

<b>ORDINANCE NO. 1308</b>	<b>1</b>
<b>PART I</b>	<b>2</b>
<b>SECTION 1</b>	<b>3</b>
ENACTING CLAUSE	3
<b>SECTION 2</b>	<b>3</b>
PURPOSE	3
<b>SECTION 3</b>	<b>4</b>
ZONING DISTRICTS ESTABLISHED	4
<b>SECTION 4</b>	<b>5</b>
PURPOSE OF ZONING DISTRICTS	5
<b>SECTION 5</b>	<b>9</b>
ZONING DISTRICT MAP	9
<b>SECTION 6</b>	<b>9</b>
ZONING DISTRICT BOUNDARIES	9
<b>SECTION 7</b>	<b>10</b>
COMPLIANCE REQUIRED	10
<b>SECTION 8</b>	<b>11</b>
PRESERVING RIGHTS AND CONTINUITY IN ENFORCEMENT, PENDING LITIGATION, AND VIOLATIONS UNDER PRESENT ORDINANCE AND AMENDMENTS THERETO.	11
<b>SECTION 9</b>	<b>11</b>
NEWLY ANNEXED AREAS	11
<b>PART II</b>	<b>12</b>
<b>SECTION 10</b>	<b>13</b>
<b>100 - USE OF LAND AND BUILDINGS</b>	<b>13</b>
<b>200 - SCHEDULE OF USES</b>	<b>13</b>
LEGEND	13
<b>300 - DEFINITION AND EXPLANATIONS</b>	<b>24</b>
<b>APPLICABLE TO USE SCHEDULE</b>	<b>24</b>
<b>400 - CONDITIONAL USE PERMITS</b>	<b>50</b>
<b>600 - CLASSIFICATION OF NEW &amp; UNLISTED USES</b>	<b>53</b>
<b>700 - VARIANCE OF MINIMUM MASONRY REQUIREMENTS</b>	<b>53</b>

<b>PART III</b>	<b>55</b>
<b>SECTION 11</b>	<b>56</b>
DEVELOPMENT REQUIREMENTS	56
<b>SECTION 11 – AG</b>	<b>57</b>
AG - AGRICULTURAL DISTRICT	57
<b>SECTION 11-R16</b>	<b>61</b>
R-16 SINGLE-FAMILY DWELLING DISTRICT	61
<b>SECTION 11-R10</b>	<b>66</b>
R-10 SINGLE-FAMILY DWELLING DISTRICT	66
<b>SECTION 11-R7A</b>	<b>71</b>
R-7A SINGLE-FAMILY DWELLING DISTRICT	71
<b>SECTION 11-R7B</b>	<b>76</b>
R-7B SINGLE-FAMILY DWELLING DISTRICT	76
<b>SECTION 11-D</b>	<b>80</b>
D DUPLEX DWELLING DISTRICT	80
<b>SECTION 11-A1</b>	<b>85</b>
A-1 APARTMENT DWELLING DISTRICT	85
<b>SECTION 11-A2</b>	<b>90</b>
A-2 APARTMENT DWELLING DISTRICT	90
<b>SECTION 11-A3</b>	<b>95</b>
A-3 APARTMENT DWELLING DISTRICT	95
<b>SECTION 11-NS</b>	<b>100</b>
NS NEIGHBORHOOD SERVICE DISTRICT	100
<b>SECTION 11-SC</b>	<b>106</b>
SC SHOPPING CENTER DISTRICT	106
<b>SECTION 11-GB</b>	<b>112</b>
GB GENERAL BUSINESS DISTRICT	112
<b>SECTION 11-CA</b>	<b>118</b>
CA CENTRAL AREA DISTRICT	118
<b>SECTION 11-HC</b>	<b>125</b>
HC HEAVY COMMERCIAL DISTRICT	125
<b>SECTION 11-LI</b>	<b>131</b>
LI LIGHT INDUSTRIAL DISTRICT	131
<b>SECTION 11-HI</b>	<b>135</b>

HI HEAVY INDUSTRIAL DISTRICT	135
<b>SECTION 11-PD</b>	<b>139</b>
PD PLANNED DEVELOPMENT DISTRICT	139
<b>SECTION 11-MH</b>	<b>143</b>
MH MANUFACTURED HOME DISTRICT	143
<b>SECTION 12</b>	<b>148</b>
OFF-STREET PARKING REQUIREMENTS	148
<b>SECTION 13</b>	<b>152</b>
SPECIAL ACCESS STANDARDS	152
<b>PART IV</b>	<b>155</b>
<b>SECTION 14</b>	<b>156</b>
CREATION OF A BUILDING SITE	156
<b>SECTION 15</b>	<b>157</b>
NON-CONFORMING USES	157
<b>SECTION 16</b>	<b>158</b>
BOARD OF ADJUSTMENT	158
<b>SECTION 17</b>	<b>161</b>
CERTIFICATE OF OCCUPANCY AND COMPLIANCE REQUIRED	161
<b>SECTION 18</b>	<b>162</b>
COMPLETION OF CONSTRUCTION	162
<b>SECTION 19</b>	<b>163</b>
PROCEDURE FOR CHANGES AND AMENDMENTS	163
<b>SECTION 20</b>	<b>165</b>
GENERAL DEFINITIONS	165
<b>SECTION 21</b>	<b>171</b>
PENALTY FOR VIOLATION	171
<b>SECTION 22</b>	<b>172</b>
VALIDITY	172
<b>SECTION 23</b>	<b>173</b>
EFFECTIVE DATE	173

## **ORDINANCE NO. 1308**

AN ORDINANCE PROVIDING FOR THE DIVIDING OF THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF ARANSAS PASS, TEXAS INTO DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, DEFINING CERTAIN TERMS, REGULATING THE LOCATION, SIZE, HEIGHT, BULK AND USE OF BUILDINGS AND USE OF LAND IN SUCH RESPECTIVE DISTRICTS, FIXING BUILDING LINES, FIXING THE PERCENTAGE OF ANY LOT OR TRACT OF LAND TO BE OCCUPIED BY BUILDINGS IN THE VARIOUS DISTRICTS, REGULATING THE SIZE OF COURTS, YARDS, AND OPEN SPACES IN EACH PARTICULAR DISTRICT, SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET VEHICLE PARKING IN EACH DISTRICT, REGULATING THE DENSITY OF STRUCTURES AND BUILDINGS FOR TRADE, RESIDENCES AND INDUSTRY AND STRUCTURES IN EACH PARTICULAR DISTRICT; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE, AUTHORIZING THE PUBLICATION OF A DESCRIPTIVE CAPTION AND PENALTY CLAUSE HEREOF AND CONTAINING A SAVINGS CLAUSE.

WHEREAS, the City Planning and Zoning Commission of the City of Aransas Pass, Texas, a study concerning appropriate zoning regulations for the City of Aransas Pass, Texas, did by unanimous vote on the 3<sup>rd</sup> day of June, 1968 recommend that a joint public hearing be held by the City Planning and Zoning Commission and the City Council on the proposed Zoning Ordinance in accordance with the provision of House Bill 124 as passed by the Fifty-seventh Legislature of the State of Texas;

WHEREAS, a joint public hearing concerning the proposed Zoning Ordinance and publication of notice of such hearing was authorized by resolution of the City Council of the City of Aransas Pass, Texas, and the time of said hearing was set at 8:10 p.m. the 24<sup>th</sup> day of June, 1968.

WHEREAS, after joint public hearing held on the 24<sup>th</sup> day of June, 1968 and after giving all parties attending said hearing a full and fair opportunity to be heard, the City Planning and Zoning Commission directed that the proposed Ordinance be placed in final form and recommended to the City Council for adoption;

WHEREAS, the City Council of the City of Aransas Pass, Texas did on the 24<sup>th</sup> day of August, 1968, received the final report of the Zoning Ordinance in its final form and recognizing the lack of zoning regulations to properly safeguard the general public welfare, determined that the Zoning Ordinance be adopted.

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

# PART I

# **SECTION 1**

## **ENACTING CLAUSE**

-100 That Ordinance No. 816 known as the Zoning Ordinance of the City of Aransas Pass, Texas, together with all amendments and maps thereto, be and the same are hereby repealed, and that there be enacted in lieu thereof the following Comprehensive General Zoning Ordinance of the City of Aransas Pass, Texas, together with a map creating and delineating eighteen (18) Zoning Districts, which map defines the boundaries of each Use District.

# **SECTION 2**

## **PURPOSE**

-100 It is hereby declared to be the purpose and intent of the City Council in enacting this ordinance that the zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a comprehensive plan.

## SECTION 3

### ZONING DISTRICTS ESTABLISHED

-100 THE CITY OF ARANSAS PASS, TEXAS, IS HEREBY DIVIDED INTO EIGHTEEN (18) ZONING DISTRICT WHICH ARE FURTHER SUBDIVIDED INTO SUBDISTRICTS WHERE APPROPRIATE. THE USE, HEIGHT, AREA, AND PARKING REGULATIONS AS SET OUT HEREIN ARE UNIFORM IN EACH DISTRICT. THE EIGHTEEN (18) DISTRICTS HEREIN ESTABLISHED SHALL BE KNOWN AND CITED AS:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
AG	Agricultural District
R-16	Single-Family Dwelling District 16,000 sq. ft.
R-10	Single-Family Dwelling District 10,000 sq. ft.
R-7A	Single-Family Dwelling District 7,000 sq. ft.
R-7B	Single-Family & Manufactured Home Dwelling District 7,000 sq. ft.
D	Two-Family Dwelling District (Duplex)
A-1	Apartment Dwelling District 1
A-2	Apartment Dwelling District 2
A-3	Apartment Dwelling District 3
NS	Neighborhood Service District
SC	Shopping Center District
GB	General Business District
CA	Central Area District
HC	Heavy Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
PD	Planned Development District
MH	Mobile Home District

## SECTION 4

### PURPOSE OF ZONING DISTRICTS

- 100 EACH ZONING DISTRICT HEREIN ESTABLISHED IS PROVIDED FOR A SPECIFIC PURPOSE AND IN ACCORDANCE WITH A COMPREHENSIVE PLAN FOR THE LOCATION OF VARIOUS TYPES OF USES THROUGHOUT THE CITY AS FOLLOWS:
- 101 AG, Agriculture District: There exists in certain fringe areas of the City, land which is presently used for agricultural purpose and to which urban services are not yet available. These lands should appropriately continue to be used for agricultural purposes for a number of years and until needed for urban purposes in conformity with the orderly growth of the City. The uses permitted in the A, Agricultural District are intended to accommodate the normal farming, ranching and gardening activities. It is anticipated that all of the A, Agricultural District area will be changed to other urban zoning categories as the area within the Corporate Limits of the City becomes fully developed.
- 102 R-16 and R-10, Single-Family Dwelling Districts: Single-family residential development has taken place on intermediate sized lots in portions of the City in recent years. In order to protect and encourage the continued development of intermediate density with single-family residences in appropriate areas of the City, the R-16 and R-10, Single-Family Dwelling Districts are provided. In addition to single-family residences it is intended that churches, public and parochial schools and public parks necessary to serve and complement the intermediate density development be permitted.
- 103 R-7A and B, Single-Family Dwelling District: This district is intended to be composed of single-family dwellings together with the public and parochial schools, churches and public parks essential to create basic neighborhood unites. Limited portions of such neighborhood units may consist of denser residential zoning classifications that are shown on the Zoning District Map or which later may be created by amendments to such map. To provide for the increasing demand to locate mobile homes in single-family residential areas, an R-7A and R-7B Single-Family Dwelling District is established. The principal distinction between the two being that mobile homes are permitted in an R-7B District and are prohibited in the R-7A District. It is anticipated that the R-7A District will have a similar residential characteristic as is found in the R-1, R-16 and R-10 Districts. In the R-7B District, a mixture of permanent type single-family dwellings and mobile homes will be permitted, thus making possible mobile home living in a setting much like any other residential area. This type of mixed development is particularly important in Aransas Pass. Considering also that there will be fewer dropouts with much more emphasis on school attendance it is anticipated that by 1985 the total school enrollment will represent approximately 28% of the total population. These projections of the future school enrollment are

shown on the following table by five-year intervals with the corresponding anticipated enrollment for senior high, junior high and elementary schools.

- 104 D, Duplex Dwelling District: Two-family or duplex dwellings have long been a recognized form of housing in the City. In order to provide standards that will protect and encourage various types of two-family dwellings existing in the City, a two-family dwelling district is provided.
- 105 A-1 and A-2, Apartment Dwelling Districts: These districts are composed mainly of areas containing mixtures of single-family, two-family and multiple-family dwellings and certain uniformly developed multiple-family dwelling sections. The A-1 and A-2 Districts are medium density districts and are located in certain areas close in to the center of the City and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land in the A-1 and A-2 Districts by providing minimum standards for building spacing, yards, off-street parking and coverage. All commercial and office uses are prohibited in the A-1 and A-2 Districts. It is anticipated that additional areas may be designated in the A-1 and A-2 District from time to time in the future where such change is appropriate and access and utility services can reasonably accommodate such medium density dwellings.
- 106 A-3, Apartment Dwelling District: To provide proper and appropriate standards for dense form of housing, a specific district has been provided. The A-3 District is designed to accommodate high-rise apartment buildings and open space. Off-street parking standards are appropriate. Certain limited service uses such as a restaurant, barber or beauty shop are permitted in the A-3 District when such uses are totally contained within the building. Provisions are made for yards, building spacing and a maximum floor area ratio to assure that high-rise buildings located in the A-3 District will be compatible with adjacent lower buildings and to prevent the overcrowding of land. It is anticipated and intended that the A-3, Multiple-Family District will be applied to the map and some new areas created from time to time.
- 107 NS, Neighborhood Service; SC, Shopping Center; GB, General Business Districts: Three classifications of retail districts are provided to accommodate the various types of retail services and existing retail development.

The NS, neighborhood Service District is a limited retail category intended for use near neighborhood areas for purposes of supplying day-to-day retail needs of the residents such as food, drugs and personal services. The NS, Neighborhood Service District occurs often at limited corner locations in existing developments and is intended for small service areas in new development plans.

The SC, Shopping Center District provides a uniform set of standards for modern shopping center development including requirements for screening, off-street parking and building setbacks. Inasmuch as the SC, Shopping Center District occurs in close proximity to residential development, building setback and requirements are included to achieve a compatible relationship between the retail development and adjacent residential areas which they are intended to serve. It is anticipated that from time to time, SC, Shopping center Districts will be applied

to the district map where such retail service is required to serve developing residential communities.

The GB, General Business District is applied to the strip retail areas that because of the nature of development are not appropriate for inclusion in the SC, Shopping Center District. The uses specified in the GB, General Business District, include most types of retail activity. It is not anticipated that the strip retail areas zoned as GB, General Business District will be subject to any major expansion. It is, however, anticipated that in some situations a future change to a Commercial classification might be appropriate to permit the transition of strip retail areas that are no longer in demand for retail use to other productive forms of land use.

- 108      CA, Central Area District: This district is provided to accommodate existing developments in the central area of the city to encourage the most appropriate future use of land, and to prevent the increase of street congestion. The district requires off-street parking and loading.
  
- 109      HC, Heavy Commercial District: The sale, service, display and storage of certain commodities is by its nature not compatible with many other sales and display operations. Building material yards, contractor yards, open storage and repair of heavy machinery and welding or machine shops are examples of such heavy uses. In order to establish areas where such essential heavy sales, service, display and storage uses could be located, the HC District is provided.
  
- 110      PD, Planned Development District: In order to provide flexibility in the planning and development of projects with combinations of uses or of specific physical designs such as office centers, combination apartment and retail centers, shopping centers, medical centers with office and housing elements, special industrial districts, housing developments or any similar developments, a PD, Planned Development District is provided. This district is intended to be applied to the district map as an amendment to the zoning ordinance. Certain maximum and minimum standards are specified for various use categories and certain standards such as yards, coverage, and building spacing are to be determined by the design. Specific development conditions and development schedules can be enforced with respect to PD, Planned Development District and failure to adhere to a development schedule can be the basis of removing all or part of a PD, Planned Development District from the Zoning District Map. The purposes of the PD, Planned Development District, are to achieve flexibility and variety in the physical development pattern of the City, to encourage a more efficient use of open space and to encourage the appropriate use of land. It is intended that cognizance be taken of the surrounding property and the proper protection of such property be given in locating and approving any PD, Planned Development District.
  
- 111      MH, Mobile Home District: The manufactured home is recognized as a specific form of housing for which accommodations should be provided. To provide appropriate standards as to density, spacing and use, a separate district is created and designated for the specific purpose of providing, at appropriate locations, area for the development of manufactured home parks or subdivisions. In certain commercial and industrial districts, a manufactured home development may be provided for by amending the Zoning District Map, where such projects are

appropriate, by approval of a conditional Use Permit. The standards for commercial manufactured home development for transient occupancy differ from those of a manufactured home subdivision where more or less permanent occupancy is anticipated.

- 112 LI, Light Industrial District: This district is intended to provide a convenient location for small-scale service or light manufacturing, storage, distribution, and similar activities conducted within a structure. It is designed for use in proximity to residential areas or under conditions that would protect nearby dwellings.
  
- 113 HI, Heavy Industrial District: This district is intended to provide a centrally located and convenient location for commercial related establishments, such as wholesale products, welding shops, flea markets, major automotive repair, upholstery shops, and other heavy commercial uses. Uses in this district may require open storage areas that shall be screened from public view. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics, which are not compatible with residential uses and some nonresidential uses.
  
- 114 Conditional Use: An exception for permitted use within certain zoning district provided such exception is authorized elsewhere in the Zoning Ordinance, will not be detrimental to the District, and will substantially serve the public welfare.

## **SECTION 5**

### **ZONING DISTRICT MAP**

- 100 THE BOUNDARIES OF ZONING DISTRICTS SET OUT HEREIN ARE DELINEATED UPON A ZONING DISTRICT MAP OF THE CITY ADOPTED AS PART OF THIS ORDINANCE AS FULLY AS IF THE SAME WERE SET FORTH HEREIN IN DETAIL.
- 101 One original of Zoning District Map shall be filed in the office of the City Secretary. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
- 102 An additional copy of the original Zoning District Map shall be placed in the office of the Building Inspector. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments.

## **SECTION 6**

### **ZONING DISTRICT BOUNDARIES**

- 100 THE DISTRICT BOUNDARY LINES SHOWN ON THE ZONING DISTRICT MAP ARE USUALLY ALONG STREETS, ALLEYS, PROPERTY LINES OR EXTENSIONS THEREOF. WHERE UNCERTAINTY EXISTS AS TO THE BOUNDARIES OF DISTRICTS AS SHOWN ON THE OFFICIAL MAP, THE FOLLOWING RULES SHALL APPLY:
- 101 Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerline.
- 102 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 103 Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 104 Boundaries indicated as following railroad lines shall be construed to be the established centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.

- 105 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- 106 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the centerline. The centerline shall be interpreted as being midway between the shorelines.
- 107 Boundaries indicated as parallel to or extensions of features indicated in 6-101 through 6-106 above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.
- 108 Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
- 109 Boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the Zoning District Map. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.
- 110 Where physical features on the ground are at variance with information shown on the official Zoning District Map or when there arises a question as to whether or how a parcel of property is zoned and such questions cannot be resolved by the application of subsections 6-101 through 6-109, the property shall be classified as A, Agricultural District.

## **SECTION 7**

### **COMPLIANCE REQUIRED**

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

## **SECTION 8**

### **PRESERVING RIGHTS AND CONTINUITY IN ENFORCEMENT, PENDING LITIGATION, AND VIOLATIONS UNDER PRESENT ORDINANCE AND AMENDMENTS THERETO.**

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

## **SECTION 9**

### **NEWLY ANNEXED AREAS**

- 100 ALL TERRITORY HEREAFTER ANNEXED TO THE CITY OF ARANSAS PASS SHALL BE TEMPORARILY CLASSIFIED IN THE AG, AGRICULTURAL DISTRICT UNTIL PERMANENT ZONING CLASSIFICATIONS ARE GIVEN THE AREA BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS.
- 101 The procedure for establishing the permanent zoning on any annexed territory shall be the same as is provided by law for the amendment of the zoning ordinance.

# PART II

## SECTION 10

### 100 - USE OF LAND AND BUILDINGS

-100

LAND AND BUILDINGS IN EACH OF THE ZONING DISTRICTS MAY BE USED FOR ANY OF THE LISTED USES BUT NO LAND SHALL HEREAFTER BE USED, AND NO BUILDING OR STRUCTURE SHALL HEREAFTER BE ERECTED, ALTERED OR CONVERTED WHICH IS ARRANGED OR DESIGNED OR USED FOR OTHER THAN THOSE USES SPECIFIED AS PERMITTED USES IN THE DISTRICT IN WHICH IT IS LOCATED ACCORDING TO THE FOLLOWING USE SCHEDULE AND IN ACCORDANCE WITH THE PROVISIONS OF THE FOLLOWING SECTIONS OF THIS ORDINANCE.

### 200 - SCHEDULE OF USES

#### LEGEND



Designates use permitted in district indicated.



Designates use prohibited in district indicated.



Indicates use may be approved as Conditional Use Permit; see 10-400

Note: For definitions and explanations of uses followed by numbers in parenthesis see Section 10-300





















## 300 - DEFINITION AND EXPLANATIONS

### APPLICABLE TO USE SCHEDULE

-301

The following definitions and explanatory notes supplement, restrict and define the meaning and intent of the use regulations as noted in 10-200, Schedule of Uses.

#### 10-201 PRIMARY RESIDENTIAL TYPE USES

- (1) One-Family Dwelling (detached): A detached building having a single dwelling unit and occupied by not more than one family.
- (2) One-Family Dwelling (attached): A dwelling unit on a separately owned lot which is joined to another dwelling unit on one or more sides by a party wall or abutting separate walls and occupied by not more than one family.
- (3) Two-Family Dwelling: A detached building having two dwelling units and occupied by not more than two families.
- (4) Multiple-Family Dwelling: Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.
- (5) Boarding or Rooming House: A building, other than a hotel or multiple-family dwelling, where lodging is provided for one to ten persons for compensation, where meals may or may not be served and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boarding house.
- (6) Manufactured Home or Recreational Vehicle (RV) Park: A lot, tract, or parcel of land used to accommodate manufactured homes or recreational vehicles as a semi-permanent place of residence. Such a park may be in single ownership with trailer stands for hire or it may be a lot in a subdivision. A Manufactured Home or Recreational Vehicle Park is a type of land development as distinguished from a manufactured home which is a dwelling unit to be occupied, by not more than one family designated and intended to be capable of being moved from one site to another, and not attached to a permanent foundation.

- (7) Hotel or Motel: A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel an establishment shall contain a minimum of ten (10) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture, and the accommodations shall not be designed as permanent dwelling units.
- (8) Tourist Court & Cottages: A lot, tract or parcel of land upon which not more than nine (9) cottage units are located and maintained for the accommodation of transients for compensation.
- (9) Manufactured Home: Any building or structure which is erected in its entirety, inside and out, save and except connection of outside utilities, at one location either inside or outside the City of Aransas Pass and then is transferred to another as a complete unit or multiple units that are assembled to form one unit, either under its own power or is towed or trailered in by an alternate source of power and which in its completed condition measures wider than 8 feet and is longer than 40 feet.
- (10) Recreational Vehicle: Any building or structure that is erected in its entirety, inside and out, save and except connection of outside utilities, if needed; is portable; is either self-propelled or must be towed and shall have a body width not to exceed eight (8) feet and a body length not to exceed forty (40) feet. The aforementioned body width and length do not include expandable accessories which may be a part of the structure and when utilized may make the RV wider or longer. However, such an RV must comply with all applicable requirements of Section 11-MH governing RV or move to MH Park or Subdivision.

#### **10-202 ACCESSORY AND INCIDENTAL USES**

- (11) Accessory Building (residential): A subordinate building detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or sale of a service. Accessory buildings include but are not limited to an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.
- (12) Community Center (private): A building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A Private Community Center shall not be operated as a place of public meetings, or as a business, nor shall the operation of such facility create noise, odor or

similar conditions perceptible beyond the bounding property line of the project site.

- (13) Accessory Building (farming): An accessory structure on a tract qualifying as a farm as herein defined for storing or housing the usual products and animals raised or maintained on a farm, such as a barn, poultry house, stable machinery shed or granary.
- (14) Guest House (detached): A secondary structure on a lot or tract containing dwelling accommodations but excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not for rent or permanent occupancy.
- (15) Off-Street Parking Incidental to Main Use: Off-street parking spaces provided for and accessory to a main use located on the same lot or tract as the main use or within three hundred (300) feet as specified in Section 20 and located within the same zoning district as the main use.
- (16) Retail or Service Use Incidental to Main Use: A special sales or service use permitted as part of a residential development or building as indicated on the Use Schedule.
- (17) Servant or Caretaker's Quarters: Living quarters for persons employed on the premises, as a separate domicile and with no separate utility meters. Such facilities may be located in the main structure or in an accessory building located on the lot with a main residential structure.
- (18) Stable (private): An accessory building or enclosure for quartering not to exceed four (4) horses on a farm or lot when set back from adjacent property lines a minimum distance of two hundred (200) feet. Farm or lot size must be greater than three (3) acres
- (19) Swimming Pool (private): A swimming pool constructed for the exclusive use of the residents of a single-family, two-family or apartment dwelling and located and fenced in accordance with the standards and regulations of the City. Such private swimming pool shall not be operated as a business nor maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.
- (20) Temporary Field or Construction Office: Temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for a specified period of time in accordance with a permit issued by the City Building Inspector.

- (21) Home Occupation: An occupation customarily carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling, without the offering, display or advertising of any commodity or service for sale on the premises, without the employment of any persons other than a member of the immediate family, without the use of any sign, lighting or display, with the use of other than normal domestic or household equipment or appliances.
- (22) Apartment Accessory Uses: Permitted uses accessory to an apartment building shall include a recreation room, employee's washroom, a manager's apartment and office, and laundry. Such a recreation room shall be for the exclusive use of the tenants and their guests. When provided, an employee's washroom shall be accessible only to the outside of the apartment building and not through any other room in the building and the washroom be limited to a maximum of thirty (30) square feet in floor area. The manager's apartment may be used as an office, but such facility shall be included in computations of lot area requirements. The laundry room may be used for clothes washing and drying facilities for the exclusive use of the tenants and no exterior advertising of such use may be permitted.

### **10-203 UTILITY & SERVICE USERS**

- (23) Electrical Substation: An assemblage of equipment and appurtenant facilities designed for voltage transformation, or voltage control of electricity.
- (24) Electrical Energy Generating Plant: An electrical energy generating facility with generating capacity of more than fifty (50) megawatts and any appurtenant facilities.
- (25) Electrical Transmission Line: A series of three or more structures and appurtenant facilities erected above ground, supporting one or more conductors emanating from a power plant or a substation, designed to transmit electric energy.
- (26) Fire Station: A facility operated by a municipality, fire district, or department which houses fire equipment and may be used for the housing of personnel and associated meeting.
- (27) Regulating Station: An assemblage of equipment which reduces, regulates and meters natural gas, oil and/or water pressure in the transmission line, holder, main, pressure vessel or the compressor station piping. This may include auxiliary equipment such as valves, control instruments or control lines as well as piping.

- (28) Local Utility Line: The usual electric power, telephone, gas, water, sewer and drainage lines designed and constructed by the municipality or a franchised utility company to serve a community with urban type services.
- (29) Local Transit Station or Turnaround: A shelter or building for accommodation of local transit patrons or an off-street turnaround or standing area for loading.
- (30) Radio, Television or Microwave Towers: Structures supporting antennae for transmitting or receiving any portion of the radio spectrum but excluding noncommercial antennae installations for home use of radio or television.
- (31) Commercial Radio or TV Transmit Station: A facility which receives and/or sends radio and/or television waves such as radio towers. Uses shall include but not be limited to radio transmitting stations or towers and television exchange station relay towers.
- (32) Sewage Pumping Station: Those facilities of a municipality or a sanitation and/or water district which are organized and operated pursuant to State Statute.
- (33) Sewage Treatment Plant: A facility for the collection, treatment, and disposal of sewage, which has a designed capacity to receive more than 2000 gallons of sewage per day.
- (34) Telephone Exchange, Switching and Transmitting Equipment Only: A switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.
- (35) Telephone Business Office: Facility designated as office for public to conduct business related to their telephone service.
- (36) Utility Installation, Public or Private, Not Listed: Any public or private utility facility franchised or approved by the City such as closed circuit television or steam distribution or other similar utility not specifically covered by the uses listed in the Use Schedule, 10-200.
- (37) Water Standpipe or Elevated Storage: Any public or private structure for the storage above ground of water for distribution or fire protection purposes.
- (38) Water Reservoir or Pumping Station: An area of land where water rights are retained or an area intended for water storage.

- (39) Water Treatment Plant: A facility, excluding community cisterns, with a capacity of 2,000,000 gallons or more for purifying, supplying, and holding water.

#### **10-204 INSTITUTIONAL, EDUCATIONAL AND SPECIAL NEEDS**

- (40) Church or Rectory: The place of worship and religious training of recognized religions including the on site housing of ministers, priests, rabbis, nuns and similar staff personnel.
- (41) College, University or Private School: An academic institution other than a public or parochial elementary or secondary school, including private elementary and secondary schools and institutions of higher learning.
- (42) Cemetery or Mausoleum: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.
- (43) Community Center (public): A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the surrounding community.
- (44) Convent or Monastery: A building or group of buildings or structures used as living quarters for leaders of organized religious groups and limited accessory uses generally associated therewith.
- (45) Day Nursery or Kindergarten: An establishment where four (4) or more children are left for care or training during the day or a portion thereof.
- (46) Fraternity or Sorority: Housing for a student organization formed for social purposes or scholastic, professional or extracurricular activities. These uses include but are not limited to fraternity or sorority houses and dormitories.
- (47) Institution for Care of Alcoholic, Narcotic or Psychiatric Patient: An institution offering resident or outpatient treatment to alcoholic, narcotic or psychiatric patients. In residential districts where such uses are possible by Conditional Use Permit approval, a minimum site of twenty (20) acres shall be required.
- (48) Hospital (general acute care): An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State.
- (49) Hospital (chronic care): An institution where those persons suffering from generally permanent types of illness, injury,

deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the State.

- (50) Institution of a Religious, Charitable or Philanthropic Nature: Buildings, grounds and activities sponsored or operated by organizations established for religious, charitable or philanthropic purposes including, but not limited to orphans homes, homes for the aged, resident home for indigent or handicapped, training and educational facilities and similar establishments.
- (51) Library, Art Gallery or Museum (public): Any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.
- (52) Lodge or Fraternal Organization: A private, nonprofit organization whose primary purpose is to promote the fellowship of its members and may conduct business associated with philanthropy or civic awareness.
- (53) Nursing Home or Residence Home for Aged: A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.
- (54) School, Business: A business operating for profit and offering instruction and training in a service or art, such as a secretarial school, barber college, commercial art school, but not including a manual trade school.
- (55) School, Commercial Trade or Craft: A business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.
- (56) School, Public or Denominational: A school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.
- (57) Welfare or Health Center: A community service facility where assistance in welfare and health problems is provided by a public or municipal agency for the benefit of residents of the area.

## **10-205 ADVERTISING AND SIGN USES**

- (58) Name Plate Sign: An accessory sign identifying the name and address of the owner or occupant.

- (59) Real Estate Sign: A temporary accessory sign pertaining to the sale or rental of the property on which the sign is placed and advertising the property only for a use for which it is properly zoned.
- (60) Construction Sign: A temporary accessory sign identifying the property owner, architect, landscape architect, engineer, decorator, contractor or mortgagee engaged in the design, construction or improvement of the premises upon which the sign is located.
- (61) Development Sign: A temporary accessory sign relating to the promotion of new developments on the premises upon which the sign is located
- (62) Nonresidential Identification Sign: An accessory sign advertising a nonresidential use which may be permitted in a residential zone which may be approved by Conditional Use Permit.
- (63) Institutional Sign: An accessory sign relating to a church, school or other public institution.
- (64) Apartment Wall Sign: An accessory sign composed of the name of an apartment house or development and promoting the sale or rental of the apartments.
- (65) Apartment Sign: An accessory sign promoting the sale or rental of apartments.
- (66) Mobile Home Sign: An accessory sign identifying the name and address of a Mobile Home Park and promoting the sale or rental of mobile home site.
- (67) Agricultural Sign: An accessory sign identifying the name of a farm or ranch, the owner or operator, the address or advertising the produce, crops or animals raised thereon.
- (68) General Business Sign: An accessory sign which directs attention to a business, profession, service, product or activity conducted, sold or offered on the premises where such sign is located.
- (69) Special Height Sign: An accessory sign of the General Business type which is higher than other permitted signs.
- (70) Advertising Sign: A sign which is a primary use of land (not an accessory use) and which directs attention to a business, product, activity or service which is not necessarily conducted, sold or offered on the premises where the sign is located.

## **10-206 FOOD AND BEVERAGE SERVICE**

- (71) Bar, Lounge or Tavern: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors and where food service, if any, is secondary to the sale of beer, wine or other liquors.
- (72) Eating Place with Drive-In or Curb Service: An establishment offering food for sale to customers in automobiles and wherein the food service is to the automobiles.
- (73) Eating Place without Drive-In or Curb Service: Any eating establishment, cafeteria, restaurant or inn where food service is offered to customers not in automobiles.
- (74) Eating Place with Dancing or Entertainment: An establishment, the primary activity of which is the sale and service of food or beverage to customers and which incidentally may offer music, entertainment and facilities for dancing by patrons.
- (75) Private Club with Dancing: A facility, including associated eating, drinking, and recreational facilities, owned or operated by a group of people organized for a common social, educational, service, or recreational purpose. These clubs are usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, a constitution, and by-laws.
- (76) Catering Service: A commercial establishment for the production of food and baked goods, primarily for sale.

## **10-207 OFFICE, PROFESSIONAL AND FINANCIAL USES**

- (77) Bank or Savings and Loan Office: A completely enclosed facility the primary use of which is the custody, loan, exchange or issue of money, the extension of credit, and the transmission of funds.
- (78) Clinic, Medical or Dental: Facilities for examining, consulting with and treating patients including offices, laboratories and outpatient facilities but not including hospital beds and rooms for acute or chronic care.
- (79) Doctor's or Physician's Office: A small office for examining and consulting with patients including necessary accessory facilities and occupied by not more than two (2) doctors.
- (80) Laboratory – Medical or Dental: A laboratory which provides bacteriological, biological, medical, prosthetic, x-ray pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating shall be conducted on the premises except the custom fabrication of dentures.

- (81) Laboratory – Scientific Testing: A building or part of a building devoted to the testing of any product or animal (including humans) for the purposes of providing written research reports on the results and utilizing the results to produce new or improved product, medicine or to better determine how animals function. No manufacturing is to be conducted on the premises except for experimental or testing purposes.
- (82) Medical Appliance Fittings and Sales: A facility specializing in special purpose devices related to medical treatment.
- (83) Mortuary: A facility where bodies are prepared for burial or cremation, which may include areas for embalming, performing of autopsies, and the storage of funeral supplies and vehicles.
- (84) Office, Professional or General Business: An office for professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.
- (85) Optical Shop: A facility for a dealer in optical items or for correcting vision.
- (86) Studio, Artist: A facility for the instruction of art, either in groups or in private.
- (87) Studio: Drama, Speech or Dance: A building or rooms in a building used for instructing, coaching or counseling in drama, speech, dance or similar personal skills.
- (88) Studio: Music: A building or rooms in a building used for instructing, coaching or counseling in music or similar personal skills.
- (89) Studio: Display of Art or Decorators Objects: Display rooms and accessory offices for the display of art objects, fabrics and similar items which may be supplied to the clientele of the operator but not involving a direct retail shop.
- (90) Studio, Recording and Broadcasting: A facility for broadcasting live or prerecorded programs by radio or television, or recording of records, tapes, CDs, video tapes or other recording media. Such facility may perform activities necessary for recording, programming and receiving of radio or television signals. Such facilities shall not engage in mass production.

- (91) Animal Clinic or Hospital – No Outside Run: A facility having reasonable sound attenuation construction features where animals other than livestock are given medical treatment, and where limited indoor kennel facilities for the short-term boarding of animals awaiting or convalescing from treatment may be provided.
- (92) Animal Clinic or Hospital/Kennel with Outside Run: A facility having reasonable sound attenuation construction features where animals other than livestock are given medical treatment, and where limited indoor or outdoor kennel facilities for the short-term boarding of animals awaiting or convalescing from treatment may be provided.
- (93) Animal Pound – Public or Private: A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets.
- (94) Aquarium, Commercial: A facility designed for the indoor and outdoor display of marine life.
- (95) Farm, Ranch, Garden or Orchard: An area which is used for growing of usual farm products, vegetables, fruits, trees and grain for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep, including a private stable and also including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
- (96) Garden Shop and Plant Sales: A facility for the sale of home, lawn, and garden supplies; landscaping materials; and other similar materials. This use may include the outside storage of materials.
- (97) Hatchery, Poultry: An enclosed facility or tract of land where poultry is raised.
- (98) Livestock Auction – Pens or Sheds: A place of confinement (whether by structures, fences, pens, corals, or other enclosures) for cattle, swine, sheep, poultry, fur bearing animals, or other livestock, where the density of animal units on the parcel exceeds that allowed in the zoning district within which the use is located. The primary purpose of such confinement is to provide for the ultimate sale of products from such animals or the animals themselves.
- (99) Pet Shop, Small Animals and Birds: Facilities for the display and sale of small animals and birds as pets, such as dogs, cats,

parakeets or canaries but not involving the boarding or treating of dogs or similar pets.

- (100) Stable, Commercial: A structure housing horses which are boarded or rented to the public or any stable other than a private stable; but not including a sales barn, auction or similar trading activity.
- (101) Veterinarians Office, No Hospital: A facility having reasonable sound attenuation construction features where animals other than livestock are given medical treatment.
- (102) Zoo, Commercial: An enclosed tract of privately owned land designed for the indoor and outdoor display of animals. Subject to all state and local animal control guidelines.
- (103) Zoo, Public: An enclosed tract of publicly owned land designed for the indoor and outdoor display of animals. Subject to all state and local animal control guidelines.

#### **10-209 PERSONAL SERVICE AND CUSTOM CRAFTS**

- (104) Art Needlework: Hand sewing, knitting or weaving of handicraft objects for sale or on a custom basis.
- (105) Barber and Beauty Shop: A facility licensed by the state where hair cutting, hair dressing, shaving, trimming beards, facials, manicures or related services are performed.
- (106) Book Handcraft Binding: Hand binding on a custom basis of books and similar documents.
- (107) Cabinet and Woodwork Shop (custom): Shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planning mill or similar woodworking plant.
- (108) Cleaning Shop (small custom shop): A cleaning establishment for custom cleaning of individual garments only and not a bulk or commercial type cleaning plant.
- (109) Cleaning Shop (Commercial): A facility that provides professional cleaning services, both on-site and off-site.
- (110) Custom Sewing and Millinery: Custom making of items of apparel and millinery, such as a seamstress, but not involving a factory.
- (111) Handcraft, Ceramic Sculpture: A facility to individually create objects such as leather goods, jewelry, oven fired, non metallic mineral products of carved three-dimensional works of art.

- (112) Handweaving: A facility to individually create objects made from cloth, yarn, thread or other materials.
- (113) Health Studio: A facility other than a regularly licensed hospital, operating for a profit to promote physical fitness or weight control and where massage or exercises are practiced upon the human body by anyone and not a duly licensed physician or chiropractor, whether with or without the use of mechanical or therapeutic devices.
- (114) Key Shop: A facility for the sale or duplication of keys.
- (115) Laundry or Dry Cleaning, Self-Service: An establishment providing facilities for washing or dry cleaning garments and similar items and where the customer may personally supervise and handle the cleaning operation.
- (116) Laundry Commercial: A cleaning establishment designed for the drop-off and pickup of individual garments, fabrics, rugs, draperies or other similar items.
- (117) Laundry or Cleaning Pickup: A coin operated or custom-cleaning establishment for individual garment, fabrics, rugs, draperies or other similar items.
- (118) Photography Studio: A facility for taking and processing pictures, not a bulk processing plant.
- (119) Shoe Repair: A facility for repair or reconditioning of footwear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.
- (120) Tailor: A shop to alter, repair, fabricate or fashion garments.
- (121) Taxidermist: A facility for preparing, stuffing and mounting the skins of animals, birds or fish.
- (122) Travel Bureau: An agency engaged in selling or arranging transportation, trips or tours for individuals or groups.
- (123) Upholstery Shop: A facility which makes coverings for furniture by applying such materials as springs, padding and fabric.
- (124) Tattoo Studio: Establishment where the practice of producing an indelible mark, design or figure on the human body by scarring the inserting pigment under the skin using needles scalpels or other related instruments takes place. Such establishments shall be required to conform to all state regulations regarding Tattoo Studios.

- (125) Body Piercing Studio: Establishment where the creation of an opening in an individual's body other than in an individual's ear, to insert jewelry or another decoration takes place. Such establishments shall be required to conform to all state regulations regarding Body Piercing Studios.

#### **10-210 RETAIL SALES USE**

- (126) Antique Shop (enclosed): An establishment offering for sale articles such as glass, china, furniture or similar furnishing and decorations which have value and significance as a result of age, design or sentiment; and when all such items displayed or offered for sale are housed within a building and there is no exterior display except the usual sign or advertising.
- (127) Food Store: Any retail establishment selling consumer products including primarily prepackaged food and household items.
- (128) Bakery or Confections Shop: A place for baking or selling baked goods, or a place for preparing, cooking making or selling candy or other sweets. All goods baked or cooked on the premises must be retailed on the same premises.
- (129) Book & Stationary Store: A facility for the sale of books, pamphlets, paper, pens, ink and associated items; not involving wholesale distribution.
- (130) Camera Shop: A retail shop which sells photography items including cameras, film, photographic paper, auxiliary lens, photo finishing material, projection equipment and other related items.
- (131) Cigar, Tobacco and Candy: The retail sale of cigars, cigarettes, pipe tobacco, candies and related items.
- (132) Clothing Store: A retail facility for selling male and female apparel.
- (133) Drug Store or Pharmacy: A facility for preparing, preserving, compounding and dispensing drugs and medicines; may include the display and sale of other merchandise such as cosmetics, notions, fountain service and similar items.
- (134) Feed Store, Retail (livestock, no mill): An establishment for the sale of grain, prepared feed and forage for pets, livestock and fowl but not involving the grinding, mixing or commercial compounding of such items.
- (135) Beverage Store: A facility for the sale of beer, wine or liquor not for on-premises consumption.

- (136) Florist Shop: A facility for the retail sale of cut or uncut flowers and ornamental plants and accessory items.
- (137) Furniture Store (New): A retail facility for displaying and selling new furniture, and may also include appliances such as radios, televisions, stereos, refrigerators, stoves and lawn furniture.
- (138) Hardware and Sporting Goods: A retail facility for selling cutlery, tools, utensils, screws, nails and similar items; or athletic uniforms, sport clothing and sporting equipment.
- (139) Hobby Shop and Art Supply Store: A facility for the sale of hobby or art supplies such as model kits, art equipment and materials.
- (140) Letter and Mimeograph Shop: A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.
- (141) Paint and Wallpaper Store: A facility for selling paints, painting equipment and wallpaper as well as other decorator items.
- (142) Pawn Shop: A facility for loaning money on the security of personal property, unclaimed property may be sold on the premises.
- (143) Second Hand Store (used): A facility for the sale of secondhand or used items.
- (144) Swimming Pool Sales and Supply: A facility for display and retail sales of swimming pools, related supplies and service.
- (145) Retail Stores/Shops/Flea Markets/ other than listed: Any establishment not listed in the Use Schedule, 10-200, offering consumer goods for sales except those uses specifically excluded and listed in other districts. Said establishment must be contained within four (4) solid walls, a solid roof and solid floor.
- (146) Tool Rental: A facility that houses tools and small equipment for rent.

## **10-211 RECREATION, SOCIAL AND ENTERTAINMENT USES**

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

- (148) Amusement, Commercial (indoor): An amusement enterprise wholly enclosed in a building which is treated acoustically so that no noise of the enterprise is perceptible at the bounding property line and including but not limited to a gaming room or establishment, bowling alley or billiard parlor.
- (149) Carnival or Circus (temporary): A temporary traveling show or exhibition usually housed in tents, and which has no permanent structure or installation. Such temporary carnival or circus is subject to special authorization by resolution of the City Council.
- (150) Country Club, Private Membership: An area of twenty (20) acres or more, containing a golf course and a club house and available only to a private specific membership. Such a club may contain as adjunct facilities, a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.
- (151) Dance Hall or Night Club: An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulations by the City.
- (152) Club, Private (business): A clubroom or suite of rooms or a building available to restricted membership for meeting, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.
- (153) Fairgrounds: A recreational area providing parks and playfields which may include lighted areas for use after dusk.
- (154) Golf Course, Commercial: A golf course, privately owned but open to the general public for a fee and operated as a commercial venture.
- (155) Golf Course, Public: A golf course owned or controlled by a public agency such as the municipal Park Department and operated for the benefit of the public.
- (156) Ice Skating Rink: A facility designed for the sole purpose of recreational activities that require an ice rink.
- (157) Park or Playground (public): An open recreation facility or park owned or operated by a public agency such as the municipal Park Department or School Board, and available to the general public. This term shall include such used as stadiums, field houses, and customary accessory uses.
- (158) Recreation Club or Area, Private: A building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social

organization and which may contain the normal active and passive facilities as provided in a public park or playground.

- (159) Rodeo: An outdoor arena designed for the purpose of rodeo activities.
- (160) Theatre, Drive In Type: A facility for outdoor performances where the audience views the production from automobiles or while seated outside.
- (161) Theatre, Not Drive In Type: A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.
- (162) Billiards Parlor: A facility that houses billiard tables for recreational use. Alcohol and food may be served with appropriate licenses.

#### **10-212 TRANSPORTATION TYPE USES**

- (163) Airport or Landing Field: A landing facility for fixed wing aircraft containing a minimum of sixty (60) acres and approved by the City as an aircraft landing facility, subject to the Federal Aviation Agency's requirement of safety and applicant's securing air space utilization from the Federal Aviation Agency.
- (164) Bus Station or Terminal: A facility on a common carrier line for bus docking, freight storage and passenger loading and unloading.
- (165) Hauling and Storage Company: A facility for warehousing, transferring or keeping goods.
- (166) Helicopter Base: A landing and terminal facility for rotary wing aircraft, including facilities for fueling, servicing, and maintaining such craft and subject to approval by the City and subject to the Federal Aviation Agency's requirement of safety and applicant's securing air space utilization from the Federal Aviation Agency.
- (167) Heliport: A landing facility for rotary wing aircraft not exceeding a gross weight of 12,500 pounds subject to regularly scheduled use, but not including fueling or servicing facilities for such craft and subject to approval by the City and subject to the Federal Aviation Agency's requirement of safety and applicant's securing air space utilization from the Federal Aviation Agency.
- (168) Helistop: A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds and not for regularly scheduled stops and subject to approval by the City.

- (169) Motor Freight Terminal: A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate and interstate shipment by motor truck.
- (170) Railroad Freight Terminal: A facility on a railroad for freight and classifying, docking and storage.
- (171) Railroad Passenger Station: A facility for loading and discharging of passengers.
- (172) Railroad Team Track: A siding for spotting and unloading or loading of box cars or other railroad cars and which area is connected to a public street by a drive for access.
- (173) Railroad Yard: An outdoor facility used for the housing of rail cars.

### **10-213 MOTOR VEHICLES AND RELATED USES**

- (174) Auto Laundry: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.
- (175) Autoglass, Muffler & Seat Cover Shop: A facility for the installation or replacement of auto glass and mufflers.
- (176) Auto Parts & Assoc. Sales, Indoor Only: A facility having auto parts, accessories and tools for sale with no outdoor display area.
- (177) Auto Parts & Assoc. Sales, Outdoors Display: A facility having auto parts, accessories and tools for sale with outdoor display area.
- (178) Auto Sales, Indoors Display: A facility that sells new and or used automobiles with no outdoors display.
- (179) Auto Sales or Storage, Outdoors Display: A facility that sells new and or used automobiles with outdoors display.
- (180) Auto Storage or Auction: A facility for the sale of automobiles to the highest bidder.
- (181) Auto Repair Garage: A facility for the retail sale of gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

- (182) Auto Painting or Body Rebuilding Shop: A facility for restoring auto bodies, painting or refinishing.
- (183) Bus or Truck Parking or Garage: A facility in which currently licensed buses or trucks are stored or repaired.
- (184) Drag Strip or Commercial Racing: A facility, which contains an outdoor track used for the purpose of racing automobiles for recreational use only.
- (185) Engine or Motor Repair: A shop for the disassembly, rebuilding and repair of motor vehicle engines, electric motors, vehicle transmissions or other major machinery components on an assembly line basis. General vehicle repair shall be classified as a repair garage.
- (186) Go Cart Track: A facility which contains an outdoor track used for the purpose of racing Go Carts for recreational use only.
- (187) Machinery Repair Display or Sales: A facility that specializes in either the repair or sale of machinery.
- (188) Machine or Welding Shop: A facility in which metallic materials are processed through machining, curing, grinding or welding.
- (189) Motorcycle or Scooter Sales & Service: A facility that sells services motorcycles and scooters. Accessories are also permitted for sale.
- (190) Parking, Commercial Lot or Garage: A parking area or facility the purpose of which is to allow the parking of motor vehicles.
- (191) Service Station (Motor Vehicle Fuel): A facility for the retail sale of gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.
- (192) Steam Cleaning/Vehicles or Machinery: A facility for the on-site steam cleaning of vehicles or machinery.
- (193) Wrecking Yard, Junk and Salvage: A building, structure, or parcel of land, or portion thereof, totally enclosed by an 8 ft. privacy fence, used for the collecting, storage or sale of waste paper, rags, scrap metal, or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.
- (194) Utility Trailers (New): A vehicle that (1) is designed or used to carry a load wholly on the trailer's own structure; (2) is designed to be "bumper drawn" by a motor vehicle; (3) is "new" as

opposed to “used” and acquired for sale or rent from a manufacturer of utility trailers; and, (4) has an open bed not exceeding twenty feet (20’) in bed length with a maximum of ten (10) trailers per acre with no stacking.

- (195) Utility Trailers (Used): A vehicle that meets the same specifications as set forth in 122 above except that such utility trailer is “used” as opposed to “new” with a maximum of ten (10) trailers per acre with no stacking.

#### **10-214 STORAGE, PROCESSING AND COMMERCIAL USES**

- (196) Brick & Similar Building Materials: A facility for the sale of home, lawn, and garden supplies; landscaping materials; brick; lumber; and other similar materials. This use may include the outside storage of materials.
- (197) Clothing Manufacturing and Similar Light Manufacturing and Assembly: Operations involving cutting, sewing, forming and packing of garments and similar items and including the making of millinery and clothing accessories, but involving no obnoxious or hazardous materials or machinery.
- (198) Fix-It Shop and Appliance Repair: A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building or a storage area surrounded by a solid fence, wall or screen.
- (199) Furniture Repair & Upholstery: A facility for the making, repairing, or refinishing of furniture or wood products for direct retail sale.
- (200) Job Printing: A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.
- (201) Laboratory, Manufacturing: Operations involving the compounding of products such as perfumes, pharmaceutical and the development and assembly of instruments and similar items.
- (202) Light Fabrication and Assembly Processes: Including but not limited to the manufacture of jewelry, trimming decorations, signs and any similar item not involving the generation of noise, odor, vibration, dust or hazard.
- (203) Lumber Yard: A facility for the sale of home, lawn, and garden supplies; landscaping materials; brick; lumber; and other similar materials. This use may include the outside storage of materials.

- (204) Lithographer or Printing Plant: A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.
- (205) Monument Sales Yard: A facility that specializes in the sales and manufacture of monuments.
- (206) Open Storage (no enclosure): Storage in the open of vehicles, machinery or any equipment or commodity where permitted as a primary use of land and accessory storage in the open of commercial and industrial products where such storage is not enclosed by a fence, wall or building.
- (207) Open Storage (visual screen): The permitted storage of any equipment or commodity in an open area which is enclosed by an eight (8) foot fence or wall or surrounded by a building so as to create an effective visual screening of the storage from the adjacent property. The term “storage use” shall not constitute a wrecking, junk, or salvage yard.
- (208) Petroleum Products – Storage and Wholesale: A facility and enclosed yard designed primarily for the storage and wholesale sale of petrochemicals. All state and local statutes will regulate activity.
- (209) Plumbing Shop: A facility providing supplies, repair and sales of plumbing equipment.
- (210) Maintenance and Home Repair Shop (no outside storage): A building housing the facilities and equipment of a home repair or maintenance service but not including the storage of building material, junk or similar commodities in the open, unenclosed.
- (211) Contractor or Maintenance Yard: An open storage yard for supplies and operational equipment, including buildings, but not constituting a junk, wrecking or salvage yard.
- (212) Salvage Yard (outside): An open yard, totally enclosed by an 8 ft. privacy fence, for the receiving, sorting, storage or packing of paper, rag, glass, boxes and similar commodities.
- (213) Salvage and Reclamation – Inside Bldg: An enclosed facility for the receiving, sorting, storage or packing of paper, rag, glass boxes and similar commodities.
- (214) Sand, Gravel or Earth – Sale & Storage: An open yard used for the storage and sale of Sand, Gravel or Earth.
- (215) Dump – Private or Municipal: A tract of land designated for the storage, collection, and disposal of solid wastes.

- (216) Stone, Sand or Gravel Extraction: A tract of land where stone, sand or gravel is extracted from under the earth. May include distribution area for truck/rail loading of materials.
- (217) Warehouse or Covered Storage: A building or group of buildings providing shelter for commodities stored therein. No open or unenclosed storage shall be classified as a warehouse. No hazardous or explosive materials may be stored

## **10-215 INDUSTRIAL AND MANUFACTURING USES**

- (218) Animal Slaughter or Chicken Killing: A facility and enclosed yard designed primarily for the slaughter of animals or poultry. Such facility is to be regulated by city ordinances in regard to such activity.
- (219) Acid Manufacture: A facility and enclosed yard designed primarily for the preparation, production and storage of acid. All state and local statutes will regulate activity.
- (220) Ammonia Manufacture: A facility and enclosed yard designed primarily for the preparation, production and storage of ammonia. All state and local statutes will regulate activity.
- (221) Batching Plant, Concrete or Asphalt: A facility and enclosed yard designed primarily for the preparation, production and distribution of concrete or asphalt. All state and local statutes will regulate activity.
- (222) Carbon Black Manufacture: A facility and enclosed yard designed primarily for the preparation, production and storage of carbon black. All state and local statutes will regulate activity.
- (223) Cement, Lime Gypsum or Plaster of Paris: A facility and enclosed yard designed primarily for the preparation, production and distribution of cement, lime gypsum or plaster of paris. All state and local statutes will regulate activity.
- (224) Ceramic/Pottery Manufacture w/ Dust, Odor: A facility and enclosed yard designed primarily for the preparation, production and distribution of ceramics or pottery. All state and local statutes will regulate activity.
- (225) Chlorine Manufacture: A facility and enclosed yard designed primarily for the preparation, production and storage of chlorine. All state and local statutes will regulate activity.

- (226) Electroplating/Battery Making: A facility and enclosed yard designed primarily for the preparation, production and storage of batteries. All state and local statutes will regulate activity.
- (227) Explosives Storage or Manufacture: A facility and enclosed yard designed primarily for the preparation, production and storage of explosives. All state and local statutes will regulate activity.
- (228) Glue and Fertilizer Manufacture: A facility and enclosed yard designed primarily for the preparation, production and storage of glue or fertilizer. All state and local statutes will regulate activity.
- (229) Grain Processing with hoods, dust: A facility and enclosed yard designed primarily for the preparation, production and storage of grain. All state and local statutes will regulate activity.
- (230) Paint, Oil, Shellac and Lacquer Manufacture: A facility and enclosed yard designed primarily for the preparation, production and storage of paint, oil, shellac and lacquer. All state and local statutes will regulate activity.
- (231) Petrochemical Plant: A facility and enclosed yard designed primarily for the preparation, production and storage of petrochemicals. All state and local statutes will regulate activity.
- (232) Petroleum Tank Farm: A facility and enclosed yard designed primarily for the housing of petroleum tanks. All state and local statutes will regulate activity.
- (233) Plastic Products Manufacture: A facility and enclosed yard designed primarily for the preparation, production and storage of plastic products. All state and local statutes will regulate activity.
- (234) Quarry, Caliches Gravel and Sand Excavation: A tract of land where stone, sand or gravel is extracted from under the earth. May include distribution area for truck/rail loading of materials.
- (235) Rendering Plant: A facility and enclosed yard designed primarily for the preparation, production and distribution of acid. All state and local statutes will regulate activity.
- (236) Tanning, Curing, Storage Animal Hides: A facility and enclosed yard designed primarily for the preparation, production and storage of animal hides. All state and local statutes will regulate activity.

- (237) Textile Manufacturing with Dust/Odor: A facility and enclosed yard designed primarily for the preparation, production and storage of textiles. All state and local statutes will regulate activity.
- (238) Woodworking and Planning Mill: A facility and enclosed yard designed primarily for the preparation, production and storage of wood. All state and local statutes will regulate activity.
- (239) Wrecking or Salvage Yard: A facility and enclosed yard designed primarily for the collection and storage of wrecked vehicles or marine vessels.
- (240) Any Use: which due to the possible emission of excessive smoke, noise, gas, odor or vibration or danger or explosion or fire is presently or in the future is determined a hazard and subject to special control.

#### **10-216 MARINE USES**

- (241) Boat Dock or Mooring (Private): Any pier, wharf, or dock or a location and/or any equipment used or intended for use as a dock or mooring for privately owned boats which are operated for the pleasure and enjoyment of their owners and not for rent or commercial activity.
- (242) Boat Dock or Mooring (Business): Any pier, wharf, or dock or a location and/or any equipment used or intended for use as a dock or mooring for boats or ships which are used incidentally in the normal activity of a business or are used for rental to others for the pleasure and enjoyment of the tenants and not for commercial use.
- (243) Boat Dock or Mooring (Commercial): Any pier, wharf, or dock or a location and/or any equipment used or intended for use as a dock or mooring for boats or ships used in a maritime commercial activity such as commercial fishing, shipping, etc. in which the primary activity of the business is conducted on such boats or ships.
- (244) Net and Commercial Fishing Equipment Repair: Establishments engaged in the repair and servicing of equipment for commercial fishing, such as nets, but not including the repair of engines, lines, etc. or other equipment used for the operation of fishing vessels.

- (245) Boat or Ship Repair (Pleasure): Establishments engaged in repair or maintenance of boats, ships or other marine vessels commonly used for pleasure fishing or boating.
- (246) Boat, Ship or Barge Repair (Commercial): Establishments engaged in repair or maintenance of boats, ships or barges or other marine vessels commonly used in the commercial fishing, shipping, construction or similar industry.
- (247) Boat or Ship Building: Establishments engaged in manufacture, assembly or construction of boats, ships or other marine vessels.
- (248) Bait Shop: Establishments engaged in the sale at retail of live or artificial bait for fishing.
- (249) Ice House: Establishments engaged in the sale of ice but not including the manufacture of ice.
- (250) Ice Plant: Establishments engaged in the manufacture of ice.
- (251) Fishing Tackle Shop: Establishments engaged in the sale at retail or the maintenance and repair of fishing tackle used for recreational fishing but not including the sale or repair of commercial fishing equipment.
- (252) Boat or Ship Fuel or Service: Establishments engaged in the sale of fuel and general service of boats, ships, or other marine vessels.
- (253) Boat Rental: Establishments engaged in renting boats for recreational uses.
- (254) Fishing Pier: Any structure constructed adjacent to or extending into a body of water and made available to the public for a fee for fishing.
- (255) Marine Contractor: A facility and enclosed yard designed primarily for the use of assembling equipment associated with marine uses.
- (256) Loading/Unloading Storage of Petroleum Products: A facility and enclosed yard designed primarily for the loading, unloading and storage of petroleum products. May include distribution area for truck/rail loading of materials. All state and local statutes will regulate activity.
- (257) Commercial Loading/Unloading of Ships: A facility and enclosed yard designed primarily for the loading, unloading of commercial ships/boats. May include distribution area for truck/rail loading of materials. All state and local statutes will regulate activity.

- (258) Fish Cleaning, Processing and Packaging: As used herein, the term “fish cleaning and/or processing” shall mean any operation involved in scaling, heading, gutting, gilling, filleting or breading fish for a fee or then offering such fish for sale; however, there is excepted from such term an establishment selling fish to the ultimate consumer. The term “fish packaging” shall mean placing fish in any packaging container for resale. The term “ultimate consumer” means the person(s) who purchases such seafood product to eat.
- (259) Shellfish Cleaning, Processing and Packaging: As used herein, the term “shellfish cleaning and/or processing” shall mean any operation involved in grading, sorting, washing, heading, deveining, breading, peeling or picking, removing from shell, and cleaning any shellfish for a fee or then offering such shellfish for sale; however, there is excepted from such term the peeling of shellfish by an establishment selling such peeled shellfish to the ultimate consumer. The term “shellfish packaging” shall mean placing shellfish in any packaging container for resale. The term “shellfish” shall mean shrimp, lobster, crab, clams, oysters, scallops or any other marine life processed for food. The term “ultimate consumer” means the person(s) who purchases such seafood product to eat.
- (260) Boat Sales: A facility that sells new and or used boats, both motorized and non-motorized, utilizing both indoor and outdoor display areas.
- (261) House Boat: Any boat, ship, barge, raft, vessel or other construction floating and being used or intended for use as a dwelling or to be occupied as a home or residence.

## 400 - CONDITIONAL USE PERMITS

- 401 The City Council may, after public hearing and recommendation by the City Plan Commission, and after conducting a public hearing as is required for all amendments to the zoning ordinance in accordance with the provisions of Section 19 authorize for specific parcels of land the issuance of a Conditional Use Permit in accordance with the provisions of the Use Schedule, 10-200, in those districts where it is indicated that a Conditional Use Permit for a specific type use may be approved.
- 402 The designation of a Conditional Use Permit as possible on the Use Schedule, 10-200, in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each Conditional Use Permit application shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate.
- 410 CONDITIONS FOR APPROVAL OF A CONDITIONAL USE PERMIT
- 411 In considering and determining its recommendation to the City Council relative to any application for a Conditional Use Permit, the City Plan Commission may require that the applicant furnish plans and data concerning the operation, location, function and characteristics of any use of land or building proposed.
- 412 The City Plan Commission may recommend to the City Council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangement, location or construction of buildings and uses and operation be required.
- 413 The City Council may in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.
- 414 A site plan setting forth the conditions specified, may be required of the applicant and such plan when accepted shall be made part of the conditional use permit.
- 415 Time Period: Permits granted pursuant to Section 418 hereunder may be granted for a period of not more than twelve (12) months and any renewal thereof, if necessary, for a period of not more than six (6) months from date of original permit maturity. Permits granted pursuant to other Sections hereof shall be for such periods of time as may be determined by the Planning Commission with approval of the City Council.
- 416 General Criteria for Granting:
- (a) Conditional uses must be specifically identified and conform to conditions listed and authorized in the Zoning Ordinance, except as to Conditional Use Permits issued pursuant to Section 418 hereunder.

- (b) The proposed use should not be injurious to present use of the land nor prevent enjoyment of uses already permitted.
- (c) The change should not impede normal and orderly development or improvement of surrounding vacant property.
- (d) Adequate utilities, access roads, drainage, and other necessary facilities must exist or be available in the near future.
- (e) Sufficient off-street parking and loading space must be available.
- (f) Measures must be taken to prevent the conditional use from producing annoying nuisances (odors, fumes, dust, noise, etc.) in the area.
- (g) A Conditional Use Permit must be issued for a particular use and shall be nontransferable.
- (h) The Permit is subject to periodic review. Any violation of the conditions shall result in automatic termination. If not used, Conditional Use Permits are null and void at the end of the authorized permit period.

-417

General Criteria for Renewal:

- (b) Complied with the majority of the reasons for seeking original permit.
- (c) If construction of home at least seventy-five (75%) per cent complete and assurance that completion will take place during the renewal period.
- (d) Sincerity of person requesting extension.
- (e) Any other information or facts that may be considered by the Board.
- (f) Applications for renewal of permits must be filed not less than forty-five (45) days prior to expiration of the permit period sought to be renewed.

-418

Specific Criteria for Mobile Home Condition Use Permit for Construction of House:

- (a) Financial plans complete and letter of commitment available at time of filing application.
- (b) Design plans and specifications complete and available for review at hearing before Board.
- (c) Permits for construction will be secured and paid.
- (d) Property size to be a minimum of fourteen thousand (14,000) square feet.
- (e) Person securing Permit shall be the owner and user.

Hardship:

- (a) “Hardship” is defined, for purposes of this Ordinance, as a physical or mental condition which renders a person unable to provide for his or her well-being as certified by a licensed physician.
- (b) The application shall be made by the owner(s) of the property and shall only be for the benefit of a parent, grandparent, child or grandchildren of the owner(s) who is afflicted with a “hardship” as defined above.
- (c) Applicant shall have owned the property for at least one (1) year prior to application for the hardship conditional use permit.
- (d) The property for which the permit is applied for must be contiguous to the property upon which the owner resides; the permit lot shall not be less than 7,000 square feet; and, shall conform to the following:

Minimum Lot Depth:	100 Feet
Minimum Lot Width	50 Feet
Minimum Front Yard:	25 Feet
Minimum Side Yard:	10 per cent of the width of the lot but not less than six (6) feet. No side yard in excess of ten (10) feet shall be required.
Minimum Rear Yard:	25 Feet
Maximum Lot Coverage:	35 per cent of lot area
Maximum Floor Area Ratio:	No requirement

- (e) The conditional use permit shall terminate upon the first of the following occurrences:
  - (1) Sale of the Owner’s residence or the permit lot.
  - (2) Death of the person for whose benefit the conditional use permit was granted.
  - (3) When hardship condition no longer exists.
  - (4) Person for whom the conditional use permit was granted ceases to occupy the property.
- (f) The permit shall be subject to review every two (2) years. Such review shall be conducted by the City Council upon a written report to be submitted by the City Building Inspector.

Enforcement: The City Inspector of the City of Aransas Pass shall be the enforcer of these and all conditions so stipulated and as such, shall have the right to ingress and egress on subject property to appraise compliance with Conditional Use Permit.

## **600 - CLASSIFICATION OF NEW & UNLISTED USES**

-601 It is recognized that new types of land use will develop and that forms of land use not anticipated will seek to locate in the City. In order to provide for such changes and contingencies a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- a. All questions concerning the classification of new or unlisted uses shall be referred to the City Planning Commission for an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, nature and time of occupancy or operation of the premises, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the requirements for public utilities such as sanitary sewer and water.
- b. The City Plan Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted
- c. The City Plan Commission shall transmit its findings and recommendation as to the classification of any new or unlisted use to the City Council who may by resolution approve the recommendation of the City Plan Commission or make such determination concerning the classification of such use as it determines appropriate.
- d. A revised use list including all additions made to the uses permitted in the several zoning classifications shall be published periodically.

## **700 - VARIANCE OF MINIMUM MASONRY REQUIREMENTS**

-701 The City Council may, after public hearing and recommendation by the City Planning and Zoning Commission, and after conducting a public hearing as is required for all amendments to the zoning ordinance authorize for specific single family dwellings a variance from the minimum masonry requirements as set forth in the applicable zoning district in which a new home is to be constructed or reconstructed as a result of fire, windstorm, or other total destruction.

-702 In considering and determining its recommendation to the City Council relative to any such variance, the Planning and Zoning Commission may require that the applicant furnish plans and data concerning the proposed variance and shall make its determination of granting or denying such application upon the overall aesthetics of the proposed variance, its effect on the neighborhood, and its effect on surrounding property values and conservation of values.

-703

The City Council may in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

# PART III

# SECTION 11

## DEVELOPMENT REQUIREMENTS

- 110 ANY USE HEREAFTER PLACED ON LAND AND ANY BUILDING OR STRUCTURE HEREAFTER ERECTED, ALTERED OR CONVERTED IN THE CITY OF ARANSAS PASS, TEXAS, SHALL COMPLY WITH THE DEVELOPMENT REQUIREMENTS SPECIFIED IN THE ZONING DISTRICT IN WHICH IT IS LOCATED.
- 120 GENERAL PROVISIONS
- 121 A lot having less area width or depth than herein required which was an official “lot of record” prior to the adoption of this ordinance may be used for a one-family dwelling.
- 122 No lot existing at the time of passage of this ordinance shall be reduced in area width or depth below the minimum requirements set forth herein.
- 123 A lot of record reduced in size to less than herein required by reason of the widening of an abutting street by the City or other governmental agency may be used for a one-family dwelling. In such instances, the minimum lot area width and depth requirements shall be computed on the basis of the original lot size prior to the street widening.
- 124 Fences, walls, foliage, signs, poles, and other fixed or moveable objects shall not be permitted which are deemed by the City Planning Commission after a recommendation from the Police Department to constitute a hazard by virtue of impairing sight distance along a curve in a street or at the intersection of streets.
- 125 No building or structure housing livestock shall be located nearer than one hundred (100) feet to any property line.

## SECTION 11 – AG

### AG - AGRICULTURAL DISTRICT

-100	<u>USES PERMITTED:</u>	Any uses indicated as permitted in this district on the Use Schedule 10-200.
-200	<u>LOT AREA REQUIREMENTS:</u>	
-201	Minimum Lot Area:	2 ½ acres of land for each dwelling unit
-202	Minimum Lot Depth:	200 feet
-203	Minimum Width:	200 feet
-204	Minimum Front Yard:	50 feet
-205	Minimum Side Yard:	10 percent of the width of the lot but not less than 20 feet. No side yard in excess of 50 feet shall be required.
-206	Minimum Rear Yard:	50 feet
-207	Maximum Lot Coverage:	10 percent of area of lot
-208	Maximum Floor Area Ratio:	No requirement
-300	<u>HEIGHT LIMITATIONS:</u>	2 ½ standard stories
-400	<u>OFF STREET PARKING &amp; LOADING</u>	Off street parking & loading shall be provided according to the parking schedule, 12-200.

-500	<u>SPECIAL REQUIREMENTS</u>	
-510	FRONT YARD	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements for the district having the deepest front yard for the entire block.
-511		Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
-512		Where a building line is shown on a plat recorded with County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
-513		The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
-514		Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
-610	SIDE YARD:	On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-AG-916 following.

- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-AG-916 following.
  
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  
- 710 REAR YARD: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite side lot line.
  
- 711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed four (4) feet into the required rear yard.
  
- 810 HEIGHT: Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.
  
- 811 Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
  
- 900 ACCESSORY BUILDING STANDARDS:
  
- 910 Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
  
- 911 Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  
- 912 Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

- 913 Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- 914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- 915 Detached accessory buildings shall not be located nearer than ten (10) feet to a residential structure.
- 916 Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- 917 No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-R16

### R-16 SINGLE-FAMILY DWELLING DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
-201	Minimum Lot Area:	16,000 square feet except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
-202	Minimum Lot Depth:	125 Feet
-203	Minimum Lot Width:	100 Feet
-204	Minimum Front Yard:	35 Feet
-205	Minimum Side Yard:	10% of the width of the lot but not less than 10 feet. No side yard in excess of 15 feet shall be required.
-206	Minimum Rear Yard:	25 Feet
-207	Maximum Lot Coverage:	30% of lot area
-208	Maximum Floor Area Ratio:	No requirement
-209	Minimum Floor Space Required	There shall be living area in each one (1) story dwelling of not less than 1,600 square feet; and in each two (2) story dwelling of not less than 1,800 square feet; and in each two and one half (2 ½) story dwelling of not less than 2,000 square feet; the above mentioned square footage shall be heated and air conditioned living space.
-210	Minimum Masonry Required	Single family residences shall be constructed to the extent that no less than fifty percent (50%) of the front exterior wall shall be constructed of masonry or other similar material. On corner lots the front and side exterior walls facing public

street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet.

- 211 Non-Conforming Dwellings The provisions of subsections 209 and 210 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 209 and 210
- 300 HEIGHT LIMITATIONS: 2 ½ standard stories
- 400 OFF-STREET PARKING & LOADING: Off-street parking & loading shall be provided according to the parking schedule 12-200.
- 500 SPECIAL REQUIREMENTS:
- 510 Front Yard: Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- 511 Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- 512 Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
- 513 The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions

may project into the required front yard for a distance not to exceed four (4) feet.

- 514 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-R16-916 following.
- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-R16-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
- 711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.



No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-R10

### R-10 SINGLE-FAMILY DWELLING DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
-201	Minimum Lot Area:	10,000 square feet except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
-202	Minimum Lot Depth:	120 Feet
-203	Minimum Lot Width:	75 Feet
-204	Minimum Front Yard:	25 Feet
-205	Minimum Side Yard:	10% of the width of the lot but not less than 10 feet. No side yard in excess of 15 feet shall be required.
-206	Minimum Rear Yard:	25 Feet
-207	Maximum Lot Coverage:	30% of lot area
-208	Maximum Floor Area Ratio:	No requirement
-209	Minimum Floor Space Required	There shall be living area in each one (1) story dwelling of not less than 1,600 square feet; and in each two (2) story dwelling of not less than 1,800 square feet; and in each two and one half (2 ½) story dwelling of not less than 2,000 square feet; the above mentioned square footage shall be heated and air conditioned living space.
-210	Minimum Masonry Required	Single family residences shall be constructed to the extent that no less than fifty percent (50%) of the front exterior wall shall be constructed of

masonry or other similar material. On corner lots the front and side exterior walls facing public street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet.

- 211 Non-Conforming Dwellings The provisions of subsections 209 and 210 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 209 and 210
- 300 HEIGHT LIMITATIONS: 2 ½ standard stories
- 400 OFF-STREET PARKING & LOADING: Off-street parking & loading shall be provided according to the parking schedule 12-200.
- 500 SPECIAL REQUIREMENTS:
- 510 Front Yard: Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- 511 Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- 512 Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.

- 513 The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- 514 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-R10-916 following.
- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-R10-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
- 711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other

architectural features projecting not to exceed four (4) feet into the required rear yard.

-810            Height:            Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-811            Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

-900    ACCESSORY BUILDING  
STANDARDS:

-910            Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911            Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

-912            Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

-913            Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.

-914            Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.

-915            Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.

-916            Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other

provision of this section.

-917

No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-R7A

### R-7A SINGLE-FAMILY DWELLING DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
-201	Minimum Lot Area:	7,000 square feet except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
-202	Minimum Lot Depth:	100 Feet
-203	Minimum Lot Width:	50 Feet
-204	Minimum Front Yard:	25 Feet
-205	Minimum Side Yard:	10% of the width of the lot but not less than 6 feet. No side yard in excess of 10 feet shall be required.
-206	Minimum Rear Yard:	25 Feet
-207	Maximum Lot Coverage:	35% of lot area
-208	Maximum Floor Area Ratio:	No requirement
-209	Minimum Floor Space Required	There shall be living area in each one (1) story dwelling of not less than 1,000 square feet; and in each two (2) story dwelling of not less than 1,200 square feet; and in each two and one half (2 ½) story dwelling of not less than 1,400 square feet; the above mentioned square footage shall be heated and air conditioned living space.
-210	Minimum Masonry Required	Single family residences shall be constructed to the extent that no less than fifty percent (50%) of the front exterior wall shall be constructed of

masonry or other similar material. On corner lots the front and side exterior walls facing public street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet.

- 211 Non-Conforming Dwellings The provisions of subsections 209 and 210 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 209 and 210
  
- 300 HEIGHT LIMITATIONS: 2 ½ standard stories
  
- 400 OFF-STREET PARKING & LOADING: Off-street parking & loading shall be provided according to the parking schedule 12-200.
  
- 500 SPECIAL REQUIREMENTS:
  
- 510 Front Yard: Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
  
- 511 Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
  
- 512 Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  
- 513 The front yard shall be measured from the property line to the front face of the building,





No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-R7B

### R-7B SINGLE-FAMILY DWELLING DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
-201	Minimum Lot Area:	7,000 square feet except that a lot having less area which was an official “lot of record” prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
-202	Minimum Lot Depth:	100 Feet
-203	Minimum Lot Width:	50 Feet
-204	Minimum Front Yard:	25 Feet
-205	Minimum Side Yard:	10% of the width of the lot but not less than 6 feet. No side yard in excess of 10 feet shall be required.
-206	Minimum Rear Yard:	25 Feet
-207	Maximum Lot Coverage:	35% of lot area
-208	Maximum Floor Area Ratio:	No requirement
-300	<u>HEIGHT LIMITATIONS:</u>	2 ½ standard stories
-400	<u>OFF-STREET PARKING &amp; LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL REQUIREMENTS:</u>	

- 510 Front Yard: Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- 511 Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- 512 Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
- 513 The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- 514 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-R7B-916 following.

- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-R7B-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
- 711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- 810 Height: Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.
- 811 Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- 900 ACCESSORY BUILDING STANDARDS:
- 910 Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

- 911 Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
- 912 Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
- 913 Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- 914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- 915 Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- 916 Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- 917 No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-D

### D DUPLEX DWELLING DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
-201	Minimum Lot Area:	7,000 square feet of land for each single-family dwelling unit, 3,000 square feet of land for each duplex dwelling unit, except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
-202	Minimum Lot Depth:	100 Feet
-203	Minimum Lot Width:	50 Feet
-204	Minimum Front Yard:	25 Feet
-205	Minimum Side Yard:	10% of the width of the lot but not less than 8 feet. No side yard in excess of 10 feet shall be required.
-206	Minimum Rear Yard:	25 Feet
-207	Maximum Lot Coverage:	40% of lot area
-208	Maximum Floor Area Ratio:	No requirement
-209	Minimum Floor Space Required	There shall be living area in each one (1) story dwelling of not less than 1,600 square feet; and in each two (2) story dwelling of not less than 1,800 square feet; and in each two and one half (2 ½) story dwelling of not less than 2,000 square feet; the above mentioned square footage shall be heated and air conditioned living space.

- 210 Minimum Masonry Required Single family residences shall be constructed to the extent that not less than fifty percent (50%) of the front exterior wall shall be constructed of masonry or other similar material. On corner lots the front and side exterior walls facing public street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet.
- 211 Non-Conforming Dwellings The provisions of subsections 209 and 210 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 209 and 210
- 300 HEIGHT LIMITATIONS: 2 ½ standard stories
- 400 OFF-STREET PARKING & LOADING: Off-street parking & loading shall be provided according to the parking schedule 12-200.
- 500 SPECIAL REQUIREMENTS:
- 510 Front Yard: Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- 511 Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- 512 Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.

- 513 The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- 514 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-D-916 following.
- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-D-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
- 711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory

buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

-810            Height:            Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-811            Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

-900    ACCESSORY BUILDING  
STANDARDS:

-910            Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911            Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

-912            Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

-913            Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.

-914            Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.

-915            Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.

-916            Automobile storage spaces located in the open or in a main or accessory building so as to face

upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

-917

No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-A1

### A-1 APARTMENT DWELLING DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
		a. 7,000 square feet of lot area for a single-family detached residence
		b. 3,000 square feet of lot area for each duplex unit
	Minimum Lot Area: Gross Units per Acre: 17 Net Units per Acre: 10	c. 2,500 square feet of lot area for each single-family attached unit or apartment unit
-202	Minimum Lot Depth:	100 Feet
-203	Minimum Lot Width:	50 feet for single-family detached, duplex or apartment development 25 feet for single-family attached development
-204	Minimum Front Yard:	20 Feet
-205	Minimum Side Yard:	a. 10% of the width of the lot but not less than 5 feet, however, no side yard in excess of 10 feet shall be required for single family detached residential or duplex use.  b. 15 feet for apartment and non-residential uses  c. No requirements for single-family attached residential uses except as noted in 11-A1-610.
-206	Minimum Rear Yard:	25 Feet
-207	Maximum Lot Coverage:	60% of lot area

-208	Maximum Floor Area Ratio:	No requirement
-209	Minimum Floor Space Required	<p>a. Any single family use built in this district shall conform to the requirements specified in Section 11-R7A, subsections 209, 210, and 211 respectively.</p> <p>b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-D, subsections 209, 210, and 211 respectively.</p>
-300	<u>HEIGHT LIMITATIONS:</u>	2 ½ standard stories
-400	<u>OFF-STREET PARKING &amp; LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
-511		Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
-512		Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
-513		The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a

distance not to exceed four (4) feet.

- 514 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-A1-916 following.
- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-A1-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 613 Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- 710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one

side lot line with the mid-point of the opposite lot line.

-711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

-810 Height: Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-811 Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

-900 ACCESSORY BUILDING STANDARDS:

-910 Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911 Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

-912 Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

-913 Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.

-914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.

-915 Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.

-916 Automobile storage spaces located in the open or

in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

-917

No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-A2

### A-2 APARTMENT DWELLING DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
		a. 7,000 square feet of lot area for a single-family detached residence
		b. 3,000 square feet of lot area for each duplex unit
		c. 2,500 square feet of lot area for each single-family attached unit
	Minimum Lot Area: Gross Units per Acre: 29 Net Units per Acre: 17	d. 1,500 square feet of lot area for each apartment unit
-202	Minimum Lot Depth:	100 Feet
-203	Minimum Lot Width:	50 feet for single-family detached, duplex or apartment development 25 feet for single-family attached development
-204	Minimum Front Yard:	20 Feet
-205	Minimum Side Yard:	a. 10% of the width of the lot but not less than 5 feet, however, no side yard in excess of 10 feet shall be required for single family detached residential or duplex uses.  b. 15 feet for apartment and non-residential uses  c. No requirements for single-family attached residential uses except as noted in 11-A1-610.
-206	Minimum Rear Yard:	25 Feet
-207	Maximum Lot Coverage:	60% of lot area

-208	Maximum Floor Area Ratio:	No requirement
-209	Minimum Floor Space Required	<p>a. Any single family use built in this district shall conform to the requirements specified in Section 11-R7A, subsections 209, 210, and 211 respectively.</p> <p>b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-D, subsections 209, 210, and 211 respectively.</p>
-300	<u>HEIGHT LIMITATIONS:</u>	2 ½ standard stories
-400	<u>OFF-STREET PARKING &amp; LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
-511		Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
-512		Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.

- 513 The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- 514 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-A2-916 following.
- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-A2-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 613 Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a

minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.

-710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.

-711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

-810 Height: Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-811 Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

-900 ACCESSORY BUILDING STANDARDS:

-910 Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911 Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

- 912 Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
- 913 Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- 914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- 915 Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- 916 Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- 917 No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-A3

### A-3 APARTMENT DWELLING DISTRICT

- 100      USES PERMITTED:      Any use indicated as permitted in this district on the Use Schedule 10-200
- 200      LOT AREA REQUIREMENTS:
- a. 7,000 square feet of lot area for a single-family detached residence
  - b. 3,000 square feet of lot area for each duplex unit
  - c. 2,500 square feet of lot area for each single-family attached unit
  - d. 750 square feet of lot area for each apartment unit
  - e. Except that a lot having less area which was an official “lot of record” prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
- Minimum Lot Area:  
Gross Units per Acre:  
58  
Net Units per Acre: 34
- 202      Minimum Lot Depth:      100 Feet
- 203      Minimum Lot Width:      a. 50 feet for single-family detached, duplex or apartment development
- b. 25 feet for single-family attached development
- 204      Minimum Front Yard:      10 Feet
- Any portion of a structure above a height of forty (40) feet shall be set back one (1) foot for each two (2) feet in height above forty (40) feet. No front setback in excess of one hundred (100) feet from the opposite street right-of-way line shall be

		required.
-205	Minimum Side Yard:	<ul style="list-style-type: none"> <li>a. 10% of the width of the lot but not less than 5 feet, however, no side yard in excess of 10 feet shall be required for single family detached residential or duplex uses.</li> <li>b. Apartment side yard setback shall be ten (10) feet plus one (1) additional foot setback for each two (2) feet of building height above 28.75 feet if adjoining property is zoned under any apartment or non-residential district. If adjoining property or property immediately across the street is zoned duplex, single-family or agriculture, the side yard setback shall be ten (10) feet plus two (2) feet additional for each one (1) foot of height above 28.75 feet for apartment development. No side yard shall be required in excess of fifty (50) feet.</li> <li>c. No requirements for single-family attached residential uses except as noted in 11-A3-610.</li> </ul>
-206	Minimum Rear Yard:	<ul style="list-style-type: none"> <li>a. 25 feet for single-family, duplex or non-residential use.</li> <li>b. 15 feet plus one (1) additional foot for each two (2) feet of height above 28.75 feet for apartment development, if adjoining property is zoned in an apartment or non-residential zoning district. If adjoining property is in a duplex, single-family, or agricultural zoning district, a rear yard of fifteen (15) feet plus two (2) feet of additional setback for each one (1) foot of height above 28.75 feet shall be required. No rear yard in excess of fifty (50) feet shall be required.</li> </ul>
-207	Maximum Lot Coverage:	60% of lot area
-208	Maximum Floor Area Ratio:	4:1
-209	Minimum Floor Space Required	<ul style="list-style-type: none"> <li>a. Any single family use built in this district shall conform to the requirements specified in Section 11-R7A, subsections 209, 210, and 211 respectively.</li> </ul>

b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-D, subsections 209, 210, and 211 respectively.

- 300 HEIGHT LIMITATIONS: Height limitations according to adopted building code
- 400 OFF-STREET PARKING & LOADING: Off-street parking & loading shall be provided according to the parking schedule 12-200.
- 500 SPECIAL REQUIREMENTS:
- 510 Front Yard: Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- 511 Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- 512 Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
- 513 The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- 514 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or

by ordinance in which event only one required front yard need be observed.

- 610            Side Yard:            On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-A3-916 following.
- 611            Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-A3-916 following.
- 612            Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 613            Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- 710            Rear Yard:            No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
- 711            Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other

architectural features projecting not to exceed four (4) feet into the required rear yard.

-810            Height:            Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-900    ACCESSORY BUILDING STANDARDS:

-910            Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911            Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

-912            Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

-913            Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.

-914            Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.

-915            Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.

-916            Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

-917            No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.



feet shall be required for single-family detached residential or duplex uses.

- b. Fifteen (15) feet for apartment and nonresidential uses
- c. No requirements for single-family attached residential uses except as noted in 11-NS-610.

-207	Minimum Rear Yard:	a. 25 feet
-208	Maximum Lot overage:	60% of lot area
-209	Maximum Floor Area Ratio:	No requirements
-210	Minimum Floor Space Required	<ul style="list-style-type: none"><li>a. Any single family use built in this district shall conform to the requirements specified in Section 11-R7A, subsections 209, 210, and 211 respectively.</li><li>b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-D, subsections 209, 210, and 211 respectively.</li></ul>
-250	<u>B. NON-RESIDENTIAL USES:</u>	
-251	MINIMUM LOT AREA:	No requirements
-252	MINIMUM LOT DEPTH	No requirements
-253	MINIMUM LOT WIDTH:	No requirements
-254	MINIMUM FRONT YARD:	25 Feet
-255	MINIMUM SIDE YARD:	None required except as noted in 11-NS-610 – 11-NS-614.
-256	MINIMUM REAR YARD:	25 Feet

-257	MAXIMUM LOT COVERAGES:	60% of lot area
-258	MAXIMUM FLOOR AREA RATIO:	No requirements
-300	<u>HEIGHT LIMITATIONS:</u>	2 ½ standard stories
-400	<u>OFF-STREET PARKING &amp; LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
-511		Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
-512		Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
-513		The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
-514		Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat



side lot line with the mid-point of the opposite lot line.

-711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

-810 Height: Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-811 Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

-900 ACCESSORY BUILDING STANDARDS:

-910 Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911 Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

-912 Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

-913 Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.

-914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.

-915 Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.

-916 Automobile storage spaces located in the open or

in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

-917

No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-SC

### SC SHOPPING CENTER DISTRICT

- 100      USES PERMITTED:      Any use indicated as permitted in this district on the Use Schedule 10-200
- 200      LOT AREA REQUIREMENTS:
- 201      A. RESIDENTIAL USES
- 202      Minimum Lot Area:      a. 7,000 square feet of lot area for a single-family detached residence  
b. 3,000 square feet of lot area for each duplex unit  
c. 2,500 square feet of lot area for each single-family attached unit  
d. 1,500 square feet of lot area for each apartment unit  
e. Except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
- 203      Minimum Lot Depth:      100 Feet
- 204      Minimum Lot Width:      a. 60 feet for single-family detached, duplex or apartment development  
b. 25 feet for single-family attached
- 205      Minimum Front Yard:      25 Feet
- 206      Minimum Side Yard:      a. 10% of the width of the lot but not less than 5 feet, however, no side yard in excess of 10 feet shall be required for single-family detached residential or duplex uses.

		b. Fifteen (15) feet for apartment and non-residential uses.
		c. No requirements for single-family attached residential uses except as noted in 11-SC-610.
-207	Minimum Rear Yard:	a. 25 feet
-208	Maximum Lot Coverage:	60% of lot area
-209	Maximum Floor Area Ratio:	No requirements
-210	Minimum Floor Space Required	a. Any single family use built in this district shall conform to the requirements specified in Section 11-R7A, subsections 209, 210, and 211 respectively.  b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-D, subsections 209, 210, and 211 respectively.
-250	<u>B. NON-RESIDENTIAL USES:</u>	
-251	MINIMUM LOT AREA:	No requirements
-252	MINIMUM LOT DEPTH	No requirements
-253	MINIMUM LOT WIDTH:	No requirements
-254	MINIMUM FRONT YARD:	60 Feet
-255	MINIMUM SIDE YARD:	None required except as noted in 11-SC-610 – 11-SC-614.
-256	MINIMUM REAR YARD:	20 Feet
-257	MAXIMUM LOT COVERAGE:	60% of lot area

-258	MAXIMUM FLOOR AREA RATIO:	1:1
-300	<u>HEIGHT</u> <u>LIMITATIONS:</u>	2 ½ standard stories
-400	<u>OFF-STREET</u> <u>PARKING &amp;</u> <u>LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL</u> <u>REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
-511		Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
-512		Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
-513		The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
-514		Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the

street centerline.

- 515 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-SC-916 following.
- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-SC-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 613 Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- 614 For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to

such residential district and except as provided in 11-SC-610.

-710           Rear Yard:           No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.

-711   Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

-810           Height:               Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-811   Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

-900           ACCESSORY  
BUILDING  
STANDARDS:

-910   Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911   Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

-912   Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

-913   Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a

side lot line along a side street.

- 914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- 915 Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- 916 Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- 917 No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.



detached residential or duplex uses.

- b. Fifteen (15) feet for apartment.
- c. No requirements for single-family attached residential uses except as noted in 11-GB-610.

-207	Minimum Rear Yard:	a. 25 feet
-208	Maximum Lot Coverage:	60% of lot area
-209	Maximum Floor Area Ratio:	No requirements
-210	Minimum Floor Space Required	<ul style="list-style-type: none"><li>a. Any single family use built in this district shall conform to the requirements specified in Section 11-R7A, subsections 209, 210, and 211 respectively.</li><li>b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-D, subsections 209, 210, and 211 respectively.</li></ul>
-250	<u>B. NON-RESIDENTIAL USES:</u>	
-251	MINIMUM LOT AREA:	No requirements
-252	MINIMUM LOT DEPTH	No requirements
-253	MINIMUM LOT WIDTH:	No requirements
-254	MINIMUM FRONT YARD:	25 Feet
-255	MINIMUM SIDE YARD:	None required except as noted in 11-GB-610 – 11-GB-614.
-256	MINIMUM REAR YARD:	25 Feet
-257	MAXIMUM LOT COVERAGE:	60%

-258	MAXIMUM FLOOR AREA RATIO:	No requirements
-300	<u>HEIGHT LIMITATIONS:</u>	Height limitations according to adopted building code
-400	<u>OFF-STREET PARKING &amp; LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
-511		Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
-512		Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
-513		The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
-514		Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the

street center line.

- 515 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-GB-916 following.
- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-GB-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 613 Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- 614 For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary

line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in 11-SC-610.

-710           Rear Yard:           No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.

-711                                   Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

-810           Height:               Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-900           ACCESSORY  
BUILDING  
STANDARDS:

-910                                   Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911                                   Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

-912                                   Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

-913                                   Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.

- 914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- 915 Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- 916 Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- 917 No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.



for each two (2) feet in height above forty (40) feet. No front setback in excess of one hundred (100) feet from the opposite street right-of-way line shall be required.

- |      |                           |  |
|------|---------------------------|--|
| -206 | Minimum Side Yard:        | <ul style="list-style-type: none"><li>a. 10% of the width of the lot but not less than 5 feet, however, no side yard in excess of 10 feet shall be required for single-family detached residential or duplex uses.</li><li>b. For apartment uses, one (1) foot setback for each two (2) feet of building height above forty (40) feet if adjoining property is zoned A-3 or under any non-residential district. If adjoining property or property immediately across the street is zoned duplex, single-family or Apartment 1 or 2, the side yard setback shall be ten (10) feet plus two (2) feet additional for each one (1) foot of height above 28.75 feet for apartment development. No side yard shall be required in excess of fifty (50) feet.</li><li>c. No requirements for single-family attached residential uses.</li></ul> |
| -207 | Minimum Rear Yard:        | <ul style="list-style-type: none"><li>a. 25 feet for single-family or duplex use.</li><li>b. One (1) foot for each two (2) feet of height above forty (40) feet for apartment development if adjoining property is in an A-3 or non-residential zoning district. If adjoining property or property across an alley is in a duplex, single family or apartment 1 or 2 zoning district, a rear yard of fifteen (15) feet plus two (2) feet of additional setback for each one (1) foot of height above 28.75 feet shall be required. No rear yard in excess of fifty (50) feet shall be required.</li></ul>  |
| -208 | Maximum Lot Coverage:     | 100% of lot area   |
| -209 | Maximum Floor Area Ratio: | 6:1  |

-210	Minimum Floor Space Required	<p>a. Any single family use built in this district shall conform to the requirements specified in Section 11-R7A, subsections 209, 210, and 211 respectively.</p> <p>b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-D, subsections 209, 210, and 211 respectively.</p>
-250	<u>B. NON-RESIDENTIAL USES:</u>	
-251	MINIMUM LOT AREA:	No requirements
-252	MINIMUM LOT DEPTH	No requirements
-253	MINIMUM LOT WIDTH:	No requirements
-254	MINIMUM FRONT YARD:	<p>a. No requirements for structures forty (40) feet or less in height.</p> <p>b. Any portion of a structure above a height of forty (40) feet shall be set back one (1) foot for each two (2) feet in height above forty (40) feet. No front setback in excess of one hundred (100) feet from the opposite street right-of-way line shall be required.</p>
-255	MINIMUM SIDE YARD:	One (1) foot setback for each two (2) feet of building height above forty (40) feet if adjoining property is zoned A-3 under any non-residential district. If adjoining property or property immediately across the street is zoned duplex, single-family or apartment 1 or 2, the side yard setback shall be ten (10) feet plus two (2) feet additional for each one (1) foot of height above 28.75 feet. No side yard shall be required in excess of fifty (50) feet
-256	MINIMUM REAR YARD:	One (1) foot for each two (2) feet of height above forty (40) feet for apartment development if adjoining property is in an A-3 or non-residential zoning district. If adjoining property or property across an alley is in a duplex, single family or apartment 1 or 2 zoning district, a rear yard of fifteen (15) feet plus two (2) feet of

additional setback for each one (1) foot of height above 28.75 feet shall be required. No rear yard in excess of fifty (50) feet shall be required.

-257	MAXIMUM LOT COVERAGE:	100% of lot area
-258	MAXIMUM FLOOR AREA RATIO:	10:1
-300	<u>HEIGHT LIMITATIONS:</u>	Height limitations according to adopted building code
-400	<u>OFF-STREET PARKING &amp; LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
-511		Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
-512		Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
-513		The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a

distance not to exceed four (4) feet.

- 514 Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the street center line.
- 515 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- 611 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 612 For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in 11-CA-610.
- 710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of

the opposite lot line.

-711 No rear yard is specified for non-residential uses except that where a non-residential use backs upon a common district boundary line, whether separated by an alley or not, dividing this district from any residential district, a minimum rear yard of fifteen (15) feet shall be provided for the non-residential use.

-712 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

-810 Height: Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-900 ACCESSORY BUILDING STANDARDS:

-910 Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

-911 Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.

-912 Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

-913 Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.

-914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.

-915 Detached accessory building shall not be located nearer than ten (10) feet to a residential

structure.

-916

Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

-917

No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.



detached residential or duplex uses.

- b. Fifteen (15) feet for apartment and non-residential uses.
- c. No requirements for single-family attached residential uses except as noted in 11-HC-610.

-207	Minimum Rear Yard:	25 feet
-208	Maximum Lot Coverage:	60% of lot area
-209	Maximum Floor Area Ratio:	No requirements
-210	Minimum Floor Space Required	A. Any single family use built in this district shall conform to the requirements specified in Section 11-R7A, subsections 209, 210, and 211 respectively.  B. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-D, subsections 209, 210, and 211 respectively.
-250	<u>B. NON-RESIDENTIAL USES:</u>	
-251	MINIMUM LOT AREA:	No requirements
-252	MINIMUM LOT DEPTH	No requirements
-253	MINIMUM LOT WIDTH:	No requirements
-254	MINIMUM FRONT YARD:	20 Feet
-255	MINIMUM SIDE YARD:	None required except as noted in 11-HC-610 – 11-HC-614.
-256	MINIMUM REAR YARD:	None required except as noted in 11-HC-711.
-257	MAXIMUM LOT COVERAGE:	80%

-258	MAXIMUM FLOOR AREA RATIO:	4:1
-300	<u>HEIGHT</u> <u>LIMITATIONS:</u>	4 standard stories
-400	<u>OFF-STREET</u> <u>PARKING &amp;</u> <u>LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL</u> <u>REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
-511		Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
-512		Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
-513		The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
-514		Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the

street center line.

- 515 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-HC-916 following.
- 611 Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in 11-HC-916 following.
- 612 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 613 Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- 614 For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side



- 913 Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- 914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- 915 Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- 916 Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- 917 No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-LI

### LI LIGHT INDUSTRIAL DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
-201	Minimum Lot Area:	No requirements
-202	Minimum Lot Depth:	No requirements
-203	Minimum Lot Width:	No requirements
-204	Minimum Front Yard:	25 Feet
-205	Minimum Side Yard:	None required except as noted in 11-LI-610 and 11-LI-612
-206	Minimum Rear Yard:	No requirements except as noted in 11-LI-711
-207	Maximum Lot Coverage:	100% of lot area
-208	Maximum Floor Area Ratio:	4:1
-300	<u>HEIGHT LIMITATIONS:</u>	Height limitations according to adopted building code
-400	<u>OFF-STREET PARKING &amp; LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.

- 511 Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- 512 Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
- 513 The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- 514 Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the street center line.
- 515 Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
- 610 Side Yard: On a corner lot, the side yard adjacent to a side street shall not be less than twenty (20) feet except that on such lots which were lots of record prior to date of adoption of this ordinance, the side yard adjacent to the street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in 11-LI-916 following.
- 611 Every part of a required side yard shall be open and unobstructed except for accessory buildings

as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.

-612 For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in 11-LI-610.

-710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.

-711 No rear yard is specified for non-residential uses except that where a non-residential use backs upon a common district boundary line, whether separated by an alley or not, dividing this district from any residential district, a minimum rear yard of fifteen (15) feet shall be provided for the non-residential use.

-712 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

-810 Height: Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-900 ACCESSORY  
BUILDING  
STANDARDS:

-910 Accessory uses located in the main building or in structures attached to the main building shall

observe the same front, side and rear yard requirements as are specified for the main building.

- 911 Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
- 912 Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
- 913 Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- 914 Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- 915 Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- 916 Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- 917 No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## SECTION 11-HI

### HI HEAVY INDUSTRIAL DISTRICT

-100	<u>USES PERMITTED:</u>	Any use indicated as permitted in this district on the Use Schedule 10-200
-200	<u>LOT AREA REQUIREMENTS:</u>	
-201	Minimum Lot Area:	No requirements
-202	Minimum Lot Depth:	No requirements
-203	Minimum Lot Width:	No requirements
-204	Minimum Front Yard:	20 Feet
-205	Minimum Side Yard:	None required except as noted in 11-HI-610 and 11-HI-612
-206	Minimum Rear Yard:	No requirements except as noted in 11-HI-712
-207	Maximum Lot Coverage:	100%
-208	Maximum Floor Area Ratio:	6:1
-300	<u>HEIGHT LIMITATIONS:</u>	Height limitations according to adopted building code
-400	<u>OFF-STREET PARKING &amp; LOADING:</u>	Off-street parking & loading shall be provided according to the parking schedule 12-200.
-500	<u>SPECIAL REQUIREMENTS:</u>	
-510	Front Yard:	Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.



- 611 Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- 612 For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in 11-HI-610.
- 710 Rear Yard: No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
- 711 Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- 712 No rear yard is specified for non-residential uses except that where a non-residential use backs upon a common district boundary line, whether separated by an alley or not, dividing this district from any residential district, a minimum rear yard of fifteen (15) feet shall be provided for the non-residential use.
- 810 Height: Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.

-900            ACCESSORY  
BUILDING  
STANDARDS:

- 910            Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- 911            Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
- 912            Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
- 913            Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- 914            Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- 915            Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- 916            Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- 917            No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.

## **SECTION 11-PD**

### **PD PLANNED DEVELOPMENT DISTRICT**

- 100 The purpose of this district is to accommodate planned associations of uses developed as integral land use units such as industrial parks or industrial districts, office, commercial or service centers, shipping centers, residential developments of multiple or mixed housing, or any appropriate combination of uses which may be planned, developed and operated as integral land use units either by a single owner or combination of owners.
- 200 APPLICATION
- 201 An application for a Planned Development District may be made to the City Plan Commission in the same manner that an application for any amendment to the zoning ordinance is made. Applications for approval of a Planned Development District shall be processed according to the procedure specified in Section 19 and a site plane and related data shall be submitted for approval in accordance with the requirements of 11-PD-500 and 11-PD-600.
- 202 The City Council, after public hearing and proper notice to all parties affected and after recommendation by the City Plan Commission, may authorize the creation of a Planned Development District on sites of five (5) acres or more to accommodate various types of developments and combinations of developments.
- 300 USES PERMITTED
- 301 A Planned Development District may be approved for any use or combination of uses listed in the Use Schedule 10-200, shown under PD District. The uses permitted in any specific Planned Development District shall be enumerated in the ordinance establishing such district.
- 400 HEIGHT, FLOOR-AREA RATIO, DENSITY, AND PARKING AND LOADING STANDARDS
- 401 The maximum height, lot width, lot depth, floor-area ratio and lot area, and the minimum off-street parking and loading requirements for uses proposed shall be established for each Planned Development District, and such standards and requirements shall comply with or be more restrictive than the standards established in the following districts for the specified type uses:

MAXIMUM HEIGHT, LOT WIDTH, LOT DEPTH, FLOOR-AREA RATIO OR LOT AREA AND MINIMUM OFF-STREET PARKING AND LOADING STANDARDS SHALL BE ESTABLISHED BY THE FOLLOWING: \_\_\_\_\_

GENERAL USE CATEGORY

Residential	A-3
Retail and Personal Service Uses	SC
Office	SC
Industrial or Manufacturing	LI
Commercial Services	HC

-500 PROCEDURE FOR ESTABLISHING STANDARDS

-501 In approving the development plan and the ordinance establishing the Planned Development District, the City Council shall, after recommendation by the City Plan Commission, specify such maximum height, floor-area ratio, density and minimum off-street parking and loading standards within the limits of those specified in the districts listed for the specific uses involved as is appropriate for the development. The Council shall, after receiving the recommendation of the City Plan Commission, establish the standards for yards, signs, building spacing, site coverage, access, screening walls or landscaping, building area, open space, pedestrian ways, public or private streets and alleys to be observed in a Planned Development District and such standards shall be specified in the ordinance establishing the district.

-600 DEVELOPMENT SCHEDULE

-601 An application for a Planned Development District shall, if the applicant desires or the City Plan Commission or City Council requires, be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The 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 his successors in interest.

-602 Annually, where a development schedule has been required, the Building Inspector shall report to the City Plan Commission the actual development accomplished in the various Planned Development Districts as compared with the development schedule.

-603 The City Plan Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings under Section 19 to amend the Zoning District Map or the Planned Development District by removing all or part of the Planned Development District from the Zoning District Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the City Plan Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

-700 DEVELOPMENT PLAN REQUIRED

-701 An application for a Planned Development District shall include and be accompanied by a development plan which shall become a part of the amending ordinance and shall be referenced on the Zoning District Map. Changes in the development plan shall be considered the same as changes in the Zoning District Map and shall be processed as required in Section 19, except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor-area ratio, height or coverage of the site, or which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site as indicated on the approved development plan may be authorized by the Director of Planning and Zoning. Any applicant may appeal the decision of the Director of Planning and Zoning to the City Plan Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

-702 The Development Plan Shall Include:

- a. A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for education or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited.
- b. Where multiple types of land use are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.
- c. Where building complexes are proposed, a plot plan showing the location of building site and the minimum distance between building sites and between building sites and the property line, street line and/or alley line shall be submitted. For buildings more than one (1) story in height, except single family and two family residences, elevations and/or perspective drawings may be required in order that the relationship of the buildings sites to adjacent property may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light and air.

- d. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site.
- e. A designation of the maximum building coverage of the site shall be indicated upon the site plan.
- f. Screening and landscaping plan shall be required where such treatment is essential to the proper arrangements of the development in relation to adjacent property. Such plan shall, when required, include screening walls, ornamental planting, playgrounds, wooded areas to be retained, lawns and gardens if such are determined to be necessary by the City Council.
- g. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the Director of Planning and Zoning and interpretation by the Building Inspector.

-800 Every Planned Development District approved under the provisions of this ordinance shall be considered as an amendment to the zoning ordinance as applicable to the property involved. In carrying out the development of a Planned Development District, the development conditions and the development schedule, if required, shall be complied with and such conditions as are specified for the development of a Planned Development shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy and compliance as required by Section 17.

# SECTION 11-MH

## MH MANUFACTURED HOME DISTRICT

- 100 The manufactured home is recognized as a special form of housing and is therefore subject to the specific and special standards as herein provided.
- 200 TYPES OF MANUFACTURED HOMES
- 201 Two types of Manufactured Homes are recognized by this ordinance as follows:
- A. Manufactured Homes, hereinafter sometimes referred to as MH, as defined in Section 20-159
  - B. Recreational Vehicle, hereinafter sometimes referred to as RV, as defined in Section 20-148
- 202 TYPES OF MANUFACTURED HOME DEVELOPMENT
- Four types of Manufactured Home Development are provided for by this ordinance as follows:
- A. A Manufactured Home Park is a unified development of Manufactured Home sites, plats or transient stands arranged on a large tract under single ownership.
  - B. A Manufactured Home Subdivision shown on a subdivision plat approved by the City Planning Commission and filed for record designed specifically for MH development
  - C. A Recreational Vehicle Park – same as “A” above.
  - D. A Recreational Vehicle Subdivision – same as “B” above.
- 300 APPLICATION
- 301 Prior to issuance of any building permit for a Manufactured Home or Recreational Vehicle Park a site plan shall be approved by the City Planning Commission and City Council.
- 302 Prior to issuance of any building permit on a Manufactured Home or Recreational Vehicle Subdivision, such subdivision shall be approved by the City Planning Commission and City Council and shall comply with the normal requirements for platting and with the provisions of this ordinance.

-303 Once approved, Manufactured Homes, Parks and Subdivisions and Recreational Vehicle Parks and Subdivisions must comply with City's Subdivision Ordinance regarding street standards, drainage, utilities, etc.

-400 USES PERMITTED

-401 The uses designated as permitted in the Manufactured Home District in Section 10-200 shall be permitted in a Manufactured Home and RV Park. In addition to such uses a caretaker's home and office shall be permitted, but only one such facility shall be permitted for each Manufactured Home and Recreational Vehicle Park development, except as otherwise provided in Section 11-902 hereof.

-402 Only the uses designated as permitted in the MH District in Section 10-200 shall be permitted in the MH and RV Subdivision.

-500 MANUFACTURED HOME AND RECREATIONAL VEHICLE DEVELOPMENT STANDARDS

-501 No MH, RV or other structure permitted in the MH District may be erected, altered, placed, moved or converted on any lot or tract unless it is in conformity with all minimum area regulations specified in this subsection.

-502		<u>Manufactured</u>	<u>Home</u>	<u>Manufactured</u>	<u>Home</u>
		<u>Park</u>		<u>Subdivision</u>	
	Minimum Lot Area		4,500 sq. ft.		4,500 sq. ft.
	Lot Width		45 ft.		45 ft.
	Lot Depth		100 ft.		100 ft.
	Front Yard		10 ft.		20 ft.
	Side Yard		10 ft.		10 ft.
	Rear Yard		10 ft.		10 ft.
	Coverage		30%		30%
	Off-Street Parking	See Sec. 12-200		See Sec. 12-200	

-503 LOT PROVISIONS FOR DOUBLE WIDE MANUFACTURED HOMES

	Minimum Lot Area		5,600 sq. ft.		5,600 sq. ft.
	Lot Width		80 ft.		80 ft.
	Lot Depth		70 ft.		70 ft.
	Front Yard		10 ft.		20 ft.
	Side Yard		10 ft.		10 ft.
	Rear Yard		10 ft.		10 ft.
	Coverage		30%		30%
	Off-Street Parking	Same as 502		Same as 502	

-504		<u>Recreational</u>	<u>Vehicle</u>	<u>Recreational</u>	<u>Vehicle</u>
		<u>Park</u>		<u>Subdivision</u>	
	Minimum Lot Area		1,375 sq. ft.		2,100 sq. ft.
	Lot Width		25 ft.		35 ft.
	Lot Depth		55 ft.		60 ft.
	Front Yard		10 ft.		10 ft.

Side Yard		5 ft.	10 ft.
Rear Yard		3 ft.	7.5 ft.
Off-Street Parking	Same as 502	Same as 502	

- 505 MH or RV structures may be situated on lots so that there is a 3 ft. side yard to one side and 10 ft. side yard on the other side. However, systematic uniformity is required throughout the development i.e., all structures must be to same side of lot throughout subdivision. In the event this method is used, the 10 ft. side yard must remain free and unobstructed and may not be improved except for landscaping with natural vegetation (i.e., grass, trees, shrubs). Absolutely no asphalt, concrete, etc.
- 506 The tongue or towing device of a structure shall not be included in determining the structure's length dimension.
- 507 It is recognized by this ordinance that some RV structures are modified versions and have tip-outs, tilt-outs or slide-outs which enlarge the width of the structure when activated. (The parked dimension is larger than the traveling dimension). In the case of such structures, lot requirements outlined in Section 504 shall be complied with and moveable portions of the RV shall not infringe upon the side yard setback requirements or percentage coverage requirements, nor shall it cause any obstruction, i.e., movement of storage building, car, boat, etc., into the side yard setback.
- 508 Developers shall designate parts of development by name listed on plat plan (i.e., Manufactured Home Subdivision, Manufactured Home Park, Recreational Vehicle Subdivision, Recreational Vehicle Park).
- 509 A RV Park or Subdivisions shall not be permitted on less than five (5) acres of property.
- 510 A MH Park or Subdivision shall not be permitted on less than five (5) acres of property.
- 600 SINGLE FAMILY DEVELOPMENT STANDARDS
- 601 For any Single Family Dwelling other than a Manufactured Home and for any Single Family Dwelling other than for Manufactured Homes in the MH District see Section 10-200 Schedule of Uses.
- 602 Sanitation, fire protection and utility services shall be provided to each lot, tract, plot or stand in the MH or RV developments in accordance with the City Health Department requirements or any ordinances or codes of the City regulating sanitation, fire protection and utility service to MH or RV developments.
- 603 Open playground space within the MH Park or Subdivision shall be provided at a ratio of 250 sq. ft. for each of the first twenty (20) units provided and at a ratio of 125 sq. ft. for each additional unit spaces provided. RV Parks and Subdivisions shall provide open playground space of not less than ten percent (10%) of the total square footage of the RV Park or Subdivision.

- 604 Street and drive surfacing, drainage and garbage collection right-of-ways, fire lanes and utility easements shall be provided as may be required by the City.
- 700 DEFINITIONS – See Section 20
- 800 SITE REQUIREMENTS
- 801 All setback requirements shall be free and unobstructed except for normal vegetation including trees, shrubbery, etc. Improvements such as asphalt, concrete, etc., shall not be permitted in easement areas, the 10 ft. side yard of MH parks and subdivisions, or in the 7 ft. side yard of RV subdivisions when lot offset method is used. (Refer to Section 11-505).
- 802 When the offset method is used in the MH and RV park or subdivision, the three (3) ft. lot line may contain air conditioning equipment and also one set of steps at the rear door for emergency egress. The steps may not be wider than five (5) feet.
- 900 GENERAL PROVISIONS
- 901 Carports shall not be included as coverage in MH District. Carports in MH or RV Districts must have two sides open and may not be enclosed at any time. Construction of carports must comply with all applicable City codes. At no time shall carports, or any portion thereof, be constructed in any setback area.
- 902 A community or activity building may be constructed for use as a meeting hall, washateria, mailbox area, office, etc. Such building shall comply with all applicable City codes. At no time shall such building be used as a dwelling.
- 903 Portable or accessory buildings shall be permitted, however, said buildings shall be included in percentage coverage computation. Utilities may be connected to such building. At no time may said building be altered to be used as a dwelling unit either temporary or permanent. (See definition of dwelling unit in Section 20-120)
- 904 For purposes of this ordinance there shall be one single family dwelling unit or RV per lot and the dwelling or RV shall comply with the development standards outlined in Section 11-MH-500. Multiple lots may be purchased and replatted to make one large lot. However, until a replat is approved and accepted by the City Planning Commission and City Council, placement of MH or RV on said lots must comply with 11-MH-500. Once a replat is accepted and approved it may not be subdivided again.
- 905 An RV (as defined in Section 20-148) may be placed in a MH park or subdivision, however, a MH is not allowed in a RV park subdivision.

-906 Restroom facilities shall be required in RV Parks and RV Subdivisions. Restroom facilities are defined as a separate unit for male and female person, which shall consist of a commode, shower and lavatory for each sex. The term means unit for both sexes and pair of units constitutes one restroom facility. The number of restroom facilities required shall be determined by the following scale:

1 – 20 spaces	1 restroom facility
20 – 50 spaces	2 restroom facilities
50 – 100 spaces	3 restroom facilities
100 – 200 spaces	4 restroom facilities
1 restroom facility per 100 spaces thereafter	

-908 Utility easements may not be infringed upon by improvements of any type, but may be used in satisfying setback requirements.

-1000 NON-CONFORMING USE

All Mobile Home Parks or Subdivisions and all Recreational Vehicle Parks or Subdivisions in existence on the effective date hereof which have been duly permitted and approved prior to such date shall be deemed to be in compliance herewith, provided however, that all terms, requirements and provisions of this ordinance shall be applicable to any extension, alteration or addition to such pre-existing park or subdivision.

-1100 PERMIT REQUIRED

Any person seeking to alter or expand a Mobile Home Park or Subdivision or Recreational Vehicle Park or Subdivision or construct a new Park or Subdivision under the provisions hereof shall obtain a written permit from the City Building Inspector of the City of Aransas Pass for the specific purposes proposed and shall comply with Sections 301 through 303 hereof.

## SECTION 12

### OFF-STREET PARKING REQUIREMENTS

- 100 TO SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGERS; TO LESSEN CONGESTION IN THE STREETS; TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION; TO CONSERVE THE VALUE OF BUILDINGS; AND TO ENCOURAGE THE MOST APPROPRIATE USE OF LAND, MINIMUM OFF-STREET PARKING AND LOADING SHALL BE PROVIDED AS SET FORTH IN THE FOLLOWING SCHEDULES AND PROVISIONS.
  
- 110 STANDARD PARKING SPACE: 10' X 20'
  
- 200 SCHEDULES OF MINIMUM OFF-STREET PARKING AND LOADING
  
- 210 SCHEDULE OF MINIMUM OFF-STREET PARKING FOR SPECIFIED USES – ALL DISTRICTS EXCEPT CA.

USE	NUMBER OF PARKING SPACES	REQUIRED FOR EACH	MINIMUM SPACES REQUIRED
<u>RESIDENTIAL USES</u>			
Single Family Dwelling	1	Dwelling Unit	
Duplex or Apartment Dwelling Unit	2	Dwelling Unit	
Boarding or Rooming House	1	Dwelling or Rooming Unit	
Mobile Home or House Trailer	1 ½	Lot, Plot, Tract or Stand	
Hotel, Motel or Tourist Court	1	Guest Room or Residence Unit	
<u>INSTITUTIONAL AND SPECIAL USES</u>			
Church	1	4 Seats in Sanctuary or Auditorium	
College, University or Private School	1	4 Day Students	
Public Community, Health or Welfare Center	1	200 Sq. Ft. of Floor Area	
Day Camp, Kindergarten or Day Nursery	1	10 Pupils	
Fraternity or Sorority	1	2 Members or Residents	
Institution for Alcoholic, Narcotic or Psychiatric Patients	1	2 Employees or Attendants	4
Hospital, General Acute Care	1	Each Bed	
Hospital, Chronic Care	1	6 Beds	

Institution, Religious, Charitable or Philanthropic	1 plus 1	2 Employees 10 Residents	
Nursing or Convalescent Home	1	6 Beds	
Institutional Home for Aged	1	3 Residence Units	
Residence Home for Aged	1	Dwelling Unit	
Place of Public Assembly	1	4 Seats	
School – Elementary	1	25 Students	
School – Junior High	1	18 Students	
School – Senior High	1	5 Students	
Lodge or Fraternal Organization	1	200 Square Feet of Floor Area	10
<u>FOOD AND BEVERAGE SERVICES</u>			
Eating or Drinking Place – Service to Auto	8 minimum plus 1	50 Square Feet of Floor Area	
Eating or Drinking Place - No Service to Auto	1	100 Square Feet of Floor Area	
<u>OFFICE, PROFESSIONAL OR FINANCIAL USES</u>			
Bank or Savings and Loan Office	1	300 Square Feet of Floor Area	
Clinic or Doctor’s Office	1	150 Square Feet of Floor Area	
Office, General	1	300 Square Feet of Floor Area	
Dance, Display, Drama or Music Studio	1	200 Square Feet of Floor Area	
Veterinarian Office or Clinic	1	300 Square Feet of Floor Area	
School, Business, Trade or Craft	1	4 Day Students	
<u>PERSONAL SERVICE AND RETAIL USES</u>			
Personal Service Shop or Establishment	1	200 Square Feet of Floor Area	
Retail Stores or Shops-In Buildings	1	200 Square Feet of Floor Area	
Open Retail Sales	1	600 Square Feet of Site Area Exclusive of Buildings	

<u>RECREATION, SOCIAL AND ENTERTAINMENT USES</u>			
Commercial Amusements	1 or 1	3 Guests 100 Square Feet of Floor Area Whichever is Greater	
Bowling Alley	5	Per Lane	
Private Club or Night Club	1	100 Square Feet of Floor Area	
Theatre	1	4 Seats	
<u>MOTOR VEHICLE AND MACHINERY USES</u>			
Auto Laundry	1	500 Square Feet of Floor Area	20
Auto Repair, Garage or Shop	1	500 Square Feet of Floor Area	5
Vehicle or Machinery Sales-Indoor	1	500 Square Feet of Floor Area	5
Auto Parts and Accessory Sales-Indoor	1	200 Square Feet of Floor Area	
Auto Parts and Accessory Sales-Outdoors	1	1,000 Square Feet of Floor Area	
Vehicle or Machinery Sales-Outdoor	1	1,000 Square Feet of Floor Area	
<u>STORAGE, WHOLESALE AND MANUFACTURING USES</u>			
Brick or Lumber Yard or Similar Area	1	1,000 Square Feet of Site Area	
Open Storage of Sand, Gravel, Petroleum Products, etc.	1	2,000 Square Feet of Site Area	
Warehouse and Enclosed Storage, Wholesale or Manufacturing Operation	1	1,000 Square Feet of Site Area	

-300 SPECIAL OFF-STREET PARKING PROVISIONS – RESIDENTIAL DISTRICTS

-301 No required off-street parking space shall be located in the required front yard in any single family, duplex, A-1, A-2, or AG District.

- 302 In the A-3 District, surface parking may extend to the front property line.
- 303 Off-street parking shall be provided on the same site as the use it is to serve or not more than three hundred (300) feet from said site.
- 340 In the CA District, off-street parking shall be provided for all residential uses at a ratio of one (1) space for each dwelling unit.

-400 SPECIAL OFF-STREET PARKING PROVISIONS - NON-RESIDENTIAL DISTRICTS

- 401 In all non-residential districts, surface parking may extend to the front property line.
- 420 In the CA District, off-street parking space for all uses, other than single family, two family and multiple family uses, shall be provided at the ratio of one space for each seven hundred fifty (750) square feet of floor area exceeding two thousand (2,000) square feet. No off-street parking is required for buildings containing less than two thousand (2,000) square feet of floor area.

-500 OFF-STREET LOADING SPACE SHALL BE PROVIDED ON EACH LOT IN ACCORDANCE WITH THE FOLLOWING:

- 501 All retail, commercial and industrial structures shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive. Such space shall consist of a minimum area of ten (10) feet by twenty-five (25) feet for each twenty thousand (20,000) square feet of floor space or fraction thereof in excess of three thousand (3,000) square feet in the building or on the lot.
- 502 Kindergartens, day schools and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.

-600 PARKING ACCESS

In all districts except the R and D District, no vehicular access to property from a public street shall be permitted except on well defined driveways having a maximum width of forty (40) feet. Such driveways shall be located in minimum distance of five (5) feet from side property lines, and where two or more driveways are provided, such driveways shall be a minimum distance of ten (10) feet apart.

No portion of any parking space or any necessary maneuvering area serving such parking space, shall be located all or in part on any right-of-way for a public street or alley. The boundaries of all off-street parking areas, including parking and maneuvering space, shall be defined by a curb or wheel-stop and a minimum height of four (4) inches except for approved access driveways

# SECTION 13

## SPECIAL ACCESS STANDARDS

-100 TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION; TO LESSEN THE CONGESTION IN THE STREETS; AND TO SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGERS, MINIMUM STANDARDS OF PRIMARY ACCESS TO VARIOUS USES ARE HEREIN ESTABLISHED WITH DUE REGARD TO THE TRAFFIC DEMANDS CREATED BY SUCH VARIOUS USE ON DIFFERENT CLASSIFICATION OF STREETS AS ESTABLISHED BY THE MAJOR THOROUGHFARE PLAN OF THE CITY.

-101 All buildings or structures shall be set back from the street right-of-way line a minimum distance equal to the front and side yards specified in Sections 11-AG – 11-MH or the setbacks from street centerline specified in this section, whichever is greater.

-200 ONE FAMILY AND TWO FAMILY DWELLING USES

-201 The standard right-of-way for streets providing the primary means of access to one family and two family dwellings shall be:

For Minor Streets – Fifty (50) feet  
For Secondary Streets – Sixty (60) feet  
For Major Streets – Eighty (80) feet

-202 No permit for the erection of any one family or two family dwelling shall be issued on a street of lesser standards than specified by 14-201 unless the dwelling and all accessory buildings are set back from the centerline as follows:

<u>Street</u>	<u>Minimum Front Setback From Centerline of Street</u>	<u>Minimum Side Setback From Centerline of Side Street</u>
Minor Street	40 Feet	35 Feet
Secondary Street	50 Feet	40 Feet
Major Street	60 Feet	50 Feet

-300 MULTIPLE FAMILY DWELLING AND INSTITUTIONAL USED NOT EXCEEDING TWO AND ONE-HALF STORIES IN HEIGHT

-301 The standard right-of-way for streets providing the primary means of access to multiple family dwellings and institutional uses no exceeding two and one-half (2 ½) stories in height shall be:  
For Minor Streets – Fifty (50) feet  
For Secondary Streets – Sixty (60) feet  
For Major Streets – Eighty (80) feet

- 302 No permit for the erection of any multiple family dwelling or institutional use not exceeding two and one-half (2 ½) stories in height shall be issued on a street of lesser standards than specified by 14-301 unless the dwellings and all accessory buildings are set back from the centerline of such streets as follows:

<u>Street</u>	<u>Minimum Front Setback From Centerline of Street</u>	<u>Minimum Side Setback From Centerline of Side Street</u>
Minor Street	45 Feet	40 Feet
Secondary Street	50 Feet	45 Feet
Major Street	60 Feet	55 Feet

-400 MULTIPLE FAMILY DWELLING AND INSTITUTIONAL USES EXCEEDING TWO AND ONE-HALF (2 ½) STORIES IN HEIGHT

- 401 The standard right-of-way for streets providing the primary means of access to retail, commercial, service and industrial uses shall be:

For Minor Streets – Sixty (60) feet  
 For Secondary Streets – Sixty (60) feet  
 For Major Streets – Eighty (80) feet

- 402 No permit for the erection of any multiple family dwelling or institutional use exceeding two and one-half (2 ½) stories in height shall be issued on a street of lesser standard than specified by 14-401 unless all buildings are set back from the centerline as follows:

<u>Street</u>	<u>Minimum Front Setback From Centerline of Street</u>	<u>Minimum Side Setback From Centerline of Side Street</u>
Minor Street	40 Feet	35 Feet
Secondary Street	45 Feet	40 Feet
Major Street	60 Feet	55 Feet

-500 RETAIL, COMMERCIAL, SERVICE AND INDUSTRIAL USES EXCEPT IN THE CA DISTRICT

- 501 The standard right-of-way for streets providing the primary means of access to retail, commercial, service and industrial uses shall be:

For Minor Streets – Sixty (60) feet  
 For Secondary Streets – Seventy (70) feet  
 For Major Streets – Eighty (80) feet

- 502 No permit for any retail, commercial, service or industrial use shall be issued on any street of lesser standard than specified by 14-501 unless all buildings are set back from the centerline as follows:

FOR RETAIL USES IN SC DISTRICT, ADD 20 FEET TO SETBACK FROM CENTERLINE

<u>Street</u>	<u>Minimum Front Setback From Centerline of Street</u>	<u>Minimum Side Setback From Centerline of Side Street</u>
Minor Street	50 Feet	40 Feet
Secondary Street	60 Feet	45 Feet
Major Street	70 Feet	60 Feet

FOR COMMERCIAL AND INDUSTRIAL USES

<u>Street</u>	<u>Minimum Front Setback From Centerline of Street</u>	<u>Minimum Side Setback From Centerline of Side Street</u>
Minor Street	30 Feet	30 Feet
Secondary Street	35 Feet	35 Feet
Major Street	50 Feet	50 Feet

- 503 In those cases where the City Council has established a specific right-of-way line for a street the setbacks as required in Sections 11-AG – 11-MH shall apply and shall be measured from the specified right-of-way line and the setback provisions of Section 13 shall not apply.

# PART IV

## SECTION 14

### CREATION OF A BUILDING SITE

- 100 IN ORDER TO MAKE POSSIBLE THE PROVISION OF ADEQUATE ACCESS, AND TO FACILITATE THE PROVISION OF WATER, SEWER, DRAINAGE AND SIMILAR UTILITIES, PARKS, SCHOOLS AND OTHER PUBLIC REQUIREMENTS; TO SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGER; TO PROVIDE ADEQUATE LIGHT AND AIR AND TO AVOID UNDUE CONCENTRATION OF THE POPULATION, A BUILDING SITE SHALL BE CREATED AS SET FORTH HEREIN.
- 101 No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:
- a. The lot or tract is part of a plat of record, properly approved by the City Plan Commission, and filed in the Plat Records of the county in which the lot or tracts is located and having access to a dedicated public street having well defined and undisputed right-of-way lines.
  - b. The site, plot or tract is all or part of a site plan officially approved by the City Plan Commission, which site plans shows all existing utility and drainage easements, alley, streets and other public improvements necessary to meet the normal requirements for platting and such easements, alleys, streets and building lines, as are required and have been properly dedicated, and the necessary public improvements which have been provided.
  - c. The plot, tract or lot faces upon a dedicated street with well defined and undisputed right-of-way lines and was separately owned prior to (date of adoption), or prior to annexation to the City of Aransas Pass, whichever is applicable in which event a building permit for only one main building may be issued on each such original separately owned parcel without first complying with either 13-101 a or b preceding.
  - d. The tract is not separately platted but is part of a block or tract previously platted as an industrial or commercial subdivision wherein only streets, easements and blocks are delineated and such plat has been approved by the City Plan Commission and filed for record in which case no specific lot delineation shall be required.

## SECTION 15

### NON-CONFORMING USES

- 110 Any use of property that does not conform to the regulations prescribed in the preceding section of this ordinance and which shall have been in existence prior to the adoption of this ordinance shall be called a non-conforming use. Any use that may be made non-conforming after adoption of this ordinance due to amendment of the ordinance through annexation and which is not a violation of the ordinance shall also be considered a non-conforming use.
- 120 Any non-conforming use of land or structures may be continued for definite periods of time subject to such regulations as the Board of Adjustment may require for immediate preservation of the adjoining property. The Board of Adjustment may grant a change of occupancy from one non-conforming use to another, providing the use is within the same, or higher or more restricted zoning classification as the original non-conforming use and such change of use and occupancy will not tend to prolong and continue the non-conforming use. In event a non-conforming use of a building may be changed to another use or the same or more restricted classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.
- 130 If a structure occupied by a non-conforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction of a non-conforming use not exceeding fifty percent (50%) of its reasonable value, reconstruction will be permitted but the size or function of the non-conforming use cannot be expanded.

## SECTION 16

### BOARD OF ADJUSTMENT

-110 Organization: There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed by resolution of the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Two members shall serve two years, as heretofore appointed, and three members, as heretofore appointed, shall serve three years and thereafter each member reappointed or each new appointee shall serve for a full term of two years unless removed as hereinabove provided. Provided, however, that the Council may appoint two alternate members of the Board of Adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the Mayor or City Manager, as the case may be, so that all cases to be heard by the Board of Adjustment will always be heard by five members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

-120 Function: The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance. Meeting of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question 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.

Appeals to the Board of Adjustment can be taken by any person aggrieved or by an officer, department or board of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered by the administrative officer, 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 a two hundred dollar (\$200.00) fee. 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 shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies 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 case, proceedings shall not be stayed, otherwise, than by a restraining order which may be granted by the Board of Adjustment or by a

court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

- 130 Notice of Hearing: The Board of Adjustment shall hold a public hearing on all appeals made to it and written notice of all such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred (200) feet of the property on which the appeal is made, such notice shall be given not less than the tenth (10<sup>th</sup>) day before the date set for hearing to all such owners who have rendered their said property for City taxes as the ownership appears on the last City tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the City Post Office. Notice shall also be given by publishing the same in the official publication of the City before the fifteenth (15<sup>th</sup>) day prior to the date set for hearing which notice shall state the time and place of such hearing.
- 140 Procedure: At a public hearing relative to any appeal for a variance, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to justify the action of the Board of Adjustment on any appeal. Any special exception or variance granted or authorized by the Board of Adjustment under the provisions of this ordinance shall authorize the issuance of a building permit, or a certificate of occupancy, as the case may be, for a period of one hundred eighty (180) days from the date of the favorable action of the Board unless said Board shall in its action approve a longer period of time and so show such specific long period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been issued within said one hundred eighty (180) day period or such extended period as the Board may specifically grant, then the special exception or variance shall be deemed to have been waived and all rights thereunder terminated. Such terminating and waiver shall be without prejudice to a subsequent appeal to said Board in accordance with regulations herein contained.
- 150 Jurisdiction: When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards authorize the following special exceptions to the regulations herein established:
- 151 Permit the reconstruction, extension, alteration, or enlargement of a building occupied by non-conforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the eventual return of such property to a conforming use.
- 152 Permit such modifications of the height, yard, area, coverage, floor area ratio and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modifications.

- 153 Decide any question involving the interpretation of any provisions of this ordinance wherein uncertainty has arisen concerning the intent of specific requirements of the ordinance having due regard for the purpose of the zoning ordinance as set out in Section 2-100 herein.
- 154 Require the discontinuance of non-conforming uses under any plan whereby the full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance, and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Board shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuation or maintenance of any non-conforming use within the City.
- 160 Actions of the Board: In exercising its powers the Board may, in conformity with the provisions of the Statutes of the State of Texas as existing or hereafter amended, revise or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.
- 161 The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said ordinance.
- 162 Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or Board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the ground of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the Office of the Board and not thereafter.

## SECTION 17

### CERTIFICATE OF OCCUPANCY AND COMPLIANCE REQUIRED

- 100 No building or portion thereof hereafter erected, converted, or altered shall be used, occupied, or changed in use and no land may be used or change in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector of the City stating that the building or portion thereof or the proposed use of land or building complies with the provisions of this ordinance and other building laws of the City. Failure to comply with the provisions of this ordinance and other building laws shall constitute a basis to deny or disconnect City utilities or to require private utility companies to do likewise.
- 101 A certificate of occupancy and compliance shall be applied for coincident with the application for a building permit and will be issued before occupancy and connection of utilities to such building provided such construction or change has been made in complete conformity to the provisions of this ordinance and other building laws.
- 102 A record of all Certificates of Occupancy shall be maintained on file in the office of the Building Inspector of the City and copies shall be furnished for a fee on written request to any person having a proprietary or tenancy interest in the building or land affected.

## **SECTION 18**

### **COMPLETION OF CONSTRUCTION**

- 100 Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction or designated use of a building actually under construction within the City on the effective date of this ordinance and which entire building shall be completed within one (1) year from the effective date of this ordinance or which building shall be maintained under continuous construction even though not completed within one (1) year. Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued while such permit is valid and provided the building shall have been started within six (6) months of the date of issuance of the permit and which building shall be completed within one (1) year from the effective date of this ordinance or which building shall be maintained under continuous construction even though not completed within one (1) year.

# SECTION 19

## PROCEDURE FOR CHANGES AND AMENDMENTS

-100 Any person or corporation or group of persons having a proprietary interest in any property, upon proof of such interest, may petition the governing body for a change or amendment to the provisions of this ordinance or the City Plan Commission may on its own motion, institute proposals for change and amendment in the public interest. All petitions for the amendment of this ordinance shall bear the signature of the owners of all property within the area of request and be accompanied by the appropriate fee from the following schedule:

<u>Number of Lots Involved:</u>	<u>Fee:</u>
1-15	\$120.00
16-20	\$175.00
21 or more	\$200.00
Acreage Tracts	\$200.00

-101 The City Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendment, supplement or change, the City Council shall submit the same to the City Plan Commission for its recommendation and report.

-102 The City Plan Commission or a committee thereof shall hold a public hearing on any application for any amendment, supplement or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the City Plan Commission or a committee thereof on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given no less than the tenth (10<sup>th</sup>) day before the date set for hearing by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the last approved City tax roll.

-103 A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. Prior to the fifteenth (15<sup>th</sup>) day before the hearing notice of the time and place of such hearing shall be published in the official newspaper of the City.

-104 If such proposed amendment, supplement or change has been denied by the City Plan Commission, or if a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred (200) feet herefrom or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths ( $\frac{3}{4}$ ) vote of the members of the City Council.

## SECTION 20

### GENERAL DEFINITIONS

-100 CERTAIN WORDS IN THIS ORDINANCE NOT HERETOFORE DEFINED ARE DEFINED AS FOLLOW:

Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word “building” includes the word “structure”; the word “lot” includes the words “plot” or “tract”; and the word “shall” is mandatory and not discretionary.

-101 Accessory Building (nonresidential): A subordinate building to the main building, the use of which is incidental and related to the main use and which is located on the same lot.

-102 Alley: A public space or thoroughfare which affords a secondary means of access to property abutting thereon.

-103 Apartment: A dwelling unit in a multiple family dwelling or apartment house arranged, designed or occupied as a place of residence by a single family.

-104 Area of Lot: The square foot area of a lot within the bounding property lines and exclusive of dedicated streets or alleys.

-105 Area Regulations: The regulations controlling minimum lot area, lot width, lot depth, front yard, side yard, rear yard, coverage and floor area ratio.

-106 Basement: That portion of a building between floor and ceiling so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling. A basement shall not be counted in computing the number of stories.

-107 Block: An area enclosed by streets or if said word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets or if the street is of a dead-end type, a block shall be considered to be measured between the nearest intersecting street and the end of such dead-end street.

-108 Board: The Zoning Board of Adjustment as provided for in Section 15.

-109 Building: Any structure designed, built or intended for the shelter or enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. When separated by an absolute fire separation, each portion of such structure so separated shall be deemed a separate building. This definition shall include structures wholly or partly enclosed with an exterior wall.

- 110 Building Bulk: The relationship between the total mass of a building and the site on which it is located. As herein specified, building bulk refers to floor area ratio.
- 111 Building Line: A line parallel or approximately parallel to the street line at a specified distance therefrom, marking the minimum distance from the street line that a building may be erected. For existing buildings, the building line shall be the exterior wall or omitted wall line which is closest to the street.
- 112 Centerline, Street or Alley: A line erected midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline shall be determined by the Director of Public Works.
- 113 City Council: The official Governing Body of the City.
- 114 Court: An open space bounded on more than two sides by the walls of a building.
- 115 Court, Inner: A court entirely surrounded by the exterior walls of a building. Such walls may have openings for access, light and air.
- 116 Court, Outer: A court having one side open to a street, alley, yard or other permanent open space.
- 117 Coverage: The percent of lot area which is covered by a roof, floor or other structure and is not open to the sky. Roof eaves to the extent of two (2) feet and ordinary projections from the building not exceeding twelve (12) inches shall not be counted in computing coverage.
- 118 Density: The relationship of dwelling units to the area of the lot or tract upon which a residential structure is located or erected.
- 119 Development Schedule: A chronological estimate of the rate and order of development.
- 120 Dwelling Unit: A building or portion of a building which is arranged, occupied or intended to be occupied as a single living quarters and includes facilities for food preparation and sleeping.
- 121 Family: A family is any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage or adoption
- 122 Floor Area: The total square foot area of all floors in the building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.
- 123 Floor Area Ratio (F.A.R.): The ratio between the total square feet of floor area and the total square feet of land in the lot.

- 124     Frontage, Lot: The length of street frontage between property lines or lease lines.
  
- 125     Frontage, Street: The length of all property on one side of a street between two intersecting streets measured along the line of the street, or if the street is dead-ended, then the length of all property abutting on one side between an intersecting street and the end of the dead-end street.
  
- 126     Grade: The average elevation of the highest and lowest elevations measured at the finished surface of the ground at any of the exterior corners of the building or structure.
  
- 127     Height: The vertical distance measured from grade to (1) the highest point of any flat roof surface, (2) to the top deck line of mansard roofs, or (3) to the mean height level between eaves and ridge for hip and gable roofs, (4) the top of any elevator, penthouses or bulkheads, mechanical equipment rooms, cooling towers, tanks and ornamental cupolas and domes or other structures erected on the roof of a building.
  
- 128     Institutional Use: Schools, churches, colleges, lodges, hospitals, convents, welfare homes and similar establishments to those listed in 10-204.
  
- 129     Legal Height: The maximum height of a building imposed by any other ordinance which is effective.
  
- 130     Lot: Land which is occupied or intended to be occupied by a building and its accessory building and including such open spaces as are required under this ordinance and having frontage on a dedicated street with well defined and undisputed right-of-way lines.
  
- 131     Lot, Corner: A lot situated at the intersection of two dedicated streets and having frontage along both streets extending from the intersection.
  
- 132     Lot, Double Frontage: A lot having frontage on two or more dedicated streets other than a corner lot.
  
- 133     Lot Lines: The accepted property or lease lines bounding a lot as defined herein.
  
- 134     Lot Line, Interior: A lot line delineating the division between two (2) contiguous lots on the interior of a block and not adjacent to a street.
  
- 135     Lot, Percentage Of: Determination of any percentage of a lot such as the rear fifty percent (50%) shall be done by finding the point on each side lot line which corresponds to that percentage of the length of such line and connecting the two points. The area so delineated shall be interpreted as representing that portion of the lot specified.
  
- 136     Lot of Record: A lot which is part of a subdivision plat which has been recorded in the office of the County Clerk.

- 137 Lot Width: The width of a lot at the required front yard line or at the building line if such is established at a greater distance from the street than the required front yard line.
- 138 Main Building: The building or buildings on a lot which are occupied by the primary use.
- 139 Occupancy: Occupancy as used herein pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.
- 140 Omitted Wall Line: A line enclosing the exterior vertical elements of a structure or the outer edge of any floor, deck, balcony, walkway, bridge, stairway or such other structures as may cover the land contrary to the definition of open space. In the case of structures, composed of a roof and open sides, the omitted wall line is the exterior line of such roof. For ordinary roof eaves, the omitted wall line shall be two (2) feet inside of the eave line.
- 141 Open Space: An area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves.
- 142 Openings for Light and Air: Any windows, window walls, or glass panels located in the building, but not including doors which are used only for ingress or egress.
- 143 Permanent Community Open Space: Parks, School Playgrounds, Community Centers, Golf Courses, Parkways, Water Areas or similar areas which are dedicated to the City or which are created as private open space under a permanent agreement for maintenance and responsibility which agreement is accepted by the City Council and approved by the City Attorney.
- 144 Story, Standard: The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.
- 145 Street: Any thoroughfare other than an alley and not less than thirty (30) feet in width, which has been dedicated to the public for public use and which affords primary access to abutting property.
- 146 Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
- 147 Structure: A structure shall be interpreted the same as a building, but shall, in addition, include such items as a freestanding ground sign and pylon when erected on a base and not made integral with a building.

- 148 Recreational Vehicle: Described as any building or structure that is erected in its entirety inside and out, save and except the connections of outside utilities, if needed; is portable; is either self-propelled or must be towed and shall have a body width not to exceed eight (8) feet and a body length not to exceed forty (40) feet. The aforementioned body width and length do not include expandable accessories which may be a part of the structure and when utilized may make the RV wider or longer. However, such an RV must comply with all applicable requirements of Section 11-MH governing RV or move to MH Park or Subdivision.
- 149 Use, Nonresidential: Any use other than a single family, two family, multiple family residence or rooming house and bonafide accessory uses as listed in 10-201 and 10-202.
- 150 Use, Residential: A single family, two family or multiple family residence together with bonafide accessory uses as listed in 10-201 and 10-202.
- 151 Use, Retail or Commercial: Any use listed or similar to a use listed in 10-206, 10-207, 10-208, 10-209, 10-210, 10-212, 10-213, and 10-214.
- 152 Wall, Exterior: The exposed or outer most wall of the structure.
- 153 Yard: An open space on the lot on which a building is situated and which is open and unobstructed to the sky.
- 154 Yard, Front Required: A yard facing and abutting a street and extending across the front of the lot between the side lot lines and having a minimum horizontal depth measured from the street right-of-way equal to the depth of the minimum front yard specified for the district in which the lot is located. The required front yard line represents the line in front of which no building or structure may be erected.
- 155 Yard, Rear Required: A yard, except for accessory buildings as herein permitted, extending across the rear of the lot between side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located.
- 156 Yard, Side Required: A yard located on a lot and extending from the required front yard to the required rear yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located. Any lot line which is not a rear or front lot line shall be deemed a side lot line. Where a lot has only three (3) lot lines, those lotlines which do not front upon a street shall be deemed side lot lines.
- 157 Zoning District: A classification within which the regulations specified herein are uniform and which is assigned to a particular area of the City by delineation upon the Zoning District Maps which are a part of this ordinance.

- 158     Zoning District Map: The official, certified map or maps upon which the boundaries of the various zoning districts are shown and which are an integral part of this zoning ordinance and together with this zoning text make up the zoning ordinance for the City.
  
- 159     Manufactured Home: Any building or structure which is erected in its entirety, inside and out, save and except connection of outside utilities, at one location either inside or outside the City of Aransas Pass and then is transferred to another as a complete unit or multiple units that are assembled to form one unit, either under its own power or is towed or trailered in by an alternate source of power and which in its completed condition measures wider than eight (8) feet and longer than forty (40) feet.
  
- 160     Cottage Unit: A cottage unit is any fixed building, structure or part thereof located in a tourist court and used as sleeping quarters or temporary dwelling place by one or more persons living together as one family.
  
- 161     Sign: Any structure or object which is placed, arranged, colored, designed or constructed for the purpose of advertising or attracting attention to a building, business, product, activity or service.
  
- 162     Accessory Sign: A sign which is an accessory use of land and which directs attention to a business, product, activity or service which is conducted, sold or offered on the premises where the sign is located.
  
- 163     Flashing Sign: A sign or part thereof operated so as to create flashing; changes in light intensity, color or copy; or intermittent light impulses more frequently than once in ever four (4) seconds.
  
- 164     Moving Sign: A sign or any part thereof which moves, rotates, or gives the perception of motion.
  
- 165     City: The word “City” shall mean the legal government of Aransas Pass, Texas.

## **SECTION 21**

### **PENALTY FOR VIOLATION**

-100 Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than five hundred dollars (\$500.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as herein provided. The City likewise shall have the power to enforce the provisions of this ordinance through civil court action as provided by State Law, including recovery of damages and injunctive relief upon application to the appropriate District Court.

## **SECTION 22**

### **VALIDITY**

- 100 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 of provisions thereof other than the part so decided to be invalid or unconstitutional.

## SECTION 23

### EFFECTIVE DATE

- 100 This zoning ordinance shall become effective immediately on and after its passage by the City Council, subject to the following qualifications:
- a. Any construction now in progress and construction for which building permits have been issued in accordance with the prior ordinance, shall be unaffected by this Ordinance.
  - b. Pending applications for zoning change or amendments of any Use District made under the prior ordinance, shall be processed, and if the City Council is of the opinion that a zoning change is justified and should be made, then such change or amendment shall be classified and placed into the proper Use District where such use and occupancy is permitted as contained in this Ordinance.
  - c. In the event construction drawings are presented to the Chief Building Inspector of the City showing development proposed under the terms of the prior zoning ordinance within thirty (30) days from the passage of this Ordinance, and in the event the denial of a building permit for such construction would cause a loss or hardship, the City Council may consider the case on the facts and if it is of the opinion that the general zoning scheme and public interest will not be adversely affected thereby, it may grant a permit for development and construction.