

APPENDIX A - ZONING^[1]

An ordinance of the City of Oak Ridge North for the purpose of promoting the health, safety, morals, or the general welfare of the community by regulating and restricting the height and size of buildings and other structures, size of yards and other open spaces, the density of population, the location, erection, construction, reconstruction, alteration, repair, and use of all buildings, structures and land for residence, trade, industry, and all other purposes; providing for the amendment and change in such regulations. Restrictions and boundaries of such districts or zones; defining certain terms, providing for a board of adjustment and method of procedure for appeals thereto; providing for procedure for all other purposes; and imposing penalties.

Be it ordained by the city council of the City of Oak Ridge North, Texas:

Footnotes:

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Editor's note— Ord. No. 14-2013, § 2, adopted March 11, 2013, repealed and reenacted Appendix A in its entirety to read as herein set out. Formerly, Appendix A pertained to similar subject matter. See the Code Comparative Table for a complete derivation. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference— Alcoholic beverages, ch. 6; animals, ch. 10; buildings and building regulations, ch. 14; businesses, ch. 18; floods, ch. 42; parks and recreation, ch. 54; planning, ch. 58; signs, ch. 62; subdivisions, ch. 70; utilities, ch. 82.

State Law reference— Municipal zoning authority, V.T.C.A., Local Government Code ch. 211; procedures for amending zoning ordinance, V.T.C.A., Local Government Code §§ 211.002, 211.006, 211.007.

Sec. 1. - Title.

This ordinance shall be known, and may be recited as the Zoning Ordinance of the City of Oak Ridge North, Texas.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 2. - Purpose.

The zoning regulations and district as herein established, have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the City of Oak Ridge North, Texas. They have been

designed to lessen the congestion in the streets; to secure safety from fire, panic, or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Oak Ridge North, Texas. Nothing in this ordinance shall enable the City of Oak Ridge North, Texas, to require the removal or destruction of property existing at the time this ordinance is adopted.

(Ord. No. 14-2013, § 2, 3-11-13)

State Law reference— Purpose of zoning powers, V.T.C.A., Local Government Code § 211.001.

Sec. 3. - Definitions.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular. The word "building" shall include the word "structure," the word "lot" includes the word "plot," and the word "shall" is mandatory and not merely permissive or directory.

Accessory building (and structure). A secondary building or structure, or a portion of the main building or structure, the use of which is incidental and subordinate to that of the main building or to the main use of the premiseslot.

Accessory use. A use that is incidental and subordinate to the use of the main building, structure or premiseslot.

Alley. A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

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 nonresidential uses, which room or suite is intended or designed for use as a residence by ~~one~~ a single family and which includes culinary accommodations.

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

Automobile sales. The use of land or buildings for display and retail sales of new or used automobiles generally, which may include light trucks or vans, trailers, or recreation vehicles, and including any vehicle preparation or repair work conducted as an accessory use.

Automobile wrecking yard. The use of land or buildings for the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of

dismantled or wrecked vehicles or their parts. The presences on any lot of three or more vehicles which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard.

Billiard or pool hall. Any place wherein a billiard table or tables are used, maintained, kept or exhibited for the purpose of profit, or any place where any billiard table or pool table is kept, used, maintained or exhibited where a charge is made for playing billiards or for playing pool.

Boardinghouse. A building, other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding 20 persons.

Boat. All types of watercraft, whether registered or unregistered, licensed or unlicensed. The term "boat" shall include any wheeled trailer or other device on which such boat is or may be kept, stored, or transported, whether registered or unregistered, licensed or unlicensed.

Brick. Kiln fired clay or shale brick manufactured to American Society for Testing and Materials (ASTM) International standard C216 or C652 with a minimum thickness of two and one quarter inches when applied as a veneer. Brick also may include concrete facing brick if the coloration is integral to the masonry materials, it is not painted, and it is manufactured to ASTM International standard C1634.

Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property.

Building line. The line established by law, beyond which no part of thea building shall not extend, except as specifically provided by local ordinance or other applicable law.

Building setback restriction means an area designated on a subdivision plat in which no building or structure may be constructed and which is located between the adjacent street right-of-way line or other type of easement or right-of-way line and the proposed building.

Clinic. An office or group of offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

Commercial. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Convenience retail. An establishment offering for retail sale prepackaged food products, household items and other goods commonly associated with the same, and having a gross floor area of less than 5,000 square feet.

Day care center. An establishment providing nonmedical care, protection and supervision for individuals on a regular basis, away from their primary residence for less than 24 hours per day. The term includes nursery schools, preschools, day care centers for adults and children, a children's boarding home, a child placement agency or other

Comment [CN1]: NOTE: Definition may implicate section 9-A(C)(10) Industrialized Buildings.

Comment [JB2]: We need to look into adding one of these definitions. There is a difference between "yard" open space and "building setback". Especially the rear yard area.

place for the care or custody of children under 15 years of age and licensed by the State of Texas pursuant to V.T.C.A., Human Resource Code ch. 42.

Decorative concrete block. Concrete block material that has a highly textured finish, such as split faced, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material and it is not painted. Decorative concrete block shall also include light weight and featherweight concrete block or cinder block units. Decorative concrete block shall have a minimum thickness of three and five eighths (3-5/8") inches when applied as a veneer.

District. A section or sections of the City of Oak Ridge North, Texas, for which regulations governing the use of buildings and premiseslots, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling. A building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, single-family. A building having accommodations for and occupied exclusively by one-a single family.

Dwelling, two-family, or duplex. A building having accommodations for and occupied exclusively by two families.

Dwelling, multiple. A building having accommodations for and occupied exclusively by more than two families.

Family. Any number of individuals, related by blood, marriage, or adoption, and domestic servants for such a family, living together as a single nonprofit housekeeping unit doing their own cooking, as distinguished from a group occupying a boardinghouse, lodging house, or hotel as herein defined.

Filling station or service station. Any building or premiseslot used 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 premiseslots are classified as a public garage or retail store.

Frontage. All the property abutting on one side of a street between two intersecting streets (crossing or termination), measured along the line of the street, or if the street is dead-ended, then all the 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 for or used for the housing of 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 of the vehicles may be a commercial vehicle and of not more than one and one-half tons capacity.

Garage, public. A building or portion thereof other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.

Grade.

- (a) For buildings having walls, adjoining one 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 street, the average of the elevation of the sidewalk at the center of all 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 on the building.

Any wall approximately parallel to and not more than five feet from the street. Where no sidewalk exists, the grade shall be established by the city building inspector.

Group home. A licensed community home as defined by V.T.C.A., Human Resources Code ch. 123 which must have not more than six persons with disabilities and two supervisors residing in the home at the same time. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another. The home may not be established within one-half mile of an existing group home. The term group home shall not include alcoholism or drug treatment center, work release facilities for convicts or ex convicts, or other housing facilities serving as an alternative to incarceration. To qualify as a group home, an entity must provide the following services to persons with disabilities who reside in the home: (1) Food and shelter; (2) Personal guidance; (3) Care; (4) **Habilitation services**; (5) Supervision.

Comment [CN3]: HRC Ch. 123 §123.005(4) states Habilitation Services.

Head shop. Any retail establishment open to the public that presents, displays, or offers for sale, distribution, or delivery, smoking paraphernalia items of any kind. "Smoking paraphernalia" shall mean paraphernalia, devices, or instruments, including but not limited to pipes, bongs, and hookahs, that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body "controlled substances" as defined by the Texas Controlled Substance Act, Health and Safety Code, ch. 481, as may be amended. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended to be used, or commonly known to be used for the ingestion, inhalation, preparation, or injection of illegal substances, and include any device or instrument which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, cocaine, methamphetamine, any other "controlled substance," "controlled substance analogue," "synthetic controlled substance," or other substance or chemical that mimics the effect of THC such as synthetic cannabinoids or other controlled substances, or any other substance that violates local, state, or federal law, and is adapted for the purpose of smoking or ingesting by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the smoking paraphernalia for some other purpose. "Smoking paraphernalia" shall also mean and include, in the broadest application possible, kits that are used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived from the manufacturing, compounding, converting, producing, processing or preparing of a controlled substance. "Smoking paraphernalia" does not include lighters, matches,

cigarette holders, and devices used to store or preserve tobacco, tobacco cigarettes, cigarette papers or cigars, nor does it include e-cigarette, e-pipe and e-cigar devices or their respective components including but not limited to the atomizer unit, liquid nicotine reservoir or nicotine cartridge tank, and cartomizer.

Height of building. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the mean height level between the eaves and ridge for gable, hip and gambrel roofs.

Home occupation. An occupation or profession engaged in by the occupants of a dwelling, the conduct of which does not result in the dwelling being identified as a business by the external and objective evidence of a business, such as signs, displays, deliveries, continuous or repetitive (rather than occasional or sporadic) traffic generated by the home occupation, or by regular gatherings of clients or customers for business purposes. The occupation or profession carried on in any dwelling, structure, or on any lot must be the incidental use and not the principal use of the dwelling, and it shall not involve more than one assistant who does not reside in the dwelling. Further, it shall not involve the storage or use of hazardous or dangerous materials, nor constitute a nuisance, nor be detrimental or injurious to the adjoining property owners, their property, or property value.

Hospital. An institution that is licensed by the state or operated by an agency of the government to provide medical, surgical, psychiatric or emergency medical services to sick or injured persons, primarily on an in-patient basis. The term "hospital" shall not include nursing homes.

Hotel. A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house, or an apartment which are herein defined.

HUD-Code manufactured home. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. HUD-Code manufactured home includes the plumbing, heating, air conditioning, and electrical systems of the home. HUD-Code manufactured home does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Industrialized building. A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site and designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed. An industrialized building includes the structure's plumbing, heating, air conditioning, and electrical systems. An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include a commercial structure

that exceeds three (3) stories or forty-nine feet (49') in height. An industrialized building also does not include a commercial building or structure that is installed in a manner other than on a permanent foundation and either is not open to the public or is less than 1,500 square feet in total area when used other than as a school or a place of religious worship.

Industrialized housing. A residential structure that is designed for the occupancy of one or more families, constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.

Library. A publicly operated facility housing a collection of books, magazines, audiotapes, videotapes, DVDs, or other material for use by the general public.

Lodging house. A building or place where lodging is provided (or which is equipped to provide lodging regularly) by prearrangement for definite periods for compensation, for three or more persons, in contradistinction to hotels open to transients.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in this ordinance including one main building with its accessory buildings, and the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved plat.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, depth of. The mean horizontal distance between the front and rear lot lines.

Major street. The frontage road to Interstate 45, Woodson Road, Hanna Road, or Robinson Road.

Manufactured home park. A parcel of land under single entity ownership where lots are planned to be leased for the placement of HUD-Code manufactured homes, accessory uses and service facilities, meeting all requirements of this ordinance, the city's subdivision ordinance, any applicable deed restrictions, and state law.

Manufactured home subdivision. A parcel of land where lots are planned to be sold for the placement of HUD-Code manufactured homes, accessory uses and service facilities, meeting all requirements of this ordinance, the city's subdivision ordinance, any applicable deed restrictions, and state law.

Manufacturing, light. An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Manufacturing, medium. An establishment engaged in the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

Metal panel. A panel that covers an exterior wall and that is composed of formed steel construction, structural steel or lightweight metal alloys, including aluminum siding, cold-rolled copper, and lead-coated copper, which shall be designed in accordance with the City's building code.

Mobile home. A structure constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. Mobile home includes the plumbing, heating, air conditioning, and electrical systems of the home.

Nonconforming building, structure or use. A building, structure, or use that lawfully existed prior to the adoption or amendment of this ordinance, or prior to the institution of proceedings associated with the annexation of the underlying property into the City of Oak Ridge North, Texas, but then no longer conforms to this ordinance or an amendment thereto.

Nursing home. An institution that is licensed by the state to provide in-patient services for persons needing regular medical attention and bed care services on a 24-hour basis, but excluding hospitals.

Office. An establishment providing executive, management, or administrative services, including executive suites.

Office, medical. <NEED DEFINITION>

Off-site sales office. An office where direct sales distribution, manufacturer representatives, and other similar activities occur provided all sales are conducted off-site and storage and deliveries do not exceed the limitations provided in this Appendix A-Zoning.

Off-site services office. An office where services are performed at an off-site location.

Parking space. An area enclosed or unenclosed containing not less than 160 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.

Paved. Shall mean a surface paved or covered with a constructed surface of concrete, asphalt, or similar materials, but excluding debris, to establish a permanent surface for the parking, storage, or placement of any boat, recreational vehicle, or utility trailer.

Place of worship. A church or the use of land or buildings for regular assembly of people for worship and intended primarily for propagating a particular faith or religious belief.

Planned unit development or PUD. A contiguous area to be developed as a single entity according to a unified site design plan, containing one or more of the following uses:

Comment [JB4]: New definitions added. Ordinance 9-2017.

Comment [CNSR4]: "Medical office" appears in current code; need to address with a definition or some other "cleanup" solution.

1. Residential;
2. Office;
3. Commercial;
4. Industrial;
5. Public or quasi-public; or
6. Any combination of the same.

Principal use or principal structure. A use or structure that is the primary and chief purpose for the use of land or buildings on a lot.

~~*Professional services office.* An office for engineers, draftspersons, admin services, and other similar professional services as determined by the City that require a high degree of technical skill, special training or professional license, including, but not limited to, the services of attorneys, accountants, and architects, provided the delivery of client services is performed or otherwise conducted off-site.~~

~~*Public house.* An establishment that derives 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages. Also known as a bar or ice house.~~

Research or laboratory service. Establishment engaged in research of an industrial or scientific nature.

Retail. The use of property primarily for the business of making sales of taxable items of a kind the receipts from the sale of which are included in the measure of the sales or use tax imposed by Chapter 151, Texas Tax Code.

Safety services. A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

School. The use of a site for instructional purposes on an elementary or secondary level, approved under the regulations of the state.

Stone. 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. Stone may also include manmade cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry materials, it is not painted, 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.

Special exception. A specified use that city council has predetermined to be appropriate and allowed in a designated district if the board of adjustment determines that its particular placement within a designated district will not adversely affect the public and neighborhood interest.

Specific use permit. A use or structure which does not specifically, or without special restriction, conform to the regulations of the zoning district in which the use is located, but which if controlled as to number, area, location or relation to the

Comment [JB6]: Added. Ordinance 9-2017

Comment [CN7]: 101017 CDV: "Public House" should have been eliminated with Ordinance 14-2013 (Sec. 3 – Definitions; Sec. 7-A(B)(2)(16).

neighborhood is deemed appropriate to promote the health, safety, or general welfare of the residents of the city, and for which a condition or exception has been recommended by the planning and zoning commission and approved by the city council in accordance with the specific use permit process allowed under section 9 of this appendix. Such conditions shall include, but not be limited to, site plan review, general plan submission, restrictive deed covenants and regulations, additional landscaping, and other conditions as the planning and zoning commission or the city council may deem appropriate.

Special use vehicles. Special use vehicles are collectively defined as any one or more of the following:

- a. A "trailer" is a vehicle that has or resembles one or more of the following characteristics:
 - i. Any vehicle designed to be towable by a private passenger car, truck or van;
 - ii. Any vehicle, which may be referred to as a "semi-trailer" or "tractor-trailer," having wheels at the back but supported at the front by a towing vehicle;
 - iii. Any vehicle designed to carry or otherwise transport watercraft of all types, and their furnishings, equipment and outboard engines or motors;
 - iv. Any vehicle designed to carry or otherwise transport antique or collectible cars, miniature automobiles, motorcycles, mopeds, all-terrain vehicles (including, but not limited to quads, quad bikes, three-wheelers, four-wheelers), recreational utility vehicles, crossover utility vehicles, dune buggies, go-carts, golf mobiles, golf carts, or snowmobiles; or
 - v. Any farm wagon or farm implement that can be towed by a private passenger car, truck, or van.
- b. A "house trailer" is a trailer or semi-trailer, other than a towable recreational vehicle, that:
 - i. Is transportable on a highway in one or more sections; and
 - ii. Is less than 40 feet in length, excluding tow bar, while in the traveling mode; and
 - iii. Is built on a permanent chassis; and
 - iv. Is designed to be used as a dwelling or for commercial purposes if connected to required utilities; and
 - v. Includes plumbing, heating, air-conditioning, and electrical systems.
- c. A "recreational vehicle" is a vehicle that has or resembles one or more of the following characteristics:
 - i. A vehicle that is self-propelled or towable by a private passenger car, truck, or van, that is designed to be used as a portable dwelling for use during casual travel or camping (e.g., camper trailers, pop-up trailers, casitas, motor-homes, RVs, fifth-wheels, travel trailers, pick-up coaches, etc.); or

- ii. Watercraft of any type, and its furnishings, equipment, engines or motors, and its accompanying trailer.

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

Street. A public thoroughfare which affords the principal means of access to abutting properties.

Structure. 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 and pergolas.

Structural alterations. Any change of the supporting members of a building, such as bearing walls, partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Trailer. Any structure used for sleeping, business or storage purposes, having no foundation other than wheels, skids, jacks, horses, or skirtings 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 camp car and house car. For the purposes of this ordinance, a trailer is a single-family dwelling and shall conform to all regulations therefor when not located in a trailer camp or park as herein defined.

Trailer camp or trailer park. A lot or tract of land and facilities and accommodations as are provided by the day, week, month or for a longer period of time, for or without compensation, for two or more trailers when such trailers are being used for human habitation.

Tourist court (auto courts, motels or motor lodges). A group of attached, semidetached, or detached buildings containing individual sleeping or living units, designed for or used temporarily for automobile tourists or transients, with garage attached or providing space conveniently located to each unit and offering to the public daily as well as other longer-term rental rates, and containing a register of guests and/or their vehicles.

Use by right. A use or activity that qualifies under the section will be allowed as a matter of right in that zoning district, subject to all other applicable zoning standards in the zoning code and Code of Ordinance requirements.

Utility trailer. A vehicular structure or device with or without its own mode of power, licensed or unlicensed, designed and/or used for the transportation of goods or materials.

Variance. An authorized deviation from the property development standards for the applicable zoning district where development is proposed that would not be contrary to the public interest and, due to special conditions, a literal enforcement of the provisions of the code would result in unnecessary hardship, and so that the spirit of the code is observed and substantial justice done.

Wood. Any organic or engineered wood material used for construction, excluding logs.

Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, or the depth of a rear yard, the horizontal distance between the boundary line and the main building shall be used.

Yard, front. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projection thereof other than closed balconies or open porch.

Yard, rear. A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of a lot from the front yard.

Yard, side. A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 21-2014, § 6, 3-24-14; Ord. No. [08-2015](#), § 3, 4-13-15; Ord. No. [09-2015](#), § 3, 4-13-15; Ord. No. [06-2015](#), § 3, 5-11-15; Ord. No. [33-2015](#), §§ 2, 3, 10-12-15; Ord. No. [35-2015](#), § 3, 10-12-15; Ord No. 02-2016, § 3, 1-25-2016; Ord. No. 32-2016, § 2, 3, 9-26-2016)

Sec. 4. - Districts.

For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, the City of Oak Ridge North, Texas, is hereby divided into various zoning districts, of which there shall be seven classes in number, and which shall be known as:

R-1, R-3, R-4, R-5	Single-Family Dwelling Districts
R-2	Multifamily District
B-1	Neighborhood Business District
NED	Neighborhood Entryway District
B-2	Secondary and Highway Business District

Comment [JB8]: Proposed new R districts

M-1	Light Manufacturing District
M-2	Medium Manufacturing District
<u>M-3</u>	<u>Mixed manufacturing district</u>
<u>PD-1</u>	<u>Plaza District</u>
<u>RC-1</u>	<u>Robinson Commercial District</u>

Comment [CN9]: Part of "clean-up"

Comment [CN10]: Part of "clean-up"

Comment [JB11]: M-3, PD-1, RC-1 added to update.

The boundaries of the districts, described above, are shown on the map that is attached hereto and made a part of this ordinance, which map is designated as the "zoning district map." Said district map and all notations, references, and other information shown thereon are made a part of this ordinance and shall have the same force and effect as if said map and said data thereon were fully set forth or described herein. Said map shall, on its face, be identified and verified in the manner following: It shall bear the title "ZONING DISTRICT MAP—OAK RIDGE NORTH, TEXAS"; it shall bear even date with the passing of this ordinance; it shall bear the name of the mayor; and, it shall be attested by the signature of the city secretary. The original of said map shall be kept in a proper place in the municipal building.

Whenever any street, alley, or other public way is lawfully vacated by the council of the City of Oak Ridge North, Texas, the zoning district adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacated area and thereafter all land included in said vacated area shall be subject to all applicable regulations of the extended districts.

~~All territory hereafter annexed to the City of Oak Ridge North, Texas, shall be classified as R-1 one-family dwelling district, until permanently zoned by the governing body of the City of Oak Ridge North, Texas. The city council of the City of Oak Ridge North shall, as soon as practicable, after annexation of any territory to the City of Oak Ridge North, Texas, The Planning and Zoning Commission and the city council of the City of Oak Ridge North shall institute a public hearing proceedings to give zone the newly annexed territory permanent with the appropriate zoning classification. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the city or as otherwise provided by law.~~

Notwithstanding any provision of this zoning ordinance to the contrary, the district regulations and restrictions of the zoning ordinance shall not apply to the buildings, structures, improvements, or uses of the City of Oak Ridge North, Texas.

Except as hereinafter provided:

1. 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.
2. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is situated.
3. 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 the 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 an area less than the district requirements of this ordinance.
4. Every building hereafter erected or structurally altered shall be on a lot as herein defined, and in no case shall there be more than one main building on one lot except as otherwise provided in this ordinance.

(Ord. No. 14-2013, § 2, 3-11-13)

State Law reference— Zoning districts, V.T.C.A., Local Government Code § 211.005.

Sec. 5. - **R-4** Single-family dwelling districts, general regulations.

A. The following regulations shall apply to the all R-4 single-family dwelling districts (e.g., R-1, R-3, R-4, R-5). To the extent a zoning regulation within this section conflicts with another city ordinance or other regulation applicable to this section, the more restrictive regulation shall control unless otherwise specifically stated.

B. For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of population and the location and use of buildings, structures, and land in single-family dwelling zoning districts, the City of Oak Ridge North, Texas, is hereby divided-dividing its single-family residential areas into the various single-family dwelling zoning districts.

Zoning Table 5.1- A.—District specific single-family dwelling lot size regulations.

Zoning District	Minimum Lot Area in Square Feet	Minimum Lot Width in Feet	Minimum House Size in Square Feet	Front Building Set-back in Feet*	Side Building Set-back in Feet*	Rear Building Set-back in Feet*	Maximum Height Stories/ Feet	% Masonry**	Reserved
R-1	9,000	75	1,800	25	5	8	2.5/35	75	Reserv

Comment [CN12]: CDV 092617: Is the only goal of splitting these districts into multiple R districts to group by lot sizes? Or should each have its own section of the code?

Comment [CN13R12]: 092717: CLN Agrees. Will the various single-family zoning districts always have the same zoning regulations except for their lot sizes???

									<u>ed</u>
<u>R-3</u>	<u>20,000</u>	<u>80</u>	<u>1,800</u>	<u>40</u>	<u>5</u>	<u>25</u>	<u>2.5/35</u>	<u>75</u>	<u>Reserv</u> <u>ed</u>
<u>R-4</u>	<u>5,000</u>	<u>50</u>	<u>1,500</u>	<u>10</u>	<u>5</u>	<u>8</u>	<u>2.5/35</u>	<u>75</u>	<u>Reserv</u> <u>ed</u>
<u>R-5</u>	<u>14,000</u>	<u>75</u>	<u>1,800</u>	<u>25</u>	<u>5</u>	<u>8</u>	<u>2.5/35</u>	<u>75</u>	<u>Reserv</u> <u>ed</u>
<u>Reser</u> <u>ved</u>	<u>Reserv</u> <u>ed</u>	<u>Reser</u> <u>ved</u>	<u>Reser</u> <u>ved</u>	<u>Reser</u> <u>ved</u>	<u>Reser</u> <u>ved</u>	<u>Reser</u> <u>ved</u>	<u>Reser</u> <u>ved</u>	<u>Reserv</u> <u>ed</u>	<u>Reserv</u> <u>ed</u>

*- See section 10 of the zoning ordinance.

**- see Section 5, J of the ordinance for masonry requirements.

1. Minimum building setbacks. (See Zoning Table 5.1)

- a. Front building setback. A front building setback is required along the front property line of the lot. The minimum depth of such front building setback shall be determined by the zoning district where the single-family dwelling is located in accordance with Zoning Table 5.1. No buildings or structures of any kind, whether temporary or permanent, are permitted within the required front building setback.
- b. Side building setback. A side building setback is required along the side property lines of the lot. The minimum width of the side building setbacks shall be determined by the zoning district where the single-family dwelling is located in accordance with Zoning Table 5.1. No buildings or structures of any kind, whether temporary or permanent, are permitted within the required side building setbacks beginning from the rear of the main building line and continuing forward to the front property line.
- c. Rear building setback. A rear building setback is required along the rear property line of the lot. The minimum depth of such rear building setback shall be determined by the zoning district where the single-family dwelling is located in accordance with Zoning Table 5.1. No buildings or structures of any kind, whether temporary or permanent, are permitted within the required rear building setback.
- d. Exceptions. Portable residential tool sheds and storage sheds (collectively "shed") no larger than 144 square feet are not required to meet the side building setback requirements if the following conditions are met:

Comment [JB14]: Added to clarify building lines vs. open space. Added language for accessory structures as well.

Comment [CN15R14]: 113017: removed accessory structure language specific to "storage sheds" and "portable residential tool sheds" because the definition of building covers both.

Comment [CN16]: 092717: Appropriate term?

Comment [CN17R16]: 100617 CDV: Define the term to include portable residential tool shed, storage sheds, etc. (Collectively referred to as "Sheds")?

- i. The shed must be on skids or concrete blocks. The shed cannot be built on a permanent foundation.
- ii. No improvements may be made to the shed such as plumbing or electrical.
- iii. No portion of the shed's roof shall extend into the area that is 16 inches from the property line.
- iv. The exterior walls, or the outermost portion of the shed, shall be a minimum of two feet (2') from any property line.
- v. The city accepts no responsibility for damages to sheds located in an easement **and has to be moved**.
- vi. The shed is located behind the house or within the required rear yard area.
- vii. If located within the rear yard area, the shed must comply with ~~section 10.C.7~~ **5.C.4.a.5**, and ~~section 5.D.1~~, of this Appendix A

Comment [CN18]: 101017 CDV: Refers to portable tool or storage sheds above

Comment [CN19]: 101017 CDV: Refers to Rear Yard

2. Minimum rear yard area regulations (open space).

~~1. Front yard. There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be 25 feet.~~

~~2. Side yards. There shall be a side yard on each side of a building of not less than ten percent of the width of the lot, but such side yard need not exceed six feet and shall not be less than five feet.~~

~~3a. Rear yard area (open space). The purpose of the rear yard area is to create and impose an open space requirement upon each single-family dwelling lot. The minimum depth of the rear yard area shall be at least thirty percent (30%) of the depth of the lot, but such depth need not be more than forty feet (40'), the lesser of thirty percent (30%) of the depth of the lot or forty feet (40').~~

Comment [JB20]: Really no need for these. The building lines will establish the setbacks for the front and side yards. The rear yard requirement should stay so there is a minimum open space requirement.

~~i. In any residential district, accessory buildings shall not occupy more than thirty percent (30%) of the required minimum rear yard area. Accessory buildings shall be located a minimum of twelve feet (12') from the main use building primary dwelling. In any residential district, no accessory building shall be more than can exceed one (1) story or eighteen feet (18') in height.~~

Comment [JB21]: This was moved from section 10 of the zoning ordinance. A height was also inserted per P&Z.

~~a. Exceptions . Portable residential tool sheds and storage sheds ("sheds") no larger than 144 square feet are not required to meet the building set backs for side yards provided the following conditions are met:~~

~~a. The shed must be on skids or concrete blocks. The shed cannot be built on a permanent foundation.~~

~~b. No improvements may be made to the shed such as plumbing or electrical.~~

- c. No portion of the roof shall extend into the area that is 16 inches from the property line.
- d. The exterior walls, or the outermost portion of the shed, shall be a minimum of two feet off the property lines.
- e. The city accepts no responsibility for damages to a shed located in an easement and has to be moved.
- f. The shed is located behind the house or within the required rear yard.
- g. If located within the rear yard, the shed must comply with section 10.C.7 of this Appendix A.

Comment [JB22]: Moved to 5.E.3.a.

A.C. Use regulations. The following uses for buildings or premises lots shall be a use by right.

- 1. Single-family dwellings.
- 2. A public school having a curriculum equal to a public elementary, high school or institution of higher learning.
- 3. Playgrounds and golf courses (except miniature golf).
- 4. Nonprofit libraries and museums.

Comment [JB23]: Per P&Z request, they wanted these removed.

52. Notwithstanding any provision of this zoning ordinance to the contrary, the district regulations and restrictions of the zoning ordinance shall not apply to the buildings, structures, improvements, or uses of the City of Oak Ridge North, Texas.

Comment [CN24]: Removed because it is covered under Section 4 and applicable to all zoning districts.

62. Customary home occupations subject to the regulations in subsection G.H. below.

73. Accessory buildings and accessory uses which are customary and incident to the above uses (not involving the conduct of a business), when located on the same lot, including a private garage for one or more cars, and bona fide servant quarters not for rent or used for commercial purposes.

4a. Detached accessory buildings. A maximum of two detached accessory buildings in addition to a private garage are permitted on a residential lot, if the following conditions are met:

- 1. The combined square footage of all detached accessory buildings shall not exceed 500 total square feet.
- 2. All detached accessory buildings shall comply with section 5.D.31 and section 10.C.7 of this Appendix A, as may be amended and chapter 14 of the Code of Ordinances, as may be amended.
- 3. All detached accessory buildings shall have the same architectural style of the main primary dwelling except for a portable tool or storage shed that is less than 144 square feet in size.

Comment [CN25]: 092717: Verify section reference.

4. All detached accessory buildings shall have the same roofing material as the ~~main-primary~~ dwelling except for a portable residential tool shed or storage shed that is less than 144 square feet in size.

5. All portable residential tool sheds or storage sheds are considered detached accessory buildings for the purpose of calculating the 500 total square feet allowed for detached accessory buildings permitted on a residential lot.

6. *Exceptions.* This section 4a does not apply to playground or other similar recreational equipment or pergolas, trellises, arbors, gazebos or other similar open-air landscape improvements.

~~8~~5. A group home shall be a use permitted for buildings or ~~premises-lots~~ by special exception subject to consideration and approval by the board of adjustment according to the procedure outlined in section 17 herein.

~~B.~~ *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height except as provided in section 10 hereof.

~~G.~~

~~D.~~ *Intensity of use.* Every lot or tract of land shall have an area of not less than 9,000 square feet and an average width of not less than 50 feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this ordinance and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.

~~E~~D. *Additional use, height and area regulations.* Additional use, height and area regulations and exceptions are found in section 10 of this ordinance.

~~F.~~ *Supplemental regulations.*

~~1~~E. *Swimming pools/pumps and related equipment.* No swimming pool, including the structural attachments thereto, including, but not limited to, decking, spas, rock or water features, shall be permitted within any required yard except as specifically authorized in this subsection. That portion of a swimming pool, including structural attachments, which is less than 12 inches in height above natural grade, shall be permitted within a required rear yard provided no portion of any such swimming pool or structural attachment is located within five feet of any adjacent property line. Provided further, all swimming pool pumps, heaters, automatic chlorinating devices, or other accessory equipment that emit sounds above the ambient sound levels at the property line nearest to such equipment, shall be buffered by a wall, fence, wrap, or other sound reducing device so as to reduce any such sound levels to the ambient sound level at the property line nearest such equipment.

~~2~~E. *Driveways.* No vehicular driveway shall be located nearer than one foot from any side or rear property line.

Comment [JB26]: This section moved from "supplemental regulations under section 5. F.4. Since this section deals with accessory buildings and the number of buildings, it should be located under "use regulations".

Comment [JB27]: Table replaces this.

3G. Parking on paved surfaces only. It shall be unlawful for any person to park any vehicle on any lot, tract or parcel of land within a single-family dwelling district R-4 except on a paved surface. For the purposes hereof, a "paved surface" shall mean a surface paved with concrete or other similar material asphalt.

Comment [CN28]: 092717: single-family or any residential district?

Comment [CN29]: 092717: Inconsistent with section 8-A(E.)

~~4. Detached accessory buildings . A maximum of two detached accessory buildings in addition to a private garage are permitted on a residential lot, provided the following conditions are met:~~

- ~~a. The combined square footage of all detached accessory buildings shall not exceed 500 total square feet.~~
- ~~b. All detached accessory buildings shall comply with section 5 and section 10.C.7 of this Appendix A and chapter 14 of the Code of Ordinances, as may be amended.~~
- ~~c. All detached accessory buildings, excluding garages, shall be constructed in the same architectural style of the main dwelling except for a portable tool or storage shed that is 144 square feet or less in size.~~
- ~~d. All detached accessory buildings shall have the same roofing material as the main dwelling except for a portable tool or storage shed that is less than 144 square feet in size.~~
- ~~e. All portable tool or storage sheds are considered detached accessory buildings for the purpose of calculating the 500 total square feet allowed for detached accessory buildings permitted on a residential lot.~~
- ~~f. Exceptions . This section 4 does not apply to playground or other similar recreational equipment or pergolas, trellises, arbors, gazebos or other similar open-air landscape improvements.~~

Comment [JB30]: Moved to sec. 5C under uses.

GH. Home occupations; regulations.

1. *Uses permitted.* Customary home occupations are permitted if conducted in compliance with the standards of this subsection. Customary home occupations uses are:
 - a. *Off-site sales office.* Home office for direct sales distribution, for manufacturer's representatives, and other similar activities, provided that all sales are conducted off-site and that storage and deliveries do not exceed the limitations provided below.
 - b. *Off-site services office.* Home office for services provided off-site, including but not limited to such activities as house-cleaning services, yard/garden services, locksmiths, appliance repair, contractors and similar activities, provided that all services are provided off-site, that storage does not exceed the limitations stated below, that no other employees regularly visit the premises, and that no more than one commercial vehicle is parked at the residence on a regular basis.

- c. *Professional services office.* Home office for engineers, draftspersons, secretaries, sales persons, research persons, and similar services, provided that client services are conducted off-site.
 - d. *Home instruction.* Individual tutoring and lessons in art, dance, music, swimming, or similar activities, provided that a maximum of six students per day shall be permitted at the premises.
 - e. *Home arts/crafts.* Preparation of small arts/crafts items for off-site display and sale, including ceramics with a maximum kiln size of six cubic feet and including dressmaking/sewing with a maximum of two machines, shall be permitted, provided that all ordering, fittings and delivery are conducted off-site. The preparation or creation of larger items requiring delivery of materials, the movement by vehicles other than passenger vehicles, is prohibited.
2. *Uses not permitted.* Child care centers, medical offices, repair of automobiles and other mechanized vehicles and equipment, uses involving grooming, breeding and boarding of animals, beauty salons, and piercing studios are not permitted and do not qualify as customary home occupations.
3. *Standards of operation for all home occupations.*
- a. *Employees.* No person other than an occupant of the residence and one employee shall be engaged in the home occupation at the residence or shall visit the residence on a regular basis. No more than three occupants of the residence and one employee shall be engaged in home occupations.
 - b. *Space and location.* The maximum area used for the home occupation shall not be greater than 25 percent of the living area of the residence, nor more than 500 square feet, including storage areas, nor more than two rooms. No accessory building shall be used in the conduct of a home occupation other than for storage of a vehicle used in the home occupation as otherwise permitted by this section. Activities and/or materials associated with the home occupation shall not be conducted outside and shall not be visible from the street or adjacent properties. The home occupation must be conducted within the principal residential dwelling unit on the property.
 - c. *Storage.* The total area used exclusively for storage shall be no larger than 150 cubic feet. Outside storage in conjunction with a home occupation shall be prohibited.
 - d. *Alterations.* Internal alterations for business purposes or external alterations of the residential appearance of the property for business purposes, such as the creation of a separate entrance, are prohibited. No portion of any dwelling shall have a separate designated access or private entrance specifically designated for a home occupation.

- e. *Equipment.* The installation, storage, or use of any equipment or machinery not normally found in a household or general office is prohibited.
 - f. *Sales and display.* Direct on-site sales, retail or wholesale, and the display of goods or products on the premises are prohibited.
 - g. *Nuisances.* The creation of noise, odors, vibrations, glare, fumes or electrical interference that is detectable to normal sensory perception outside the residential structures is prohibited.
 - h. *Deliveries.* No deliveries related to the conduct of the home occupation shall be permitted by vehicles of more than two axles. No more than three total deliveries per week shall be permitted.
 - i. *Traffic.* Home occupations shall not involve the regular visits of clients, other employees, or any other persons to the residence due to the conduct of the home occupation.
 - j. *Vehicles.* Not more than one vehicle or trailer of not more than one-ton capacity used incidental to the home occupation may be kept at the property. No semi-trailers may be kept on site. Vehicles used in conjunction with the home occupation must be able to be parked completely in the driveway without blocking any sidewalk. No vehicle or trailer on premises may be parked or stored except on a paved driveway or parking space.
 - k. *Signs.* On-site signs and displays are prohibited, including interior signs or displays that are visible from the exterior of the structure. No advertising shall be placed in any media that contains the address of the property or that encourages clients to visit the property.
4. *Offenses defined.* A person commits an offense if the person intentionally engages in a home occupation in violation of the standards required by this section.

H. *Exterior building materials.*

- 1. Single-family dwellings, including group homes, and their attached or detached garages shall contain a minimum of 75 percent brick, stone, or a combination thereof on the exterior of the dwelling which fronts a public street on the first floor only. If the single-family dwelling is located on a corner lot where any lot line is adjacent to a public street, then all sides of the single-family dwelling that are adjacent to the public street shall also contain a minimum of 75 percent brick, stone, or combination thereof. Doors and windows are excluded when calculating the minimum 75 percent requirement. The remaining 25 percent of the exterior front and side of the first floor shall consist of brick, stone, cement siding, stucco, wood, or a combination thereof. Gables are excluded from the masonry requirement.
- 2. All public schools, libraries and museums shall contain a minimum of 75 percent brick, stone, decorative concrete block, or a combination thereof on

the exterior of any building or structure which fronts a public street. In calculating the 75 percent requirement, doors and windows shall not be counted. The remaining 25 percent of the exterior of any such building and structure shall consist of brick, stone, cement siding, decorative concrete block, stucco, or a combination thereof. Gables are excluded from the masonry requirement.

3. Playgrounds shall not be required to comply with masonry requirements.
4. All accessory buildings shall comply with the requirements of Subsection 5(C)(4a) of this Appendix.
5. Temporary buildings shall be exempt from complying with the masonry requirements.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 56-2013, § 3, 10-14-13; Ord. No. [09-2015](#), § 4, 4-13-15; Ord. No. 32-2016, § 4, 5, 9-26-2016)

Sec. 5-A. - Single-family dwelling districts ([R-1, R-3, R-4, R-5](#))—Special use vehicle use and parking regulations.

A. *Concealed from public view.* Persons who own or occupy real property in an area zoned for a residential use (e.g., R-4 single-family dwelling districts) and who acquire a special use vehicle on or after January 1, 2016, must park or otherwise store the special use vehicle such that it is concealed from public view. For the purpose of this section, the word "owns" means having a property interest in or title to the special use vehicle. Any person who builds or constructs a new fence or other structure designed to conceal one or more special use vehicles, or remodels or modifies an existing fence or other structure designed to conceal one or more special use vehicles, must do so in a manner such that the new, remodeled, or modified fence or other structure complies with all applicable city ordinances, as may be amended, and is architecturally and aesthetically consistent with the residential dwelling then existing on the real property.

1. *Temporary exceptions.* The following are temporary exceptions to the public concealment regulations contained in subsection A above:
 - a. While loading or unloading passengers or cargo, making ready for use or conducting routine maintenance, for temporary periods not exceeding 48 consecutive hours; and
 - b. During periods when the construction of buildings or structures is lawfully occurring on the same lot if the otherwise nonconforming special use vehicle is being used in conjunction with the construction; and
 - c. During periods authorized by a special permit issued by the city manager extending the times identified in subsection 1.a. above for up to 14 additional days. No special permit shall be issued by the city manager except upon application of the owner or occupant of the lot showing that such extension is necessary to avoid undue hardship. Any denial of a

special permit may be appealed directly to the city zoning board of adjustment; and

- d. The special use vehicle is parked or stored on a vehicle driveway or other paved surface area which is immediately adjacent to an expansion of the driveway; and
- e. The special use vehicle is not parked or stored closer than five feet from the paved edge of any street.

B. *Nonconforming exceptions; conditions.*

- 1. Persons who own or occupy real property in an area zoned for a residential use (e.g., the R-4 single-family dwelling districts) on or before October 12, 2015, and who own a special use vehicle before January 1, 2016, qualify as a "nonconforming exception" and are exempt from complying with the public concealment regulations contained in subsection A, subject to subsection B.2. below.
- 2. *Registration and compliance.* As a condition of receiving and maintaining the nonconforming exception, all person(s) owning a special use vehicle must:
 - a. Register all of their special use vehicles with the city on or before March 1, 2016; and
 - b. Thereafter comply with all state and local regulations applicable to or otherwise implicated by this section, including but not limited to junked vehicles and nuisances.
 - c. Any special use vehicle not registered on or before March 1, 2016, does not qualify as a nonconforming exception and must be concealed from public view according to subsection A.
 - d. Special use vehicles to which the nonconforming exception applies shall not be used for a commercial purpose.
- 3. *Replacement of special use vehicles.*
 - a. A person who owns a recreational vehicle, as that term is defined in this section 3 ~~hereof~~, and who qualifies for a nonconforming exception according to subsections B.1. and B.2. above, may replace their existing and registered recreational vehicle with another recreational vehicle that is the same or substantially similar to the existing and registered recreational vehicle it replaces so long as the person owns real property in an area zoned for a residential use in the city at the time of the replacement and registers the replacement recreational vehicle with the city within 60 days of the date the person purchased or leased the replacement recreational vehicle.
 - b. A person who owns a trailer or house trailer, as those terms are defined in this section 3 ~~hereof~~, and who qualifies for a nonconforming exception may replace their existing and registered trailer or house trailer on or before December 31, 2020 with another trailer or house trailer that is the same or

substantially similar to the trailer or house trailer that it replaces so long as the person owns a single-family residence in the city at the time of the replacement and registers the replacement trailer or house trailer with the city within 60 days of the date the person purchased or leased the replacement trailer or house trailer. After December 31, 2020, all trailer and house trailer replacements must be concealed from public view according to subsection A above.

- c. A person who otherwise qualifies for a nonconforming exception but who acquires additional special use vehicles on or after January 1, 2016, must conceal the additional special use vehicle(s) from public view according to subsection A above.
4. *Parking.* As a condition of the nonconforming exception provided by subsection B, all persons owning a special use vehicle must comply with the following parking regulations: (see also Schedule A—Master parking schedule).
- a. A person may park, store or otherwise leave a special use vehicle on a residential lot in the rear yard that is not closer than five feet to the rear lot line; and
 - b. A person may park, store or otherwise leave a special use vehicle in any part of a side yard that does not project beyond the front roofline; and
 - c. A person may not park, store or otherwise leave a special use vehicle in any part of a side yard that is adjacent to a side street and extends outward to the paved edge of the adjacent side street, provided however that this prohibition shall not apply to any portion of a side yard which is farther away from the adjacent side street than any lawfully existing accessory building located within the side yard; and
 - d. A person may not park, store or otherwise leave a special use vehicle in a yard that is adjacent to a street; and
 - e. A person may not park, store or otherwise leave a special use vehicle within any part of a front yard and extending outward to the paved edge of the adjacent front street; and
 - f. For unimproved lots, a person may not park, store or otherwise leave a special use vehicle within the minimum areas required by this section for front yards, and side yards adjacent to side streets, and extending outward to the paved edge of the adjacent front or side street; and
 - g. A person may not park, store or otherwise leave a special use vehicle on an unpaved surface.
 - h. Temporary exceptions to parking: The following are temporary exceptions to the parking regulations contained in subsection B.4 above:
 - (1) While loading or unloading of passengers or cargo, making ready for use or conducting routine maintenance, for temporary periods not exceeding 48 consecutive hours; and

- (2) During periods when the construction of buildings or structures is lawfully occurring on the same lot if the otherwise nonconforming recreational vehicle or trailer is being used in conjunction with the construction; and
 - (3) During periods authorized by a special permit issued by the city manager extending the times identified in subsection h.(1) above for up to 14 additional days. No special permit shall be issued by the city manager except upon application of the owner or occupant of the lot showing that such extension is necessary to avoid undue hardship. Any denial of a special permit may be appealed directly to the city zoning board of adjustment; and
 - (4) The special use vehicle is not to be parked or stored except on a vehicle driveway or other paved surface area which is immediately adjacent to and an expansion of the driveway; and
 - (5) The special use vehicle is not parked or stored closer than five feet from the paved edge of any street.
- C. *Termination of nonconforming exceptions.* The nonconforming exception provided by subsection B terminates upon the occurrence of any one of the following:
- a. A person qualifying for a nonconforming exception under subsection B sells their real property and the single-family dwelling located thereon; or
 - b. A person qualifying for a nonconforming exception under subsection B violates any portion of subsection B.2 or subsection B.3; or
 - c. A person qualifying for a nonconforming exception under subsection B violates any state or local regulations applicable to or otherwise implicated by this section 5-A, including but not limited to junked vehicles and nuisances.
- D. *Use as dwelling limited.* It shall be unlawful to use a special use vehicle, which otherwise complies with the provisions of this ordinance, for dwelling purposes for more than 14 days total in any continuous six-month period.
- E. *Connection to utilities.* It shall be unlawful to connect a special use vehicle to any sewer, water, gas, electric, television cable, or other utility line, except when it is actually being used, being readied for use, or is being maintained.
- F. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 unless such violation is governed by fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than \$2,000.00. Each occurrence of any such violation of this ordinance shall constitute a separate offense. Each day on which any such violation of this ordinance occurs shall constitute a separate offense.

G. *Appeal to zoning board of adjustment.* Any person aggrieved by a decision made by an administrative official in the enforcement of this ordinance may appeal to the zoning board of adjustment for the granting of a special exception to authorize the extension or continuation of a nonconforming use pursuant to V.T.C.A., Local Government Code § 211.010. Upon hearing an appeal hereunder as provided by V.T.C.A., Local Government Code § 211.009, the zoning board of adjustment shall determine whether this ordinance should be enforced against the applicant and to what extent, if any.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. [06-2015](#), § 3, 5-11-15; Ord. No. [35-2015](#), § 3, 10-12-15)

Sec. 6. - R-2 Multifamily district.

The following regulations shall apply to the R-2 multifamily district:

- A. *Use regulations.* The following uses for buildings or ~~premiseslots~~ shall be a use by right.
1. Single-family dwellings, subject to compliance with [single-family dwelling district R-4 regulations in section 5 of the zoning ordinance.](#)
 2. Two-family or duplex dwellings.
 3. Apartment houses or multifamily dwellings.
 4. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
 5. Institutions of a religious, educational or philanthropic nature.
 6. A group home shall be a use permitted for buildings or ~~premiseslots~~ by special exception subject to consideration and approval by the board of adjustment according to the procedure outlined in section 17 herein.
- B. *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.
- C. *Yard regulations.*
1. *Front yard.* There shall be a front yard along the ~~front line~~[front property line](#) of the lot. The minimum depth of such front yard shall be ~~twenty-five (25)~~ [twenty-five \(25\)](#) feet.
 2. *Side yards.* There shall be a side yard on each side of a building of not less than ten ~~(10%)~~ [\(25%\)](#) percent of the width of the lot, but such side yard need not exceed five ~~(5)~~ [\(5\)](#) feet and shall not be less than four ~~(4)~~ [\(4\)](#) feet.
 3. *Rear yard.* The ~~minimum~~ [minimum](#) depth of the rear yard shall be ~~at least the lesser of twenty-five 25-percent (25%) of the depth of the lot, but such depth need not be more than or twenty-five 25-feet (25')~~ [at least the lesser of twenty-five 25-percent \(25%\) of the depth of the lot, but such depth need not be more than or twenty-five 25-feet \(25'\)](#).

- D. *Intensity of use.* Except as hereinafter provided, all dwellings hereafter erected, enlarged, redecorated or reconstructed, shall be situated on lots containing the following areas:
1. A lot on which there is erected a single-family dwelling which shall contain an area of not less than 6,000 square feet.
 2. A lot on which there is erected a two-family dwelling, which shall contain an area of not less than 6,000 square feet.
 3. A lot on which there is erected an apartment house or multifamily dwelling shall contain an area of not less than 1,800 square feet per dwelling unit.
 4. Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.
- E. *Parking regulations (see Schedule A—Master parking schedule).* Whenever a structure is erected, converted or structurally altered for a two-family dwelling, or a multifamily dwelling, one parking space shall be provided and maintained on the lot for each dwelling unit in the building. Such parking space shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile and such parking area shall be in addition to driveways.
- F. *Additional use, height and area regulations.* Additional use, height and area regulations and exceptions are found in section 10 herein.
- G. *Exterior building materials.*
1. Single-family, two-family, and duplex-style dwellings, including their attached or detached garages, shall comply with the applicable masonry regulations. ~~applicable to single-family dwellings in the R-1 zoning district.~~
 2. Apartment houses and multifamily dwellings, including their attached or detached garages, shall contain a minimum of 75 percent brick, stone, or a combination thereof on all sides of the exterior. Doors and windows are excluded when calculating the minimum 75 percent requirement. The remaining 25 percent of the exterior shall consist of brick, stone, cement siding, stucco, or a combination thereof. Gables are excluded from the masonry requirement.
 3. Private clubs, lodges and educational institutions shall contain a minimum of 75 percent brick, stone, decorative concrete block, or a combination thereof on the exterior of the building or structure which fronts a public street. Doors and windows are excluded when calculating the minimum 75 percent requirement. The remaining 25 percent of the exterior of any such building or structure shall consist of brick, stone, cement siding, decorative concrete block, stucco, or a combination thereof. Gables are excluded from the masonry requirement.

4. Permitted group homes shall comply with the applicable masonry regulations. ~~applicable to single-family dwellings in the R-1 zoning district.~~

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 32-2016, § 6, 9-26-2016)

Sec. 7. - B-1 Neighborhood business district.

The following regulations shall apply to the B-1 neighborhood business district. To the extent a zoning use regulation within this section conflicts with another zoning use regulation applicable to this section, the more restrictive zoning use regulation shall control unless otherwise specifically stated.

- A. *Use regulations.* The following uses for buildings or premiseslots shall be a use by right.
 1. Bakeries designed for retail sales rather than wholesale operation.
 2. Health, beauty, salon, and spa.
 3. Caterer.
 4. Dry-cleaning and laundry service (no self-service)
 5. Ice retail distributing station, but no manufacturing, and capacity not to exceed five tons storage.
 6. Job printing.
 7. Lodge hall.
 8. Medical office/clinic.
 9. Office.
 10. Radio repair and sales shop.
 11. Radio station.
 12. Real estate office.
 13. Restaurant, cafe, and cafeteria.
 14. Service and supply business.
 15. Stores and shops for the sale of products at retail only.
 16. Studio (art, photo, music).
 17. State-licensed day care center.
 18. Woodworking business.
 19. Governmental buildings, safety services, or facilities and attendant operations.
- B. *Special exceptions.* The following uses for buildings or premiseslots shall be a use permitted by special exception subject to consideration and approval by the board of adjustment according to the procedure outlined in section 17 herein.

1. Billiard or pool hall.
 2. Church/place of worship.
 3. Filling station, service station, provided all storage tanks for gasoline shall be below the surface of the ground.
 4. Garage, public.
 5. Micro-brewery, micro-winery, and wine cafe (subject to all local and state regulations).
 6. Convenience retail.
 7. Research or laboratory service.
 8. Mobile food unit, subject to chapter 18 (Businesses), article IV.
- C. *Prohibited uses.* All uses not specifically permitted by right or by special exception in this section, or by specific use permit issued in accordance with section 9, are strictly prohibited.
- D. *Prohibited noise, vibrations, smoke, odor, dust, gas, or light.*
1. Sustained or repetitive noise or vibration, of such an intensity or character that it constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such noise or vibration is measured, or audible, or felt at the property line of any adjoining district.
 2. Smoke, odor, dust, gas, light, or pollution of any type that constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such smoke, odor, dust, gas, light, or pollution is measured, or present, or detected at the property line of any adjoining district.
- E. *Height regulations.* No building or structure shall exceed two stories or 35 feet in height.
- F. *Yard regulations.*
1. *Front yard.* There shall be a front yard along the ~~front line~~front property line of the lot. The minimum depth of such front yard shall be 20 feet.
 2. *Side yards.* For uses permitted in the R-2 district, the side yard regulations for that district shall apply. For additional uses permitted in the B-1 district no side yards are required except that on a corner lot the side yard of a street side shall be 20 feet. Where a lot is used for any of the commercial purposes permitted in this district and abutting on the side of a lot in ~~an single-family dwelling district R-1 or R-2~~any residential district, there shall be a side yard of not less than five feet.
 3. *Rear yard.* For uses permitted in the R-2 district the rear yard shall be the same as in the R-2 district. For all other uses a rear yard is not required except when it abuts upon ~~an single-family dwelling district R-1 or R-2~~any

residential district, in which case there shall be a rear yard of not less than ten feet.

- G. *Intensity of use.* For uses permitted in the R-2 district, the minimum lot area and minimum lot width shall be the same as in the R-2 district. There are no minimum lot area or lot width requirements for other uses.
- H. *Parking regulations (see Schedule A—Master parking schedule).* Where any structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this section, parking spaces shall be provided in the ratio of not less than as provided below:
1. *Medical office/clinic.* Five spaces per 1,000 gross square feet (hereafter "GSF").
 2. *Retail.*
 - a. Over 600,000 GSF: Five spaces per 1,000 GSF;
 - b. 300,000 to 600,000 GSF: Four spaces per 1,000 GSF;
 - c. Up to 300,000 GSF: Three and one-half spaces per 1,000 GSF.
 3. *General office.* Three spaces per 1,000 GSF.
 4. *Research or laboratory.* Two and one-half spaces per 1,000 GSF.
 5. *Business service.* Two spaces per 1,000 GSF.
 6. *Warehousing.* One space per 1,000 GSF.
 7. *Restaurant (freestanding).*
 - (1)a. From zero to 5,000 GSF: Ten spaces per 1,000 GSF;
 - (2)b. Over 5,000 GSF: 15 spaces per 1,000 GSF.
 8. *Church or place of worship.* One space per three sanctuary seats.
 9. *Daycare.* One space per nine students (capacity).
 10. *Hotel/motel.* One and one-quarter spaces per room.
- I. *Additional use, height and area regulations.* Additional use, height and area regulations and exceptions are found in section 10 herein.
- J. *Outside sales/display prohibited.* Outside sales, including outside display of goods and merchandise in the B-1 district is prohibited, except as expressly provided in this subsection. The term "outside" means outside of a fully enclosed building which is constructed on-site on a lot in compliance with all city codes. It is the intent of this provision to prohibit the use of any yard (front, side, or rear), parking space, setback, easement, or any open land for these purposes.
1. *Exception.* The outside sale or display of goods or merchandise is permitted under either of the following two circumstances only:

Comment [CN31]: 092717: Zoning clean-up issue:
Why are we referencing the R-2 district?

- (1) They are offered for sale or displayed outside as an integral part of the business conducted in the main building located on the lot and the sale or display is conducted within five feet of such main building; or
 - (2) They are offered for sale or displayed outside as an integral part of the business conducted in the main building located on the lot, and they are customarily displayed outside, and they are of such a large size that outside display is necessary; for example, automobiles or large boats (boats over 14 feet in length).
 - (3) They are offered for sale or displayed as an integral part of the business conducted in the main building (business) located on the lot and the sale display is conducted within 18 feet from the front curb (or one parking space) in front of the merchant's building only. The sale or display shall not impede the flow of traffic or endanger the safety of the shoppers or passersby. This type of "outside sales" event will be allowed four times a year. The event shall not last longer than 72 hours in duration, with 12 hours for set-up and 12 hours for take-down.
- K. *Outside storage or discarding of materials prohibited.* No refuse, unused material or item, or discarded material or item shall be stacked, stored, or placed on any part of a lot that is not designed, constructed, screened or fenced for that particular purpose so as to prevent the placement or accumulation of such materials or items in a manner that tends to cause blight within the B-1 district or other adjoining zoning districts.
- L. *Screening of garbage facilities.* It shall be unlawful for any person to fail to screen from public view any dumpster, container, receptacle, or bag used for the collection or storage of garbage, refuse, or recyclable materials. Such screening device shall be not less than six feet in height, measured from grade upward, shall be constructed of solid or other opaque material, and shall be located so as to screen such materials from any adjacent street, public way, or private property.
- M. *Exterior building materials.*
1. All buildings or structures, with the exception of mobile food units, shall contain at least 75 percent brick, stone, decorative concrete block, or a combination thereof on the part of the exterior of any building or structure which fronts a major street. In calculating the 75 percent requirement, doors and windows shall not be counted. The remaining 25 percent of the part of the exterior of any such building or structure which fronts a major street shall consist of brick, stone, cement siding, decorative concrete block, stucco, or a combination thereof.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 52-2013, § 3, 10-14-13; Ord. No. 32-2016, § 7, 9-26-2016)

Sec. 7-A. - NED Neighborhood entryway district.

The neighborhood entryway district (NED) provides land uses for single-family residential dwellings, certain retail, commercial and office uses subject to the supplemental district regulations contained in section 10 below and subject to the granting by the board of adjustment of a special exception subject to the procedures set forth in section 17 herein, and certain public uses.

- A. *Purposes.* The purposes of the neighborhood entryway district are to:
1. Preserve and enhance the viability of single-family residential neighborhoods by creating buffer areas to separate single-family residential subdivisions from incompatible commercial uses;
 2. Allow an appropriate mix of land uses in areas adjacent to single-family residential neighborhoods, with particular emphasis on tracts along the entryway corridors to such neighborhoods;
 3. Promote development and redevelopment that is compatible with existing neighborhoods;
 4. Ensure land use compatibility and protect residential uses from adverse impacts; and
 5. Ensure the provision of adequate light, air, privacy and open space to serve residents.
- B. *Use regulations.* A building or premiseslots shall be used only for the following purposes:
1. Single-family residential dwellings, subject to compliance with regulations applicable to the R-4 single-family dwelling districts.
 2. Retail, commercial and office uses listed below, subject to the granting of a special exception as prescribed in section 17 herein:
 - (1) Convenience retail;
 - (2) Beauty parlors and barber shops;
 - (3) Filling station, service station, provided all storage tanks or gasoline shall be below the surface of the ground;
 - (4) Medical office/clinics;
 - (5) Laundries, employing not more than five persons on the premises, or self-service;
 - (6) Office;
 - (7) Real estate office;
 - (8) Stores and shops for the sale of products at retail only;
 - (9) Day care centers;
 - (10) Bakeries;
 - (11) Florists;

- (12) Restaurant, cafe, and cafeteria;
- (13) Self or mini storage facilities;
- (14) Billiard or pool hall;
- (15) Garage/public;
- (16) Public house.

3. Public uses listed below, subject to the granting of a special exception as prescribed in section 17 herein:

- (1) Libraries;
- (2) Schools (public);
- (3) Governmental facilities, safety services, parks and playgrounds; and
- (4) Utility facilities.

C. *Height, yard, intensity of use, and parking regulations (see Schedule A—Master parking schedule).*

- 1. *Single-family residential dwellings.* Same as required for residential uses in the single-family residential district.
- 2. *Uses other than single-family residential uses.* Same as required in district B-1.

D. *Exterior building materials.*

- 1. Single-family dwellings are subject to compliance with district R-1 regulations.
- 2. All other buildings and structures shall contain at least 75 percent brick, stone, decorative concrete block, or a combination thereof on the exterior of the building or structure which fronts a public street. Doors and windows are excluded when calculating the minimum 75 percent requirement. The remaining 25 percent of the exterior of any such building or structure shall consist of brick, stone, cement siding, decorative concrete block, stucco, or a combination thereof.
- 3. Parks, playgrounds, and utility facilities shall not be required to comply with masonry requirements.
- 4. Temporary buildings shall be exempt from complying with the masonry requirements.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 32-2016, § 7, 9-26-2016)

Sec. 8. - B-2 Secondary and highway business district.

The following regulations shall apply to the B-2 secondary and highway business district:

Comment [CN32]: 101017 CDV: "Public House" should have been eliminated with Ordinance 14-2013 (Sec. 3 – Definitions; Sec. 7-A(B)(2)(16).

Comment [CN33]: CDV 092617: Need to address.

- A. *Use regulations.* The following uses for buildings or premiseslots shall be a use by right:
1. Bakery.
 2. Dancehall and skating rink.
 3. Restaurant, cafe, and cafeteria.
 4. Moving picture house or theater.
 5. Laundry and cleaning.
 6. Beauty parlors and barber shops.
 7. Stores and shops for the sale of products at retail only.
 8. Wholesale in connection with any other permitted retail store, shop or business.
 9. Offices uses, including but not limited to medical offices and clinics, and real estate offices on the second floor or above in a building ~~or premises~~.
 10. ~~R-1 and R-2~~ Residential uses prohibited. It is the determination of the city that ~~R-1 single family dwelling and R-2 multifamily residential~~ uses are inconsistent with and are not compatible with the B-2 secondary and highway business district, and such ~~R-1 and R-2~~ residential uses are expressly not permitted uses in this B-2 secondary and highway business district.
- B. *Special exceptions.* The following uses for buildings or premiseslots shall be a use permitted by special exception, subject to the granting of a special exception as prescribed in section 17 herein.
1. Hotel.
 2. Office uses, including but not limited to medical offices and clinics, and real estate offices on the first floor in a building ~~or premises~~.
 3. Governmental buildings or facilities, safety services, and attendant operations.
 4. Mobile food unit, subject to chapter 18 (Businesses), article IV.
- C. *Height regulations.* No building or structure shall exceed four stories or 75 feet in height.
- D. *Yard regulations.*
1. *Front yard.* For uses permitted in the R-2 district, the front yard requirements for the R-2 district shall apply, and for other uses permitted in this district a front yard of 20 feet in depth is required.
 2. *Side yard.* For uses permitted in the R-2 district, the side yard requirements for the R-2 district shall apply, and for other uses permitted in this district, no side yards are required.

- 3. *Rear yard.* For uses permitted in the R-2 district, the R-2 district regulations shall apply. There are no rear yard regulations for other uses.
- E. *Intensity of use.* For uses permitted in the R-2 district, the minimum lot area and minimum lot width shall be the same as the R-2 district. There are no minimum lot area or lot width requirements for other uses.
- F. *Parking regulations (see Schedule A—Master parking schedule).*
 - 1. Except where in conflict with this subsection, parking requirements applicable to district B-1 shall apply to district B-2.
 - 2. Shared off-street parking facilities may be utilized within integrated business developments in accordance with this subsection where peak parking demand hours differ among certain uses. The following shared parking credit schedule and formula shall be used in determining shared parking demands:

Uses	6:00 p.m. to Midnight	Midnight to 9:00 a.m.	9:00 a.m. to 6:00 p.m.
Retail/Commercial	25%	0%	100%
Office	10%	10%	100%
Restaurant/Bar	100%	50%	50%
Entertainment/ Cinema/Recreation	100%	50%	50%

- 3. Utilize the following formula for calculating shared parking requirements:
 - a. Determine the minimum amount of parking required for each use in accordance with the table above;
 - b. Multiply each such amount by the corresponding percentage for each of the three time periods above to arrive at the minimum number of parking spaces per use required in each of the time periods;
 - c. Calculate the total for all applicable uses and add the totals for each time period; and
 - d. The highest value for all time periods represents the minimum number of spaces required for all uses.
- G. *Additional use, height, and area regulations.* Additional use, height and area regulations and exceptions are found in section 10 herein.

H. *Outside sales/display prohibited.* Outside sales, including outside display or storage of goods and merchandise in the B-2 district is prohibited, except as expressly provided in this subsection. The term "outside" means outside of a fully enclosed building which is constructed on-site on a lot in compliance with all city codes. It is the intent of this provision to prohibit the use of any yard (front, side, or rear), parking space, setback, easement, or any open land for these purposes.

1. *Exception.* The outside sale, display, or storage of goods or merchandise is permitted under either of the following two circumstances only:

(1) They are offered for sale, displayed, or stored outside as an integral part of the business conducted in the main building located on the lot and the sale, display, or storage is conducted within five feet of such main building; or

(2) They are offered for sale, displayed, or stored outside as an integral part of the business conducted in the main building located on the lot, and they are customarily displayed or stored outside, and they are of such a large size that outside display or storage is necessary; for example, automobiles or large boats (boats over 14 feet in length).

(3) They are offered for sale, displayed, as an integral part of the business conducted in the main building (business) located on the lot and the sale display is conducted within 18 feet from the front curb (or one parking space) in front of the merchant's building only. The sale display shall not impede the flow of traffic or endanger the safety of the shoppers or passersby. This type of "outside sales" event will be allowed four times a year only with a permit from city hall. The event shall not last longer than 72 hours in duration, with 12 hours for set-up and 12 hours for take-down.

I. *Screening of garbage facilities.* It shall be unlawful for any person to fail to screen from public view any dumpster, container, receptacle, or bag used for the collection or storage of garbage, refuse, or recyclable materials. Such screening device shall be not less than six feet in height, measured from grade upward, shall be constructed of solid or other opaque material, and shall be located so as to screen such materials from any adjacent street, public way, or private property.

J. *Exterior building materials.*

1. The exterior walls of all buildings and structures, with the exception of mobile food units, shall be constructed of brick, stone, decorative concrete block, or a combination thereof. Doors and windows are excluded.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 32-2016, § 8, 9-26-2016)

Sec. 8-A. - M-1 Light manufacturing district.

The M-1 light manufacturing district is intended primarily for the conduct, predominantly within an enclosed building, of light manufacturing, assembling, fabrication, and business and service operations, including those which are permitted uses in the B-1 neighborhood and B-2 secondary and highway business districts. The size of the required yards adjoining ~~the R-1 single-family dwelling and R-2 multifamily any residential~~ districts ~~are~~ increased to provide a ~~buffer zone barrier~~ between uses in the different districts. The following regulations shall apply to the M-1 light manufacturing district:

- A. *Use regulations.* The following uses for buildings or ~~premises~~lots shall be a use by right:
1. Any use permitted in the B-1 neighborhood and the B-2 secondary and highway business districts.
 2. Warehouse—Within a main building.
 3. Storage—Within a main building.
 4. General construction.
 5. Electronics and high technology.
 6. Medical.
 7. Woodworking.
 8. Metalworking.
 9. Bottling and canning.
 10. Furniture.
 11. Transportation.
 12. Industrial machinery and equipment.
 13. Sporting goods.
 14. Product packaging.
 15. U.S. Postal Service or similar private services.
 16. Air conditioning and heating.
 17. Home and commercial appliance.
 18. Electrical.
 19. Utilities.
 20. Pool, spa, and related appurtenances.
 21. Building materials, hardware, and garden supply.
 22. Auto and home supply.
 23. Carpet installation and cleaning.
 24. Home services, such as, painting, contracting, repair, and cleaning.

25. Armature rewinding and repair services.
 26. Tire repair or services.
 27. Re-upholstery and furniture repair.
 28. Governmental buildings, safety services, or facilities and attendant operations.
 29. Pawn shops.
 30. Sexually oriented businesses, subject to chapter 18 (Businesses), article II.
 31. Other uses. Any light manufacturing, assembling, fabrication, business, or service operation not included above, provided that such use is not a nuisance, noxious, or offensive to adjacent or nearby uses within the M-1 light manufacturing district or any adjoining district by reason of noise, vibrations, smoke, odor, dust, gas, light, or pollution of any type.
 32. ~~R-1 and R-2~~ **Residential** uses prohibited. It is the determination of the city that ~~R-1 single-family dwelling and R-2 multifamily residential~~ uses are inconsistent with and are not compatible with the M-1 light manufacturing district, and such ~~R-1 and R-2~~ **residential** uses are expressly not permitted uses in this M-1 light manufacturing district.
 33. Special exceptions. The following uses for buildings or **premiseslots** shall be a use permitted by special exception, subject to the granting of a special exception as prescribed in section 17 herein:
 - a. Mobile food unit, subject to chapter 18 (Businesses), article IV.
- B. *Prohibited noise, vibrations, smoke, odor, dust, gas, or light.*
1. Sustained or repetitive noise or vibration, of such an intensity or character that it constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such noise or vibration is measured, or audible, or felt at the property line of any adjoining ~~R-1 single-family dwelling or R-2 multifamily district~~ **residential** use.
 2. Smoke, odor, dust, gas, light, or pollution of any type that constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such smoke, odor, dust, gas, light, or pollution is measured, or present, or detected at the property line of any adjoining ~~R-1 single-family dwelling or R-2 multifamily district~~ **residential** use.
- C. *Height regulations.* No building shall exceed 45 feet in height.
- D. *Area regulations.*
1. *Lot size and width.* Every lot shall have an area of not less than one acre and a minimum width of 100 feet, but in every case the minimum lot size and width shall be sufficient to provide the minimum front, side, and rear yard ~~buffer-zone~~ requirements set out below. Such minimum yard

requirements shall be applicable at the property line of commonly owned lots.

2. *Front yard.* There shall be a front yard along the ~~front line~~front property line of a lot with a minimum depth of 25 feet.
 3. *Side yard, including a required privacy fence adjoining the ~~R-1 single-family dwelling districts and R-2 residential districts~~.* There shall be a side yard along each side property line of a lot of 25 feet. However, any lot side yard that faces, adjoins, or abuts any portion of ~~the R-1 single-family dwelling district or R-2 multifamily-a residential~~ district shall have a minimum side yard depth of 35 feet, and a required privacy fence (no access or view) at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, which shall be built prior to or contemporaneous with any commercial use of or construction on the lot zoned M-1 light manufacturing district, and such fence shall be maintained in good condition.
 4. *Rear yard, including a required privacy fence adjoining the ~~R-1 single-family dwelling districts and R-2 residential districts~~.* There shall be a rear yard along each rear property line of the lot with a minimum depth of 25 feet. However, any ~~rear property lot rear~~ line that faces, adjoins, or abuts any portion of ~~the R-1 single-family dwelling district or R-2 multifamily-a residential~~ district shall have a minimum rear yard depth of 35 feet, and a required privacy fence (no access or view) at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, which shall be built prior to or contemporaneous with any commercial use of or construction on the lot zoned M-1 light manufacturing district, and such fence shall be maintained in good condition.
- E. *Parking regulations (see Schedule A—Master parking schedule).*
1. Parking spaces shall be arranged so as to permit satisfactory egress and ingress of an automobile and/or commercial vehicles including delivery trucks according to generally accepted, published standards, and such parking spaces shall be required in addition to driveways.
 2. Where any structure is erected, reconstructed, or converted for any of the business or commercial uses permitted in this section, parking spaces shall be provided in the ratio of not less than one for each 200 square feet of floor space of the building which is used for commercial purposes. Such parking space may be located on the same lot the building or on an area within 300 feet of the building. Two or more owners of buildings may join together for the purpose of providing the required parking spaces.
 3. The parking or storage, including temporarily, of any type of motor vehicle, wheeled vehicle, or trailer on any unpaved surface is prohibited. "Paved" means a constructed surface of concrete, asphalt, or similar materials (not debris) to establish a permanent surface.

- F. *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in section 10 herein.
- G. *Outside sales/display prohibited.* Outside sales, including outside display or storage, of goods and merchandise in the M-1 district is prohibited, except as expressly provided in this subsection. The term "outside" means outside of a fully enclosed building which is constructed on-site on a lot in compliance with all city codes. It is the intent of this provision to prohibit the use of any yard (front, side, or rear), parking space, setback, easement, or any open land for these purposes.
1. *Exception.* The outside sale, display, or storage of goods or merchandise is permitted under either of the following three circumstances only:
 - a. They are offered for sale, displayed, or stored outside as an integral part of the business conducted in the main building located on the lot and the sale, display, or storage is conducted within five feet of such main building; or
 - b. They are offered for sale, displayed, or stored outside as an integral part of the business conducted in the main building located on the lot, and they are customarily displayed or stored outside, and they are of such a large size that outside display or storage is necessary; for example, automobiles or large boats (boats over 14 feet in length).
 - c. They are offered for sale, displayed, or stored as an integral part of the business conducted in the main building located on the lot and the sale display is conducted within 18 feet from the front curb (or one parking space) in front of the merchant's building only. The sale display shall not impede the flow of traffic or endanger the safety of the shoppers or passers-by. This type of "outside sales" event will be allowed four times a year only with a permit from city hall. The event shall not last longer than 72 hours in duration, with 12 hours for set-up and 12 hours for take down.
- H. *Outside storage or discarding of materials prohibited.* No refuse, unused material or item, or discarded material or item shall be stacked, stored, or placed on any part of a lot that is not designed or constructed for that particular purpose, and any such use of a lot is prohibited. For example, the placement of surplus materials or items or refuse, generated during manufacturing operations, within a building or structure or on an area constructed to store such items until they can be picked up for disposal or recycling is not prohibited, but the placement or discarding of such materials on a vegetated portion of the lot would be prohibited. It is the intent of this provision to prohibit the placement and/or accumulation of such materials or items in a manner that tends to cause blight within the M-1 or adjoining zoning districts.
- I. *Exterior building materials.*
1. All buildings or structures, with the exception of mobile food units, shall contain at least 75 percent brick, stone, decorative concrete block, or a

combination thereof on the part of the exterior of any building or structure which fronts a major street. In calculating the 75 percent requirement, doors and windows shall not be counted. The remaining 25 percent of the part of the exterior of any such building or structure which fronts a major street shall consist of brick, stone, cement siding, decorative concrete block, stucco, or a combination thereof.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 32-2016, § 10, 9-26-2016)

Sec. 8-B. - M-2 Medium manufacturing district.

The M-2 medium manufacturing district is intended for the conduct of light manufacturing, assembling, fabrication, and business and service operations, including those that are permitted uses in the B-1 neighborhood business, B-2 secondary and highway business, and M-1 light manufacturing districts. The following regulations shall apply to the M-2 medium manufacturing district:

- A. *Use regulations.* A building or premiseslot shall be used only for the following purposes:
 1. *Permitted uses.* Any use permitted in the B-1 neighborhood business, the B-2 secondary and highway business, or the M-1 light manufacturing districts.
 2. *Storage.* Storage (associated with an operation carried out in a building on the property) and accessory to a permitted use.
 3. *Other uses permitted.* Any medium manufacturing, assembling, fabrication, business, or service operation not included above, provided that such use is not a nuisance, noxious, or offensive to adjacent or nearby uses within the M-2 medium manufacturing district or any adjoining district by reason of excessive noise, vibrations, smoke, odor, dust, gas, light, or pollution of any type.
 4. ~~R-1 and R-2~~ Residential *uses prohibited.* It is the determination of the city that ~~R-1 single-family dwelling and R-2 multifamily district residential~~ uses are inconsistent with and are not compatible with the M-2 medium manufacturing district, and such ~~R-1 and R-2 residential~~ uses are expressly not permitted uses in the M-2 medium manufacturing district.
 5. *Special exceptions.* The following uses for buildings or premiseslots shall be a use permitted by special exception, subject to the granting of a special exception as prescribed in section 17 herein:
 - a. Mobile food unit, subject to chapter 18 (Businesses), article IV.
- B. *Prohibited noise, vibrations, smoke, odor, dust, gas, or light.*
 1. Sustained or repetitive noise or vibration, of such an intensity or character that it constitutes a nuisance that injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary

- sensibilities, when such noise or vibration is measured, or audible, or felt at the property line of any adjoining ~~R-1 single-family dwelling or R-2 multifamily district residential~~ use within the city limits, is prohibited.
2. Smoke, odor, dust, gas, light, or pollution of any type that constitutes a nuisance that injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, when such smoke, odor, dust, gas, light, or pollution is measured, or present, or detected at the property line of any adjoining ~~R-1 single-family dwelling or R-2 multifamily district residential~~ use within the city limits, is prohibited.
- C. *Height regulations.* No building shall exceed 45 feet in height.
- D. *Area regulations.*
1. *Lot size and width.* Every lot shall have an area of not less than one acre and a minimum width of 100 feet. Additionally, every lot shall have a minimum lot size and width sufficient to provide the minimum front, side, and rear yard ~~buffer zone~~ requirements set out below. Such minimum yard requirements shall be applicable at the property line of commonly owned lots.
 2. *Front yard.* There shall be a front yard along the ~~front line~~front property line of a lot with a minimum depth of 25 feet.
 3. *Side yard, including a required privacy fence adjoining the ~~R-1 single-family dwelling districts and R-2 residential districts~~.* There shall be a side yard along each side property line of ~~a lot of~~ ten feet. However, any ~~lot~~-side yard that faces, adjoins, or abuts any portion of a ~~R-1 single-family dwelling district or a R-2 multifamily residential~~ district shall have a minimum side yard depth of 35 feet, and a required privacy fence (no access or view) at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, that shall be built prior to or contemporaneous with any commercial use of or construction on the lot zoned M-2 medium manufacturing district, and such fence shall be maintained in good condition.
 4. *Rear yard, including a required privacy fence adjoining the ~~R-1 single-family dwelling districts and R-2 residential districts~~.* There shall be a rear yard along each rear property line of the lot with a minimum depth of ten feet. However, any rear property lot rear-line that faces, adjoins, or abuts any portion of a ~~R-1 single-family dwelling district or a R-2 multifamily residential~~ district shall have a minimum rear yard depth of 35 feet, and a required privacy fence (no access or view) at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, which shall be built prior to or contemporaneous with any commercial use of or construction on the lot zoned M-2 medium manufacturing district, and such fence shall be maintained in good condition.
- E. *Parking regulations (see Schedule A—Master parking schedule).*

1. Parking spaces shall be arranged so as to permit the satisfactory egress and ingress of automobiles and/or commercial vehicles including delivery trucks according to generally accepted, published standards, and such parking spaces shall be required in addition to driveways.
2. Where any structure is erected, reconstructed, or converted for any of the business or commercial uses permitted in this section, parking spaces shall be provided in accordance with the following schedule, calculated on the amount of floor space in the structure used for each applicable use. Such parking space may be located on the same lot the building or on an area within 300 feet of the building. Two or more owners of buildings may join together for the purpose of providing the required parking spaces.

Office	2.5 spaces for every 1,000 square feet of floor space
Retail	4.0 spaces for every 1,000 square feet of floor space
Restaurant	8.0 spaces for every 1,000 square feet of floor space
Warehouse	1.0 spaces for every 5,000 square feet of floor space
Bulk warehouse	1.0 spaces for every 7,000 square feet of floor space
Light manufacturing	1.0 spaces for every 1,500 square feet of floor space

3. The parking or storage, including temporarily, of any type of motor vehicle, wheeled vehicle, or trailer on any unpaved surface is prohibited. "Paved" means a constructed surface of concrete, asphalt, or similar materials (not debris) to establish a permanent surface.
- F. *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in section 10 herein.
- G. *Outside storage or discarding of materials.* No refuse, unused material or item, or discarded material or item shall be stacked, stored, or placed on any part of a lot that is not designed or constructed for that particular purpose, and any such use of a lot is prohibited. For example, the placement of raw materials, surplus materials, completed goods, other items, or refuse generated on site during manufacturing operations, within a building or structure or on an area constructed to store such items until used, sold, or picked up for disposal or recycling is not prohibited, but the placement or discarding of such materials on a vegetated portion of the lot would be prohibited. It is the intent of this provision to prohibit the placement and/or accumulation of such materials or items in a manner that tends to cause blight within the M-2 or adjoining zoning districts. All such outside storage shall be separated from any streets or adjacent properties

by fencing at least six feet high made out of wrought iron, galvanized chain link, or equivalent material and visually screened by use of landscaping or vinyl slats.

- H. *Fencing.* Any fencing located between the support foundation of the principle building located on the property and any adjacent roadway or street must be of wrought iron.
- I. *Exterior building materials.*
 - 1. All buildings or structures, with the exception of mobile food units, shall contain at least 75 percent brick, stone, decorative concrete block, or a combination thereof on the part of the exterior of any building or structure which fronts a major street. In calculating the 75 percent requirement, doors and windows shall not be counted. The remaining 25 percent of the part of the exterior of any such building or structure which fronts a major street shall consist of brick, stone, cement siding, decorative concrete block, stucco, or a combination thereof.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 32-2016, § 9, 9-26-2016)

Sec. 8-C. - M-3 Mixed manufacturing district.

The M-3 mixed manufacturing district is intended to accommodate mixed use development that integrates certain existing commercial and industrial uses permitted within the neighboring B-1 neighborhood business district, M-1 light manufacturing district, and M-2 medium manufacturing district in a manner that fosters the development of primary retail storefront uses and secondary commercial and industrial uses. The primary retail storefront/secondary commercial and industrial use regulations are designed to encourage future growth in the M-3 district as generally contemplated by the comprehensive plan.

- A. *Retail storefront.* Every property must be used and every building must be used, erected, reconstructed, altered, or enlarged, to accommodate a retail storefront area that is incident and subordinate to the underlying use of at least 1,000 square feet or ten percent of the total building square footage, whichever is greater, for that portion of the property or building facing Robinson Road or Hanna Road. To the extent no portion of a property or building faces Robinson Road or Hanna Road, then no minimum square footage of retail storefront is required. Site plan review is required in order to verify conformity with the retail storefront requirement.
- B. *Uses permitted by right.* Every property must be used and every building must be hereafter used, erected, reconstructed, altered, or enlarged, for one or more of the following uses or uses which are equivalent thereto as determined by the planning and zoning commission. To the extent a zoning regulation within this section conflicts with another zoning use regulation applicable to this section, the more restrictive zoning use regulations shall control unless otherwise specifically stated.

1. Any use permitted by right in the B-1 neighborhood business district to the extent not otherwise prohibited herein.
 2. Any use permitted by right in the B-2 secondary and highway business district to the extent not other prohibited herein.
 3. Any use permitted by right in the M-1 light manufacturing district to the extent not otherwise prohibited herein.
 4. Any use permitted by right in the M-2 medium manufacturing district to the extent not otherwise prohibited herein.
 5. Dry-cleaning and laundry service (plant on-site).
- C. *Other uses permitted.* Any light or medium manufacturing, assembling, fabrication, business, or service operation not included above, provided that such use is not a nuisance, noxious, or offensive to adjacent or nearby uses within the M-3 mixed manufacturing district or any adjoining district by reason of noise, vibrations, smoke, odor, dust, gas, light, or pollution of any type.
- D. *Prohibited uses.*
1. All uses not specifically permitted by right or by special exception in this section, or by specific use permit issued in accordance with section 9, are strictly prohibited; and
 2. Sexually oriented businesses.
- E. *Special exceptions.* The following uses for buildings or ~~premises~~lots shall be a use permitted by special exception subject to consideration and approval by the board of adjustment according to the procedure outlined in section 17 herein.
1. Office uses, including but not limited to medical offices and clinics, and real estate offices on the first floor in a building ~~or premises~~.
 2. Non-retail uses of a property or a building that otherwise require a retail storefront component as provided herein.
 3. Buildings or structures that exceed 45 feet in height.
 4. Mobile food unit, subject to chapter 18 (Businesses), article IV.
- F. *Prohibited noise, vibrations, smoke, odor, dust, gas, or light.*
1. Sustained or repetitive noise or vibration, of such an intensity or character that it constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such noise or vibration is measured, or audible, or felt at the property line of any adjoining district.
 2. Smoke, odor, dust, gas, light, or pollution of any type that constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such smoke, odor, dust, gas, light, or pollution is measured, or present, or detected at the property line of any adjoining district.

- G. *Height regulations.* No building or structure shall exceed 45 feet in height except by special exception in accordance with the procedure outlined in section 17 herein, as may be amended.
- H. *Area regulations.*
1. *Lot size and width.* Every lot shall have an area of not less than one acre and a minimum width of 100 feet. Additionally, every lot shall have a minimum lot size and width sufficient to provide the minimum front, side, and rear yard ~~buffer zone~~ requirements set out below. Such minimum yard requirements shall be applicable at the property line of commonly owned lots.
 2. *Front yard.* There shall be a front yard along the ~~front line~~front property line of a lot with a minimum depth of 25 feet. Any fencing located between the support foundation of the principle building located on the property and any adjacent roadway or street must be of wrought iron.
 3. *Side yard, including a required privacy fence adjoining the R-1 single-family dwelling districts, R-2, B-1 and PD-1 districts.* There shall be a side yard along each side line of a lot of 25 feet. However, any lot side yard that faces, adjoins, or abuts any portion of the R-1 single-family dwelling district, R-2 multifamily district, B-1 neighborhood business district, or PD-1 plaza district shall have a minimum side yard depth of 35 feet, and a required privacy fence (no access or view) at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, which shall be built prior to or contemporaneous with any commercial use of or construction on the lot zoned M-3 mixed manufacturing district, and such fence shall be maintained in good condition.
 4. *Rear yard, including a required privacy fence adjoining the R-1 single-family dwelling districts, R-2, B-1 and PD-1 districts.* There shall be a rear yard along each rear property line of the lot with a minimum depth of 25 feet. However, any ~~rear property lot rear~~ line that faces, adjoins, or abuts any portion of the R-1 single-family dwelling district, R-2 multifamily district, B-1 neighborhood business district, or PD-1 plaza district shall have a minimum rear yard depth of 35 feet, and a required privacy fence (no access or view) at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, which shall be built prior to or contemporaneous with any commercial use of or construction on the lot zoned M-3 mixed manufacturing district, and such fence shall be maintained in good condition.
- I. *Parking regulations (see Schedule A—Master parking schedule).*
1. Parking spaces shall be arranged so as to permit satisfactory egress and ingress of an automobile and/or commercial vehicles including delivery trucks according to generally accepted, published standards, and such parking spaces shall be required in addition to driveways.

2. Where any structure is erected, reconstructed, or converted for any of the business or commercial uses permitted in this section, parking spaces shall be provided in accordance with the following schedule, calculated on the amount of floor space in the structure used for each applicable use. Such parking space may be located on the same lot the building or on an area within 300 feet of the building. Two or more owners of buildings may join together for the purpose of providing the required parking spaces.

Office	2.5 spaces for every 1,000 square feet of floor space
Retail	4.0 spaces for every 1,000 square feet of floor space
Restaurant	8.0 spaces for every 1,000 square feet of floor space
Warehouse	1.0 spaces for every 5,000 square feet of floor space
Bulk warehouse	1.0 spaces for every 7,000 square feet of floor space
Light manufacturing	1.0 spaces for every 1,500 square feet of floor space

3. The parking or storage, including temporarily, of any type of motor vehicle, wheeled vehicle, or trailer on any unpaved surface is prohibited. "Paved" means a constructed surface of concrete or asphalt.
- J. *Outside sales/display prohibited.* Outside sales, including outside display of goods and merchandise in the M-3 district is prohibited, except as expressly provided in this subsection. The term "outside" means outside of a fully enclosed building which is constructed on-site on a lot in compliance with all city codes. It is the intent of this provision to prohibit the use of any yard (front, side, or rear), parking space, setback, easement, or any open land for these purposes.
1. *Exception.* The outside sale or display of goods or merchandise is permitted under either of the following three circumstances only:
- a. They are offered for sale or displayed outside as an integral part of the business conducted in the main building located on the lot and the sale or display is conducted within five feet of such main building; or
 - b. They are offered for sale or displayed outside as an integral part of the business conducted in the main building located on the lot, and they are customarily displayed outside, and they are of such a large size that outside display is necessary; for example, automobiles or large boats (boats over 14 feet in length).

- c. They are offered for sale or displayed as an integral part of the business conducted in the main building located on the lot and the sale display is conducted within 18 feet from the front curb (or one parking space) in front of the merchant's building only. The sale or display shall not impede the flow of traffic or endanger the safety of the shoppers or passersby. This type of "outside sales" event will be allowed four times a year. The event shall not last longer than 72 hours in duration, with 12 hours for set-up and 12 hours for take down.
- K. *Outside storage or discarding of materials prohibited.* No refuse, unused material or item, or discarded material or item shall be stacked, stored, or placed on any part of a lot that is not designed, constructed, screened or fenced for that particular purpose is prohibited so as to prevent the placement or accumulation of such materials or items in a manner that tends to cause blight within the M-3 or other adjoining zoning districts.
- L. *Screening of garbage facilities.* It shall be unlawful for any person to fail to screen from public view any dumpster, container, receptacle, or bag used for the collection or storage of garbage, refuse, or recyclable materials. Such screening device shall be not less than six feet in height, measured from grade upward, shall be constructed of solid or other opaque material, and shall be located so as to screen such materials from any adjacent street, public way, or private property.
- M. *Exterior building materials.*
 - 1. All buildings or structures, with the exception of mobile food units, shall contain at least 75 percent brick, stone, decorative concrete block, or a combination thereof on the part of the exterior of any building or structure which fronts a major street. In calculating the 75 percent requirement, doors and windows shall not be counted. The remaining 25 percent of the part of the exterior of any such building or structure which fronts a major street shall consist of brick, stone, cement siding, decorative concrete block, stucco, or a combination thereof.

(Ord. No. 53-2013, § 3, 10-14-13; Ord. No. 21-2014, § 6, 3-24-14; Ord. No. 32-2016, § 11, 9-26-2016)

Sec. 8-D. - PD-1 Plaza district.

A. *Purpose.*

- 1. The purpose of the PD-1 plaza district is to encourage the development of a pedestrian oriented, mixed-use urban town center environment, resembling a traditional small-town core, as contemplated by the City of Oak Ridge North 2013 Comprehensive Plan ("comprehensive plan"). The plaza district is intended to create a "town center" atmosphere and be the focal point of the community while providing shopping, employment, housing, business and personal services.

2. The plaza district will incorporate existing commercial and institutional uses at the heart of the new town area and accommodate a variety of future neighborhood retail and community services, as well as housing. To ensure that all future development is consistent with the town center concept and does not detract from other development within and around the plaza district, site plan reviews are required for all uses conditionally permitted in the plaza district.
 3. The plaza district implements the comprehensive plan, as may be amended, which encourages the development of a mixed-use town center that will create a focal point for the community by way of its geographic location, standards for development and mix of uses and services. Any development and design standards contained within this section are intended to supplement any development and design standards of the underlying plaza district within the area specified as the plaza district.
- B. *Establishment.* The plaza district concept was established by the city council pursuant to the City of Oak Ridge North 2013 Comprehensive Plan and in conjunction with the adoption of Ordinance No. 33-2013 on June 24, 2013.
- C. *Location.* The plaza district includes all the land within the boundary of the plaza district as shown on the official zoning map of the City of Oak Ridge North, as may be amended. Within the delineated plaza district, any lot or parcel of land located at least partially within the district must follow all land use, development and design standards, and development conditions of this section for the entire lot or parcel.
- D. *Planned unit development (PUD) required.* All new development and changes to existing development located in the plaza district must proceed as a planned unit development (PUD) in accordance with section 13, as may be amended.
- E. *Uses permitted by right.* For each planned unit development (PUD) within the plaza district, every property must be used and every building must be hereafter used, erected, reconstructed, altered, or enlarged, for one or more of the following uses or uses which are equivalent thereto as determined by the planning and zoning commission. To the extent a zoning use regulation within this section conflicts with another zoning use regulation applicable to this section, the more restrictive zoning use regulation shall control unless otherwise specifically stated.
1. Artist gallery and sales spaces (art, photo and music) on the first floor in a building ~~or premises~~.
 2. Artisan sales and production (hand-tools only; e.g., jewelry, woodwork or ceramics).
 3. Bakeries designed for retail sales but not wholesale operation.
 4. Barber, beauty, health, and nail spas and salons.
 5. Bicycle sales and bicycle repair shops.

6. Book or stationery stores, including newsstands (printing, mailing and reproduction services are permitted provided they are incident and subordinate to the primary permitted use).
 7. City hall, fire and police stations and other municipal uses.
 8. Drug stores and sundry shops.
 9. Dry-cleaning and laundry service (drop-off only).
 10. Education and learning centers provided it is located on the second floor or above in a building ~~or premises~~.
 11. Florist or gift shops.
 12. Furniture sales and repair.
 13. Financial institutions.
 14. Micro-brewery, micro winery, and wine cafe (subject to all local and state regulations).
 15. Offices that are business, professional, or medical in nature providing services not including fabrication, manufacture, or production of goods and provided the operation is located on the second floor or above in a building ~~or premises~~.
 16. Optical goods; retail.
 17. Technology and electronic repair and sales shop.
 18. Sit down restaurants, cafes, eateries, ice cream parlors, coffee shops and tea rooms provided that the sale of food and beverages is primarily for on-site dining.
 - a. Take-out service is allowed to the extent it is incident and subordinate to on-site dining.
 - b. Drive-through service is prohibited.
 19. Stores and shops for the sale of products at retail only.
 20. Tailor, clothing or wearing apparel repair shops to include tailor activities that create custom made clothing or accessories.
 21. Theater (movie or live; single screen or stage).
 22. U.S. Postal Service or similar private services; retail.
- F. *Uses permitted by special exception.*
1. Antique and resale shops (no co-ops).
 2. Artist work and studio spaces (art, photo and music) on the second floor or above in a building ~~or premises~~.
 3. Athletic facility provided the operation is located on the second floor or above in a building ~~or premises~~.

4. Animal grooming sales and services.
 5. Farmer's market.
 6. Garage (public) that is incident and subordinate to the primary permitted use.
 7. Mobile food unit, subject to chapter 18 (Businesses), article IV.
 8. Any other use deemed by city council to be appropriate and consistent with the uses permitted by right in this section, subject to satisfying all notice and public hearing requirements imposed by state law.
- G. *Prohibited uses.* All uses not specifically permitted by right or by special exception in this section, or by specific use permit issued in accordance with section 9, are strictly prohibited.
- H. *Prohibited noise, vibrations, smoke, odor, dust, gas, or light.*
1. Sustained or repetitive noise or vibration, of such an intensity or character that it constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such noise or vibration is measured, or audible, or felt at the property line of any adjoining district.
 2. Smoke, odor, dust, gas, light, or pollution of any type that constitutes a nuisance which injures or destroys the peaceful enjoyment or use, comfort, repose, safety, or health of persons of ordinary sensibilities, is prohibited, when such smoke, odor, dust, gas, light, or pollution is measured, or present, or detected at the property line of any adjoining district.
- I. *Height regulations.* No building or structure shall exceed 45 feet in height except as allowed by an approved PUD plan adopted in accordance with the procedures outlined in section 13 herein, as may be amended.
- J. *Area regulations.*
1. *Lot size and width; front, side and rear yard regulations.* All area regulations shall be subject to an approved PUD plan adopted in accordance with the procedures outlined in section 13 herein, as may be amended.
- K. *Parking regulations.*
1. All parking regulations shall be subject to an approved PUD plan adopted in accordance with the procedures outlined in section 13 herein, as may be amended.
- L. *Outside sales/display prohibited.* Outside sales, including outside display of goods and merchandise in the PD-1 plaza district is prohibited, except as expressly provided in this subsection. The term "outside" means outside of a fully enclosed building which is constructed on-site on a lot in compliance with all city codes. It is the intent of this provision to prohibit the use of any yard (front, side, or rear), parking space, setback, easement, or any open land for these purposes.

1. *Exception.* The outside sale or display of goods or merchandise is permitted under the following three circumstances only:
 - a. They are offered for sale or displayed outside as an integral part of the business conducted in the main building located on the lot and the sale or display is conducted within five feet of such main building; or
 - b. They are offered for sale or displayed outside as an integral part of the business conducted in the main building located on the lot, and they are customarily displayed outside, and they are of such a large size that outside display is necessary; for example, automobiles or large boats (boats over 14 feet in length); or
 - c. They are offered for sale or displayed as an integral part of the business conducted in the main building located on the lot and the sale display is conducted within 18 feet from the front curb (or one parking space) in front of the merchant's building only. The sale or display shall not impede the flow of traffic or endanger the safety of the shoppers or passers by. This type of "outside sales" event will be allowed four times a year. The event shall not last longer than 72 hours in duration, with 12 hours for set-up and 12 hours for take down.
- M. *Outside storage or discarding of materials prohibited.* No refuse, unused material or item, or discarded material or item shall be stacked, stored, or placed on any part of a lot that is not designed, constructed, screened or fenced for that particular purpose so as to prevent the placement or accumulation of such materials or items in a manner that tends to cause blight within the PD-1 plaza district or other adjoining zoning districts.
- N. *Screening of garbage facilities.* It shall be unlawful for any person to fail to screen from public view any dumpster, container, receptacle, or bag used for the collection or storage of garbage, refuse, or recyclable materials. Such screening device shall be not less than six feet in height, measured from grade upward, shall be constructed of solid or other opaque material, and shall be located so as to screen such materials from any adjacent street, public way, or private property.
- O. *Exterior building materials.*
 1. The exterior walls of all buildings and structures, with the exception of mobile food units, shall be constructed of brick, stone, decorative concrete block, or a combination thereof. Doors and windows are excluded.

(Ord. No. 54-2013, § 3, 10-14-13; Ord. No. 21-2014, § 6, 3-24-14; Ord. No. 32-2016, § 12, 9-26-16; Ord. No. 32-2016, § 12, 9-26-2016)

Sec. 8-E. RC-1 Robinson Commercial District

- A. *Purpose.* The purpose of the RC-1 Robinson Commercial District is to initially integrate appropriate and limited commercial uses with the single family

residential buildings and structures currently existing on those lots located on the south side of Robinson Road as designated by the Official Zoning Map of the City of Oak Ridge North.

- B. *Establishment.* The Planning & Zoning Commission recommended and the City Council approved the creation of the RC-1 Robinson Commercial District in response to rezoning requests from residents owning property located on the south side of Robinson Road. The rezoning of the lots located in the RC-1 Robinson Commercial District is consistent with the City of Oak Ridge North 2013 Comprehensive Plan adopted by Ordinance No. 33-2013 on June 24, 2013.
- C. *Location.* The RC-1 Robinson Commercial District includes all the lots located within the boundary of the RC-1 Robinson Commercial District as shown on the official zoning map of the City of Oak Ridge North, as may be amended. Within the delineated RC-1 Robinson Commercial District, any lot or parcel of land located at least partially within the RC-1 District must follow all land use, development and design standards, and development conditions of this section for the entire lot or parcel.
- D. *Non-Conforming Use.* Any lot located in the RC-1 District as of the adoption of this ordinance shall be subject to and comply with Section 11, Appendix A-Zoning. However, if upon the adoption of this ordinance the building or structure on said lot is occupied by a person who owns the lot and lives in the building or structure (i.e., lot owner/occupant) as his or her single family dwelling, the person may continue to occupy the building or structure as his or her single family dwelling in conformity with the ~~R-1-R-5~~ Single Family Residential district zoning regulations until such time that the lot is sold or otherwise conveyed to a third-party who is not related to the lot owner/occupant within the first degree of blood or consanguinity. To the extent this subsection conflicts with Section 11, Appendix A-Zoning, this subsection shall control.
- E. *Planned unit development (PUD) required.* All new development, renovations, or substantial improvements to existing buildings and structures located in the RC-1 Robinson Commercial District as of the date of this Ordinance must proceed as a planned unit development (PUD) in accordance with Section 13, as may be amended, if within any two (2) year period fifty-one percent (51%) or more of the total size of the building or structure that existed as of the date of this ordinance is affected by the proposed new development, renovation, or improvement, or in the alternative, the cost of improvements within any two (2) year period equal fifty-one percent (51%) or more of the appraised value of the building and structures that existed as of the date of this ordinance.

F. *Permitted Uses.* Upon a lot converting to the RC-1 Robinson Commercial District regulations, the following uses are permitted if conducted in strict compliance with the standards and conditions of this Section 8-F.

1. Off-site sales office
2. Off-site service office
3. Professional service office
4. Any other use is strictly prohibited

F. Certificate of occupancy standards and conditions.

1. *Certificate of occupancy.* Any lot owner who desires to convert a lot from an ~~R-4R-5~~ Single Family Residential use to a RC-1 Robinson Commercial Use shall apply for a certificate of occupancy pursuant to Chapter 14, Article II, Sec. 14-31, as may be amended. All applications for a RC-1 certificate of occupancy must include the submission of a driveway plan, a parking plan, a sign plan, and a lighting plan for review and approval.
2. *Driveways.* In conjunction with any certificate of occupancy application, a lot owner or applicant must submit a driveway plan and any required fee to the Planning & Zoning Commission for initial review and recommendation to City Council for approval. The building inspector shall not issue a RC-1 certificate of occupancy until a driveway plan is approved. All driveway plans must comply with the following restrictions and requirements:
 - a. The construction of any new circular driveway is prohibited.
 - b. No new access points or curb cuts are permitted.
 - c. All driveway plans must preserve at least 50% of the existing front yard as green space.
3. *Parking.* In conjunction with any certificate of occupancy application, a lot owner or applicant must submit a parking plan and any required fee to the Planning & Zoning Commission for initial review and recommendation to City Council for approval. The building inspector shall not issue a RC-1 certificate of occupancy until a parking plan is approved. No person may park, store, or otherwise leave a vehicle in the rear yard of a RC-1 lot that is (1) on an unpaved surface, or (2) closer than eight (8) feet to the rear lot line.
 - c. All parking plans must preserve at least 50% of the existing front yard as green space.

Comment [CN34]: CDV 092617: District labeling issue – Old R-1 will become a different R-# district. Discuss how to reconcile since we just passed Ord. 9-2017 creating the RC-1 District.

4. *Signs*. In conjunction with any certificate of occupancy application, a lot owner or applicant must submit an architectural sign plan and any required fee to the Planning & Zoning Commission for initial review and recommendation to City Council for approval. The building inspector shall not issue a RC-1 certificate of occupancy until an architectural sign plan is approved. All sign plans must comply with the following requirements:
 - a. Only one (1) monument sign per RC-1 lot is permitted
 - b. Maximum height is three and one-half feet (3.5') from the top of the curb elevation.
 - c. Maximum length is six feet (6').
 - d. Sign must be installed beginning exactly four feet (4') from the front ROW.
 - e. Wall signs, window signs, and pylon signs are prohibited.
5. *Lighting*. In conjunction with any certificate of occupancy application, a lot owner or applicant must submit a lighting plan and any required fee to the Planning & Zoning Commission for initial review and recommendation to City Council for approval. The building inspector shall not issue a RC-1 certificate of occupancy until a lighting plan is approved. All lighting plans must comply with the following restrictions:
 - a. Any light fixture that produces glare or spill-over lighting (light trespass) onto adjacent property is prohibited.
 - b. Colored lighting is prohibited.

G. Architectural standards and conditions.

1. *Roofing*. All buildings or structures shall comply with Chapter 14, Article X of the Code of Ordinances, as may be amended, until such time that the lot is redeveloped pursuant to a planned unit development (PUD).
2. *Masonry*. All buildings or structures shall comply with the masonry requirements applicable to the ~~R-1R-5~~ Single Family Residential District until such time that the lot is redeveloped pursuant to a planned unit development (PUD).
3. *Height regulations*. No building shall exceed two and one-half stories or thirty-five feet (35') in height.

4. *Detached accessory buildings.* A maximum of two detached accessory buildings permitted on a RC-1 lot, provided the following conditions are met:
 - a. The combined square footage of all detached accessory buildings shall not exceed 500 total square feet.
 - b. All detached accessory buildings shall comply with section 5 of this Appendix A and chapter 14 of the Code of Ordinances, as may be amended.
 - c. All detached accessory buildings shall be constructed in the same architectural style of the main building except for a portable tool or storage shed that is 144 square feet or less in size.
 - d. All detached accessory buildings shall have the same roofing material as the main building except for a portable tool or storage shed that is less than 144 square feet in size.
 - e. All portable tool or storage sheds are considered detached accessory buildings for calculating the 500 total square feet allowed for detached accessory buildings permitted on a RC-1 lot.
 - f. *Exceptions.* This section 4 does not apply to pergolas, trellises, arbors, gazebos or other similar open-air landscape improvements.

H. Operational standards and conditions.

1. *Accessory buildings.* All accessory buildings constructed on a lot converted to RC-1 use must comply with the applicable commercial building code.
2. *Storage.* Unsheltered or unenclosed storage is strictly prohibited.
3. *Equipment.* The installation, storage, or use of any equipment or machinery not normally found in an office is prohibited.
4. *Garbage; refuse.* An office operating from the RC-1 district shall not generate quantities of trash or recyclables greater than that normally generated by a single-family detached residential home. RC-1 businesses must contract with the City for residential solid waste disposal.
5. *Sales and displays.* Direct on-site sales, retail or wholesale, and the display of goods or products on the premises are prohibited. However, the storage of product samples on site is not prohibited subject to Sec. H.2.

6. *Clients; business hours.* The number of clients or related groups hosted by an office operating from the RC-1 Robinson Commercial District shall not exceed the rate of four (4) per hour. Business hours shall begin no earlier than 7:00AM and shall extend no later than 8:00 PM.
7. *Service and delivery trucks.* Service trucks or other service vehicles are prohibited between the hours of 8:00PM and 8:00AM. Deliveries from vehicles with more than two axles are prohibited.
8. *Vehicles.* The parking of any vehicle with more than two (2) axles on a lot is prohibited. No vehicle or trailer may be parked or stored on a lot except on a paved driveway or paved parking space. Parked vehicles that are visible from an adjacent lot are prohibited.
9. *Noise.* Business-related sounds that are audible outside the building or structure are prohibited.
10. *Nuisances.* The use of noxious, combustible, explosive or other materials that would endanger the health and safety of the occupants and the surrounding residents is prohibited. The creation of noise, odors, vibrations, glare, fumes or electrical interference that is detectable to normal sensory perception outside the building or structure is prohibited.
11. *Buffering and Fencing.* Any lot owner who converts a lot from an **R-4R-5** Single Family Residential use to a RC-1 Robinson Commercial Use shall comply with the fence regulations contained in Appendix A, Sec. 10-A. All references to "B-1 neighborhood business district", "B-2 secondary and highway business district" or variations thereof in Appendix A, Sec. 10-A shall be construed to reference RC-1 for the purpose of this Sec. 8-E hereof.

Sec. 9. - Specific use permit (SUP).

- A. The purpose of these specific use permit regulations is to allow within the city the proper integration of uses which may be suitable only in specific locations.
- B. A specific use permit is an amendment by the city council to the district regulations of the zoning ordinance that permits the permanent establishment of a specific use within the zoning district. Procedures for the adoption of zoning amendments will be followed.
- C. Every specific use permit granted by the city council shall be an amendment to the zoning ordinance as applicable to such property. In granting such permit the city council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued by the office of the building official for the use of the building on such property pursuant to said specific use permit; and such conditions shall not be construed as conditions precedent to the granting of the

specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

- D. In addition to the certificate of occupancy called for in this zoning ordinance, a specific use permit shall be required before the following specific uses can be permitted in any zoning district:
1. Automobile salesroom and accompanying service facilities;
 2. Automobile repair garage;
 3. Gas compressor or regulator station;
 4. Oil wells and operations for the exploration for and production of minerals;
 5. Pipeline easements;
 6. Private, nondenominational elementary and high schools, colleges, and universities;
 7. Private, denominational elementary and high schools, colleges, and universities whether as an accessory use to a church or other place of worship or as a main or primary use;
 8. Churches or other places of worship;
 9. Banks;
 10. Water wells, water and sewage treatment and storage facilities, and related appurtenances;
 11. HUD-Code manufactured homes;
 12. Head shops;
 13. Antennas and towers as described in section 10-B;
 14. Payday lenders and auto title loan businesses; and
 15. Any other specifically identified use that the city council deems appropriate and suitable in a particular location or district.
- E. The building official shall not issue a certificate of occupancy for such uses listed in the preceding section that are hereby created, changed, converted, or enlarged either wholly or in part, until a specific use permit has been obtained in accordance with the amendment procedures in this zoning ordinance.
- F. Application for a specific use permit shall be made by the property owner or certified agent thereof to the city planning and zoning commission on forms prescribed for this purpose by the city. Such application shall be accompanied by those documents required by this zoning ordinance and for building permit applications. Specific use permits, revocable, conditional, or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this zoning ordinance. Granting a specific use permit does not exempt the applicant from complying with the requirements of the building code or other ordinances.

- G. The fee to cover administrative and processing costs of a specific use permit application shall be as established by the city council.
- H. In considering any application for a specific use permit, the city planning and zoning commission shall give due regard to the nature and condition of all adjacent uses and structures. The city planning and zoning commission may recommend disapproval of an application for a specific use permit; however, in recommending approval of a specific use permit the city planning and zoning commission may recommend such requirements and conditions with respect to location, construction, maintenance, and operation in addition to the regulations of the district in which the particular use is located as they may deem necessary for the protection of adjacent properties and public interest.
- I. The city planning and zoning commission shall make a recommendation regarding the application to the city council, which recommendation shall include consideration of each of the following:
1. Whether the proposed structure or use conforms to the requirements and intent of this zoning ordinance;
 2. Whether such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the community;
 3. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, flood, or catastrophe;
 4. Off-street parking and the economic, noise, glare, or odor effects of the specific use on adjoining properties and properties generally in the district;
 5. Refuse and service areas;
 6. Utilities with reference to location, availability, and compatibility;
 7. Fencing, screening, or buffering with reference to type, dimensions, and character;
 8. Sign location, size, and proposed exterior lighting with reference to glare and traffic safety and compatibility with properties in the district;
 9. Landscaping and required yard and other open space;
 10. Lighting;
 11. Setbacks; and
 12. General compatibility with adjacent properties and other property in the district.
- J. Following passage of a specific use permit ordinance by the city council, the building official shall issue a certificate of occupancy, as provided in this zoning ordinance, and shall insure that development is undertaken and completed in accordance with, said specific use permit.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 15-2014, § 3, 3-10-14; Ord. No. 21-2014, § 6, 3-24-14; Ord. No. [33-2015](#), § 4, 10-12-15)

Sec. 9-A. - Regulations of mobile homes, HUD-Code manufactured homes, and industrialized buildings and housing.

A. *Mobile home regulations.*

1. Mobile homes lawfully existing and occupied as a dwelling within the city prior to the date of this ordinance shall be allowed to continue and maintain so long as the mobile home is used continuously as a dwelling and is connected to all utilities. No expansion or enlargement of mobile homes shall be allowed. A mobile home may be replaced with a HUD-Code manufactured home if an application is received by the city and the city grants a permit as set forth in section 9 of the zoning code.
2. It shall be unlawful for any person or entity to install, locate, relocate, expand, enlarge, or change the occupancy of a mobile home.
3. It shall be unlawful to allow any utility to be disconnected to a mobile home, unless such mobile home is being moved from the city. Utility disconnection may not occur earlier than the tenth business day before the moving date. No person shall occupy a mobile home with any disconnected or non-functioning utilities.

B. *HUD-Code manufactured home regulations.*

1. It shall be unlawful for any person to install, construct, relocate, expand, enlarge, occupy, or change the occupancy of a manufactured home unless the city grants a specific use permit as set forth in section 9 of the zoning code or an exemption is enumerated in subsections 20, 21 and 22. of this section.
2. The city council shall either grant or deny a specific use permit application to install a new manufactured home for use as a dwelling not later than the 45th day after the date the application is received by the city.
3. Site plan required. Along with the specific use permit application, owner or developer shall submit a site plan which contains the following information:
 - (a) The name, address, and owner of the lot or lots where the manufactured home will be located;
 - (b) Name as shown on the subdivision plat where the manufactured home will be located;
 - (c) Names of adjacent public or private streets and roads, adjacent subdivisions or property owners of unplatted land;
 - (d) Contour lines at two-foot intervals;
 - (e) Locations and dimensions of all manufactured home spaces, points of ingress and egress, utility easements, drives, recreation areas, fencing and landscaping, signage, streets, and sidewalks. Each manufactured home lot and common facility area shall be sequentially numbered;
 - (f) Scale of plan and complete dimensions for each lot, street and open area;

Comment [CN35]: 101117 CDV: Inconsistent formatting with the parenthesis

- (g) Density of units per gross acre;
 - (h) Area and dimensions of entire site;
 - (i) Areas defined for waste containers and method of disposal;
 - (j) Dimension, description, and location of common facilities;
 - (k) Water and sewer plans must be submitted, on separate sheets if necessary, and must show sewer line locations, grades and sizes, and water line locations, sizes and source of water supply; and
 - (l) Paving and drainage plans must be submitted, on a separate sheet if necessary, and must show the directions and calculated quantities of runoff and the proposed specifications for streets in accordance with the city's ordinances.
4. Location of manufactured home or accessory structures. No manufactured home or accessory structure such as a refuse container, carport, cabana, awning, fence, or storage locker shall be permitted within ten feet of a private or public street or the boundary line of a manufactured home lot.
5. Screening requirements. The following screening requirements shall be applicable:
- (a) *Landscaping.* A landscaped strip of not less than ten feet in width, or fencing as hereinafter provided, shall be located along all manufactured home subdivisions and manufactured home park boundary lines. Provided, however, such landscaping strip or fencing shall not be required by the city where the manufactured home subdivision or manufactured home park abuts another manufactured home subdivision or manufactured home park, or commercial or industrial development. Such landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting, cultivation, growing, and maintenance of site obscuring trees, shrubs, and plant life as described below. Trees, shrubs, cane, and other vegetation shall be planted, cultivated, and maintained as a sight and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately five years. The buffer strips are intended to provide a 75 percent or more opaque screen when viewed horizontally between two and ten feet above the natural ground at the end of the growing period of five years from the date of planting. Additional planting, cultivation, and maintenance may be required by the city officials during the use period of the buffer strip to achieve and maintain this effect.
 - (b) *Fencing.* A solid fence, at least six feet in height may be constructed and maintained along all boundaries of the manufactured home subdivision or manufactured home park. The fence materials must be wood, brick, stone, stuccoed concrete block, or other similar materials. In no instance will plain concrete block, concrete panels, fiberglass, or metal sheeting be allowed.
 - (c) *Skirting.* Each manufactured home shall have permanent skirting around its perimeter to screen its wheels and undercarriage from view.

6. Fire safety standards.
 - (a) The storage, handling, and use of liquefied petroleum gases and flammable liquids shall be done in compliance with applicable city ordinances and state laws.
 - (b) Approaches to all manufactured homes shall be kept clear for emergency vehicles.
 - (c) Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the fire chief or city council, but in no case shall the development provide less than a system of standard hydrants located not more than 500 feet from each manufactured home space and served by water lines not less than six inches in diameter installed in a looped system.
7. Recreational areas. Not less than eight percent of the gross site area shall be devoted to recreational facilities, generally provided in a central location. In large developments, recreation facilities can be decentralized with each location at least two-thirds of an acre. Recreation areas may include space for community buildings and community use facilities, such as indoor recreation areas, swimming pools, hobby and repair shops, and service buildings. Playground areas designed for children shall be so designated and must be protected from traffic, thoroughfares, and parking areas. No recreation area shall contain less than 5,000 square feet. Where compliance with this provision results in undue hardship or individual site areas are substantially above minimum standards and provide for sufficient outdoor recreation, an exemption may be granted. Application for such exemption shall be made to the city council at the time of the filing of an application under section 9 above.
8. Height requirements.
 - (a) The height limit for any structure, including a manufactured home, intended for any use or occupancy shall be 35 feet.
 - (b) The average height of the manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the pad.
 - (c) Manufactured homes shall be located no closer than 20 feet from any exterior wall to the closest exterior wall of the nearest manufactured home.
9. Manufactured home lot. Each and every manufactured home shall be located on a separate lot which shall conform to the following standards:
 - (a) Be served with sanitary sewer, water, electrical power, telephone service, and natural gas.
 - (b) Provide a manufactured home pad which shall provide an adequate foundation for the placement and tie-down of one single-family manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. Such pad shall:

1. Be constructed of material which shall adequately support the weight of the manufactured home.
 2. Provide anchors and tie-downs such as cast-in-place concrete "dead men," eyelets embedded in concrete foundations or runaway screw augers, arrowhead anchors or other devices which secure the stability of the manufactured home, and shall be placed at least at each corner of the manufactured home.
 3. Cover an area of at least 240 square feet or at least one-third the area of the largest manufactured home which is to be placed on the manufactured home park lot, whichever is greater. No surface provided for a purpose other than the foundation of a manufactured home shall be considered a part of such manufactured home pad.
- (c) Provide a minimum of two off-street parking spaces which shall be constructed of concrete or asphalt (see Schedule A—Master parking schedule).
- (d) Double street frontage of manufactured home lot shall be prohibited.
- (e) Drainage. The ground surface in all parts of every development, and especially beneath manufactured homes and other structures, shall be graded and equipped to drain all surface water in a safe and efficient manner so as not to permit water to stand or become stagnant.
10. Design and location of storage facilities. Storage facilities with a minimum capacity of 200 cubic feet per manufactured home lot may be provided on the lot or in compounds located within 200 feet of the lot. Where provided, storage facilities shall be faced with a durable, fire-resistant material. Storage outside the perimeter walls of the manufactured home shall be permitted only if in such facilities. No storage shall be permitted under a manufactured home. Storage facilities shall not be located within ten feet of the boundary line of any manufactured home lot.
11. Water supply.
- (a) All approved water supply for domestic use and fire protection purposes shall be supplied to meet the requirements of the development and the applicable laws, codes, and ordinances of the city. Certification of compliance from the city public works shall be required prior to the issuance of any certificate of occupancy for any manufactured home.
- (b) All plumbing improvements to any manufactured home lot shall be made in accordance with applicable ordinances of the city.
12. Sewage disposal. From and after the effective date of this ordinance, the following shall apply:
- (a) Waste from all toilets, lavatories, sinks, and showers shall be discharged into a public sewer system approved by the public works. Certification of

compliance from the public works shall be required prior to the issuance of any certificate of occupancy for any manufactured home.

- (b) All plumbing improvements to any manufactured home lot shall be made in accordance with applicable ordinances of the city.
 - (c) Each manufactured home lot shall have a sewer riser pipe of at least four inches which shall be capped when not in use.
13. Electrical and telephone distribution system. From and after the effective date of this ordinance, the electrical distribution system shall comply with applicable electrical codes and other applicable laws of the state.
14. Common facilities. All buildings or rooms containing bathroom, laundry, or other common facilities shall have fire-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, tubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials, or covered with moisture-resistant materials.
15. Refuse and garbage. Solid waste shall be stored in a flyproof, waterproof container, surrounded by a fence or wall, and shall be emptied regularly and maintained in a usable, sanitary condition and the collection and disposal of such refuse and garbage shall be so conducted as to create no health hazard. A refuse pickup easement shall be granted by the owner of a manufactured home park or subdivision to the city, if necessary, for garbage collection.
16. Signage. Each manufactured home subdivision or manufactured home park shall have a sign at its entrance, bearing its name. The signs shall conform to existing city sign ordinance.
17. Manufactured home subdivisions. In addition to the requirements of subsections 1.~~thru~~—16. above, the following requirements shall apply to manufactured home subdivisions:
- (a) *Lot size.* Each lot for a manufactured home shall be a minimum of 50 feet in width, and a minimum of 100 feet in depth. Lots for common facilities shall be of such a size to meet the minimum setback areas below, and such that no more than 50 percent of such lot is covered by building area, exclusive of parking.
 - (b) *Setbacks.* The minimum setback area for each lot is:
 - Front yard:* 25 feet.
 - Rear yard:* 15 feet.
 - Side yard:* Ten feet.
- No manufactured home or structure in a manufactured home subdivision shall be located within the yard setback area.

- (c) *Parking requirements (see Schedule A—Master parking schedule).* In addition to providing for two off-street parking spaces per manufactured home lot, areas designated for common facilities shall provide a minimum of one parking space per 100 square feet of gross floor area.
18. Manufactured home parks. In addition to the requirements of subsections 1.thru—16. above, the following requirements shall apply to manufactured home parks:
- (a) Lot size. Each lot for a manufactured home shall be a minimum of 45 feet in width, and a minimum of 80 feet in depth, and shall contain a minimum of 3,600 square feet. Lots for common facilities shall be of such a size to meet the minimum setback areas below, and such that no more than 50 percent of such lot is covered by building area, exclusive of parking.
- (b) Setbacks. The minimum setback area for each space is:
- Front yard:* 15 feet.
- Rear yard:* Five feet.
- Side yard:* Ten feet.
- No manufactured home or structure in a manufactured home park shall be located within the yard setback area.
- (c) *Parking requirements (see Schedule A—Master parking schedule).* In addition to providing for two off-street parking spaces per manufactured home lot, areas designated for common facilities shall provide a minimum of one parking space per 100 square feet of gross floor area. One additional parking space shall be provided for each manufactured home lot shown on the site plan. A maximum of six of the additional parking spaces may be grouped together at various locations throughout the manufactured home park.
- (d) Manufacture home park owners shall:
1. Operate the park in compliance with this ordinance and other applicable ordinances and shall provide adequate supervision to maintain the park and all facilities in good repair and in clean and sanitary condition.
 2. Notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
 3. Maintained the park in a manner which will not attract or aid the propagation of insects or rodents or create a hazard. Growth of plant material such as weeds and grass, especially beneath manufactured homes and other structures, shall be continuously controlled. All streets, parking, and storage areas shall be maintained to provide a fully paved surface.

4. Maintain an on-site office in which a copy of the park register is housed. A park register shall contain the name and address of each owner and occupant; the make, model, serial number, year, and dimensions of all manufactured homes; and the date of arrival and departure of each manufactured home.
 - (e) Manufactured home occupants shall:
 1. Comply with all requirements of this ordinance.
 2. Be responsible for proper placement of their manufactured home on its manufactured home pad and be responsible for proper installation of all utility connections in accordance with the instruments of the park management and this ordinance.
 - (f) Access; traffic circulation; parking.
 1. Internal streets shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.
 2. All internal streets shall be constructed to the standards and specifications in the city's subdivision ordinance.
 3. All driveways shall be constructed of concrete and shall be durable and well drained under normal use and weather conditions.
 4. Internal streets shall be named and each individual lot for use for a manufactured home or common facilities shall be numbered. Street signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.
 - (g) Lighting. The internal streets, parking lots, walks, and service areas shall be lighted at all times so the development shall be safe for occupants and visitors; provided, further, all entrances and exits shall be lighted.
 - (h) Ingress and egress. Each development shall have a minimum of two points of ingress and egress for access by emergency equipment. A single entranceway, if it is composed of a divided roadway, having two lanes separated by a landscaped median, will meet this requirement.
19. Manufactured homes may be allowed at a construction site for use as a field office during the period of construction. The manufactured home must be removed within 30 days after the construction at the site is completed. To use a manufactured home at a construction site, the property owner shall submit a nonresidential manufactured home application to the city along with a fee set by city council in a schedule of fees for such application. The building official will grant a permit if all the conditions of this ordinance and all other city ordinances are met. If the building official denies a permit, owner may appeal such denial to the board of adjustment and shall follow the appeal procedures as set forth for that board. If a permit is issued, a manufactured home may be occupied as set

forth in this subsection, but in no event may a manufactured home permitted under this subsection be used or occupied as a residence or dwelling.

20. The owner of a manufactured home that occupies a lot in the city may remove the manufactured home from its location and place another manufactured home on the same property, provided that the replacement is a newer manufactured home and is at least as large in living space as the prior manufactured home. The owner that takes such action shall comply with all regulations of this section.
21. The owner of a manufactured home may replace such home if destroyed by fire or natural disaster. The owner that takes such action shall comply with all regulations of this section. In cases other than a fire or natural disaster the city hereby restricts the ability of the owner to replace the manufactured home to a single replacement.
22. The city does not require a permit, fee, bond, or insurance for the transportation and installation of a manufactured home by a licensed retailer or installer.

C. *Industrialized buildings and housing regulations.*

1. The city hereby regulates the on-site construction or installation of industrialized buildings and housing.
2. The city shall require and review, for compliance with mandatory building codes, a complete set of designs, plans, and specifications bearing the city council's stamp of approval for each installation of industrialized buildings or housing in the city.
3. The city shall require that all applicable local permits and licenses be obtained before construction or installation begins on a site within the city meant for industrialized buildings and housing.
4. The city shall require that all modules or modular components bear an approved decal or insignia indicating inspection by the Texas Department of Licensing and Regulation.
5. The city shall inspect the installation of industrialized buildings and housing to ensure compliance with all adopted building codes and all rules adopted by the Texas Commission of Licensing and Regulation. Before occupancy of any industrialized building or housing, the city may require a final inspection to ensure compliance with this subsection. The city shall not allow occupancy of an industrialized building or housing until such building or housing complies with all adopted building codes and all other applicable city regulations.
6. The city shall inspect the foundation and other on-site construction and installation of industrialized buildings and housing to ensure compliance with approved designs, plans, and specifications.
7. Single-family or duplex industrialized housing shall comply with all local permit and license requirements that are applicable to other single-family or duplex dwellings.

8. Single-family or duplex industrialized housing shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located.
9. Single-family or duplex industrialized housing shall have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located.
10. Single-family or duplex industrialized housing shall comply with city aesthetic standard, building setbacks, side and rear yard setbacks, subdivision control, architectural landscaping, square footage, and all other site requirements applicable to single-family dwellings.
11. Single-family or duplex industrialized housing shall be securely fixed to a permanent foundation.
12. As used in this section "value" shall mean the taxable value of the industrialized housing and the lot after installation of the housing.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 10. - Additional use, height and area regulations and exceptions.

A. Use regulations.

Accessory buildings. 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. Height regulations.

1. Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for each two feet additional height above the height limit otherwise provided in the district in which the building is located.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, flour mills, monuments, stacks, or scenery lofts, tanks, water towers, ornamental towers and spired church steeples, radio or television towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existent or hereafter adopted ordinances of the City of Oak Ridge North, Texas, provided that in the absence of any such ordinance there shall be no height limitation on these structures.

C. Area and density regulations.

1. In a district in which commercial or industrial buildings are built with one or more stories for residential purposes above the commercial or industrial uses, the side yards will be required for the residential portion of the building, provided that the part of the building intended for residential use is not more than two rooms deep from front to rear.
2. No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear yard and except the ordinary projections of skylights, cornices, and other ornamental features which may project into such yards a distance of not more than two feet.
- ~~3. Open, unenclosed porches, platforms or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six feet.~~
4. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three 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~~ **three** feet (3') from the adjacent lot line.
5. Front yard.
 - a. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with variation of five feet less) a front yard of greater depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
 - b. Where 40 percent more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above then:
 - (1) Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides; or
 - (2) Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building;
 - (3) In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.
 - c. Vision clearance. On any corner lot on which a front or side yard is required, no wall, fence, sign or other structure, or any plant growth shall be permitted to be maintained higher than two feet above the curb level within 15 feet of the intersection of the property lines.

Comment [JB36]: Should be removed.

Comment [JB37]: Fire separation

6. Side yards.

- a. The minimum width of a side yard of a corner lot in the ~~R-1 and R-2 residential~~ districts shall be not less than ten feet provided that if the street side line of a corner lot is in the same block frontage with a lot or lots, whose street line is in front of such lot or lots, the side yard shall extend to the average alignment of the buildings along the same side of the street, unless such buildings are more than 25 feet back from the street line, in which case the side yard need not be more than 25 feet.
- b. A side yard of not less than 25 feet on the side of the lot adjoining on ~~any R-1 or R-2 residential~~ district shall be provided for all schools, libraries, churches, community houses, clubs, and other public or semipublic buildings hereafter erected or structurally altered.
- c. Where a lot in the ~~B-1, B-2 or INED~~ districts is not used for residential purposes, and abuts ~~upon any R-1 other residential district~~ or R-2 district, a side yard shall be provided of not less than five feet.
- d. Garages detached or attached to the main use building entering on the side street of a corner lot shall maintain a side yard of 20 feet in front of the garage.

7. Rear yard.

- a. In ~~the R-1 or R-2 all residential~~ districts, accessory buildings shall not occupy more than 30 percent of the required minimum rear yard area. Accessory buildings shall be a minimum of 12 feet from the main use building. In ~~the R-1 and R-2 all residential~~ districts, no accessory building shall be more than one story in height.
- b. In computing the depth of a rear yard where such yard opens into an alley, one-half of the width of such alley may be assumed to be a portion of the required yard.

Comment [JB38]: We should talk about this section 10 more.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 10-A. - Fence regulations in the B-1 neighborhood business district and the B-2 secondary and highway business district; prohibited locations for fences in all commercial zoning districts.

A. *Privacy fence required as a barrier and buffer.* If any portion of a lot or tract of land zoned B-1 neighborhood business district or B-2 secondary and highway business district adjoins or abuts any property in ~~the R-1 one single family dwelling district or R-2 duplex and apartmenta residential~~ district, a privacy fence is required at all times to serve as a barrier and buffer between the dissimilar properties in those zoning districts, as follows:

1. *Existing fence.* An existing (there on September 1, 1999) privacy fence (no access or view from grade) which is at least six feet in height, which is located on a lot or tract zoned B-1 or B-2 business district, and which is between such

property and any adjoining R-1 single-family dwelling districts or R-2 residential district property, shall be maintained by the B-1 or B-2 district property owner in good condition during its useful life, in order to serve as an effective barrier or buffer. Thereafter, the existing fence shall be replaced by a privacy fence (no access or view at grade) and maintained by the B-1 or B-2 district property owner, as required in this section.

2. *Privacy fence required in connection with building permit issuance.* A privacy fence (no access or view at grade) is required and shall be constructed by the B-1 or B-2 district property owner prior to or contemporaneous with completion of improvements authorized by a city building permit issued for any new, expanded, or additional commercial construction, except indoor remodeling, for property which is then currently developed or used for B-1 and B-2 district purposes; provided, however, a then existing privacy fence (no access or view at grade), if any, on such a B-1 or B-2 district property which is at least six feet in height, which is located along the property line, and which is in good condition shall satisfy the requirement for a privacy fence during its useful life, provided it is maintained in good condition. Thereafter, such existing fence shall be replaced by a privacy fence (no access or view at grade), as required by this section.
 3. *Privacy fence required upon development.* A privacy fence (no access or view at grade) is required and shall be constructed by the commercial property owner prior to or contemporaneous with the commercial use of or construction of improvements on property being developed in the B-1 or B-2 business district.
 4. *Requirements applicable to all privacy fences.* In order to serve the intended purposes as a barrier and buffer, a required privacy fence (no access or view at grade) shall be constructed and maintained in good condition, and replaced as necessary, by the owner of the B-1 or B-2 business district property, along the property line abutting or adjoining any R-1 single-family dwelling districts or R-2 residential district property. A privacy fence shall be at least eight feet in height, constructed of cedar, treated (by the manufacturer) pine, brick, or masonry, and the finished side (not showing mounting or supports) shall face away from the B-1 or B-2 district property. The replacement of an existing privacy fence or a required privacy fence shall be in full compliance with the regulations in this section.
- B. *Fences prohibited locations in all commercial zoning districts.* No fence or wall shall be erected, constructed, or installed in any commercial (non-residential) zoning district between the support foundation of the principal building located on the property and any adjacent public roadway or street, or in any required front yard. The support foundation shall be construed to include steps, porches, or architectural extensions of such principal building.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 10-B. - Antennas and towers.

(a) *Applicability.*

- (1) *District height limitations.* The requirements set forth in this Code shall govern the location of towers and antennas in the city.
- (2) *Public property.* Antennas or towers located on publicly-owned property shall be exempt from the requirements of this Code, provided a license or lease authorizing the antenna or tower has been approved by the city council.
- (3) *Amateur radio and receive-only towers.* This Code shall not govern any tower, or the installation of any antenna, that is under 100 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive-only antenna.
- (4) *Grandfathered towers and antennas.* Any tower or antenna existing on the effective date of this ordinance shall not be required to meet the requirements of this Code other than the requirements of this Code for grandfathered towers and antennas. Any towers or antennas that fail to meet the requirements of this Code shall be referred to as "grandfathered towers" or "grandfathered antennas."

(b) *Guidelines and requirements.*

- (1) *Purpose.* The purpose of this subchapter is to establish rules and regulations for the site placement and maintenance of towers and antennas of the type as herein defined and set out. The goals of this chapter are to encourage and to provide for the location of towers in nonresidential areas and minimize the total number of towers throughout the community, and to encourage strongly the joint use of new and existing towers. In addition, it is the purpose of these regulations to encourage the use of towers and antennas to be located in areas where the adverse impact on the community is minimal and to encourage the user of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and to enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- (2) *Existing sites.* Each applicant for a tower permit shall provide the city council an inventory of its existing towers, including specific information about the location, height and design of each tower. The city council shall review the data and information as may be submitted, and all data submitted in conjunction with an application as herein provided shall be deemed a part of the open and public record.
- (3) *Lighting.* The guidelines set forth in this Code shall govern the location of all towers and the installation of all antennas; provided, however, that the governing body may in its sole discretion provide other regulations or other requirements that accomplish the objectives of this Code where it is found that the goals and purposes of this chapter and this Code are better served by such exceptions.

- (4) *Requirements.* Towers shall either be constructed to maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted sky blue or gray so as to reduce visual obtrusiveness.
- (5) *Design requirements.* At a tower site, the design of buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
- (c) *Installation of an antenna of a structure other than a tower.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) *Lighting of towers prohibited.* Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the city council shall approve the design for lighting and the design must take into effect existing and contemplated uses of surrounding property and be configured in a way as to cause the least disturbance to the surrounding views.
- (e) *Federal and other governmental requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government or any other governmental entity with the authority to regulate towers and antennas. If the standards and regulations are changed, then the owners of the towers and antennas governed by this Code shall bring the towers and antennas into compliance with the revised standards and regulations within six months of the effective date of the revised standards and regulations. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute an immediate and automatic revocation of the authority granted under this chapter and the city may require the removal of any tower antenna in noncompliance at the cost of the owners.
- (f) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the building codes of the city and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. The city, through the building official or other persons so designated, may inspect towers and antennas at any time, and if the building official finds and concludes that the tower or an antenna fails to comply with such codes and standards and/or constitutes a danger to persons or property, then the building official, upon notice being provided to the owner of the tower, may order that the tower and antenna be brought into compliance with the codes and standards within a period not to exceed 30 days. If the owner fails to bring the tower into compliance within 30 days, the city council may order the removal of the tower and antennas at the expense of the owner. In the event a removal is ordered, the city shall not assume any liability for the removal and shall be entitled to a lien upon the personal property, fixtures or real estate for the purpose of paying its cost incurred in the removal.

- (g) *Specific use permit required.* The city council finds and determines that it is in the best interest of the health, safety and well-being of the residents, citizens and inhabitants of the city that no tower or antenna shall be constructed, erected or maintained in the city unless a permit, hereinafter referred to as a tower permit, shall have first been issued by the city council for the placement, location and maintenance of the tower and antenna.
- (h) *Application and fees.* From time to time the city council may adopt an application form or procedure for the issuance of a tower permit. In addition, the city council may specify fees, costs and expenses that must be paid by the applicant as an application fee prior to the review or issuance of the tower permit. In the event the city council shall fail to specify or provide for tower permit application or a procedure for the issuance of a tower permit, then the building official is hereby directed to establish such procedure as shall be reasonable and necessary to accomplish the objectives of this Code. The application fee approved by the city council shall be in an amount sufficient to cover the cost incurred by the city in reviewing the application and material submitted by the applicant. In addition, prior to the issuance of any permit and as a condition for the issuance of a tower permit, the applicant shall pay any additional cost as may be incurred by the city, including but not limited to professional fees incurred in the review of any application.
- (i) *Requirements of an application.* Each application filed hereunder shall show and attach thereto all relevant documents showing compliance with all laws and regulations promulgated by the federal government, including laws and regulations relating to the FAA or the FCC or any other governmental entity. In addition, no authority granted under this Code shall be deemed to have any final authority until an application for a building permit has finally been approved by the building official of the city.
- (j) *Shortened administrative process.*
 - (1) The city council recognizes that there are certain circumstances where a tower permit may be issued administratively by the building official without review by the city council, and in this regard the building official is hereby directed and authorized to issue a tower permit as provided for under this chapter without referral to or review by the city council. The applicant for a tower permit by administrative approval shall first comply with all other requirements of this Code including making application on such form as may be from time to time provided by the city and paying the required fee. The authority herein granted to the building official shall be deemed discretionary by the building official and the building official may decline to issue a tower permit administratively and may refer the application to the city council for approval in accordance with the other provisions of this chapter.
 - (2) The building official may approve a tower permit administratively if it is found that one or more of the following conditions or circumstances shall exist:
 - a. The proposed tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with the tower or antenna, will be located in an industrial or heavy commercial district or

area of town. An industrial or heavy commercial area is one that is separated from any platted lot of record that is in residential use or intended for residential use by at least 1,000 feet from the closest point of any lot platted or used for residential purposes or, in the case of non-platted property, 1,000 feet from any structure actually used for residential purposes. In measuring or determining any of the distances as herein provided, measurements should be taken from the closest point of the lot or structure to the base or structural point of the tower closest to the residential lot or residential structure.

- b. The installation of an antenna is on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free-standing nonresidential structure) that is at least 50 feet in height or greater so long as the additional antenna adds no more than 20 feet to the height of the existing structure.
 - c. The installation of an antenna is on an existing tower of any height so long as the addition of the antenna adds no more than 20 feet to the height of the existing tower. The tower permit issued under this section shall not permit the placement of additional buildings or other supporting equipment used in connection with the antenna.
- (k) *General requirements for approval of an antenna tower or structure and the issuance of a tower permit.* The following general provisions shall govern the issuance of a tower permit and shall control all applications for a tower permit. Each applicant requesting a tower permit under this Code shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, or other documentation signed and sealed by appropriate professional engineers showing the location and dimensions of the improvement, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information necessary to assess compliance with this Code, including such other and additional information as may be deemed necessary and required by the city council.
- (l) *Factors in considering the granting of the permit.* The city council shall consider the following factors in determining whether or not to issue a tower permit and such other factors as may be deemed appropriate and necessary in order to determine that the goals of the code are properly served:
- (1) Height of the proposed tower;
 - (2) Proximity of the tower to residential structures and residential districts; however, the city council shall not approve any tower which is closer than 1,000 feet to any lot platted for residential use or from any structure in residential use;
 - (3) Nature of uses on adjacent and nearby properties;
 - (4) Surrounding topography;
 - (5) Surrounding tree coverage and foliage;

- (6) Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obstructions;
 - (7) The availability of suitable and existing towers and other structures presently constructed which are suitable for antenna location; and
 - (8) The environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations concerning such emissions shall not be considered.
- (m) *Availability of suitable towers or other structures.* No new tower permit shall be issued unless the applicant demonstrates to the reasonable satisfaction of the city council that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna or tower may consist of any of the following.
- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineer's requirements;
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineer's requirements;
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures or the antennas on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - (5) The fees or costs required to share an existing antenna or structure which will be paid at the beginning of a sharing relationship or will be paid within one year from the date of the inception of any sharing relationship exceed the cost of constructing a new tower;
 - (6) Property owner(s) of existing towers or structures are unwilling to accommodate reasonably the applicant's needs. The applicant must specify the reason for property owner(s) refusing to accommodate and submit satisfactory proof of non-accommodation, including documents evidencing appropriate financial tenders.
 - (7) The applicants demonstrate that there are other limiting factors that render existing towers and structures unsuitable.
- (n) *Setbacks.* The following setbacks and separation requirements shall apply to all towers and antennas for which a tower permit is required; provided, however, that the governing body may, in its discretion, provide for other or different regulations if it finds that the goals of this Code are better served by such modifications.
- (1) Towers must be set back a distance equal to 200 feet from the nearest point to any lot platted for residential use or any structure in residential use. If the height

of the antenna tower is deemed to be greater than 500 feet, then the setback as herein provided shall be three times the height of the tower.

- (2) Towers, guys and accessory facilities must be constructed in a way to avoid adverse impact upon adjoining properties and the uses thereof. In addition, all such structures and apparatus must be properly screened by a visual barrier or fence of a height not less than eight feet and shall be appropriately marked.
 - (3) In all areas other than industrial and heavy commercial areas which are separated from lots platted for residential use or from structures in residential use by more than 1,000 feet, towers over 90 feet in height shall not be located within one-quarter mile from an existing tower that is over 90 feet in height.
- (o) *Security.* In addition to the fencing requirements as herein set out, all fencing shall be locked and secured and shall be equipped with appropriate anti-climbing devices; provided, that if the city council finds and determines that, because of natural barriers or the existence of other apparatus or conditions, this requirement is not necessary, the city council may in an appropriate case modify the screening and fencing requirements as herein set out.
- (p) *Landscaping.*
- (1) All towers constructed and maintained within the city limits shall be landscaped and maintained in accordance with the provisions as herein set out. The city council, however, upon appropriate application, may modify the provisions of this Code when it is deemed appropriate in accordance with the circumstances and conditions then existing.
 - (2) The requirements as herein provided are:
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the tower compound. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. The applicant for a tower permit shall file with the city a landscape plan which shall be approved by the city council in conjunction with any application filed in accordance herewith. In the case of an application for administrative approval, the requirements for a landscape plan may be approved by the building official without city council approval if a request for administrative approval is granted. It shall be the duty of the applicant to fully maintain any landscaping as herein provided as a condition for the maintenance of the permit; and
 - b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be deemed by the city council to be a sufficient buffer.
- (q) *Removal of abandoned towers and antennas.* Any antenna or tower that is not operated for a continuous period of 12 months shall be deemed abandoned, and the owner of the antenna or tower shall remove the same within 30 days of the receipt of a notice from the city council notifying the owner of the abandonment. If

the antenna or tower is not removed within the required 30 days, or such additional period as may be allowed by the city council upon application, the city council may remove the antenna or tower at the expense of the owner and may file a lien upon the real estate and any personal property or fixtures found to pay the cost of removal.

(r) *Existing antennas and towers.*

(1) Any antenna or tower that would otherwise be subject to regulation under the terms and provisions of this Code that had been constructed and lawfully in existence at the date of adoption of this chapter shall be deemed grandfathered and shall not be subject to the regulations provided under this Code for the issuance of a tower permit. However, all other provisions of this Code applicable to the maintenance or renovation of an antenna or tower shall be deemed applicable and in existence.

(2) The owner of a previously existing antenna tower shall be entitled to grandfathered status only if the owner and/or lessee of the antenna or tower shall file a declaration and claim of grandfathered status on or before the expiration of six months from the date of adoption of this chapter. Any person failing to timely claim grandfathered status shall be required as a condition of the maintenance of an antenna or tower to obtain a tower permit as herein required for a newly constructed antenna or tower.

(s) *Applicant shall acquire no vested rights.*

(1) No applicant for a tower permit or person intending to apply for a tower permit shall at any time acquire any vested rights to a tower permit or other authority or privilege to maintain an antenna or tower in the city limits. Nor shall any person who shall have previously constructed and maintained an antenna or tower otherwise subject to regulation under this chapter be deemed to have acquired any vested rights or property rights to maintain the tower or antenna in the city.

(2) The city declares that the provisions of this chapter are necessary for the preservation of the health, safety and well-being of the residents, citizens and inhabitants of the city and as such the health, safety and well-being of the residents, citizens and inhabitants of the city require that this chapter and code be enforced to the maximum extent permitted by law and that all rights of property shall at all times be subordinate to the regulations as herein set out.

(t) *Regulations to the extraterritorial jurisdiction.* The city council finds and determines that its regulation of antennas and towers is important for the maintenance of the health, safety and well-being of the residents, citizens and inhabitants of the city and, as such, declares that the regulations contained in this chapter and code shall, to the extent that may from time to time be permitted under the laws of the State, be applicable to all towers and antennas that may be permitted and constructed in the extraterritorial jurisdiction of the city.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 10-C. - Head shops.

(a) *Location of head shops* . Subject to the granting of a specific use permit as required by this Appendix A, as may be amended, all buildings and structures housing a head shop as defined herein shall be located in a zoning district that complies with the following distance requirements:

- (1) At least 600 feet from the property boundary line of any lot or tract in a district zoned for residential uses or any lot or tract zoned for hospitals, churches or places of religious worship, public parks, or public buildings;
- (2) At least 1,000 feet from another building or structure housing an existing head shop; and
- (3) At least 2,500 feet from any lot or tract zoned for child care facilities, schools or institutions of higher learning.

(b) *Distance measurements*. Measurements for the above distance requirements are to be in a straight line in all directions from the building or structure housing the head shop to the nearest property line of any lot or tract in any district zoned for residential use, or any lot or tract zoned for hospitals, churches or places of religious worship, public parks, public buildings, existing head shops, child care facilities, or schools or institutions of higher learning.

The measurements for a building or structure shall be taken from the furthest point that a building or structure extends in any direction, including overhanging roofs and all other projections or portions of said structure.

Should a head shop be located in conjunction with other buildings or structures in a manner where the head shop is clearly separated from other portions of the building or structure, (e.g., a head shop store in a shopping center) the head shop's measurements shall be taken from the boundaries of the space in which the head shop is housed or confined (e.g., not the entire shopping center).

Should a head shop be located in conjunction with other buildings or structures in a manner where the store is situated above the ground level of a multi-story building or structure and is clearly separate from other activities within the building or structure (e.g., a head shop store on an upper level of a multi-story retail center), the head shop's measurements shall be taken beginning from the entry to that portion of the building or structure housing the head shop, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line to the nearest point on any lot or tract in a district zoned for residential use, or any lot or tract zoned for hospitals, churches or places of religious worship, public parks, public buildings, existing head shops, child care facilities, or schools or institutions of higher learning.

(c) *Site plan* . Subject to the granting of a specific use permit as required by this Appendix A, as may be amended, each head shop applicant must submit a site plan setting out the dimensions and locations for such head shop. The applicant shall sign a certified and notarized statement attached to the site plan that the proposed head shop complies with the requirements set forth herein above. It shall be the

applicant's duty to prepare the site plan and to assure compliance with the distance requirements imposed herein.

- (d) *Amortization* . A head shop in operation prior to the effective date of this section which does not conform to the regulations pertaining to head shops shall be considered to be a non-conforming use that may continue for four months from the effective date of this section.

(Ord. No. [33-2015](#), § 5, 10-12-15)

Sec. 11. - Nonconformities; compliance.

A. *Policy on nonconforming uses, buildings and structures* . This section shall apply to all nonconforming uses, buildings, and structures unless another superseding nonconforming regulation is otherwise adopted with respect to a particular use, building or structure. The general public is directed to take note that it is the declared purpose of this section that nonconforming uses, buildings, and structures be avoided or amortized and eliminated whenever and wherever possible, and that such nonconforming uses, buildings and structures be required to comply with the regulations adopted by this ordinance, as may be amended, except:

1. When the governing body determines that it is necessary to preserve property rights established prior to the date this ordinance or an amendment thereto was adopted as to the property in question; and
2. When the governing body determines that it is necessary to promote the general public welfare and to protect the character of the surrounding property.

B. *Nonconforming uses* . A nonconforming use that lawfully existed prior to the adoption of or amendment to this ordinance or a section thereof may be continued so long as the nonconforming use remains otherwise lawful, subject to all of the following:

1. No existing building or structure devoted to a nonconforming use may be enlarged, extended, constructed or reconstructed.
2. The use of an existing building or structure devoted to a nonconforming use that has been discontinued may be resumed only if there has been no other intervening use of the building, structure or underlying property since the nonconforming use was discontinued, and such nonconforming use was not discontinued for a period of 90 days or more. For the purpose of this section, the term "intervening use" means any other use of any kind.
3. A nonconforming use may be extended throughout any part of an otherwise lawfully existing building or structure that was obviously arranged or designed for such nonconforming use prior to the adoption or amendment of this ordinance or a section thereof, but no such nonconforming use shall be extended to any portion of the property located outside such otherwise lawfully existing building or structure.

4. The removal or destruction of a building or structure devoted in whole or in part to a nonconforming use resolves the nonconforming use status. For the purpose of this section, the term "destruction" means damage in an amount greater than or equal to 51 percent of the total replacement cost of the building or structure devoted to a nonconforming use at the time of its removal or destruction. Once removed or destroyed, a building or structure devoted to a nonconforming use may not be rebuilt.
 5. A nonconforming use does not terminate upon the sale or conveyance of the underlying property so long as the nonconforming use continues through and after the sale or conveyance of the underlying property in accordance with this ordinance, as amended.
- C. *Nonconforming buildings and structures* . A nonconforming building or structure that lawfully existed prior to the adoption or amendment of this ordinance may be continued so long as the nonconforming building or structure remains otherwise lawful, subject to all of the following:
1. No nonconforming building or structure may be constructed, enlarged, extended, renovated, or reconstructed.
 2. A nonconforming building or structure, or any portion thereof, may be reduced or otherwise altered to decrease its degree of nonconformity.
 3. The use of a nonconforming building or structure that has been discontinued may be resumed only if there has been no other intervening use of the nonconforming building or structure or of the underlying property since the use of the nonconforming building or structure was discontinued, and such use was not discontinued for a period of 90 days or more. For the purpose of this section, the term "intervening use" means any other use of any kind.
 4. No use of any kind may be extended throughout any part of a nonconforming building or structure.
 5. The removal or destruction of a nonconforming building or structure resolves the nonconforming status. For the purpose of this section, the term "destruction" means damage in an amount greater than or equal to 51 percent of the replacement cost of the nonconforming building or structure at the time of its removal or destruction. Once removed or destroyed, a nonconforming building or structure may not be rebuilt.
 6. A nonconforming building or structure may remain in its unaltered form upon the sale or conveyance of the underlying property so long as the nonconforming building or structure remains otherwise lawful in accordance with this ordinance, as amended.
- D. *Repairs and maintenance*. For any nonconforming building or structure, or portion thereof, or any lawfully existing building or structure devoted to a nonconforming use, repairs and maintenance shall be performed to maintain the building or structure in compliance with the electrical, plumbing and building codes then

adopted by the city; provided that such repairs and maintenance shall be subject to the following conditions and limitations:

1. Within any 12 month period, no ordinary repairs, or repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing may be performed for which the cost exceeds 25 percent of the current replacement cost of the building or structure to be repaired.
 2. If 51 percent or more of any nonconforming building or structure, or lawfully existing building or structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and it is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, renovated or rebuilt except in conformity with the regulations of the district in which it is located and in accordance with the electrical, plumbing and building codes then adopted by the city, as may be amended.
- E. *Appeal to zoning board of adjustment* . Any person aggrieved by a decision made by an administrative official in the enforcement of this ordinance may appeal to the zoning board of adjustment for the granting of a special exception to authorize the extension or continuation of a nonconforming use, building or structure pursuant to V.T.C.A., Local Government Code § 211.010. Upon hearing an appeal hereunder as provided by V.T.C.A., Local Government Code § 211.009, the zoning board of adjustment shall determine whether the applicant has been afforded a reasonable time in which to recover investments made in the nonconforming use, building or structure. If the zoning board of adjustment determines that the applicant has not been afforded a reasonable period in which to recover an investment in the nonconforming use, building or structure, the zoning board of adjustment shall establish an additional amortization period in accordance with the subsection below.
- F. *Determination of amortization period* . The date upon which any building, structure or use first becomes nonconforming shall mark the beginning of its amortization period. The following factors shall be considered by the zoning board of adjustment in initially determining a reasonable amortization period:
1. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) located on or used in conjunction with the property before the time the use, building or structure became nonconforming.
 2. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, discharge of mortgages, or otherwise deemed to be relevant in the discretion of the board of adjustment.
 3. Any return on investment since the inception of the use, or construction of the building(s) or structure(s), including but not limited to net income and depreciation.
 4. The anticipated annual recovery of investment, including but not limited to net income and depreciation.

G. *Compliance requirement* . If the zoning board of adjustment finds that an applicant is entitled to additional time to amortize an investment hereunder, it shall establish a compliance date for the nonconforming use, building or structure, which compliance date shall be the date by which the nonconforming use shall cease operations, or by which the nonconforming building or structure shall be removed or made to comply. It shall be unlawful for any person to fail to cease any nonconforming use, or fail to remove any nonconforming building or structure, or nonconforming part thereof, on or before a compliance date established by the board of adjustment.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. [08-2015](#), § 4, 4-13-15)

Sec. 12. - Permits.

No permit for the erection, alteration or enlargement of any building shall be issued by the building inspector unless there first be filed in his office by the applicant therefor, a plat, drawn to scale and in such form as may be prescribed by the said building inspector, correctly showing the location and actual dimensions of the lot to be occupied, the dimensions of and location on the lot of the building to be erected, altered or enlarged, together with a true statement in writing, signed by the applicant, showing the use for which such building is arranged, intended or designed, and furnishing such other information as the building inspector may require in the enforcement of the provisions of this ordinance, and any failure to comply with the provisions of this ordinance shall be good cause for the revocation of any such building permit by the building inspector. A record of such application shall be kept on file by the building inspector.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 13. - Planned unit development (PUD).

(a) *Purpose*. It is the general purpose of the PUD District classification to:

- (1) Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance;
- (2) Provide an alternative for more efficient use of land, resulting in smaller networks of utilities, safer network of streets, promoting greater opportunities for public and private open space, and resulting in lower construction and maintenance costs to the general public;
- (3) Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation in conformance with the thoroughfare plan, and land use relationship with surrounding properties and the general area; and
- (4) Require the application of professional planning and design techniques to achieve overall coordinated development, eliminating the negative impacts of unplanned and piecemeal development likely to result from rigid adherence to the zoning classifications and standards found elsewhere in this article.

- (b) *Eligibility.* The foregoing general purposes and comprehensive plan elements, along with such standards provided in this article, shall guide in the determination of eligibility for PUD application.
- (c) *PUD designation procedure.* The process for the filing of an application, requirements for notice and advertisement of a PUD application and other related actions shall be the same as those provided for in the zoning amendment process. In addition to the above, the applicant shall be governed by the following requirements:
- (1) *Pre-application conference.* Prior to submitting an application for approval of a PUD, the applicant or representative shall confer with the building official. The applicant is encouraged to submit a tentative land use sketch for review and to obtain any information on any projected plans, programs or other matters that may affect the proposed development. This information should include the:
 - a. Proper relationship between the proposed development and surrounding uses, and the effect of the plan upon the comprehensive plan of the city;
 - b. Adequacy of existing and proposed streets, utilities, and other public facilities and services within the proposed planned development;
 - c. Character, design and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separations and screening between uses where desirable, and to preserve the natural amenities of streams, wooded areas, and similar natural features; and
 - d. Adequacy of open space and recreation areas, existing and proposed, to serve the needs of the development.
 - (2) *Submission of a preliminary PUD plan.* After the pre-application conference, a formal application for a PUD district may be made to the planning and zoning commission in the same manner as an application for a zoning amendment is made. Prior to the approval of such designation, the applicant shall submit a preliminary plan. The following information shall be included in the preliminary plan:
 - a. Ownership. All land included for purposes of development within a PUD district shall be owned by or be under the control of the applicant for such zoning designation, whether the applicant is an individual, partnership, corporation, or group of individuals. The applicant shall present proof of the unified control of the entire area within the proposed PUD district.
 - b. Legal description of the site accompanied by a map at a scale suitable for reproduction for advertising for a public hearing.
 - c. Site conditions map or series of maps that shall indicate the following:
 1. Title of planned development and name of developer;
 2. Scale, date, north arrow, and general location map showing relationship of the site to external facilities such as highways;
 3. Boundary of the subject property;

4. All existing streets, buildings, watercourses, easements, section lines, and other important features within the proposed project. The location and size, as appropriate, of all existing drainage, water, sewer, and other utility provisions, and information about existing vegetative cover.
- d. Concept plan at the same scale as the above site conditions maps which shall indicate:
1. Sketch plan for pedestrian and vehicular circulation showing the general locations and rights-of-way widths and the general design capacity of the system as well as access points to the major thoroughfare system;
 2. A general plan for the use of lands within the PUD. Such plans shall indicate the location, function and extent of all components or units of the plan, including low-, medium-, and high-density residential areas (indicating the proposed density for each category), open space provisions, community-serving recreation or leisure facilities, and areas for public or quasi-public institutional uses such as schools, places of worship and libraries;
 3. A statement indicating that proposed arrangements are made with the appropriate agencies for the provision of needed utilities to and within the planned development.
- e. A report shall be prepared in conjunction with the above material and shall include:
1. Total acreage involved in the project;
 2. The number of acres devoted to the various categories of land shown on the site development plan, along with the percentage of total acreage represented by each category of use and component of development, plus an itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the planned development;
 3. The number and type of dwelling units involved for the overall site and for its components;
 4. A description of the projected service areas for nonresidential uses (e.g., neighborhood, community or regional);
 5. A statement or map indicating which streets and roads (and pedestrian ways as appropriate) are proposed for public ownership and maintenance and whether approval will be sought for private roads, if any, within the development;
 6. A statement or map on drainage which generally shows existing drainage conditions, wetlands, areas of frequent flooding, points of discharge from the project, and anticipated quantity of water generated from the development;

7. A statement which shall indicate the proposed method of governing the use, maintenance and continued protection of open space and community-serving facilities.
 - f. Development schedule. The development site plan shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. A development schedule, if adopted and approved by the city council, shall become part of the development plan and shall be adhered to by the owner, developer, and all successors in interest. Upon the recommendation of the planning and zoning commission and for good cause shown by the owner and developer, the city council may extend the development schedule or adopt such new development schedule as may be supported by the facts and circumstances of the case.
- (3) *Submission of a final PUD plan.* Before a building permit may be issued or before any development action on a proposed PUD may begin, the landowner shall submit a final plan to the planning and zoning commission. The submission may be for all of the land included within a proposed PUD site or for a part of the site. The submission shall include all of the information prescribed in subsection (c)(2) of this section and shall additionally include specifications, covenants, easements, conditions, bonds, or other information required by the commission.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 14. - Neighborhood shopping center.

The owner or owners of any tract of land comprising an area of not less than two and one-half acres and not lying within a business district, may submit a development plan for a neighborhood shopping center. Such application shall be processed in accordance with the provisions of section 18 of this ordinance.

The city council may approve such application provided it conforms to the following:

1. The uses permitted in the center be limited to that of the B-1 neighborhood business district as listed in section 7 of this ordinance provided it is designed as a single architectural unit with appropriate landscape and architectural treatment of the entire area.
2. Reserved.
3. That at least four times the gross floor area of the stores included in the development is provided in off-street parking areas, which are integral parts of the design of the unit plan.
4. That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded, and to this end the council may make such requirements as it deems necessary.

5. That satisfactory evidence be submitted that the automobile parking areas and the landscaped area will be properly constructed and maintained.
6. That the plan is consistent with the intent and purposes of this ordinance to promote the public health, safety, and general welfare.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 15. - 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~~lots shall be used and no buildings 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 inspector under 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 days after the erection or 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 file in the office of the building inspector.
- 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 nonconforming uses. Application for a certificate of occupancy for nonconforming uses shall be filed within 12 months from the effective date of this ordinance, with the building inspector.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 16. - Boundaries of districts.

Rules where uncertainty may arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules apply:

- A. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the

boundary of the districts unless the boundaries are otherwise indicated on the map.

- C. In subdivided property, the district boundary lines on the map accompanying and made a part of this ordinance, shall be determined by use of the scale appearing on the map.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 17. - Board of adjustment.

- A. The city council is hereby authorized to act as a board of adjustment, unless it should by resolution establish a board of adjustment, and until such time as a board of adjustment is established by the city council, all decisions by the city council, while acting as a board of adjustment, shall be final and subject only to judicial review as provided in V.T.C.A., Local Government Code § 211.011.
- B. The board of adjustment when and if appointed by city council shall consist of five members who are property owners in the City of Oak Ridge North, Texas, each to be appointed for term of two years and removable for cause by the city council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- C. The board by majority vote shall adopt rules in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairman and at such other times as the board or the city manager may determine necessary. Such chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public in accordance with V.T.C.A., Government Code Chapter 551. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The concurring vote of 75 percent of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in such ordinance.
- D. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Oak Ridge North, Texas, affected by any decision of the building inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof, and by paying a filing fee to the city secretary of the City of Oak Ridge North, Texas, at the time the notice is filed, which shall be credited to the general funds of the City of Oak Ridge North, Texas. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer

from whom the appeal is taken certifies in writing to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken if due cause is shown.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

E. The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or interpretation of the text of this ordinance.
2. Hear and decide requests for variances from the terms of this ordinance as follows:
 - (a) *Purpose.* Variances are deviations from the property development standards for the applicable zoning district where development is proposed that would not be contrary to the public interest and, due to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of this ordinance is observed and substantial justice done. A variance cannot be requested for a change in land use.
 - (b) *Authority.* The board of adjustment, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or disapprove an application for a variance permit after receiving a recommendation by the city manager.
 - (c) *Initiation.* An application for a variance permit shall be submitted by a qualified applicant.
 - (d) *Procedure.*
 - (1) *Submission of application.* A complete application for a variance permit shall be submitted to the city secretary, along with a nonrefundable fee that is established from time to time by the city council to defray the actual cost of processing the application. No application shall be processed until the established fee has been paid and the application has been determined completed by the city secretary.
 - (2) *Review and recommendation by city manager.* After determining that the application is complete, the city manager shall review the application and prepare a staff report, which may include a recommendation of approval, approval with conditions or disapproval based upon the criteria in subsection (e). A copy of the report shall be

mailed to the applicant at least five days prior to the public hearing on the application.

- (3) *Public hearing.* After due notice, the board of adjustment shall hold a public hearing on an application for a variance permit. At the public hearing the board of adjustment shall consider the application, the staff report, the relevant supporting materials and the public testimony given at the public hearing. After the close of the public hearing, the board of adjustment shall vote to approve, approve with conditions or disapprove the application for a variance permit pursuant to the criteria of subsection (e).
- (4) *Notice of decision.* The city secretary shall provide a copy of the decision to the applicant by mail within ten days of the board's decision.
- (e) *Criteria.* To approve an application for a variance permit, the board of adjustment shall make an affirmative finding that the following criteria are met:
 - (1) Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are not merely financial;
 - (2) These special circumstances are not the result of the actions of the applicant;
 - (3) Literal interpretation and enforcement of the terms and provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would cause an unnecessary and undue hardship;
 - (4) 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 substantial justice;
 - (5) Granting the variance will not adversely affect adjacent land in a material way; and
 - (6) Granting the variance will be generally consistent with the purposes and intent of this ordinance.
- (f) *Effect of variance permit.*
 - (1) *Generally.* Issuance of a variance permit shall authorize only the particular variation which is approved in the variance permit. A variance permit shall run with the land.
 - (2) *Time limit.* Unless otherwise specified in the variance permit, an application to commence construction of the improvements that were the subject of the variance permit request must be applied for and approved within 12 months of the date of the approval of the variance permit, otherwise the variance permit shall automatically become null

and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month timeframe may be granted by the board of adjustment for a period not to exceed 12 months for good cause shown.

3. Special exceptions. When, in its judgment, the public convenience and welfare will be substantially or permanently injured, the board of adjustment may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, permit special exceptions authorized by the regulations contained herein and as follows:
 - a. To permit a transitional use between a business or industrial district and dwelling district where the side of a lot in a single-family district or a two-family district abuts upon a lot zoned for business or industrial purposes as follows: On a lot in a single-family dwelling district, which sides on a lot zoned for business or industrial purposes, the board may permit a two-family dwelling.
 - b. Grant in undeveloped sections of the city temporary and conditional permits for not more than two years. The granting or existence of such temporary or conditional permit shall not be reason or cause for extension of such permit.
 - c. Permit such modification of yard open space, lot area or lot width regulations as may be necessary to secure an appropriate improvement of a parcel of land if such parcel is separately owned at the time of the original passage of this ordinance or subsequent annexation of the city and is of such restricted area that it cannot be appropriately improved without such modification.
 - d. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divided a lot in a single ownership at the time of the adoption of this ordinance.
 - e. To permit as an accessory use a parking area for passenger automobiles on a lot or lots in a single-family, duplex, or apartment house district adjoining or across a street of not more than ~~50~~ fifty feet (50') in width from any ~~R-1 single-family dwelling districts or R-2 residential~~ district, subject, however, to the following provisions:
 - (1) The area shall be properly enclosed with a hedge, screen, fence, wall or other suitable enclosure having a height of not less than three feet (3') nor more than six feet (6'). Such fence or enclosure shall conform to the front yard regulations of the district in which it is located.
 - (2) The area shall be paved.
 - (3) No parking of vehicles shall be permitted within six feet (6') of any adjoining lot on which is located a single-family residence, duplex or multiple dwelling.
 - (4) One sign, not exceeding two and one-half square feet in area, may be erected identifying the lot.

- (5) No charges may be made for parking and no other business use may be made of the lot.
 - (6) Any light used to illuminate said parking area shall be so arranged as to direct the light away from any adjoining premiseslot used for residential purposes.
 - g. Permit the reconstruction of a building occupied by a nonconforming use, or permit the extension of a nonconforming use of a building upon the lot occupied by such use or building at the time of the passage of this ordinance.
 - h. Permit the location of sexually oriented businesses subject to the standards listed in chapter 18 entitled "Businesses" and notwithstanding any other licensing requirements contained in the Code of Ordinances of the City of Oak Ridge North and imposed by state law.
4. Reserved.
5. Any appeal or permit granted by the board of adjustment shall not be valid if construction authorized by said permit is not begun within a period of 60 days.
- a. In exercising the above-mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
 - b. In considering all appeals and all proposed variations to this ordinance, the board shall, before making any finding, in a specific case, first determine that the proposed variation will not constitute any change in the district map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the City of Oak Ridge North, Texas.
 - c. Every variation granted or denied by the board shall be accompanied by a written finding of fact, based on sworn testimony and evidence, specifying the reason for granting or denying the variation.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 16-2014, § 2, 3-10-14)

Cross reference— Buildings and building regulations, ch. 14.

State Law reference— Board of adjustment, V.T.C.A., Local Government Code § 211.008 et seq.

Sec. 17-A. - Zoning map.

The official zoning map of the city shall be kept in the office of the city secretary. The official map and copies thereof shall be kept current by entering on such maps any changes which the city council may from time to time order by amendments to this ordinance and the map. The city manager shall affix a certificate identifying the map in his office as the official zoning map of the city.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 18. - Changes and amendments.

- A. The city council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established in accordance with state law and the regulations contained herein.
- B. A public hearing shall be held by the city council before adopting any proposed supplement, amendment or change. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the city. The notice shall state the time and place of the hearing.
- C. Unless such proposed amendment, supplement or change has been approved by the city planning and zoning commission or if a protest against such amendment, supplement or change has been filed with the building inspector, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or those immediately adjacent to the rear thereof extending ~~200~~ two hundred feet (200') from the street frontage of such opposite lots, such amendment, supplement or change shall not become effective except by a three-fourths vote of the city council.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. 21-2014, § 6, 3-24-14)

State Law reference— Procedures for amending zoning ordinance, V.T.C.A., Local Government Code §§ 211.002, 211.006, 211.007.

Sec. 19. - Enforcement and penalty for violation.

It shall be the duty of the building inspector, his designee, or such other person as the city council may designate (the "building inspector") to enforce the provisions of the zoning ordinance, adopted October 5, 1982, as amended, and to refuse to issue any permit for any building, or for the use ~~on~~ any ~~premises-lot~~ or property, which would violate any of the provisions of the zoning ordinance.

In case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land is used in violation of the zoning ordinance, the building inspector is authorized and directed to institute any appropriate action to put an end to such violation.

Any person, firm, partnership, association, corporation, company, entity, or organization of any kind who or which intentionally, knowingly, recklessly, or with

criminal negligence violates any of the provisions of the City of Oak Ridge North zoning ordinance, adopted October 5, 1982, as amended, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000.00. Each day during which such violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or ~~of premises or property lot~~ where any violation of this ordinance shall occur, and any agent, contractor, builder, architect, person, association, organization, or corporation who shall assist in the commission of such offense, shall be guilty of a separate offense, and, upon conviction thereof, shall be punished as above stated.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 20. - Interpretation, purpose and conflict.

- A. ~~In interpreting and giving [sic] the provisions of t~~This ordinance, ~~they shall be held represents to be~~ the minimum requirements in the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or alleviate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of this ordinance or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or alleviate or annul any easement, covenants or other agreement between parties, except that, if this ordinance imposes a greater restriction, this ordinance shall control.
- B. Nothing herein shall be interpreted to interfere with, supersede, alter or cancel the existing deed restriction for any subdivision located within the City of Oak Ridge North, except that should this ordinance impose a greater restriction, then this ordinance shall control.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 21. - 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 herein repealed.

(Ord. No. 14-2013, § 2, 3-11-13)

Sec. 22. - When effective.

This ordinance shall be in full force and effective from and after its passage and publication as provided by law.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. [06-2015](#), § 3, 5-11-15)

SCHEDULE A—MASTER PARKING SCHEDULE

DISTRICT	USE	BUILDING SIZE	PARKING SPACES REQUIRED
R-1 Single-Family Dwelling Districts	<u>A minimum of 2 enclosed parking spaces per single-family dwelling.</u>		
	Special use vehicles must be concealed from public view pursuant to Appendix A - Zoning, Sec. 5-A.(A.). Special use vehicles that qualify as a nonconforming exception must comply with the parking regulations pursuant to Appendix A - Zoning, Sec. 5-A.(B.)(3.).		
R-2 Multifamily District*	All	All	1 per dwelling unit
B1 - Neighborhood Business District B2 - Sec. Hwy. & Bus. District	Medical Office/Clinic	All	5 per 1,000 GSF
	Retail	Up to 300,000 GSF 300,001 to 600,000 GSF Over 600,000 GSF	3.5 per 1,000 GSF 4 per 1,000 GSF 5 per 1,000 GSF
	General Office	All	3 per 1,000 GSF
	Research/Laboratory	All	2.5 per 1,000 GSF
	Business Service	All	2 per 1,000 GSF
	Warehouse	All	1 per 1,000 GSF

	Restaurant (freestanding)	Up to 5,000 GSF Over 5,000 GSF	10 per 1,000 GSF 15 per 1,000 GSF
	Church/Place of Worship	All	1 per 3 sanctuary seats
	Daycare	All	1 per 9 students (capacity)
	Hotel/Motel	All	1.25 per room
Neighborhood Entryway District	For Single-Family Uses		See R-4 Single-Family dwelling District Requirements
	Other than Single-Family Uses		See B-1 Requirements
M-1 Light Manufacturing District*	All	All	1 per 200 sq. ft. of floor space used for commercial purposes
			lot may be located on premises or within 300' of building
M-2 Medium Manufacturing District*	Office	All	2.5 per 1,000 sq. ft. of floor space
	Retail	All	4 per 1,000 sq. ft. of floor space

	Restaurant	All	8 per 1,000 sq. ft. of floor space
	Warehouse	All	1 per 5,000 sq. ft. of floor space
	Bulk Warehouse	All	1 per 7,000 sq. ft. of floor space
	Light Manufacturing	All	1 per 1,500 sq. ft. of floor space
9-A Mobile Homes, HUD-Code Manufactured Homes, Industrialized Buildings and Housing	HUD-Code Manufactured Home Lot		2 off-street parking spaces constructed of concrete or asphalt
	HUD-Code Manufactured Home Subdivisions		1 per 100 sq. ft. of gross floor area
	HUD-Code Manufactured Home Parks		1 additional space for each lot shown on site plan

GSF (gross square feet)

* Parking spaces shall be arranged so as to permit the satisfactory egress and ingress of automobiles and/or commercial vehicles including delivery trucks according to generally accepted, published standards, and such parking spaces shall be required in addition to driveways.

(Ord. No. 14-2013, § 2, 3-11-13; Ord. No. [06-2015](#), § 3, 5-11-15)