relationship of the development to adjacent uses in terms of harmonious design, facade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.
- (iv) The provision of a safe and efficient vehicular and pedestrian circulation system.
- (v) The general design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- (vi) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
- (vii) The coordination of streets so as to arrange a convenient system consistent with the Transportation Plan of the City of Nolanville and Metropolitan Planning Organization.
- (viii) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
- (ix) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
- (x) The location, size, accessibility, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (xi) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- (xii) Protection and conservation of watercourses and areas subject to flooding.

- (xiii) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
 - (xiv) Consistency with the Comprehensive Plan.
- (d) Approval Process:
 - (1) Pre-application Conference: The applicant(s) shall consult with the City Manager and/or other designated administrative officers before preparing a concept plan in order to save time, money and to avoid potential unnecessary delays.
 - (2) Prior to formal application for approval of any PD, the applicant(s) shall request and attend a pre-application conference with the City Manager and any other pertinent City official(s) in order to become familiar with the City's development regulations and the development process.
- (e) City Staff Review: Upon official submission of a complete application for PD approval, the City shall commence technical review of the development proposal by forwarding a copy of the application to development review team members, such as the City Manager, and any other pertinent City official(s). Development review team members shall review the application and shall ascertain its compliance with these and other applicable City regulations.
- (f) Supplementation & Corrections: Following City staff review of the plan and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected or supplemented plan to the City Manager within sixty (60) calendar days following the date on which the applicant received official notification of the completion of the review by the City Manager.
- (g) Review by Administration Prior to consideration by the P&Z or City Council, all PD proposals must be reviewed by the City Manager. At the City Manager's discretion, the City Manager may forward a PD Proposal to the P&Z and Council with or without a recommendation.
- (h) Action by P&Z / City Council
 - (1) The P&Z shall review the PD application and shall recommend approval, approval subject to certain conditions, or disapproval of the PD. If the P&Z

recommends approval, with or without conditions, of the plan, then it will be forwarded to the City Council for consideration.

- (2) The City Council shall consider the PD application at a public meeting following receipt of a determination by the P&Z. The City Council may also, where appropriate, remand the PD application back to the P&Z for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony.
- (i) Public Hearing & Notice
 - (1) The P&Z shall hold at least one public hearing on the proposed PD ordinance.
 - (2) Notice of the P&Z hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the 15th day before the date of the hearing date of the public hearing.
 - (3) Written notice of the public hearing to occur before the P&Z shall also be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.
 - (j) Administrative Fees: The City shall impose its standard fees for the negotiation, preparation and implementation of PDs. These fees shall be established by the City Council in accordance with the City's fee schedule. The City may also recoup from applicants any out-of-pocket expenses related to professional services the City requires in order to design the PD.
 - (k) Grandfathering: PD districts are an option available to developers and the City. PD districts do not constitute a permit required by law. For purposes of Texas Local Government Code Section 245, the "project" shall be the endeavor described in an approved PD Master Plan for an approved PD district.