

CITY OF LACY-LAKEVIEW

ZONING ORDINANCE

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CITY OF LACY-LAKEVIEW, TEXAS

ORDINANCE NO. 249-89

AN ORDINANCE OF THE CITY OF LACY-LAKEVIEW, TEXAS, ADOPTING A COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP AND DIVIDING THE CITY INTO SEVERAL ZONING DISTRICTS; ESTABLISHING AND PROVIDING ZONING REGULATIONS FOR EACH DISTRICT REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR CONDITIONAL USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; PROVIDING FOR CERTIFICATES OF OCCUPANCY AND COMPLIANCE; PROVIDING FOR THE ENFORCEMENT AND ADMINISTRATION OF THIS ORDINANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY, NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH VIOLATION OF THIS ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR THE SEVERABILITY OF EACH PART OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACY-LAKEVIEW, TEXAS:

SECTION 1 THIS ORDINANCE SHALL BE CITED AS THE OFFICIAL COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF LACY-LAKEVIEW, TEXAS

1.1 That the Comprehensive Zoning Ordinance is hereby passed and approved.

SECTION 2 PURPOSE

2.1 Zoning Regulations and Districts are herein established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City. They are designed to lessen 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, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration, among other things, for the character of each 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.

## SECTION 3

ZONING DISTRICTS ESTABLISHED

3.1 The City of Lacy-Lakeview, Texas, is hereby divided into zoning districts as listed in this section.

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
A	Agricultural District
R-1	Residential District - 1 (43,560 Sq. Ft.)
R-2	Residential District - 2 (9,000 Sq. Ft.)
R-3	Residential District - 3 (6,000 Sq. Ft.)
SF-A	Single Family Attached Residential District
MF-1	Multi-family Residential District - 1 (12 D.U./Acre)
MF-2	Multi-family Residential District - 2 (23 D.U./Acre)
MH-1	Manufactured Housing (HUD Code) District
MH-2	Manufactured Housing (HUD Code) Park District
O	Office District
C-1	Highway Commercial District
C-2	Neighborhood Services District
C-3	Commercial District, General
I-1	Industrial District, Light
I-2	Industrial District, Heavy
PD	Planned Development District
FP	Floodplain
SUP	Specific Use Permit

### 3.2 Description and Purpose of Zoning Districts

A Agricultural District: This district provides for the continuance of farming, ranching and gardening activities on land now utilized for these purposes. When land in the "A" category is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning categories to provide for orderly growth and development in accordance with the Comprehensive Plan.

Once land in a category has been placed into another district, the intent of this ordinance is that such land shall not be changed back to an "A" District by any subsequent request for a change.

R-1 Residential District - 1: The "R-1" District provides for a minimum residential building site of one (1) acre, or 43,560 square feet. Development in this district will have low density development characteristics similar to those found in rural environments.

R-2 Residential District - 2: The "R-2" District provides for a minimum residential building site of 9,000 square feet.

R-3 Residential District - 3: The "R-3" District provides for a minimum residential building site of 6,000 square feet. Development in this district will have development characteristics similar to those now existing in most platted subdivisions.

SF-A Single Family Attached Residential District: The "SF-A" District provides for high density single family developments and compatible land uses in harmony with lower density uses. In this district small individually platted lots are provided for each residential unit and with a common usable open space system that is an integral part of the development.

MF-1 Multi-family Residential District - 1 (12 D.U./Acre): The "MF-1" District permits low to medium density multi-family residential development, not to exceed 12 dwelling units per acre of development.

MF-2 Multi-family Residential District - 2 (23 D.U./Acre): The "MF-2" District permits medium to high density multi-family residential development, not to exceed 23 dwelling units per acre of development.

MH-1 Manufactured Housing (HUD Code) District: The "MH-1" District provides for the placement of manufactured housing (HUD Code only) in subdivisions that are typically owner-occupied. Densities in this district will be similar to that found in the "R-3" District.

MH-2 Manufactured Housing (HUD Code) Park District: The "MH-2" District establishes a category in which manufactured housing (HUD Code only) park development can occur. Lots in this district are typically rented/leased by the landowner.

- O Office District: The "O" Office District is intended to provide for the development of low intensity office or professional uses on sites capable of providing adequate space for parking, internal circulation, and access to major thoroughfares. This district may be appropriately located adjacent to all types of residential development, providing adequate buffers and landscaping are used.
- C-1 Highway Commercial District: The Highway Commercial District is intended to provide adequate space and site diversification for commercial uses which depend upon high visibility, accessibility to major thoroughfare or interstate highway transportation, and potentially involve certain types of development that may be objectionable to other commercial districts.
- C-2 Neighborhood Services District: The Neighborhood Services District is designed to provide commercial services and products to the immediate neighborhood and community in smaller scale than those typically found in the "C-3" District. The commercial uses are primarily clean, aesthetically pleasing indoor services.
- C-3 Commercial District, General: The purpose of the "C-3" District is to provide commercial services to a city-wide or regional area. The General Commercial District is intended to accommodate commercial uses which require considerably larger amounts of space for display, sales or open storage and due to the heavy commercial nature of the permitted uses, compatibility with adjacent residential areas should be carefully considered.
- I-1 Light Industrial District: The Light Industrial District is established to accommodate uses of a non-nuisance type located in relative proximity to residential and "C-2" business areas. Development in the "I-1" District is limited primarily to certain wholesale, jobbing, and warehouse uses and certain specialized manufacturing and research uses of a type which will not create nuisances.
- I-2 Heavy Industrial District: The Heavy Industrial District is established to accommodate industrial uses not appropriate for inclusion in the "I-1" District and likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses.
- PD Planned Development District: The Planned Development District provides a zoning category for the planning and development of larger tracts of land or tracts of land with unique characteristics for a single or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect to the protection of surrounding property.

FP Flood Plain District: Zoning Districts located in flood hazard areas which are subject to periodic inundation are preceded by the prefix "FP", indicating a subdistrict. Areas designated "FP" may be used only for those uses listed in the provisions of Section 24 until the area or any portion thereof located in "FP" subdistrict has been approved by the City Council. Approval shall only be given after engineering studies determine that the area or any portion thereof is suitable for uses in the district and building construction or development would not create an obstruction to drainage nor a hazard to life or property and that such construction is not contrary to the public interest.

#### SECTION 4 ZONING DISTRICT MAP

4.1 THE BOUNDARIES OF THE ZONING DISTRICTS SET OUT HEREIN ARE DELINEATED UPON THE ZONING DISTRICT MAP OF THE CITY OF LACY-LAKEVIEW, TEXAS, SAID MAP BEING HEREBY ADOPTED AS A PART OF THIS ORDINANCE AS FULLY AS IF THE SAME WERE SET FORTH HEREIN IN DETAIL.

Two (2) original, official and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:

- A. One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
- B. One copy shall be kept on public display and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits, certificates of occupancy and compliance and for enforcing the Zoning Ordinance.
- C. Reproductions for information purposes may from time to time be made of the official Zoning District Maps. The map may be updated as individual zoning requests are approved.

#### SECTION 5 ZONING DISTRICT BOUNDARIES

- 5.1 THE DISTRICT BOUNDARY LINES SHOWN ON THE ZONING DISTRICT MAP ARE USUALLY ALONG STREETS, ALLEYS, PROPERTY LINES OR EXTENSIONS THEREOF. WHERE UNCERTAINTY EXISTS AS TO THE BOUNDARIES OF DISTRICTS AS SHOWN ON THE OFFICIAL ZONING MAP, THE FOLLOWING RULES SHALL APPLY:
- 5.2 Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.
- 5.3 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- 5.4 Boundaries indicated as approximately following city limits shall be construed as following city limits.

- 5.5 Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- 5.6 Boundaries indicated as approximately following the centerlines of streams, drainageways or other bodies of water shall be construed to follow such centerlines.
- 5.7 Boundaries indicated as parallel to or extensions of features indicated in 5.1 through 5.6 above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.
- 5.8 Whenever the street, alley or other public way is vacated by official action of the City Council, or whatever street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- 5.9 Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections 5-1 through 5-8 or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified "A", Agricultural District, temporarily. In an area determined to be temporarily classified as "A", Agricultural District, no person shall construct, add to or alter any building or structure or cause the same to be done nor shall any use be located therein or on the land which is not permitted in an "A" District, unless and until such territory has been zoned to permit such use by the City Council.

## SECTION 6

### TEMPORARY ZONING - ANNEXED TERRITORY

- 6.1 ALL TERRITORY HEREAFTER ANNEXED TO THE CITY OF LACY-LAKEVIEW SHALL BE TEMPORARILY CLASSIFIED AS "A", AGRICULTURAL DISTRICT, UNTIL PERMANENT ZONING IS ESTABLISHED BY THE CITY COUNCIL OF THE CITY OF LACY-LAKEVIEW. THE PROCEDURE FOR ESTABLISHING PERMANENT ZONING ON ANNEXED TERRITORY SHALL CONFORM TO THE PROCEDURE ESTABLISHED BY LAW FOR THE ADOPTION OF ORIGINAL ZONING REGULATIONS.
- 6.2 In an area temporarily classified as "A", Agricultural District:
  - A. No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Lacy-Lakeview without first applying for and obtaining a building permit or certificate of occupancy from the building official or the City Council as may be required.



- B. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the "A", Agricultural District, unless and until such territory has been classified in a zoning district other than the "A", Agricultural District, by the City Council in the manner prescribed by the law.

## SECTION 7

### COMPLIANCE REQUIRED

- 7.1 ALL LAND, BUILDINGS, STRUCTURES OR APPURTENANCES THEREON LOCATED WITHIN THE CITY OF LACY-LAKEVIEW, TEXAS, WHICH ARE HEREAFTER OCCUPIED, USED, ERECTED, ALTERED, REMOVED, PLACED, DEMOLISHED OR CONVERTED SHALL BE OCCUPIED, USED, ERECTED, ALTERED, REMOVED, PLACED, DEMOLISHED OR CONVERTED IN CONFORMANCE WITH THE ZONING REGULATIONS PRESCRIBED FOR THE ZONING DISTRICT IN WHICH SUCH LAND OR BUILDING IS LOCATED AS HEREINAFTER PROVIDED.

## SECTION 8

### "A" AGRICULTURAL DISTRICT

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

- 8.1 Permitted Uses - A building or premise shall be used only for the following purposes:
- A. Single-family dwellings on building lots of two (2) acres or more.
  - B. All general and special agricultural, farming, ranching, stables and related accessory buildings, stock and poultry raising, dairy, and other related uses so long as same do not cause a hazard to health by reason of unsanitary conditions, are not offensive by reason of odors, dust, fumes, noise or vibrations, and are not otherwise detrimental to the public welfare.
  - C. Accessory buildings and structures clearly incidental to the above operations, including but not limited to barns, stables, equipment sheds, grainaries, private garages, pump houses, and servants quarters not for rent, provided that accessory buildings and structures shall be limited to fifty (50) percent of the gross land area.
  - D. Temporary metal buildings less than six hundred (600) square feet which are used for tool and supply storage.
  - E. Riding academy or other equestrian related activities.
  - F. Other uses as listed in Section 26 of this ordinance.

G. The following specific uses shall be permitted in the "A" Agricultural District, when granted in accordance with Section 27:

1. Uses as listed in Section 26 of this ordinance.

8.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.

8.3 Parking Regulations: Two (2) spaces behind the front yard line for single family dwelling units. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 28.

#### SECTION 9 "R-1" RESIDENTIAL DISTRICT-1 (43,560 SQ. FT.)

General Purpose and Description - The "R-1" District is designed to accommodate standard single family residential development on large size lots. The district can be appropriately located in proximity to multi-family residential areas and certain neighborhood commercial uses.

9.1 Permitted Uses: A building or premise in an "R-1" District shall be used only for the following purposes:

A. Uses as listed in Section 26 of this ordinance.

B. The following specific uses shall be permitted in an "R-1" District, when granted in accordance with Section 27:

1. Uses as listed in Section 26 of this ordinance.

9.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.

9.3 Parking Regulations: A minimum of two (2) enclosed parking spaces shall be provided per dwelling unit behind the front yard line. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 28.

SECTION 10 "R-2" RESIDENTIAL DISTRICT - 2 (9,000 SQ. FT.)

General Purpose and Description - This district is designed to accommodate the standard single family residential development as found in the "R-1" District, except that the lot sizes are considerably smaller. This district can also be appropriately located in proximity to multi-family residential areas and certain neighborhood commercial uses.

- 10.1 Permitted Uses: A building or premise in an "R-2" District shall be used only for the following purposes:
- A. Uses as listed in Section 26 of this ordinance.
  - B. The following specific uses shall be permitted in an "R-2" District, when granted in accordance with Section 27:
    - 1. Uses as listed in Section 26 of this ordinance.
- 10.2 Area: Yard: Height: Lot Coverage: and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.
- 10.3 Parking Regulations: A minimum of two (2) enclosed parking spaces shall be provided per dwelling unit behind the front yard line. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 28.

SECTION 11 "R-3" RESIDENTIAL DISTRICT - 3 (6,000 SQ. FT.)

General Purpose and Description - This district is also designed to accommodate the standard single family residential development as found in the "R-1" and the "R-2" Districts, except that these lot sizes are also considerably smaller. This district can also be appropriately located in proximity to multi-family residential areas and certain neighborhood commercial uses.

- 11.1 Permitted Uses: A building or premise in an "R-3" District shall be used only for the following purposes:
- A. Uses as listed in Section 26 of this ordinance.
  - B. The following specific uses shall be permitted in an "R-2" District, when granted in accordance with Section 27:
    - 1. Uses as listed in Section 26 of this ordinance.

11.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.

11.3 Parking Regulations: A minimum of two (2) parking spaces shall be provided per dwelling unit behind the front yard line. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 28.

## SECTION 12 "SF-A" SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

General Purpose and Description - The purpose of this district is to promote high density single family residential developments and compatible land uses in harmony with lower density uses. The "SF-A" District is intended to provide developments with small individually platted lots for each residential unit and with a common usable open space system that is an integral part of the development. The regulations are designed to provide the occupants with safe and convenient housing within an aesthetically pleasing environment in proper relationship to adjacent land uses. When proposed development in this district is adjacent to any other residential district, the proposed development shall be designed to provide for maximum compatibility with adjacent development.

12.1 Permitted Uses: A building or premise in an "SF-A" District shall be used only for the following purposes:

A. Uses as listed in Section 26 of this ordinance.

B. The following specific uses shall be permitted in an "SF-A" District, when granted in accordance with Section 27:

1. Uses as listed in Section 26 of this ordinance.

12.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.

12.3 Parking Regulations: A minimum of two (2) parking spaces shall be provided per dwelling unit behind the front yard line. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 28.

12.4 Additional Restrictions Applicable to "SF-A" District:

- A. Length Requirements: No complex of attached single family dwellings shall exceed two hundred (200) feet in length.
- B. Side Yard Requirements: A minimum required side yard of fifteen (15) feet shall be provided at the end of each single family attached dwelling complex, so that the ends of any two adjacent building complexes shall be at least thirty (30) feet apart.
- C. Usable Open Space Requirement: Each lot or tract of land used for single family attached residences shall provide usable open space totalling twelve percent (12%) of the area of the lot or tract. The usable open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The twelve percent (12%) shall be computed as percentages of total platted area of an "SF-A" subdivision, excluding rights-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan). At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission and/or City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.
- D. Homeowners' Associations (HOA): Where any attached housing development proposes the reservation of land or structure in common ownership for recreational, parking, landscape or open space use or for any other use, or private streets are proposed, a homeowners' association shall be required for the purpose of control over the development, maintenance, and for responsibility of liability insurance and local taxes of such private land, streets and facilities which are intended to be owned in common. The HOA shall be organized as a non-profit corporation with automatic, mandatory membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Deeds shall also reference the rights and responsibilities of property owners in the HOA.
- Prior to issuance of a building permit, a final homeowners' association must be approved by the City Council. The responsibility and control of the homeowners' association shall be with the developer until such time that eighty percent (80%) of the dwelling units are purchased. The homeowners' association must include, but not necessarily be limited to, the following additional requirements:
1. A system for payment of association dues to be collected with mortgage payments;
  2. Provisions for enforcement of the rules and regulations within the development and association;

3. Provisions for the construction, maintenance, and repair of all open land, buildings, facilities and improvements determined to be private or common as established by the site plan;
4. Provisions for storage and control of all boats, campers, old automobiles and other items considered to be unsightly;
5. Provisions for the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners; and
6. In the event the approved association does not perform its responsibilities of fulfilling its obligations as specified in the homeowners' association, or is declared non-existent for any reason, the city shall have the right to levy special assessments against property on a pro-rata basis for the cost of correcting any such condition for which the association was responsible and the lien holder shall be responsible for collecting such levees and assessments and transmitting such funds to the city.

**SECTION 13 "MF-1" MULTI-FAMILY RESIDENTIAL DISTRICT - 1 (12 D.U./ACRE)**

**General Purpose and Description:** The "MF-1" District is intended to provide for low to medium density residential development. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas. Density in this district is not to exceed twelve (12) dwelling units per acre of development.

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

- A. Uses as listed in Section 26 of this ordinance.
- B. The following specific uses shall be permitted in an "MF-1" district, when granted in accordance with Section 27:
  1. Uses as listed in Section 26 of this ordinance.

**13.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements:** The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.

**13.3 Parking Regulations:** One and one-half (1.5) off-street parking spaces shall be provided per bedroom in each unit, or for each efficiency unit. Required parking may not be provided within the required front yard. Other off-street parking spaces shall be provided in accordance with the requirements set forth in Section 28.

13.4 Refuse Facilities: Every dwelling unit in a multi-family complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multi-family dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. No refuse facility may be placed nearer than thirty (30) feet to a residentially zoned district. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

SECTION 14 "MF-2" MULTI-FAMILY RESIDENTIAL DISTRICT - 2 (23 D.U./ACRE)

General Purpose and Description: The "MF-2" District is intended to provide for medium to high density residential development. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas. Density in this district is not to exceed twenty-three (23) dwelling units per acre of development.

14.1 Use Regulations: A building or premise shall be used only for the following purposes:

A. Uses as listed in Section 26 of this ordinance.

B. The following specific uses shall be permitted in an "MF-2" district, when granted in accordance with Section 27:

1. Uses as listed in Section 26 of this ordinance.

14.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.

14.3 Parking Regulations: One and one-half (1.5) off-street parking spaces shall be provided per bedroom in each unit, or for each efficiency unit. Required parking may not be provided within the required front yard. Other off-street parking spaces shall be provided in accordance with the requirements set forth in Section 28.

- 14.4 Refuse Facilities: Every dwelling unit in a multi-family complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multi-family dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. No refuse facility may be placed nearer than thirty (30) feet to a residentially zoned district. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

## SECTION 15 "MH-1" MANUFACTURED HOUSING (HUD Code) DISTRICT

General Purpose and Description: The Manufactured Housing (HUD Code) District is intended to provide for quality manufactured home subdivisions. Typically lots within this district are owner occupied and densities are similar to those found in the "R-3" District. The "MH-1" District contains many of the characteristics and a similar atmosphere of a standard single family subdivision.

- 15.1. Use Regulations: A building or lot shall be used only for the following purposes:
- A. Manufactured homes.
  - B. Other uses as listed in Section 26 of this ordinance.
  - C. The following specific uses shall be permitted in the "MH-1" District when granted in accordance with Section 27:
    - 1. Other uses as listed in Section 26 of this ordinance.
- 15.2. Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.
- 15.3. Parking Requirements: Two (2) covered parking spaces shall be provided per dwelling unit located on the lot plus additional spaces for accessory uses as required in Section 28.
- 15.4. Additional Restrictions Applicable to Manufactured Housing (HUD Code) District:



- A. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974, or as amended. All manufactured homes will be subject to inspection by the Building Official.
- B. All manufactured housing to be placed in the City of Lacy-Lakeview shall be no older than ten (10) years of age from the date of application.
- C. All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
- D. Tie-downs will be required and will be secured prior to occupancy.
- E. Underpinning and skirting will be required and will be installed prior to occupancy.
- F. Accessory buildings will be either manufactured or constructed in accordance with city codes.
- G. All manufactured homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

SECTION 16      "MH-2" MANUFACTURED HOUSING (HUD Code) PARK DISTRICT

General Purpose and Description: The Manufactured Housing (HUD Code) District is intended to provide for quality manufactured housing park development and maintenance. Manufactured housing parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

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

- A. Manufactured homes.
- B. Uses normally accessory to a manufactured housing park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities and recreation areas for use by the resident of the manufactured housing park.
- C. Other uses as listed in Section 26 of this ordinance.
- D. The following specific uses shall be permitted in the "MH-2" District when granted in accordance with Section 27:
  - 1. Boat and recreational vehicle and travel trailer storage yard.
  - 2. Travel trailer and commercial over-night camping park.

3. Other uses as listed in Section 26 of this ordinance.

- 16.2 Area: Yard: Height: Lot Coverage: and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.
- 16.3 Parking Requirements: Two (2) spaces shall be provided per dwelling unit located on the lot plus additional spaces for accessory uses as required in Section 28.
- 16.4 Additional Restrictions Applicable to the Manufactured Housing (HUD Code) Park District:
- A. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974, or as amended. All manufactured homes will be subject to inspection by the Building Official.
  - B. All manufactured housing to be placed in the City of Lacy-Lakeview shall be no older than ten (10) years of age from the date of application.
  - C. All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
  - D. Tie-downs will be required and will be secured prior to occupancy.
  - E. Underpinning and skirting will be required and will be installed prior to occupancy.
  - F. Accessory buildings will be either manufactured or constructed in accordance with city codes.
  - G. All manufactured homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

## SECTION 17

"O" OFFICE DISTRICT

General Purpose and Description: The "O" District is intended to provide for the development of low intensity office or professional uses on sites capable of providing adequate space for parking, internal circulation, and access to major thoroughfares. This district may be appropriately located adjacent to all types of residential development, providing adequate buffers and landscaping are used.

- 17.1 Use Regulations: A building or premise shall be used only for the following purposes:
- A. Uses as listed in Section 26 of this ordinance.
  - B. The following specific uses shall be permitted in the "O" District, when granted in accordance with Section 27:
    1. Uses as listed in Section 26 of this ordinance.
- 17.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.
- 17.3 Parking Regulations: Off-street parking and loading shall be provided as set forth in Section 28.
- 17.4 Refuse Facilities: Each refuse facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. No refuse facility may be placed nearer than thirty (30) feet to a residentially zoned district. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
- 17.5 Screening Requirements: Border fencing of wood or masonry of not less than six (6) feet in height is required and shall be installed at the time of construction, if not already in place, of any office building or complex abutting a "R-1", "R-2", "R-3", "SF-A", "MF-1", "MF-2", "MH-1", or "MH-2" District or residential use, along the property line on any perimeter not abutting a public street. This fence shall be maintained throughout the existence of the office building or complex by the owner of said property.
- 17.6 Masonry Requirements: All principal buildings and structures shall have a minimum sixty percent (60%) of the total exterior walls and at least fifty percent (50%) of the front exterior wall below the first floor plate line, excluding doors and windows, constructed of brick, stone, concrete block, concrete tilt-up walls, or other masonry materials.

- 17.7 Mechanical Equipment: No mechanical equipment as an accessory facility may be placed nearer than one hundred twenty (120) feet to any residentially zoned district. Each mechanical equipment facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building.

## SECTION 18 "C-1" HIGHWAY COMMERCIAL DISTRICT

General Purpose and Description: The Highway Commercial District is intended to provide adequate space and site diversification for commercial uses which depend upon high visibility, accessibility to major thoroughfare or interstate highway transportation, and potentially involve certain types of development that may be objectionable to other commercial districts.

- 18.1 Use Regulations: A building or premise shall be used only for the following purposes:
- A. Uses as listed in Section 26 of this ordinance.
  - B. The following specific uses shall be permitted in the "C-1" District, when granted in accordance with Section 27:
    - 1. Uses as listed in Section 26 of this ordinance.
- 18.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (See Section 25) and any other applicable regulations as herein provided.
- 18.3 Parking Regulations: Off-street parking and loading shall be provided as set forth in Section 28.
- 18.4 Refuse Facilities: Each refuse facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. No refuse facility may be placed nearer than thirty (30) feet to a residentially zoned district. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

- 18.5 Screening Requirements: Border fencing of wood or masonry of not less than six (6) feet in height is required and shall be installed at the time of construction, if not already in place, of any "C-1" development abutting a "R-1", "R-2", "R-3", "SF-A", "MF-1", "MF-2", "MH-1", or "MH-2" District or residential use, along the property line on any perimeter not abutting a public street. This fence shall be maintained throughout the existence of the development by the owner of said property.
- 18.6 Masonry Requirements: All principal buildings and structures shall have a minimum sixty percent (60%) of the total exterior walls and at least fifty percent (50%) of the front exterior wall below the first floor plate line, excluding doors and windows, constructed of brick, stone, concrete block, concrete tilt-up walls, or other masonry materials. At the discretion of the building official, masonry requirements may be waived if other suitable construction materials are proposed.
- 18.7 Mechanical Equipment: No mechanical equipment as an accessory facility may be placed nearer than one hundred twenty (120) feet to any residentially zoned district. Each mechanical equipment facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building.

## SECTION 19 "C-2" NEIGHBORHOOD SERVICES DISTRICT

General Purpose and Description: The "C-2" Commercial District is intended to provide commercial services and products to the immediate neighborhood and community. This is generally conducted in smaller scale than is found in the "C-3" District. These uses are primarily clean, aesthetically pleasing indoor services.

- 19.1 Use Regulations: A building or premise shall be used only for the following purposes:
- A. Uses as listed in Section 26 of this ordinance.
  - B. The following specific uses shall be permitted in the "C-2" District, when granted in accordance with Section 27:
    - 1. Uses as listed in Section 26 of this ordinance.
  - C. The following regulations shall be applicable to all uses in the "C-2" District:
    - 1. The business shall be conducted wholly within an enclosed building;
    - 2. Required yards shall not be used for display, sale or storage of merchandise or for the storage of vehicles, equipment, containers or waste material;
    - 3. All merchandise shall be sold at retail on the premises; and

4. Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.

- 19.2 Area: Yard: Height: Lot Coverage: and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.
- 19.3 Parking Regulations: Off-street parking and loading shall be provided as set forth in Section 28.
- 19.4 Refuse Facilities: Each refuse facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. No refuse facility may be placed nearer than thirty (30) feet to a residentially zoned district. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
- 19.5 Screening Requirements: Border fencing of wood or masonry of not less than six (6) feet in height is required and shall be installed at the time of construction, if not already in place, of any "C-2" development abutting a "R-1", "R-2", "R-3", "SF-A", "MF-1", "MF-2", "MH-1", or "MH-2" District or residential use, along the property line on any perimeter not abutting a public street. This fence shall be maintained throughout the existence of the development by the owner of said property.
- 19.6 Masonry Requirements: All principal buildings and structures shall have a minimum sixty percent (60%) of the total exterior walls and at least fifty percent (50%) of the front exterior wall below the first floor plate line, excluding doors and windows, constructed of brick, stone, concrete block, concrete tilt-up walls, or other masonry materials.
- 19.7 Mechanical Equipment: No mechanical equipment as an accessory facility may be placed nearer than one hundred twenty (120) feet to any residentially zoned district. Each mechanical equipment facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building.

SECTION 20

"C-3" COMMERCIAL DISTRICT GENERAL - 3

General Purpose and Description: The "C-3" District is intended to provide a zoning category similar to the "C-2" District, except that additional uses are permitted which are not generally carried on completely within a building or structure, and an expanded range of service and repair uses is permitted.

- 20.1 Use Regulations: A building or premise shall be used only for the following purposes:
- A. Any use permitted in the "C-2" District.
  - B. Other uses as listed in Section 26 of this ordinance.
  - C. The following specific uses shall be permitted in a "C-3" District, when granted in accordance with Section 27:
    - 1. Uses as listed in Section 26 of this ordinance.
- 20.2 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.
- 20.3 Parking Requirements: Off street parking requirements shall be provided in accordance with Section 28.
- 20.4 Refuse Facilities: Each refuse facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. No refuse facility may be placed nearer than thirty (30) feet to a residentially zoned district. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
- 20.5 Screening Requirements: Border fencing of wood or masonry of not less than six (6) feet in height is required and shall be installed at the time of construction, if not already in place, of any "C-3" development abutting a "R-1", "R-2", "R-3", "SF-A", "MF-1", "MF-2", "MH-1", or "MH-2" District or residential use, along the property line on any perimeter not abutting a public street. This fence shall be maintained throughout the existence of the development by the owner of said property.

20.6 Masonry Requirements: All principal buildings and structures shall have a minimum sixty percent (60%) of the total exterior walls and at least fifty percent (50%) of the front exterior wall below the first floor plate line, excluding doors and windows, constructed of brick, stone, concrete block, concrete tilt-up walls, or other masonry materials. At the discretion of the building official, masonry requirements may be waived if other suitable construction materials are proposed.

20.7 Mechanical Equipment: No mechanical equipment as an accessory facility may be placed nearer than one hundred twenty (120) feet to any residentially zoned district. Each mechanical equipment facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building.

## SECTION 21 "I-1" LIGHT INDUSTRIAL DISTRICT

General Purpose and Description: The "I-1" District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose. Development in the "I-1" District is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the "I-2" District may be permitted in the "I-1" District.

21.1 Use Regulations: Uses permitted in the "I-1" District are subject to the following conditions:

- A. All business, servicing, or processing except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed areas.
- B. All storage within one hundred feet (100') of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the maximum height of such screening.
- C. Permitted uses in the "I-1" District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.
- D. Permitted uses in the "I-1" District shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.



- E. Permitted uses in the "I-1" District shall not create fire hazards on surrounding property.
- F. Other uses as listed in Section 26 of this ordinance.
- G. The following specific uses shall be permitted in the "I-1" District when granted in accordance with Section 27:
1. Other uses as listed in Section 26 of this ordinance.
- 21.2 Exceptions: Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes may be permitted by the City Council after public hearing and review of the particular operational characteristics of each such use, and other pertinent data affecting the community's general welfare. Approval of uses under this subsection shall be made in accordance with Section 27.
- 21.3 Area; Yard; Height; Lot Coverage; and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.
- 21.4 Parking Regulations: Off-street parking requirements shall be provided in accordance with the specific uses set forth in Section 28.
- 21.5 Refuse Facilities: Each refuse facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. No refuse facility may be placed nearer than thirty (30) feet to a residentially zoned district. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
- 21.6 Screening Requirements: Border fencing of wood or masonry of not less than six (6) feet in height is required and shall be installed at the time of construction, if not already in place, of any "I-1" development abutting a "R-1", "R-2", "R-3", "SF-A", "MF-1", "MF-2", "MH-1", or "MH-2" District or residential use, along the property line on any perimeter not abutting a public street. This fence shall be maintained throughout the existence of the development by the owner of said property.

- 21.7 Mechanical Equipment: No mechanical equipment as an accessory facility may be placed nearer than one hundred twenty (120) feet to any residentially zoned district. Each mechanical equipment facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building.

## SECTION 22      "I-2" HEAVY INDUSTRIAL

General Purpose and Description: The "I-2" District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

22.1 Use Regulations: Uses permitted in the "I-2" District are subject to the following conditions:

- A. All business, servicing, or processing, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated.
- B. All storage within one hundred feet (100') of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively, screened with screening not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the maximum height of such screening.
- C. All facilities involved in the manufacturing, fabrication, processing or assembly of products shall be allowed provided that such facilities are not detrimental to the public health, safety or general welfare, and further provided that the following performance standards and city ordinances are met:
  1. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to smoke emission;
  2. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;

3. Dust, Odor, Gas, Fumes, Glare, or Vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;
4. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;
5. Noise: No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise at the property line shall not exceed 75 DB (A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise; and
6. Water Pollution: No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

D. Other uses as permitted in Section 26 of this ordinance.

E. The following specific uses shall be permitted in the "I-2" District when granted in accordance with Section 27:

1. Other uses as listed in Section 26 of this ordinance.

22.2 Exceptions: Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes may be permitted by the City Council after public hearing and review of the particular operational characteristics of each such use, and other pertinent data affecting the community's general welfare. Approval of uses under this subsection shall be made in accordance with Section 27.

22.3 Area, Yard, Height, Lot Coverage, and Building Size Requirements: The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings, and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations Adopted" (see Section 25) and any other applicable regulations as herein provided.

- 22.4 Parking Regulations: Required off-street parking shall be provided in accordance with the specific uses set forth in Section 28,
- 22.5 Refuse Facilities: Each refuse facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. No refuse facility may be placed nearer than thirty (30) feet to a residentially zoned district. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
- 22.6 Screening Requirements: Border fencing of wood or masonry of not less than six (6) feet in height is required and shall be installed at the time of construction, if not already in place, of any "I-2" development abutting a "R-1", "R-2", "R-3", "SF-A", "MF-1", "MF-2", "MH-1", or "MH-2" District or residential use, along the property line on any perimeter not abutting a public street. This fence shall be maintained throughout the existence of the development by the owner of said property.
- 22.7 Mechanical Equipment: No mechanical equipment as an accessory facility may be placed nearer than one hundred twenty (120) feet to any residentially zoned district. Each mechanical equipment facility shall be placed on a concrete pad and screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building.

## SECTION 23 "PD" PLANNED DEVELOPMENT DISTRICT

General Purpose and Description: The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A "PD" District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

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

Development Standards:

- A. Development standards for each separate "PD" District shall be set forth in the ordinance granting the "PD" District and may include but shall not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.
  - B. In the "PD" District, the particular district(s) to which uses specified in the "PD" are most similar shall be stated in the granting ordinance. All "PD" applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
  - C. The ordinance granting a "PD" District shall include a statement as to the purpose and intent of the "PD" granted wherein. A specific list is required of variances in each district or districts and a general statement for citing the reason for the "PD" request.
  - D. The Planned Development district shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.
  - E. The minimum acreage for a planned development district shall be three (3) acres.
- 23.2 In establishing a Planned Development district in accordance with this section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the City Council shall require a conceptual plan and a development plan (or detail site plan).
- A. Conceptual Plan: This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and shall be supported by written documentation of proposals and standards for development.
    - 1. A conceptual plan for residential land use shall show general use, thoroughfares and preliminary lotting arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.

2. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include but is not limited to the types of use(s), topography and boundary of "PD" area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
3. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan the City Council shall review the request and render judgement as to the conformity.

B. Development Plan or Detail Site Plan: This plan shall set forth the final plans for development of the Planned Development district and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. For the districts "R-1", "R-2", "R-3", "SF-A", "MF-1", "MF-2", "MH-1", and "MH-2" a final plat shall qualify as the development plan. The development plan may be submitted for the total area of the "PD" or for any section or part as approved on the conceptual plan. The development plan must be approved by the City Council. A public hearing on approval of the development plan shall be held by the City Council, unless such a hearing is waived pursuant to subsection 3 below at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

1. A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.

2. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet.
3. A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
4. A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.
5. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

C. All development plans may have supplemental data describing standards, schedules or other data pertinent to the development of the Planned Development District which is to be included in the text of the amending ordinance. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 40. This procedure is expanded as follows for approval of conceptual and development plans.

1. Separate public hearings shall be held by the City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:
  - a) The applicant submits adequate data with the request for the Planned Development district to fulfill the requirements for both plans; or
  - b) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and

c) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived the conditions shall be specifically stated in the amending ordinance.

2. The ordinance establishing the Planned Development district shall not be approved until the conceptual plan is approved.

a) The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the City Council for the initial and subsequent sections will be required.

b) An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the concept plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to re-approval by the City Council. If the entire project is not completed within two (2) years, the City Council may review the original concept plan to ensure its continued validity.

c) Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.

23.3 When a "PD" is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic. Written comments from the applicable public school district, and from private utilities may be submitted to the City Council.

23.4 All Planned Development districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in the appendix of this ordinance.



SECTION 24

"FP" FLOOD PLAIN DISTRICT

General Purpose and Description: To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding portions of certain districts are designated with a Flood Plain Prefix, "FP". Areas designated on the Zoning District Map by an "FP" Prefix shall be subject to the following provisions:

- 24.1 Permitted Uses: The permitted uses in that portion of any district having a Flood Plain (FP) prefix shall be limited to the following:
- A. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings.
  - B. Off-street parking incidental to any adjacent main use permitted in the district.
  - C. Private open space as part of a Planned Residential Development.
  - D. Structures, installations and facilities installed, operated and maintained by public agencies for flood control purposes.
  - E. Other uses as listed in Section 26 of this ordinance.
  - F. The following specific uses shall be permitted in a "FP" District, when granted in accordance with Section 27:
    - 1. Uses as listed in Section 26 of this ordinance.
- 24.2 No building or structure shall be erected in that portion of any district designated with a Flood Plain, "FP", prefix until and unless such building or structure has been approved by the City Council after engineering studies have been made, and it is ascertained that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or the public health and welfare.

SECTION 25

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

The following table is hereby adopted and shall be considered as part of each applicable zoning district regulation as previously described in this ordinance:

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

Zoning District	Min. Lot Area (Sq. Ft.) (a)	Min. Lot Width (Ft.)	Min. Lot Depth (Ft.)	Min. Front Yard Setback (Ft.) (b)	Min. Rear Yard Setback (Ft.)	Min. Side Yard Setback (Ft.) -Int. Lot-	Min. Side Yard Setback (Ft.) -Street Side-	Max. Height of Structure (Ft.)	Max. Lot Coverage of Structures	Min. - Ex. - Garages - (Sq. Ft.)	Min. - Ex. - Garages - (Sq. Ft.)
A	2 Acres	200	200	30	30	25	30	30	30%		1500
R-1 (c)	1 Acre	150	150	30	30	25	30	30	30%		1500
R-2 (c)	9000	75	100	25	25	8	25	30	40%		1000
R-3 (c)	6000	50	100	25	25	6	25	30	40%		840
SF-A (c)	10000 (h)	22	80	25	20	15	25	30	70%		N/A
MF-1 (c)	7260	60	100	25	25 (d)	25 (d)	25	30	50%		800
MF-2 (c)	7260	60	100	25	25 (d)	25 (d)	25	45	50%		800
MH-1 (c)	6000	50	100	25	25	10	25	25	40%		800
MH-2 (c)	5000/D.U.	50	100	25	25	10	25	15	40%		720
O	N/A	60	100	25	25 (d)	25 (d)	25	45	50%		N/A
C-1	N/A	60	100	25	25 (d)	25 (d)	25	45	50%		N/A
C-2	N/A	N/A	N/A	25	25 (d)	25 (d)	25	45	50%		N/A
C-3	N/A	N/A	N/A	25	25 (d)	25 (d)	25	45	50%		N/A
I-1	N/A	100	150	25	25 (e)	25 (e)	25	45	50%		N/A
I-2	N/A	100	150	25	25 (e)	25 (e)	25	45	50%		N/A
PD	3 Acres	(g)	(g)	(g)	(g)	(g)	(g)	(g)	(g)		(g)

(a) For those properties unserved by public sewer systems, compliance with standards established by the State for private sewer systems is required.

(b) There shall be a minimum fifty (50) foot setback for all properties abutting Interstate Highway 35. There shall also be a minimum thirty-five (35) foot setback for all yards abutting a designated major thoroughfare or collector street.

(c) Accessory structures are allowed in rear yards and side yards only. These are to be placed a minimum of ten (10) feet inside the designated setback requirement for front yards, but may be placed in other areas of rear and side yards provided they meet the minimum setback requirements for these areas.

(d) There shall be a total of fifty (50) foot setback from the adjacent property line for buildings in excess of one (1) story in height when adjacent to an R-1, R-2, R-3, SF-A, MH-1, or MH-2 district.

(e) Unless adjacent to a residential district, in which case a fifty (50) foot setback shall be observed.

(f) Except cooling towers, roof gables, chimneys, vent stacks or mechanical equipment rooms which may project not more than twelve (12) feet beyond the maximum building height.

(g) See Section 23 for specific requirements.

(h) Ten thousand (10,000) square feet refers to the minimum development area, however, no individual lot shall contain less than two thousand (2,000) square feet per dwelling unit.

SECTION 26 USE OF LAND AND BUILDINGS

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

A. Legend for Interpreting Schedule of Uses

- X   Designates use permitted in district indicated.
- (BLANK) Designates use prohibited in district indicated.
- S   Designates use which may be approved as Specific Use Permit.

B. Index For Schedule of Uses

<u>CATEGORY</u>	<u>SECTION</u>	<u>PAGE #</u>
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For alphabetical list of uses, see Section 38.

Other permitted uses are listed in the sections describing regulations for each individual district (Sections 8 through 24 of this ordinance)

26.1 AGRICULTURAL TYPE USES

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Animal Feed Lot	S													X	X	
Animal Pound (Public or Private)	S													S	X	
Auction Barn	S															
Garden or Orchard (Commercial)	X	X	X	X	X	X	X	X	X					S	S	X
Garden or Orchard (Non-commercial)	S															
Grainary	S															
Grain Elevator	S															
Greenhouse or Nursery (Commercial)	S												X	X	X	
Hatchery, Poultry	S													S	S	
Kennel	S													S	X	

26.2 RESIDENTIAL USES

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Boarding or Rooming House						X	X				X					
Hotel/Motel								X	X							
Manufactured Housing Park								X	X							
Manufactured Housing Subdivision								X	X							
Manufactured Home as Fixed Dwelling	S							X	X							
Multiple Family Dwelling (Apartment)					X		X									
Single Family Dwelling - Attached	X	X	X	X												
Single Family Dwelling - Detached			S	S	X											
Two Family Dwelling					X	X										

26.3 COMMERCIAL, SERVICE USES

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Alcoholic Beverage Sales (On-Premise)											X	X	X	X		
Alcoholic Beverage Sales (Package)											X	X	X	X	X	
Alcoholic Beverage Sales (Wholesale)											X	S	X			
Antique Shop (Indoor Sales)											X		X			
Antique Shop (Outdoor Sales)																
Appliance - Retail Sales, Service, or Repair (No outside storage)												X	X			

26.3 COMMERCIAL, SERVICE USES (CONTINUED)

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Appliance - Retail Sales, Service, or Repair (With outside storage)													X			
Art Supply Store												X	X			
Bakery or Confectionery Shop (Retail)												X	X			
Bakery or Confectionery Shop (Wholesale)											X		X			
Bank or Savings & Loan Office												X	X			
Barber or Beauty Shop												X	X			
Book Store, Stationary Shop, or Newsstand											X		X		X	
Building Material Sales													X			
Cabinet or Upholstery Shop							S					X	X			
Child Care Center		S	S	S	S	S	S	S				X	X			
Cleaners (Small Shop Pickup)												X	X			
Clothing/Apparel (Retail)													X			
Contractor Storage or Equipment Yard													X			
Contractor Office												X	X			
Custom Personal Service Shop											X		X			
Discount or Department Store													X			
Drapery, Needlework, or Weaving Shop												X	X			
Drug Store or Pharmacy												X	X			
Florist													X			
Feed, Seed, Fertilizer Store (Retail)											X	S	S		S	
Food Store													X			
Flea Market											X		X			
Furniture Store (Retail)												X	X			
Gift and Accessory Shop (Retail)													X			
Greenhouse or Plant Nursery (Retail)	X										X	X	X			
Hobby/Handcraft Shop											X	X	X			
Hardware Store											X	X	X			
Key/Locksmith Shop												X	X			
Laundry and Cleaning (Self-Service)												X	X			
Machinery Sales, Storage, or Repair													X			
Medical Appliances, Fitting, Sales, or Rental										X			X			
Medical, Optical, or Dental Laboratory													X			
Medical, Optical, or Dental Office/Clinic										X			X			
Mortuary or Funeral Home													X			

26.3 COMMERCIAL, SERVICE USES (CONTINUED)

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Paint Shop													X	X	X	
Pawn Shop												S	X			
Pet Shop													X	X	X	
Plumbing, Heating, or Air Conditioning Shop													X	X	X	
Plumbing Supply (Wholesale/Retail)										X			X	X	X	
Print Shop											X		X	X	X	
Restaurant or Cafeteria													X			
Retail Store Other Than Listed													S	S	S	
Sexually Oriented Businesses											X		X			
Shoe/Boot Repair or Sales										X			X			
Shopping Center													X	X	X	
Self-Storage Warehouse													X			
Studio (Decorator, Artist, or Photographer)												X	X			
Studio (Health or Exercise)												X	X			
Tailor Shop													X	X		
Tool Rental													X			
R.V. Trailer or Mobile Home Sales or Rental										X			X	X	X	
Travel Agency												X	X			
Variety Store													X			
Veterinarian Office (No Outside Animals)													X	X		
Veterinarian Office (With Outside Animals)	X												S	X	X	
Welding or Machine Shop													S	X	X	

26.4 AUTOMOBILE AND RELATED USES

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Auto Glass, Seat Cover and Muffler Shop													X	X	X	
Auto Painting and Body Shop													X	X	X	
Auto Parts and Accessory Sales (Indoors)												X	X	X	X	
Auto Storage or Auto Auction													X	X	X	
Car Wash (Automated)												X	X	X	X	
Car Wash (Self-Service)										X	X	X	X	X	X	
Fuel/Service Station (Auto)											X	X	X	X	X	

26.4 AUTOMOBILE AND RELATED USES (CONTINUED)

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Fuel/Service Station (Truck)											X		S	X	X	
Motorcycle Sales/Repair											X		X	X		
New Auto Sales (Primary Sales)											X		X	X		
Used Auto Sales (Primary Sales)											X		X	X		
Repair Garage											X		X	X		
Tire Retreading or Capping											X		X	X		
Tire Sales													S	X	X	
Trailer or Auto Rental																
Wrecking or Salvage Yard																S

26.5 TRANSPORTATION RELATED USES

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Airport or Landing Field	S										X	S	X	S	S	
Bus/Train Station or Terminal											X		X	X	X	
Hauling or Storage Company											X		S	S	S	
Heliport or Helistop	S										X			S	X	
Motor Freight Terminal																
Parking Lot or Structure - Commercial (Auto)														X	X	
Parking Lot or Structure - Commercial (Truck)														X	X	

26.6 RECREATIONAL AND ENTERTAINMENT USES

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Amusement, Commercial (Indoor)											X	S	X	X	X	
Amusement, Commercial (Temporary, Outdoor)											S	S	S	S	S	
Amusement, Commercial (Permanent, Outdoor)											X	S	X	X	X	
Ballfield or Stadium (Public/Private)	X	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Bridle, Bicycle or Nature Trail	X	S	S	S	S	S	S	S	S	S		S	X			
Camp (For Children)	X	S	S	S	S	S	S	S	S		X		X	X		
Country Club (Private)																
Dance Hall/Night Club	S	S	S	S	S	S	S	S	S				S	S	S	
Drag Strip or Commercial Racing	S	S	S	S	S	S	S	S	S				S	S	S	
Golf Course (Public/Private)																S

26.6 RECREATIONAL AND ENTERTAINMENT USES (CONTINUED)

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Park or Playground (Public/Private)	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
Pool/Billiard Hall											S		S	S	S	
Private Club													S	S	S	
Rodeo Grounds	X												X	X	X	X
Roller or Ice Rink																X
Stable (Commercial)	X															X
Stable (Private)	X	S	S	S	S	S	S	S			X	S	X	X	X	S
Swim, Tennis, or Handball Club	S	S	S	S	S	S	S	S			X	X	X	X	X	S
Swimming Pool (Commercial)	X	S	S	S	S	S	S	S			X	X	X	X	X	X
Swimming Pool (Home)	X	X	X	X	X	X	X	X			X		X	X	X	
Theater or Playhouse (Indoors)													S	X	X	
Theater (Drive-In)																
Zoo (Public/Private)	S															

26.7 EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Art Gallery or Museum	S									X	X		X	X		
Cemetery or Mausoleum	S												S	S	S	
Church or Rectory	X	S	S	S	S	S	S	S		X	X	X	X	S	S	
College or University	S												S	S	S	
Community Center (Public)	S	S	S	S	S	S	S	S		S	X	X	X	S	S	
Convent or Monastery	S	S	S	S	S	S	S	S		X	X	X	X	S	S	
Day Nursery													S	X		
Fairgrounds or Exhibition Area	S															
Fraternal Organization, Lodge, or Union Hall											X	X	X	S	S	
Home For Aged (Residence)						X	X				X	X	X	S	S	
Hospital (Acute Care)											X		X	S	S	
Hospital (Chronic Care)											X		X	S	S	
Institution for Alcohol, Narcotic or Psychiatric Patients													S	S	S	
Institution of Religious, Charitable or Philanthropic Nature													X			
Kindergarten or Nursery School		S	S	S	S	S	S	S				X	X	X		
School (Business)													X	X		
School (Public or Denominational)		X	X	X	X	X	X	X		S	X	X	X	X	X	
School (Trade)													X	X		





26.9 GENERAL MANUFACTURING AND INDUSTRIAL USES (CONTINUED)

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Asphalt or Concrete Batching Plant - Permanent	S												S	S	X	
Asphalt or Concrete Batching Plant - Temporary	S									S	S	S	S	S	S	S
Asphalt Manufacturing or Refining											S					
Blast Furnace											S					
Boats, Building or Repair										S	S					
Boiler Works										S	S					
Bookbinding											S					
Bottling Works											S					
Brick Kiln or Tile Plant											S					
Brooms or Brushes, Manufacturing											S					
Building Materials (Inside Storage)											S					
Building Materials (Outside Storage)											S					
Cameras or Other Photographic Equipment Manufacturing														X	X	
Candle Manufacturing														S	X	
Carpet Manufacturing														S	X	
Celluloid Manufacturing/Treatment														S	X	
Cement, Lime, Gypsum or Plaster of Paris Manufacturing														S	X	
Ceramics, Stone, Glass, Marble or Porcelain Products Manufacturing															X	
Chemical Manufacturing															X	
Cleaning and Dyeing (Dry Cleaning Plant)														X	X	
Coal, Coke, or Wood Yard														S	X	
Cosmetic Manufacturing															X	
Cotton Gin															X	
Cotton Seed Oil Manufacturing															S	
Creosote Treatment														S	X	
Dairy Products Processing															S	
Disinfectant Manufacturing															X	
Distillation of Bones, Coal or Wood															X	
Drugs or Pharmaceutical Products Manufacturing															X	
Dump or Sanitary Landfill	S															
Dyestuff Manufacturing															X	
Electrical Appliances/Supplies Machinery, Assembly/Manufacturing															X	
Electronic Products, Assembly														X	X	
Electronic Products, Manufacturing														S	X	

26.9 GENERAL MANUFACTURING AND INDUSTRIAL USES (CONTINUED)

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Emery Cloth/Sandpaper Manufacturing															X	
Explosives or Fireworks Manufacturing or Storage	S														S	
Fat Rendering															X	
Fertilizer Manufacturing															S	
Fiberglass Manufacturing															S	
Fish Smoking and Curing														S	X	
Food Products Processing															X	
Forge Plant															X	
Foundry (iron, steel, brass or copper)														S	X	
Fur Good Manufacturing														X	X	
Furniture/Upholstery Manufacturing															X	
Gas Manufacturing														S	X	
General Manufacturing														X	X	
Glass Manufacturing														X	X	
Glue or Gelatin Manufacturing															X	
Herbicide Manufacturing															S	
Household Appliance Products Assembly and Manufacturing														X	X	
Ice Production, Dry or Natural														X	X	
Industrial Park														S	S	
Insect Poison Manufacturing															X	
Junk or Salvage Yard															X	
Jute, Hemp, Sisal or Oakum Products Manufacturing														X	X	
Laundry Plant														X	X	
Light Manufacturing															X	
Mattress Manufacturing or Renovation															X	
Meat Processing/Locker Plant/Frozen														S	X	
Food Products														S	X	
Metal Fabrication															X	
Mill (Grain, Flour, Food Products)														X	X	
Musical Instrument Manufacturing															X	
Oilcloth or Linoleum Manufacturing															X	
Offal or Dead Animal Reduction or Dumping															X	
Ore Reduction															X	
Orthopedic or Medical Appliance Manufacturing														X	X	
Paint, Oil, Shellac, Turpentine or Varnish Manufacturing														S	X	
Paper Products Manufacturing															X	

26.9 GENERAL MANUFACTURING AND INDUSTRIAL USES (CONTINUED)

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Petroleum Products Manufacturing and Storage														S	X	
Pipe Sales and Supply (Industrial)													S	X	X	
Plastic Products Manufacturing													S	X	X	
Pump Sales, Repair and Maintenance													S	X	X	
Scrap Metal Sales and Storage														X	X	
Sports and Athletic Equipment Manufacturing														S	X	
Steel Fabrication														X	X	
Storage or Wholesale Warehouse														X	X	
Tools or Hardware Manufacturing														X	X	
Toys and Novelty Products Manufacturing														X	X	
Window Shade, Awnings, Venetian Blind Manufacturing														S	X	
Yeast Manufacturing														S	X	

26.10 NATURAL RESOURCE STORAGE AND EXTRACTION

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Caliche Pit and Caliche Storage	S														S	S
Mining and Storage of Mining Waste	S													S	X	S
Oil and Gas Extraction/Collection	S														S	S
Facilities and Storage	S														S	S
Sand/Gravel Extraction or Storage	S														S	S
Topsoil, Earth, Clay, or Stone Extraction or Storage	S														S	S

26.11 ACCESSORY AND INCIDENTAL USES

	A	R-1	R-2	R-3	SF-A	MF-1	MF-2	MH-1	MH-2	O	C-1	C-2	C-3	I-1	I-2	FP
Accessory Building (Residential)	X	X	X	X	X	X	X	X	X		X	X	X	X	X	
Accessory Building (Commercial)	X															
Accessory Building (Farm)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Off-Street Parking Incidental to Main Use	X	S	S	S	S	S	S	S	S		S	S	S	S	S	X
Tennis Court (Private)																

SECTION 27

"SUP" SPECIFIC USE PERMIT

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

27.2 Specific Use Permit Regulations:

- A. In recommending that a specific use permit for the premises under consideration be granted, the City Council shall determine that such uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures and compatibility of buildings.
- B. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such Specific Use Permit; and such conditions precedent to the granting of the certificate of occupancy.
- C. No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings) and approved by the City Council. No public hearing is necessary for site plan approval.
- D. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.

- E. When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and suffixed by the designation "SUP."

## SECTION 28 OFF-STREET PARKING AND LOADING REQUIREMENTS

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

### 28.1 Special Off-Street Parking Provisions - All Districts:

- A. All required parking spaces shall be located behind the required front setback line in the residential districts.
- B. Required off-street parking shall be provided on the same site as the use it is to serve.
- C. No required parking shall be allowed except on a paved concrete or asphalt parking space.

### 28.2 Size of Parking Spaces - All Districts:

#### A. Head-in Parking:

1. Each parking space shall measure not less than nine (9) feet by twenty (20) feet, exclusive of access drives or aisles.
2. Each parking space located in a parking garage shall measure not less than nine (9) feet by eighteen (18) feet, exclusive of access drives or aisles.
3. Each small car parking space shall measure not less than eight and one-half (8.5) feet by sixteen (16) feet, exclusive of access drives or aisles. A maximum of twenty-five percent (25%) of the required parking may be permitted as small car parking. Signage shall identify the small car spaces.

#### B. Parallel Parking:

1. Each parking space (on-street or off-street) designed for parallel parking shall have a minimum dimension of eight (8) feet by twenty-two (22) feet.

28.3 Off-Street Loading Space - All Districts:

- A. All retail, commercial and industrial structures having three thousand (3,000) square feet or more of gross floor area shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for each twenty thousand (20,000) square feet of gross floor area. A loading space shall consist of an area of a minimum of ten (10) by twenty-five (25) feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
- B. Kindergartens, day schools and similar child training and care establishments shall provide at least one (1) off-street loading and unloading space on a private drive to adequately accommodate students or children cared for by the establishment.
- C. Loading docks and areas shall be located within the building or on the lot adjacent to a public alley or private service drive.
- D. All off-street loading spaces shall be constructed of concrete paving except those listed in Section 28.3.B, in which case asphalt or concrete paving may be used.

28.4 Schedule of Parking Requirements Based on Use:

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

- A. Bank, savings and loan: One (1) space for each three hundred (300) square feet of floor area.
- B. Bowling alley: Four (4) parking spaces for each alley or lane.
- C. Business or professional office, (general): one (1) space per three hundred (300) square feet of gross floor area.
- D. Church or other place of worship: One (1) parking space for each four (4) seats in the main auditorium.
- E. Commercial amusement: Thirty (30) spaces plus one (1) space for each one hundred (100) square feet of floor area over two thousand (2000) square feet.
- F. Day nursery: One and one-half (1.5) space per teacher.
- G. Dwelling, single family: Two (2) spaces per dwelling.
- H. Dwelling, two family: Two (2) spaces per dwelling.
- I. Dwelling, multi-family: One and one-half (1.5) spaces per bedroom in each standard unit, or for each efficiency unit.

- K. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service: One (1) parking space for each four hundred (400) square feet of floor area, or a minimum of four (4) spaces.
- L. Gasoline station: Minimum of four (4) spaces.
- M. High school, college or university: One (1) space per each three (3) students accommodated in the institution.
- N. Hospital: One and one-half (1.5) spaces per each bed.
- Q. Hotel: One (1) parking space for each (1) sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- P. Library, museum or art gallery: One (1) parking space for each three hundred (300) square feet of floor area.
- Q. Lodge, or fraternal organization: One and one-fourth (1.25) spaces per two hundred (200) square feet.
- R. Manufacturing or industrial establishment, processing or repairing: One (1) parking space for each two employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.
- S. Medical or dental office: One (1) space per three hundred (200) square feet of floor area, or a minimum of four (4) spaces.
- T. Mini-warehouse: Four (4) spaces per complex plus one (1) space per five thousand (5000) square feet of storage area.
- U. Manufactured housing (HUD Code) park: Two (2) spaces for each lot, plus additional spaces as required herein for accessory uses.
- V. Manufactured housing (HUD Code) subdivision: Two (2) spaces per lot.
- W. Mortuary or funeral home: One (1) parking space for each two (2) persons normally accommodated in service.
- X. Motel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- Y. Motor-vehicle salesrooms and used car lots: One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1000) square feet of lot area for outdoor uses.
- Z. Nursing home: One (1) space per four (4) beds.



- AA. Private club, country club or golf course: One parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater (or a minimum of thirty (30) spaces).
- BB. Restaurant, cafe or similar recreation or amusement establishment: One (1) parking space for every three (3) seats under maximum seating arrangement.
- CC. Retail store or personal service establishment, except as otherwise specified herein: One (1) space per two hundred (200) square feet of gross floor area, or a minimum of four (4) spaces.
- DD. Rooming or boarding house: One (1) parking space for each sleeping room.
- EE. Sanitarium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.
- FF. School, elementary or junior: One (1) parking space for each four (4) seats in the auditorium or main assembly room and one (1) space for each classroom.
- GG. Theater, auditorium (except school), sports arena, stadium or gymnasium: One (1) parking space for each three (3) seats or bench seating spaces.
- HH. Warehouse, wholesale, manufacturing and other industrial type uses: One (1) space for one thousand (1000) square feet of gross floor area or one (1) space per two (2) employees.
- II. Uses not listed in Section 28.4 shall provide required off-street parking according to the most similar use listed in Section 28.4, as determined by the City Council.

28.5 Rules for Computing Number of Parking Spaces - All Districts: In computing the number of parking spaces required for each of the above uses the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be rounded up to the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- D. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

28.6 Location of Parking Spaces - All Districts: All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than three hundred (300) feet from any other non-residential building served.
- B. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than eighty (80) percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

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

## SECTION 29 HOME OCCUPATIONS

Purpose: The purpose of this section is to permit the conduct of some home occupations within residential districts which are compatible with the neighborhoods in which they are located. Some home occupations are a permitted accessory use in a residential district and are subject to the requirements of that district in which the use is located, in addition to the following:

### 29.1 General Provisions:

- A. Only the member of the immediate family occupying the dwelling shall be engaged in the home occupation;
- B. The home occupation shall be conducted only within the enclosed area of the dwelling unit, garage, or accessory structures. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises;

- C. There shall be no exterior alterations which change the character of the dwelling unit, and/or exterior evidence of the home occupation other than those signs permitted in the district;
- D. No use shall create smoke, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not normally associated with the average residential use within the district;
- E. The home occupation shall not create any significant increase in vehicular flow or parking and shall not create greater pedestrian traffic than normal for the district;
- F. No home occupation shall cause a significant increase in the use of any utilities, or generate trash or refuse beyond the average of the residences in the neighborhood; and
- G. No more than one (1) advertising sign with a maximum of four (4) square feet of a non-illuminating nature may be placed on the premises.

29.2 Use Regulations:

A. The following are examples of uses which can often be conducted within the limits of this section. Uses listed in this section do not automatically qualify as a home occupation, nor does this listing limit the uses which may qualify as home occupations:

1. Accountant;
2. Artist;
3. Author;
4. Barber/Beauty Shop (maximum of 2 chairs);
5. Consultant;
6. Day Nursery (no more than 12 children);
7. Handicrafts;
8. Music/Art Instruction;
9. Notary;
10. Sewing; and
11. Tutor;

B. The following uses are incompatible with residential neighborhoods and thereby impair the character of residential areas. Therefore, these uses shall not be permitted as accessory uses in residential districts:

1. Auto Repair;
2. Day Nursery (more than 12 children);
3. Painting/Bodywork on Vehicles or Boats;
4. Television/Appliance Repair; and
5. Welding;

29.3 Limitations: The City Council shall interpret the provisions of this section to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be subject to the provisions of the commercial or industrial zones of this ordinance.

## SECTION 30 SPECIAL AND ADDITIONAL REGULATIONS

### 30.1 Lot Regulations:

- A. Lot Area: The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.
- B. Location of Dwellings and Buildings: Only one (1) main building for one-family and two-family use with permitted accessory buildings may be located upon a lot or unplatted tract. More than one (1) main building for multifamily, commercial, or industrial use may be located on a lot or unplatted tract. Each building shall face or front on a public street, other than alley, and shall have at least one means of access to such street with a minimum width of thirty (30) feet. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site plan for such development is approved by the City Council so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one (1) building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.
- C. The minimum lot areas only apply to those properties served by public sewer systems. For those properties unserved by public sewer systems, compliance with minimum standards established by the State for private sewer systems is required.

30.2 Front Yards:

- A. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on a final plat).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
- C. Where a building line has been established by a plat approved by the City Council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than twenty-five (25) feet (except as approved by "PD").
- D. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard.
- E. 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.
- F. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection.

On any corner lot for which front and side yards are required herein, no wall, fence, structure, sign, tree, or other planting or slope terrace or embankment may be maintained higher than three (3) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point thirty (30) feet back from the right-of-way corner.

- G. Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten (10) feet to the property line.

- H. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the front or side yard shall be measured from the future right-of-way line.

30.3 Side Yards:

- A. Every part of a required side yard shall be open and unobstructed except for (a) accessory buildings as permitted herein; (b) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve (12) inches into the required side yard; and (c) roof eaves projecting not more than thirty-six (36) inches into the required side yard. Balconies shall not project into the required side yard.
- B. For multi-family structures in the "MF-1", "MF-2", and "PD" Districts, a minimum side yard, or space between adjoining buildings, shall be thirty (30) feet between building walls.
- C. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of twenty-five (25) feet shall be provided on the nonresidential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed and maintained adjacent to the common side (or rear) property line.

30.4 Rear Yards:

- A. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.

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

A. Permits and Approvals: No swimming pool shall be constructed or used until a swimming pool building permit and a certificate of occupancy have been issued therefor. No building permit and no final certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.

B. Requirements: A swimming pool may be constructed and operated when:

1. the pool is not located in any required front or side yard abutting a street;

2. a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
3. all lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;
4. no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and
5. the swimming pool is no closer than eight (8) feet from any property line.

#### 30.6 Commercial Activities:

- A. All commercial activities shall be conducted from a permanent structure or building.

#### 30.7 Utilities (Public or Private):

- A. Border fencing of wood or masonry of not less than six (6) feet in height, or hedge-like evergreen plant materials capable of obtaining solid appearance within three (3) years is required and shall be installed or planted at the time of construction of any public or private above ground utility facility, along the property line or surrounding the facility. This screening shall be maintained throughout the existence of the facility by the owner of said property.

### SECTION 31 ACCESSORY BUILDING REGULATIONS

- 31.1 In a residential or apartment district, an accessory building is a subordinate building exceeding one hundred twenty (120) square feet of floor area, attached to or detached from the main building, without separate bath or kitchen facilities, not used for commercial purposes and not rented.
- 31.2 In other districts, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.
- 31.3 No accessory building shall exceed twenty-five (25) feet in height, nor shall it be greater in height than the main structure.
- 31.4 Area Regulations for Accessory Buildings in Residential Districts:

- A. Size of Yards:

1. Front Yard: Attached front accessory buildings shall have a front yard not less than the main building or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the rear or side yard.
2. Side Yard: There shall be a side yard not less than five (5) feet from any side lot line, alley line, or easement line, except that adjacent to a side street, the side yard shall never be less than fifteen (15) feet.
3. Rear Yard: There shall be a rear yard not less than ten (10) feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described shall not be located closer than fifteen (15) feet to the main building nor nearer than five (5) feet to any side lot line.
4. Any garage constructed in a residential district shall be set back not less than fifteen (15) feet from any street or alley line on which it faces, except that any provision of this ordinance requiring a greater setback shall prevail.

SECTION 32      PLATTING PROPERTY NOT PERMANENTLY ZONED

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

SECTION 33      CLASSIFICATION OF NEW AND UNLISTED USES

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



- A. The building inspector shall refer the question concerning any new or unlisted use to the City Council requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- B. The City Council 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 Council shall by resolution approve or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
- D. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in paragraphs A, B, and C above shall be followed.

SECTION 34      CREATION OF BUILDING SITE

- 34.1 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 Council, signed by the Mayor, and filed in the Plat Records of McLennan County, Texas.
  - B. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the City, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned parcel without first complying with Paragraph "A" preceding.
  - C. The plot or tract is all or part of a site plan officially approved by the City Council and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any and all plots, tract or lots must be provided access via a public street or drive.

SECTION 35

NON-CONFORMING USES AND STRUCTURES

- 35.1 A non-conforming status shall exist when:
- A. A use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the Zoning Ordinance.
- 35.2 No non-conforming use or structure may be expanded or increased beyond the lot or tract upon which such non-conforming use is located as of the effective date of this ordinance except to provide off-street loading or off-street parking space upon approval of the City Council.
- 35.3 Repairs and normal maintenance may be made to a non-conforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
- 35.4 Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.
- 35.5 Where a conforming use is located in a non-conforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy from the Building Official.
- 35.6 Whenever a non-conforming use is abandoned, all non-conforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a non-conforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a non-conforming use for a period of one (1) year shall be construed as conclusive proof of intent to abandon the non-conforming use. Any non-conforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.
- 35.7 If a non-conforming structure or a structure occupied by a non-conforming use is damaged by fire, act of God or other cause, such that damage exceeds fifty percent (50%) of its current market value, reconstruction may only be permitted after a hearing and favorable action by the City Council. However, if reconstruction is permitted, the size and function of the non-conforming use shall not be expanded beyond that of the previous non-conforming use. If damage by fire, act of God or other cause does not exceed fifty percent (50%), reconstruction is allowed through normal building permit processes established by the City.

SECTION 36

PLANNING AND ZONING COMMISSION

- 36.1 Establishment of a Planning and Zoning Commission: The City Council shall appoint a Planning and Zoning Commission consisting of five (5) members, each to be appointed for a term of two (2) years, removable for cause by the City Council upon written charges after a public hearing. The appointed members of the Commission shall be identified by place numbers one (1) through five (5). The odd numbered places shall expire in the odd numbered years and the even places shall expire in the even numbered years. Commission members may be appointed to succeed themselves. Two (2) alternate members shall also be appointed and serve in the absence of one or more regular members as requested to do so by the mayor. The City Council shall also fill vacancies for the unexpired term of any member whose term becomes vacant, but no member shall be appointed for a term in excess of two (2) years. The Commission shall serve all duties and responsibilities as authorized by Section 211.007 of the Local Government Code.
- 36.2 Organization: The Planning and Zoning Commission shall hold an organization meeting in October of each year and shall elect a Chairperson and a Vice-Chairperson prior to other business. The Commission shall also elect a Secretary, either from its membership or from staff representatives assigned by the chief executive of the City. The Commission shall meet regularly and shall designate the time and place of its meetings. The Commission shall adopt its own rules of procedure and keep records of such meetings consistent with this ordinance and the requirement of law.
- 36.3 Powers and Duties: The Planning and Zoning Commission shall have the power and the duty to make recommendations on adoption and amendments to the Comprehensive Plan, Zoning Ordinance, or Zoning Map for the future development and redevelopment of the City and all land under its control and also other such duties as provided in this ordinance.

SECTION 37

ZONING BOARD OF ADJUSTMENT

- 37.1 Establishment of a Zoning Board of Adjustment: The City Council shall appoint a Zoning Board of Adjustment consisting of five (5) members, each to be appointed for a term of two (2) years, removable for cause by the City Council upon written charges after a public hearing. Two (2) alternate members shall also be appointed and serve in the absence of one or more regular members as requested to do so by the mayor, so that all cases before the Zoning Board of Adjustment will be heard by a minimum of four (4) members. The alternate members shall serve for the same period as the regular members. The City Council shall fill vacancies for the unexpired term of any member whose term becomes vacant. The Board shall serve all duties and responsibilities as authorized by Section 211.008 - 211.011 of the Local Government Code.

37.2 Organization: The Zoning Board of Adjustment shall hold an organization meeting in October of each year and shall elect a Chairperson and a Vice-Chairperson prior to other business. The Board shall also elect a Secretary, either from its membership or from staff representatives assigned by the mayor of the City. The Board shall meet at the call of the Chairman and other such times as deemed necessary by the Board. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep records of such meetings consistent with this ordinance and the requirements of law.

37.3 Appeals:

- A. Procedure: Appeals may be taken to and before the Zoning Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the city. Such appeal shall be made and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board all of the minutes constituting the record upon which the action appealed was taken.
- B. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board that by reason of facts in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order by a court of record, after notice to the office from whom the appeal is taken and on due cause shown.
- C. Notice of Hearing on Appeal: The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
- D. Decision by the Zoning Board of Adjustment: The Zoning Board of Adjustment shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decisions or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer or department from whom the appeal is taken.
- E. The concurring vote of four (4) members of the Zoning Board of Adjustment 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.

37.4 Powers and Duties of Board:

- A. Appeals Based on Error: The Zoning Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance. Except as otherwise provided herein, the Board shall have, in addition, the following specific powers:
1. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.
  2. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
  3. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
  4. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty (50) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.
  5. To waive or reduce the parking and loading requirements in any of the districts, when (1) the character of use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (2) when such regulations would impose an unreasonable hardship upon the use of the lot. The Board shall not waive or reduce such requirements merely to the purpose of granting an advantage or a convenience.
- B. Variances: An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a concept plan, detail site plan or development plan, preliminary plat or final plat required by this ordinance has not been finally acted upon by the City Council. All administrative procedures and requirements of this ordinance, applicable to concept plans, detail site plans, preliminary plats and final plats must be exhausted prior to requesting a variance from the terms of this ordinance.

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

- e). no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

C. Changes: The Zoning Board of Adjustment shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

## SECTION 38

### RULES OF CONSTRUCTION AND SPECIAL DEFINITIONS

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

- A. words used in the present tense include the future tense;
- B. words used in the singular number include the plural number;
- C. words in the plural number include the singular number;
- D. the words "building" and "structure" are synonymous;
- E. the words "lot", "plot" and "tract" are synonymous;
- F. the word "shall" is mandatory and not discretionary; and
- G. except to the extent a particular provision specifies otherwise, the following definitions shall apply throughout this ordinance:
  - 1. Accessory Use or Building - A use or building subordinate to and detached from the main building, greater than one hundred twenty (120) square feet in floor area, and used for purposes customarily incidental to the primary use of the premises.
  - 2. Airport or Landing Field - An area improved for the landing or take-off of aircraft approved by the City of Lacy-Lakeview for operation as an aircraft landing facility.
  - 3. Alcoholic Beverage - Any beverage containing more than one-half of one percent alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.
  - 4. Alley - A public space or thoroughfare which affords only secondary means of access to property abutting thereon.
  - 5. Antique Shop - An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

6. Apartment - A room or suite of rooms in a multi-family dwelling or apartment house designed or occupied as a place of residence by a single family, individual or group of individuals.
7. Apartment House - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three or more families living in independent dwelling units.
8. Area of the Lot or Building Site - The area shall be the net area of the lot or site and shall not include portions of streets and alleys.
9. Art Gallery or Museum - An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.
10. Basement - A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.
11. Block - An area enclosed by streets and occupied by or intended for buildings; where this word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.
12. Boarding or Rooming House - A building, other than a hotel or multiple family dwelling, where lodging is provided for five (5) or more persons for compensation, and where facilities for food preparation are not provided in individual rooms.
13. Building - (Same as structure.)
14. Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building spacing regulations for multiple-family dwelling, the term "building end" shall mean the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.
15. Building Inspector - The Building Official or person charged with the enforcement of the zoning and building codes of the City.
16. Building Line - A line parallel or approximately parallel to the street line at a specified distance therefrom constituting the minimum distance from the street line that a building may be erected.
17. Building Material Sales - The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which is oriented to the retail customer, rather than contractor or wholesale customer.



18. Building Official - The Building Inspector.
19. Camp (For Children) - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities over night or on an extended basis.
20. Cellar - A building story with more than one-half (1/2) its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.
21. Certificate of Occupancy and Compliance - An official certificate issued by the City through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.
22. Church or Rectory - A place of assembly and worship by a recognized religion including without limitation synagogues, temples, churches, instruction rooms and the place of residence for ministers, priests, rabbis, teachers and directors on the premises.
23. City Council - The governing body of the City.
24. Clinic, Medical or Dental - Facilities for examining, consulting and treating patients including offices, laboratories and outpatient facilities, but not including hospital beds and rooms for acute or chronic care.
25. Club, Private - A club room or suite of rooms or a building available to restricted membership for meetings, dining, on-premise alcoholic beverage consumption, 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.
26. College or University - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.
27. Commercial Amusement (indoor) - An amusement enterprise wholly enclosed and operated within an acoustically treated building such as a bowling alley or pool hall.
28. Commercial Amusement (outdoor) - An amusement enterprise offering entertainment to general public such as golf driving range, pitch and putt course, archery, miniature golf and similar outdoor activities but not including go-cart racing, drag strips, auto racing or motorcycle racing.

29. 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.
30. Community Center (public) - A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.
31. Convalescent Home - Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.
32. Country Club (private) - An area of twenty (20) acres or more containing a golf course and a clubhouse and available only to private specific membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.
33. Court - An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.
34. Coverage - The percent of a lot or tract covered by the roof or first floor of a building.
35. Day Nursery - An establishment where children are left for care or training during the day, including a recreation area with or without a building where children engage in supervised training or recreation during a portion of the twenty-four (24) hours of a day.
36. Depth of Lot - The mean horizontal distance between the front and rear lot lines.
37. Dwelling, Multiple-Family - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.
38. Dwelling, One-Family - A dwelling unit having accommodations for and occupied by not more than one family, or by one family and not more than four (4) boarders and lodgers.

39. Dwelling, Two-Family - A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four (4) boarders and lodgers.
40. Dwelling Unit - A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.
41. 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.
42. Family - Any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage or adoption.
43. Farm Accessory Building - An accessory structure on a tract qualifying as a farm as herein defined for storing or housing the usual projects and animals raised or maintained on a farm, such as a barn, poultry house, stable, machinery shed or granary. Animals or poultry shall be located nearer than one hundred (100) feet to the bounding property lines of the farm tract.
44. Fire, Police or Municipal Building - Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.
45. Flea Market - A collection or group of outdoor stalls, booths, tables or other similar arrangements, used by individual vendors, for the display and sale of various items of new or used personal property.
46. Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.
47. Floor Area Ratio - The ratio of total building floor area to lot area.
48. Garden or Orchard (commercial) - An area of more than one (1) acre used for growing of usual farm products, vegetables, fruits, trees and/or grain.
49. Garden or Orchard (non-commercial) - An area of one (1) acre or less which is used for growing of usual farm products, vegetables, fruits, trees and/or grain.
50. Golf Course (commercial) - A golf course, privately owned but open to the public for a fee and operated as a commercial venture.

51. Guest House (detached) - A secondary structure on a lot or tract containing dwelling accommodations excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not for rent or permanent occupancy.
52. Height - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roofs' surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
53. Heliport or Helistop - A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft and subject to approval by the City of Lacy-Lakeview.
54. Home for Aged, Residence - A home where elderly people are provided with lodging and meals without nursing care being a primary function.
55. Home Occupation - Any occupation or activity not involving the conduct of a business which is clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory structure by an immediate member of a family residing on the premises. Also, there is no advertising other than an identification sign of not more than four (4) square feet in area and no other exterior identification of the home occupation or variation from the residential character of the main building or accessory structure; no equipment used which creates noise, vibration, smoke, dust, odor, heat, glare, fire hazard, or electrical interference beyond that normally associated with the average residential use of the district; and the home occupation does not create any significant increase in vehicular flow, parking, pedestrian traffic, the use of utilities, or the generation of trash and refuse beyond the average of the residences in the neighborhood.
56. Hospital (general acute care) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.
57. Hospital (chronic care) - An institution where those persons suffering from generally permanent types of illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and which is licensed by the State of Texas.

58. Institution for Alcoholic, Narcotic or Psychiatric Patients - An institution offering resident or outpatient treatment to alcoholic, narcotic or psychiatric patients.
59. Kindergarten or Nursery School - A school for children of preschool age, the work of which is purely preliminary to the work of the public school, and which contemplates a planned program of games, songs, social exercises and object lessons.
60. 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.
61. Light Fabrication and Assembly Processes - The fabrication, assembly or manufacture of products, including but not limited to jewelry, trimming decorations, signs, and similar items, which does not involve generation of noise, odor, vibration, dust or hazard.
62. Living Unit - The room or rooms occupied by a family and which includes cooking facilities.
63. 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.
64. Lodging House - A building where lodging for five (5) or more persons is provided in exchange for compensation.
65. Lot Coverage - The percentage of the total area of a lot occupied by the base (first story of floor) of buildings located on the lot or the area determined as the maximum cross-sectional area of the building.
66. Lot Depth - The mean distance between the front and rear lot lines.
67. Lot Lines - The lines bounding a lot as defined herein.
68. Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk of McLennan County or a parcel of land, the deed for which is recorded in the office of the county clerk of McLennan County, prior to the adoption of this ordinance.
69. Lot or Building Site - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

70. Lot Width - The width of a lot at the front building lines.
71. Main Building - The building or buildings on a lot which are occupied by the primary use.
72. Manufactured Home - Same as "Mobile Home" except constructed on or after June 15, 1976.
73. Manufacturing Processes - Uses restricted from other zoning districts but permitted in the "I-1" and "I-2" Districts under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent areas.
74. Manufactured Home Park - A tract or parcel of land used to accommodate manufactured home units and accessory structures as a semi-permanent place of residence.
75. Manufactured Home Subdivision - A tract of land subdivided into lots which are designed as permanent sites for manufactured or relocatable homes and which are served by separate utilities, dedicated street access on a legally filed plat, and are capable of being conveyed as separate lots.
76. Masonry Material - Refers to materials used in the construction of structures including brick, stone, concrete block, concrete tilt-up walls, or other materials using mortar or cement as a bonding agent.
77. Mobile Home - Means a structure constructed prior to June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. References in this ordinance to "mobile home(s)" shall be taken to be references to HUD Code manufactured home(s).

78. Modular (Industrialized) Home - "Modular (Industrialized) Home" means a structure or building module as defined by statute and under the jurisdiction and control of the Texas Department of Labor and Standards, installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.
79. Motel or Hotel - A building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing six (6) or more room units with customary hotel services such as linen, maid service, telephone and upkeep of furniture.
80. 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 place of residence by three or more families living in independent dwelling units.
81. Non-conforming Use - A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto and which does not conform to the use regulations of the district in which it is situated.
82. 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.
83. Occupancy - The use or intended use of the land or buildings by proprietors or tenants.
84. Off-Street Parking Incidental to Main Use - Off-street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use or within two hundred (200) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.
85. On-Premise - A place where alcoholic beverages, including beer, wine, or mixed drinks, are sold for consumption on the premises with or without food. Live entertainment may be provided and dancing permitted subject to other applicable city ordinances.
86. Package Sales (alcoholic beverages) - Package sales refers to the sale of alcoholic beverages, of all types, in unbroken original containers on or from a premises at retail to consumers for off-premises consumption only and not for the purpose of resale.

87. Park or Playground (public) - An open recreation facility or park owned and operated by a public agency such as the City of Lacy-Lakeview or the School Board and available to the general public for neighborhood use but not involving lighted athletic fields for nighttime play.
88. Parking Lot or Structure, Commercial (auto) - An area or structure devoted to the parking or storage of automobiles for a fee, may include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an integral function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.
89. Planning and Zoning Commission - A five (5) member commission appointed by the City Council for terms of two (2) years as an advisory body which is authorized to recommend changes in the zoning ordinance.
90. Plant Nursery or Greenhouse - Retail or wholesale sales of plant materials and supplies either enclosed in a building, lath house, or in the open and with related storage of equipment for landscape contracting.
91. Playfield or Stadium (public) - An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.
92. Private Club - (See Club, Private.)
93. Private Garage - An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.
94. 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.
95. Private Utility (franchised) - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Lacy-Lakeview.
96. Public Building, Shop or Yard of Local, State or Federal Agency - Facilities such as office buildings, other than City Hall, Library, Police or Fire Station, maintenance yards and shops required by branches of Local, State or Federal Agencies for service to an area such as Highway Department yard, City Service Center or Experiment Station.



97. Radio, Television or Microwave Towers - Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.
98. Radio, T.V. and Appliance Repair - A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building.
99. Residence - Same as dwelling; when used with district, an area of residential regulations.
100. Residential Zoning District - Any zoning district included in this ordinance in which residential uses constitute the primary permitted use classification, including the "R-1", "R-2", "R-3", "SF-A", "MF-1", "MF-2", "MH-1", and "MH-2" district classifications.
101. Restaurant or Cafeteria - A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, as a drive through service, and/or where provisions may be made for serving food on the premises outside the building.
102. Retail Shop, Apparel, Gift, Accessory and Similar Items - Small retail shops such as dress shops or gift shops serving specific neighborhood areas as differentiated from department stores or discount stores having community wide service importance.
103. Rooming House - (see Lodging House).
104. School, Business - A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.
105. 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.
106. 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.
107. Second Hand Store, Furniture or Clothing - An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

108. Sexually Oriented Business - Sexually oriented businesses shall mean commercial enterprises whose major business is the offering of a service or product which is intended to provide sexual stimulation or sexual gratification to the customer, and which is distinguished by or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas including, but not limited to, massage parlors, nude studios, modeling studios, love parlors, adult bookstores, adult video stores, adult motion picture theaters, live nude entertainment club, and adult mini-motion picture theaters, and such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
109. Sign - An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure for display on premises.
110. Single Family Dwelling (attached) - A building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family and which is attached by one or more common wall(s) to another similar single family dwelling unit. An attached dwelling shall be designed to permit separation from an adjoining dwelling in the event either dwelling is caused to be removed.
111. Single Family Dwelling (detached) - A detached building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family.
112. Stable (commercial) - A structure housing horses which are boarded or rented to the public or any stable other than a private stable; but not including a sale barn, auction or similar trading activity.
113. Stable (private) - An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one (1) acre area of a farm or lot.
114. Street - A public thoroughfare which affords principal means of access to abutting property.
115. Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way.
116. Story - The height between the successive floors of a building of from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.
117. Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

118. Structure - Anything, other than a fence constructed or erected, which requires permanent location on the ground or attached to something having permanent location on the ground.
119. Studio: Art, Music, Ceramics, Drama, Speech, Dance and Similar Skills - A building or rooms in a building used for instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.
120. Swimming Instruction as a Home Occupation - The teaching of swimming in a private swimming pool. In a residential area, the offering of swimming instruction in a private pool is subject to the approval of a Specific Use Permit which may specify operating conditions and standards and may limit the number of students and operating time.
121. Swimming Pool (commercial) - A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.
122. Swimming Pool (home) - A swimming pool constructed for the exclusive use of the residents of a single family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than eight (8) feet to any property line.
123. 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.
124. Temporary Field or Construction Office - Temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for a specified period of time in accordance with a permit issued by the Building Official.
125. Tennis Court, Private - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but, excluding lighting for night play in residential areas, except as may be otherwise provided or restricted by the Specific Use Permit.
126. Thoroughfare - (Same as Street.)
127. Two Family Dwelling - A single detached building located on a platted lot or building site designed for and occupied by not more than two (2) families.

128. Usable Open Space - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.
129. Variance - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.
130. Wrecking or Auto Salvage Yard - A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.
131. Yard - An open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.
132. Yard, front - An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.
133. Yard, rear - An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.
134. Yard, side - An open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a side line.
135. Zoning Board of Adjustment - A five (5) member board appointed by the City Council for terms of two (2) years whose function is to hear cases where a citizen is not satisfied with a decision made concerning a zoning issue.
136. Zoning District Map - The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this ordinance.
137. Zoo (private) - A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

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

SECTION 39

BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

- 39.1 General Requirements: No permanent structure may be constructed or otherwise located within the city limits prior to issuance of a Building Permit by the Building Inspector. No permanent structure constructed or otherwise located within the city limits may be occupied prior to issuance of a certificate of occupancy by the Building Inspector. No change in the existing conforming use of a permanent structure or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a Certificate of Occupancy by the Building Inspector.
- 39.2 Procedure for New or Altered Buildings: Plans for any permanent structure to be constructed or otherwise located within the city limits must be approved by the Building Inspector who, upon approval, shall issue a Building Permit. A complete application for a building permit shall contain details of foundation and structure sufficient to determine compliance with applicable provisions of the Standard or Uniform Building Code. Upon submission of a completed application and payment of the designated fees, the Building Inspector shall issue a Building Permit. After issuance of a Building Permit and prior to issuance of a Certificate of Occupancy, the Building Inspector shall conduct a foundation, plumbing, electrical and framing inspection. After such inspection, the Building Inspector shall issue a Certificate of Occupancy if the plans and the results of the inspection comply with the provisions of all applicable ordinances and regulations.
- 39.3 Procedure for Vacant Land or a Change in Use: Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy therefor shall be issued within ten (10) days after the application for same has been made.
- 39.4 Contents of Certificate of Occupancy: Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and ordinances. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

39.5 Temporary Certificate Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Issuance of a temporary certificate shall not be construed to alter the respective rights, duties, or obligations of the owner or of the City relating to the use occupancy of the premises or any other matter covered by this ordinance.

39.6 Certificates for Non-conforming Uses: A Certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by adoption of this ordinance. Application for such Certificate of Occupancy for a non-conforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such non-conforming use within one (1) year of the effective date of this ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful non-conforming use, but failure to apply for such Certificate of Occupancy for a non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this ordinance.

SECTION 40 CHANGES AND AMENDMENTS TO ZONING ORDINANCE AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

40.1 Declaration of Policy: The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

A. To correct any error in the regulations or map.

B. To recognize changed or changing conditions or circumstances in a particular locality.

C. To recognize changes in technology, style of living, or manner of doing business.

40.2 Authority to Amend Ordinance: The City Council may from time to time amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the Planning and Zoning Commission, may be initiated by the City Council, or may be requested by the owner or the authorized representative of an owner of the affected real property and shall be in accordance with applicable laws.

40.3 Public Hearing and Notice: Prior to making a decision, the City Council shall hold at least one public hearing on each application, proposed amendment, supplement, or change. Written notice of all public hearings on proposed amendments, supplements, or changes in district classification or boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the Zoning Ordinance and on proposed changes in district classification or boundaries shall be published not less than fifteen (15) days prior thereto in the official newspaper of the City.

40.4 Council Consideration: The City Council, after the public hearing is closed, may defer consideration until after its evaluation of the requested application, proposed amendment, supplement or change and the relationship of the request on the Comprehensive Plan for a period not exceeding ninety (90) days. This allows the City Council an opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the City Council shall consider the following factors:

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

40.5 Council Action on Proposed Changes:

- A. Thirty Day Notice Requirement: No change in zoning classification shall be granted until after the 30th day following the notice to property owners required in Section 40.3.
- B. Effective Date of Ordinance: No ordinance change shall become effective until after the adoption of the ordinance and its publication as required by law.
- C. Proposal Recommended for Denial: When the City Council determines that a proposal should be denied, it shall so report and notify the applicant. A request which has been denied by the City Council may be resubmitted at any time for reconsideration by the City (a new filing fee must accompany the request). The City Council may specifically deny any request with prejudice. If a request has been specifically denied with prejudice, the request may not be resubmitted to the City for a period less than one hundred twenty (120) days from the original date of denial.
- D. Three-Fourths Vote: A favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received which comply with the provisions of Article 1011e, Revised Civil Statutes of Texas. 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 (20) percent or more of (a) the area of the lots or land included in such a proposed change or (b) the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom (measured without regard to city streets or other public right of way), such amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.

40.6 Final Approval and Ordinance Adoption: If the amending ordinance is not approved within six (6) months from the time of its original consideration, the zoning request, at the option of the City Council, may be recalled for a new public hearing.

40.7 Changes in Zoning Regulations: Amendments to the zoning ordinance not involving a particular property but involving a change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

SECTION 41 ILLEGAL AND NONCONFORMING USES

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.



SECTION 42 PENALTY FOR VIOLATIONS

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not exceeding two thousand dollars (\$2,000.00) per day; and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

In addition to the remedies provided above, the mayor may, in case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, institute on behalf of the City of Lacy-Lakeview any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct of business or use in or about such premises.

SECTION 43 VALIDITY, SEVERANCE AND CONFLICT

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the City of Lacy-Lakeview the terms of this ordinance shall control.

SECTION 44 MEETING OPEN TO THE PUBLIC


It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public, as required by law and that public notice of the time, place and purpose of said meeting was given as required.

SECTION 45 EFFECTIVE DATE

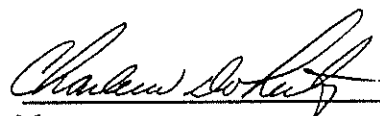
This ordinance shall take effect on this the 1st day of October, 1989.

PASSED AND APPROVED by the City Council on this the 14th day of August, 1989.

ATTEST:

  
\_\_\_\_\_  
City Secretary

SIGNED:

  
\_\_\_\_\_  
Mayor