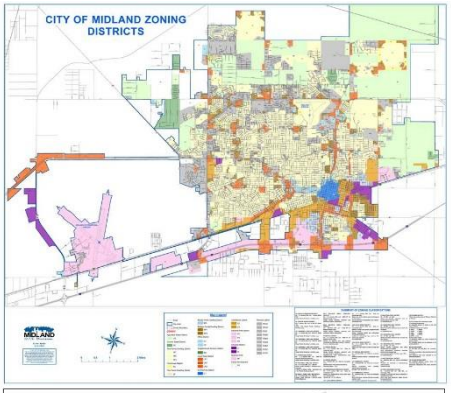

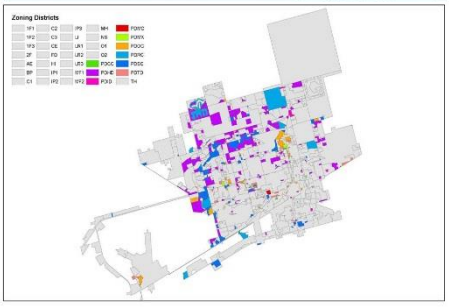

Zoning Ordinance

February 8, 2019

City of Midland, Texas

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Section 1. Zoning General Provisions

1.01. Title

This ordinance and all subsequent amendments thereto shall be known as, and may be cited and referred to as the 'Zoning Ordinance'.

1.02. Authority

This **Zoning Ordinance** is adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including **Chapter 211** (municipal zoning authority) of the Texas Local Government Code, as may be amended.

1.03. Purpose

A. Implementation of the Comprehensive Plan

The zoning regulations and districts established in this **Zoning Ordinance** have been made in accordance with the **Comprehensive Plan** for the purpose of promoting the health, safety, and general welfare of the **City**. The zoning regulations and districts have been designed to achieve the following purposes:

1. Lessen congestion in the streets;
2. Secure safety from fire, panic and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population; and
7. Facilitate the adequate provision of transportation, water, wastewater, schools, parks, and other public requirements.

B. Zoning Ordinance Considerations

The zoning regulations and districts have been made with reasonable consideration for, among other things, the character of the districts, a district's peculiar suitability for the particular uses specified, conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with the **Comprehensive Plan**.

1.04. Official Zoning District Map

A. Official Zoning District Map

1. The official **Zoning District Map** shall be labeled the "Official Zoning District Map of the City of Midland, Texas" and shall be maintained as a physical hard-copy file and an electronic file.
2. The "Official Adoption Date" and the "Last Amended Date" shall be shown on the official **Zoning District Map**.

B. Management, Physical Locations, and Maintenance of the Official Zoning District Map

1. Three identical copies of the **Zoning District Map** shall be adopted and shall bear the signature of the Mayor and the attestation of the **City Secretary**. The three official copies of the **Zoning District Map** shall be filed and maintained as follows:
   a. One copy shall be filed with the **City Secretary** and retained as an original record and shall not be changed in any manner.

b. One copy shall be filed with the **Building Official** and shall be maintained with all changes and subsequent amendments for observation in issuing building permits and enforcing the **Zoning Ordinance**.

c. One copy shall be filed in the office of the **Planning Division Manager** and shall be maintained by posting thereon all changes and amendments. In the case of a conflict between these maps, this map in the office of the **Planning Division Manager** and its amendments shall govern.

2. The **Planning Division Manager** shall maintain an electronic file of the official **Zoning District Map**, as it was originally adopted.

C. Incorporating Updates to the Official Zoning District Map

1. The **Planning Division Manager** shall be responsible for updates to the official **Zoning District Map**.
2. The **Planning Division Manager's** copy of the official **Zoning District Map** shall be used for reference and shall be maintained by incorporating all subsequent amendments enacted by official action of the **City Council**.
3. The **Planning Division Manager** shall use all reasonable means to protect the official **Zoning District Map** from damage, and to ensure the accurate restoration of the map file if damage or destruction of the original file occurs.

D. Changes or Amendments Reflected on the Map

1. Any changes or amendments made to the zoning district boundaries shall be incorporated into the **Zoning District Map** files (i.e., physical and electronic) promptly after the amendment has been approved by the **City Council**.
2. The **Planning Division Manager** shall maintain a descriptive log of amendments to the map.
3. The **Planning Division Manager** shall use all reasonable means to ensure that no changes are made to the official **Zoning District Map** without authorization by official action of the **City Council**.

E. Replacement of a Damaged, Destroyed, or Lost Official Zoning District Map

1. In the event that the official **Zoning District Map** file becomes damaged, destroyed, lost or difficult to interpret for any reason, the **City Council** may adopt a new official **Zoning District Map** by ordinance following a public hearing.
2. The new official **Zoning District Map** shall replace and supersede any prior official **Zoning District Map**.
3. As a true replacement map, the new official **Zoning District Map** shall not amend or otherwise change district boundaries or classifications from the prior official **Zoning District Map**.

F. Informational Zoning Maps with Updates

1. Informational zoning maps that are intended to represent the official **Zoning District Map**, with updated changes in zoning districts and boundaries as they are made, may be made from time to time and placed on physical display and on the City's website.
2. The **Planning Division Manager** shall be responsible for all informational zoning maps and the frequency of updates.

1.05. Applicability / Interpretation / Rules of Construction

A. Applicability

This **Zoning Ordinance** applies to all land, buildings, structures or appurtenances located within the City that are hereafter:

1. Occupied,
2. Used,
3. Erected,
4. Altered,
5. Removed,
6. Placed,
7. Demolished, or
8. Converted.

B. Interpretation

1. Restrictiveness

   Where the regulations in this **Zoning Ordinance** are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards shall govern.

2. Abrogation of Private Agreement

   These **Zoning Ordinance** regulations do not abrogate any easement, covenant or other private agreement.

3. Cumulative Effect

   These **Zoning Ordinance** regulations are cumulative and may impose additional limitations upon all other laws and ordinances previously passed or that may be passed in the future on any subject matter set forth in these regulations.

4. Error Correction

   In the event that any property or zoning district set forth on the **Zoning District Map** as provided in Section **1.04 Official Zoning District Map** of the Zoning Ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the **Zoning District Map** may be amended or supplemented.

   a. Applicants

      The property owner of said tract, the **City Council**, or the **Planning and Zoning Commission** may submit an application to the **Planning Division Manager** to initiate the error correction process.

   b. Process

      The error correction shall be processed as a zoning map amendment according to **9.02 Zoning Text and Map Amendments**.

C. Rules of Construction

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

1. Number

   The singular number includes the plural, and the plural the singular.

2. Tense

   The present tense includes the past and future tenses, and the future the present.

3. Mandatory and Permissive Language

   The words 'shall' and 'must' are mandatory while the word 'may' is permissive.

4. Gender Terms

   The masculine gender includes the feminine.

5. Parentheses

   Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.

6. Conflicts

   If there is an expressed conflict:

   a. The text of the Zoning Ordinance controls over the charts or any other graphic display in the Zoning Ordinance; and

   b. The use regulations control over the district regulations in the Zoning Ordinance.

1.06. Zoning Violations

Any person, firm, corporation, or other entity who violates, disobeys, or otherwise fails to comply with or who resists the enforcement of any of the provisions of the **Zoning Ordinance** shall be fined not more than $2,000.00 for each violation. Each day that a violation exists shall constitute a separate and distinct offense.

Section 2. Zoning Definitions

2.01. Standard Zoning Definitions

Words and terms not expressly defined in this section are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, according to their customary usage in the practice of municipal planning and engineering.

1. *Abandonment*

   To cease or discontinue a use or activity, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

2. *Abutting*

   Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.

3. *Access*

   A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").

4. *Accessory Building*

   A subordinate building incidental to the main structure.

5. *Accessory Dwelling Unit*

   Living quarters either attached or detached from the principal residence and used as an Accessory Use without renting or leasing as a residence by either guests or persons employed to provide domestic services to the occupants of the principal residence.

6. *Accessory Use*

   A use that is clearly and customarily incidental and secondary to the **Principal Use** of land or building(s), and that is located upon the same lot, and that does not change the character thereof.

7. *Adult Day-Care Services*

   A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services or its successor.

8. *Agricultural Use*

   Land where the production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to man, including, forages and sod crops, grains and seed crops, dairy animals, poultry and livestock, including but not limited to ostriches, emus, buffalos, beef cattle, sheep, goats, mules, horses, and ponies.

9. *Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing*

   This industry comprises establishments primarily engaged in (1) manufacturing air-conditioning (except motor vehicle) and warm air furnace equipment or (2) manufacturing commercial and industrial refrigeration and freezer equipment. Uses include air-conditioning and warm air heating combination units manufacturing, humidifying equipment (except portable) manufacturing, air-conditioning compressors (except motor vehicle) manufacturing, refrigerated counter and display cases manufacturing, air-conditioning condensers and condensing units manufacturing, refrigerated drinking fountains manufacturing, dehumidifiers (except portable electric) manufacturing, snow making machinery manufacturing, heat pumps manufacturing, soda fountain cooling and dispensing equipment manufacturing.

10. *Aircraft Engine and Engine Parts Manufacturing*

This industry comprises establishments primarily engaged in one or more of the following:

a. Manufacturing aircraft engines and engine parts;

b. Developing and making prototypes of aircraft engines and engine parts;

c. Aircraft propulsion system conversion (i.e., major modifications to systems); and

d. Aircraft propulsion systems overhaul and rebuilding (i.e., periodic restoration of aircraft propulsion system to original design specifications).

11. *Aircraft Parts and Auxiliary Equipment Manufacturing*

This industry comprises establishments primarily engaged in (1) manufacturing aircraft parts or auxiliary equipment (except engines and aircraft fluid power subassemblies) or (2) developing and making prototypes of aircraft parts and auxiliary equipment. Auxiliary equipment includes such items as crop dusting apparatus, armament racks, in-flight refueling equipment, and external fuel tanks.

12. *Alley*

A public **Right-of-Way**, not intended to provide the primary means of access to abutting lots, that is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

13. *All-Weather Surfaced Driveway*

A gravel, asphalt, or concrete driveway.

14. *Ambulance Service*

A privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

15. *Amusement, Commercial (indoors)*

An amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a climbing wall center or billiard parlor.

16. *Amusement, Commercial (outdoors)*

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

17. *Antenna Support Structures*

The following are Antenna Support Structures.

a. Monopole antenna structure: A self-supporting pole type structure with no guy wire support, tapering from base to top and so designed to support fixtures which hold one or more antennas and related equipment for wireless telecommunication transmission.

b. Lattice antenna structure: A steel lattice, self-supporting structure with no guy wire support, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

c. Guyed lattice antenna structure: A steel lattice, guy wire supported structure, so designed to support fixtures which hold one or more antennas and related equipment for wireless communication transmission.

18. *Antique Shop*

An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishing and decorations that have value and significance as a result of age, design and sentiment.

19. *Apartment*

A room or suite of rooms in a multi-family residence arranged, designed, or occupied as a place of residence by a single-family, individual, or group of individuals.

20. *Appliance Rental*

Generally a store where household appliances are sold, rented, or leased.

21. *Applicant*

The person or entity responsible for the submission of an **Application**. The **Applicant** must be the actual owner of the property for which an **Application** is submitted, or shall be a duly authorized representative of the property owner. Also see **Developer**.

22. *Application*

The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate **City** review and approval of a development project.

23. *Application Form*

The written form (as provided by and as may be amended by the **Planning Division Manager**) that is filled out and executed by the **Applicant** and submitted to the **City** along with other required materials as a part of an **Application**.

24. *Approval*

a. Approval constitutes a determination by the official, board, commission or **City Council** responsible for such determination that the **Application** is in compliance with the minimum provisions of this **Zoning Ordinance**.

b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.

25. *Armed Services Recruiting Center*

An office space occupied by a U.S. Army, Navy, Air Force, Marine, Coast Guard, or Merchant Marine recruiting center where phone calls are made, letters are written and mailed, and possible recruits are interviewed and enlisted in one of the service branches.

26. *Art Gallery or Museum*

An institution for the collection, display, or distribution of objects of art, and that is sponsored by a public or quasi-public agency, and is open to the general public.

27. *Art Supply Store*

An establishment within a building offering for sale articles such as painting supplies, picture framing, brushes, artist easels, canvas, or similar supplies for various art forms.

28. *Arterial Street*

a. A street (also referred to as a thoroughfare) designated within the Comprehensive Plan.

b. A principal traffic way more or less continuous across the **City** or areas adjacent thereto, intended primarily to provide for the movement of through traffic, and that shall act as a principal connecting street with highways as indicated in the Comprehensive Plan.

29. *Articulation*

The visual variation to both the height and depth dimensions of a building through the use of materials, colors, fenestration and details.

30. *Artisan's Workshop*

An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.

31. *Assisted Living/Nursing Home*

A facility operated by a business or non-profit organization where ill or elderly people are provided with lodging and meals, with or without nursing care.

32. *Automobile Body Shop*

A facility that provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.

See **Outside Storage**.

33. *Automobile or Other Motorized Vehicle Sales and Service*

A business providing sales, display and service of new and used motorized vehicles, including motorcycles, RVs, and boats – not including semi-truck or heavy truck sales.

34. *Automobile Parts Store*

Stores selling new automobile parts, tires, and accessories.

See **Outside Storage**.

35. *Automobile Rental*

Storing or renting of automobiles and light trucks.

36. *Automobile Service Garage (Major)*

A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting, where all work is conducted inside the building.

See **Outside Storage**.

37. *Automobile Service Garage (Minor)*

A facility for routine automobile services or minor repairs, such as tire services, quick-lubes, batteries, with all work being conducted inside the building and within the same day.

See **Outside Storage**.

38. *Bail Bond Services*

A bail bond service or bondsman is any person or corporation that will act as a surety and pledge money or property as bail for the appearance of a criminal defendant in court.

39. *Bakery Shop*

A shop that sells baked goods, such as pastry items and donuts.

40. *Bank or Financial Institution*

A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

41. *Bar*

An establishment, not a restaurant, the principal activity of which is the sale and consumption on the premises of liquor, wine, beer, or any other alcoholic beverages, whether served with or without food and other refreshment.

42. *Barber or Beauty Shop*

A fixed establishment or place where one or more persons engage in the practice of barbering or cosmetology.

43. *Bed and Breakfast Inn*

An owner or operator occupied residence with bedrooms providing overnight or otherwise temporary lodging for the general public for 96 hours or fewer. Typically, breakfast is the only meal served to guests.

44. *Bike (Bicycle) Sales and Service*

A facility where bicycles are assembled and sold, or repaired and serviced.

45. *Block*

A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad **Right-of-Way**, highway, stream, or corporate boundary lines.

46. *Board of Adjustment*

The City's Board of Adjustment, which is established in **Section 7 Board of Adjustment**.

47. *Boarding or Rooming House*

A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed eight persons.

48. *Book Store*

A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media.

49. *Bottling Works*

An establishment that engages in the business of placing liquids (soft drinks, milk, juices, etc.) in bottles made of glass or plastic.

50. *Bowling Alley*

An establishment that devotes more than 50 percent of its gross Floor Area to bowling lanes, equipment, and playing area. A bowling alley is wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line.

51. *Brewery, Large*

An industrial use that brews ales, beers, meads, and / or similar beverages on site. Large breweries are classified as a use that manufactures more than 6 million gallons of beverage annually (all beverages combined).

52. *Brewery, Local*

An industrial use that brews ales, beers, meads, and / or similar beverages on site. Regular breweries area classified as a use that manufactures less than 15,000 gallons of beverages annually (all beverages combined).

53. *Brewery, Regular*

An industrial use that brews ales, beers, meads, and / or similar beverages on site. Local breweries area classified as a use that manufactures between 15,000 and 6 million gallons of beverages annually (all beverages combined).

54. *Building*

Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

55. *Building Height*

The vertical distance from **Grade Plan** to the average height of the highest roof surface.

56. *Building Official*

The Building Official of the **City** or his or her designee.

57. *Building or Other Independent Support Structure*

Buildings or other structures such as water towers, church steeples, utility poles and other creative locations.

58. *Building Permit*

A permit issued by the **City** before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the **City** code.

59. *Building Setback Line*

The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street **Right-of-Way**/property line.

60. *Cabinet Shop*

A wood shop that does layouts, cutting, fitting and assembly of residential and commercial cabinets.

61. *Car Wash, Full Service*

A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

62. *Car Wash, Self Service*

A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

63. *Carnival, Circus or Tent Service (Temporary)*

Outdoor or indoor commercial amusement provided on a temporary basis.

64. *Carpentry Shop*

A shop involving woodworking and the assembly of wood products.

65. *Caterer or Wedding Service*

A service providing meals or refreshment preparation for public or private entertainment for a fee.

66. *Cement or Hydrated Lime Plant*

A plant that manufactures cement or hydrated lime for use in the construction industry, for the making of concrete, mortar or plaster.

67. *Cemetery or Mausoleum*

Property used for the interring of the dead.

68. *Ceramic and Pottery Manufacturer*

Manufacturing site for ceramic and pottery goods, including dust, odor, and fume control.

69. *Certificate of Occupancy and Compliance*

An official certificate issued by the **City** through the **Building Official** (in conjunction with a **Building Permit**) that indicates conformance with the City's rules and regulations and that authorizes legal use of the premises.

70. *Child-Care Facility*

Per **Section 42.002 of the State of Texas Human Resource Code**, as may be amended, "child-care facility" means a facility licensed, certified, or registered by the Department of Family and Protective Services (or its successor) to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

71. *Child-Care: Day-Care Center*

Per **Section 42.002 of the State of Texas Human Resource Code**, as may be amended, "day-care center" means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

72. *Child-Care: Family Home*

Per **Section 42.002 of the State of Texas Human Resource Code**, as may be amended, "family home" means a home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

73. *Child-Care: Agency Foster Home*

Per **Section 42.002 of the State of Texas Human Resource Code**, as may be amended, "agency foster home" means a facility that provides care for not more than six children for 24 hours a day, is used only by a licensed child-placing agency or continuum-of-care residential operation, and meets department standards.

74. *Child-Care: Group Day-Care Home*

Per **Section 42.002 of the State of Texas Human Resource Code**, as may be amended, "group day-care home" means a child-care facility that provides care at the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

75. *Cigar Lounge*

A business that sells a variety of cigars. It may also sell other tobacco accessories such as lighters, cigar boxes and containers, as well as cigar cutters and punches. In addition, this business may contain a lounge where persons can go to smoke cigars.

76. *City*

The City of Midland, Texas, together with all its governing and operating bodies.

77. *City Attorney*

See the Municipal Code, Title 1.

78. *City Council*

See the Municipal Code, Title 1.

79. *City Manager*

See the Municipal Code, Title 1.

80. *City Secretary*

The person(s) so designated by the **City** to provide clerical and official services for the City Council. This term shall also include any designee of the **City Secretary**.

81. *Civic/Convention Center*

A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

82. *Clothing or Similar Light Manufacturing*

A business that buys bolts of cloth or fabric, cuts from patterns and sews into finished shirts, pants, dresses, and other pieces of clothing.

83. *Collector Street*

A street that is continuous through several residential districts and is intended as a connecting street between residential districts and Arterial Streets, highways or business districts, and that may serve both through-traffic and local access functions.

84. *College or University*

An academic institution of higher learning, accredited or recognized by the State, and offering a program or series of programs of academic study.

85. *Commission*

The **Planning and Zoning Commission** of the City.

86. *Community Center*

A building dedicated to social or recreational activities, serving the **City** or neighborhood and owned and operated by the **City**, or by a non-profit organization dedicated to promoting the health, safety, and general welfare of the **City**.

87. *Community Group Home*

A community-based residential home with not more than six persons with disabilities and two supervisors residing in the home, and that otherwise meets the requirements of the Community Homes for Disabled Persons Location Act (Chapter 123 of the Human Resources Code), as may be amended.

88. *Comprehensive Plan*

a. The plan, including all revisions thereto, adopted by the **City Council** as the official policy regarding the guidance and coordination of the development of land in the **City**.

b. The plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, parks other public and private developments and improvements and population projections.

c. The plan may consist of but is not limited to the following plan elements: Future Land Use Plan, Mobility, Housing, Livability, and Infrastructure.

89. *Computer and Peripheral Equipment Manufacturing*

This industry comprises establishments primarily engaged in manufacturing or assembling electronic computers, such as mainframes, personal computers, workstations, laptops, and computer servers, and computer peripheral equipment, such as storage devices, printers, monitors, input/output devices and terminals.

90. *Concrete Block and Brick Manufacturing*

This industry comprises establishments primarily engaged in manufacturing concrete block and brick.

91. *Concrete or Asphalt Batching Plant, Permanent*

A permanent manufacturing facility for the production of concrete or asphalt.

92. *Concrete or Asphalt Batching Plant, Temporary*

A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

93. *Concrete Pipe Manufacturing*

This industry comprises establishments primarily engaged in manufacturing concrete pipe and other concrete products, excluding concrete block and brick.

94. *Consignment Store*

A store that receives merchandise on consignment from individuals and places for resale.

95. *Construction Machinery Manufacturing*

This industry comprises establishments primarily engaged in manufacturing construction machinery, surface mining machinery, and logging equipment such as backhoes manufacturing, pile-driving equipment manufacturing, bulldozers manufacturing, portable crushing, pulverizing, and screening machinery manufacturing, construction and surface mining-type rock drill bits manufacturing, powered post hole diggers manufacturing, construction-type tractors and attachments manufacturing, road graders manufacturing, off-highway trucks manufacturing, surface mining machinery manufacturing.

96. *Construction Plans*

A set of drawings, including paving, water, wastewater, drainage, or other required plans, submitted to the **City** for review in conjunction with a subdivision or a development.

97. *Contractor's Shop or Storage Yard*

A building, part of a building, or land area for the construction or outdoor or indoor storage of materials, tools, products, and vehicle fleets.

98. *Copy Shop or Printing Shop*

An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry or government organization.

99. *Council*

See **City Council**.

100. *Country Club*

An area containing a golf course and club house that may include as adjunct facilities a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.

101. *County*

Midland County or Martin County.

102. *Courtyard*

An open unoccupied space other than a yard, on the same lot with a building that is bounded on three or more sides by the building.

103. *Credit Access Business*

A Credit Access Business has the meaning given that term in Section 5-11-2 of the Midland Municipal Code, as may be amended.

104. *Crosswalk Way*

A public **Right-of-Way**, four feet or more in width between property lines that provides pedestrian circulation.

105. *Cul-de-sac*

A short, residential street having only one vehicular access point to another street, and terminating by a vehicular turnaround.

106. *Dance Hall*

An establishment offering to the general public facilities for dancing and entertainment for a fee.

107. *Dance, Music, or Drama Studio*

Studio for performing arts education or similar activities.

108. *Design Transfer Manufacturing and Wholesale Shops*

An establishment whose business involves the placing and/ or transferring of photographs, logos, or other designs onto articles of clothing, backpacks or other articles. This use applies to the manufacture of articles for wholesale purposes, only, and may include embroidery of names, logos or other text. This use generally includes catalog sales. Retail sales with display areas are permitted as a secondary use. This use typically involves the preparation of custom artwork, and is for the mass production of articles. Although silk screening is typically employed for this use, heat transfer, Direct-To-Garment (DTG) and / or similar equipment are also acceptable.

109. *Developer*

a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, development, or improvement of land and other activities covered by this **Zoning Ordinance**.

b. The word **Developer** is intended to include the terms **Subdivider**, property owner, and, when submitting platting documents, **Applicant**.

110. *Development*

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, paving, drainage, utilities, storage, and agricultural activities.

111. *Discount or Department Store*

Retail store generally advertising reduced prices and dealing in a large variety of products including, but not limited to clothing. May include appliances, electronics, and limited packaged food products.

112. *Distillery*

An industrial use that manufactures liquor and sells distilled spirits for consumption off the premises.

113. *Distribution Center*

Building or facility used for the storage and distribution of wholesale items/products.

114. *Donation or Recycling Collection Point*

An incidental use that serves as a neighborhood drop-off point for and temporary storage of donations and recoverable resources. No processing of such items occurs on-site and the site functions solely as an area of collecting materials. This facility is generally located in a shopping center parking lot or in a public/quasi-public area such as in a church and school.

115. *Drapery or Furniture Coverings Shop*

An establishment for the production, display and sale of draperies and soft coverings for furniture.

116. *Drive-Through*

A building or facility where customers can be served without leaving a vehicle.

117. *Dwelling Unit*

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

118. *Dwelling, Multi-Family*

Any building, or portion thereof, that is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or that is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.

119. *Dwelling, Single-Family (attached – duplex)*

A building designed for occupancy for two families living independently of each other. A two family attached unit (also known as a duplex) has a lot line dividing the building and separating the building's two dwellings units onto two separate lots.

120. *Dwelling, Single-Family (attached – townhouse)*

A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and that is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

121. *Dwelling, Single-Family (detached)*

A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

122. *Easement*

A grant by a property owner of the use of land by the public, a corporation, entity, or persons for specific purposes.

123. *Easement, Common Access*

An easement created for the purpose of providing vehicular or pedestrian access to a property.

124. *Educational Services Office*

A business involved in providing educational training or tutoring in an office environment.

125. *Effective Date*

The date this **Zoning Ordinance**, or a subsequent amendment thereto, shall become effective.

126. *Electrical Energy Generating Plant*

A facility or structure where electrical (high voltage) energy is generated.

127. *Electrical Equipment Manufacturing*

This industry comprises establishments primarily engaged in manufacturing power, distribution, and specialty transformers, electric motors, generators, and motor generator sets, switchgear and switchboard apparatus, relays, and industrial controls.

128. *Electrical Power Substations*

A part of the electrical distribution system with the primary function to transform electrical voltage, and includes transformer stations and switching stations.

129. *Engine, Turbine, and Power Transmission Equipment Manufacturing*

This industry comprises establishments primarily engaged in manufacturing turbines, power transmission equipment, and internal combustion engines (except automotive gasoline and aircraft).

130. *Engineer*

Per **Section 1001.002 of the State of Texas Occupations Code**, as may be amended, "Engineer" means a person licensed to engage in the practice of engineering in the State of Texas.

131. *Engineering Plans*

See **Construction Plans**.

132. *Engineering Services Director*

The person so designated by the **City** to provide oversight for and have responsibility of the City's Engineering Department. This term shall also include any designee of the Engineering Services Director.

133. *Equestrian Center*

An improved area, lighted and generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs. Also includes boarding stables.

134. *Equipment Rental (Heavy)*

An establishment that rents large equipment and machinery such as compressors, backhoes, front-end loaders, roller compactors, generators, tree coppers, trailers, bulldozers, trenching machines, sky lifts, tractors, and dump trucks. This equipment can be self-propelled or because of its size must be hauled or towed. The equipment is generally stored outside. This use may involve the starting and running of machinery.

135. *Equipment Repair Shop,*

Business providing basic repair services for mechanical equipment.

136. *ETJ*

See **Extraterritorial Jurisdiction (ETJ)**.

137. *Exterminating Company*

A business providing services for the extermination of rodents and insects.

138. *Extraterritorial Jurisdiction (ETJ)*

The unincorporated area, not a part of any other municipality, that is contiguous to the corporate limits of the **City**, the outer limits of which are measured from the extremities of the corporate limits of the **City** outward up to the distance stipulated in **Chapter 42 of the Texas Local Government Code**, as may be amended, according to the population of the **City**, and in which area the **City** may apply its **Subdivision Regulations** and other ordinances and regulations specifically provided by State law to be applied within the **Extraterritorial Jurisdiction (ETJ)**.

139. *Family*

A person living alone, or one of the following groups of people living as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

a. Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;

b. Four unrelated people; or

c. Two unrelated people and any children (including adopted children) related to either of them.

140. *Farmer's Market*

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

141. *Fee Schedule*

A separate document listing fees for various **City Applications**, prepared by the **City Manager** or designee and approved by **City Council** and which may be amended periodically.

142. *Feed Store*

An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

143. *Firearms Sales Establishment*

An establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

144. *Floodplain*

An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the Flood Insurance Rate Map (FIRM) of the City.

145. *Floor Area*

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

146. *Florist*

Retail business whose principal activity is the selling of plants that are not grown on the site and whose business is conducted within an enclosed building.

147. *Food Processing Plant*

A building or plant that uses special processes, treatments or blending of foods to achieve a specified result. Not a distribution center.

148. *For-Profit Plasma Donation Centers*

A for-profit business that withdraws blood plasma from individuals.

149. *Front Façade*

A façade directly visible from any public street or main circulation drive and the façade used as the primary entrance to the building.

150. *Frontage*

All the property abutting on one side of the street, or between two intersecting streets, measured along the street line.

151. *Funeral Home or Mortuary*

A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

152. *Furniture Repair and Upholstering Shop*

A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

153. *Garage, Private (attached)*

A garage that has one or more walls common with the principal building on a lot or that is attached to the principal building by an enclosed porch, or passage way, the roof of which is part of an extension of the roof of the principal building and for the purpose of the height and area regulations of this **Zoning Ordinance** such a garage is to be considered a part of the principal building.

154. *Garage, Private (detached)*

A garage existing separate and apart from the main building, but situated on the same lot, tract or parcel of land with the main building.

155. *Garage, Storage*

A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided, except facilities for washing.

156. *Gas or Oil Well Operation*

Places primarily devoted to subsurface mining of gas or oil. Typical uses are gas and oil drilling operations. Regulations for **Gas or Oil Well Operation** can be found in Title VI, Chapter 1 of the Midland Municipal Code.

157. *Gasoline Filling or Service Station*

Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles, including any associated convenience store or service station.

158. *Gasoline Self-Service Pumps Only*

Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. This use addresses the presence of self-service pumps only and does not include any related buildings, such as an associated convenience store or service station.

159. *Golf Course*

A private or public tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

160. *Grade Plan*

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (1829 mm) from the building, between the building and a point six feet (1829 mm) from the building.

161. *Grocery Store*

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

162. *Gun Club, Skeet or Target Range (Indoor)*

The use of a structure for archery or the discharging of firearms indoors for the purpose of target practice or competition.

163. *Gun Club, Skeet or Target Range (Outdoor)*

The use of land for archery or the discharging of firearms outdoors for the purpose of target practice or competition.

164. *Gym or Health/Fitness Center*

A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

165. *Gymnastic Studio*

A building or portion of a building used as a place of work for a gymnast or for instructional classes in gymnastics.

166. *Handcraft Shop*

A shop where handcrafted art objects are made and displayed for sale.

167. *Height (Building)*

See **Building Height**.

168. *Heliport or Helistop*

An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

169. *Hobby Shop*

A retail shop that sells materials and supplies to persons for the making of arts and crafts, including models.

170. *Home-Based Business*

An occupation carried on in the home by a member of the occupying family without structural alterations in the building or any of its rooms, without the installation or use of machinery or additional equipment, other than that customarily incident to normal household operations, without the employment of additional persons not members of the household, without the use of a sign to advertise the occupation, without involving the conduct of a business or offering any commodity for sale on the premises, which does not cause a generation of excessive traffic in the street and which does not involve visits to the premises from the public or any members thereof in the capacity of "clients," "patients," or "customers," or similar capacities as a daily routine matter, and which does not create obnoxious noise or other conditions obnoxious to abutting residential property. A home occupation must be an incidental use to one of the principal uses permitted in the district and shall never be permitted as a principal use but only as a secondary use when otherwise in compliance with the above standards. A home occupation shall not include a barbershop, beauty shop, carpenter's shop, electrician's shop, plumber's shop, radio or TV shop, auto repairing, auto painting, furniture repairing, or sign painting, or other similar uses.

171. *Homeowners' or Property Owners' Association*

A formal nonprofit organization operating under recorded land agreements through which:

a. Each owner of property in a specific area is automatically a member; and

b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and

c. The charge if unpaid, becomes a lien against the nonpaying member's property.

172. *Hospital, 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 that is licensed by the State of Texas.

173. *Hospital, Chronic Care*

An institution where those persons suffering from illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and that is licensed by the State of Texas.

174. *Hotel*

An establishment offering lodging to the transient public for compensation. A Hotel is distinguished from **Motel, Motor Hotel, or Tourist Court** (Definition #**207**) in that access to the majority of the guest rooms is through a common entrance and lobby. A Hotel is a nonresidential use.

175. *HUD-Code Manufactured Home*

See **Manufactured Home – HUD Code** under the definition of **Manufactured Housing** (Definition #**201**).

176. *Improvement*

Any man-made fixed item that becomes part of or placed upon real property. See also **Public Improvement**.

177. *Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing*

This industry comprises establishments primarily engaged in manufacturing industrial trucks, tractors, trailers, and stackers (i.e., truck-type) such as forklifts, pallet loaders and unloaders.

178. *Industrialized (Commercial) Building*

Per **Section 1202.003 of the State of Texas Occupations Code**, as may be amended

a. An industrialized building is a commercial structure that is:

i. constructed in one or more modules or constructed using one or more modular components built at a location other than the commercial site; and

ii. designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed.

b. An industrialized building includes the structure's plumbing, heating, air conditioning, and electrical systems.

c. An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site but does not include:

i. a commercial structure that exceeds three stories or 49 feet in height; or

ii. a commercial building or structure that is:

1. installed in a manner other than on a permanent foundation; and

2. either:

3. not open to the public; or

4. less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

179. *Industrialized Housing*

Per **Section 1202.002 of the State of Texas Occupations Code**, as may be amended

a. Industrialized housing is a residential structure that is:

i. designed for the occupancy of one or more families;

ii. constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and

iii. designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

b. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.

c. Industrialized housing does not include:

i. a residential structure that exceeds three stories or 49 feet in height;

ii. housing constructed of a sectional or panelized system that does not use a modular component; or

iii. a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

See **Additional Development Standards** subsection **4.04.A.3** for **Industrialized Housing** regulations.

180. *Infrastructure*

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.

181. *Institution for the Care of Alcoholic, Psychiatric, or Narcotic Patients*

An institution offering resident treatment to alcoholic, psychiatric or narcotic patients.

182. *Jewelry Manufacturing or Assembly*

A facility for manufacturing or assembling jewelry.

183. *Kennel*

Kennels as described by Section 6-2-7(E) of the City Code. .

184. *Kindergarten*

A school or class of young children four to six years old that develops basic skills and social behavior by games, handicraft and other means.

185. *Laboratory, Scientific or Research*

An establishment that engages in research, testing or evaluation of materials or products, but not necessarily medical related.

186. *Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing*

This industry comprises establishments primarily engaged in laminating plastics profile shapes such as plate, sheet and rod. The lamination process generally involves bonding or impregnating profiles with plastics resins and compressing them under heat.

187. *Landfill*

A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

188. *Laundry, Commercial*

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

189. *Laundry, Dry Cleaning Drop-Off/Pick-Up*

Fabrics, clothes, and linens cleaning shop or drop-off/pick-up station not exceeding 6,000 square feet of Floor Area.

190. *Laundry, Self-Service*

A laundromat facility not exceeding 2,500 square feet in Floor Area where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

191. *Leather Product and Saddle Manufacturing*

A facility that uses animal hides to produce products for sale, including saddles.

192. *Library*

A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

193. *Light Assembly and Manufacturing Processes*

a. The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing.

b. Light fabrication, assembly, manufacturing, and packaging processes do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and do not generate noise or vibration at the property boundary that is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

194. *Local Street*

A Local Street is a street used primarily for access to the abutting properties.

195. *Locksmith/Security System Company*

Establishments primarily engaged in providing, installing, repairing, or monitoring locks and electronic security systems.

196. *Lounge or Nightclub*

An establishment, other than a restaurant, where liquor, wine, beer and/or other alcoholic beverage is served, dispensed or sold, whether served with or without food or other refreshment, and where facilities are offered for dancing, or dancing is permitted or invited, by the general public, or where live entertainment is provided.

197. *Manufactured Home (HUD Code)*

See **Manufactured Home – HUD Code** under the definition of **Manufactured Housing** (Definition #**201**).

198. *Manufactured Home Mini-Park*

A single contiguous tract of land under one ownership, uninterrupted by streets, alleys or any other public space, and providing spaces for rent or lease as manufactured or mobile home sites on a short-term or long-term basis, said spaces being situated and configured similar to individual lots.

199. *Manufactured Home Park*

Any single contiguous tract of land under one ownership, uninterrupted by streets, alleys or any other public space, other than a **Manufactured Home Mini-Park**, where accommodations are provided for non-transient manufactured or mobile home use.

200. *Manufactured Home Sales*

The offering for sale, storage, or display of **Manufactured Housing** units on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

201. *Manufactured Housing*

Per **Section 1201.003 of the State of Texas Occupations Code**, as may be amended

a. Manufactured Home – HUD Code

i. means a structure:

1. constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;

2. built on a permanent chassis;

3. designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

4. transportable in one or more sections; and

5. in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;

ii. includes the plumbing, heating, air conditioning, and electrical systems of the home; and

iii. does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

b. Mobile Home

i. means a structure:

1. constructed before June 15, 1976;

2. built on a permanent chassis;

3. designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;

4. transportable in one or more sections; and

5. in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and

ii. includes the plumbing, heating, air conditioning, and electrical systems of the home.

202. *Manufacturing or Industrial Operations*

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted/raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

203. *Medical Clinic*

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

204. *Mixed Use Development*

The development of a tract of land or building or structure with two or more different uses, such as, but not limited to residential, office, retail, public, entertainment, and recreational.

205. *Mobile Food Vendor Park*

An area designed to accommodate two or more mobile food vendors offering food and/or beverages for sale to the public, functioning as a single business and as the primary use of the property.

206. *Model Home*

A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

207. *Motel, Motor Hotel, or Tourist Court*

a. An establishment offering to the transient public the use of guest rooms or sleeping accommodations for compensation.

b. Such an establishment consists of a group of attached or detached guest rooms or sleeping accommodations the majority of which have private and direct access from parking areas not through common entrance and lobby.

c. The establishment furnishes customary **Hotel** (Definition #**174**) services and many contain a restaurant, club, lounge, banquet hall or meeting rooms.

d. A motel is a nonresidential use.

208. *Motor Freight Company*

A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

209. *Motor Vehicle Electrical and Electronic Equipment Manufacturing*

This industry comprises establishments primarily engaged in manufacturing and rebuilding electrical and electronic equipment for motor vehicles and internal combustion engines. This would include alternators and generators, ignition wiring harness, coils and ignition, instrument control panels, distributors' spark plugs, electrical ignition cable sets, windshield washer pumps, and generators.

210. *Motor Vehicle Parts Manufacturing*

An industry engaged in manufacturing motor vehicle engines and gasoline motor vehicle engine parts such as carburetors, pistons, piston rings and valves. Also includes the manufacture of motor vehicle steering mechanisms and suspension, brake systems, transmissions and power train parts, air conditioning systems and compressors, as well as vehicle stampings such as fenders, tops, trim and molding.

211. *Movie Theatre*

A specialized theater for showing movies or motion pictures.

212. *Newspaper Printing*

A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

213. *Nonconforming Lot*

A lot that does not meet the current requirements of this **Zoning Ordinance**, but that was in conformance with the standards in place at the time of its inception.

214. *Nonconforming Structure*

A structure that does not meet the current requirements of this **Zoning Ordinance**, but that was in conformance with the standards in place at the time of its inception.

215. *Nonconforming Use*

A use of land that does not meet the current requirements of this **Zoning Ordinance**, but that was in conformance with the standards in place at the time of its inception.

216. *Nonconformities*

The term **Nonconformities** is a general term used to refer to **Nonconforming Uses**, **Nonconforming Structures** and **Nonconforming Lots**.

217. *Nonresidential Use*

Any use other than a residential use.

218. *Nonresidential Zoning Districts*

The term "Nonresidential Zoning Districts" means a zoning district as listed a nonresidential zoning district within **Table 1: Zoning Districts**.

219. *Nursery, Major*

An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings, and the contracting for installation or maintenance of landscape material as an accessory use. Outdoor display and storage is included.

220. *Nursery, Minor*

A retail business for the display and sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

221. *Office, Professional, Medical, or Business*

A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

222. *Open Space*

An area or portion of land, either landscaped or essentially unimproved and which is used to meet recreational or spatial needs, or to protect water, air, or plant areas.

223. *Palm Reader / Card Reader*

An individual who works out of a small shop and customers are invited to sit with the reader and supposedly reveal future events by "reading" the customer's palm or through the reading and interpretation of Tarot Cards.

224. *Park, Playground, or Community Center, Public*

An open recreational facility or park owned and operated by a public agency such as the **City**, the school district, or private association, and available to the general public.

225. *Parking Area*

An open area or place, other than a street or alley, used for temporary parking of more than four self-propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

226. *Parking Space*

Space or garage space reserved exclusively for the parking of a vehicle.

227. *Parking Structure*

a. A structure devoted to the parking or storage of automobiles.

b. May include, in the case of a **Parking Structure** only, a facility for servicing of automobiles, provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

228. *Parkway*

Within the **Right-of-Way**, the area between the property line and the nearest curb or edge of the roadway (if no curb exists.) See **Figure 1: Example of a Parkway** for visual depiction of a parkway.

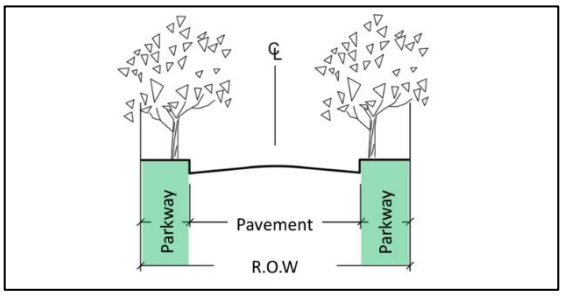

Figure 1: Example of a Parkway

229. *Pawn Shop*

An establishment that lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or, that deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

230. *Penal and Correctional Institutions*

Publicly or privately operated facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, prison, and halfway house.

231. *Permanent Cosmetics or Makeup*

A permanent, non-dwelling building or portion of a building where colored pigment is inserted into the skin for cosmetic purposes in accordance with all applicable laws, ordinances, rules, and regulations.

232. *Personal Service Shop*

Establishments primarily engaged in providing services generally involving the care of the person or apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and health clubs.

233. *Pet Store (Retail Sales Only)*

A retail sales establishment primarily involved in the sale of pet supplies or the sale or adoption of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

234. *Petroleum Storage and Collection Facilities*

An outdoor area where storage of petroleum is allowed (tank farm).

235. *Pharmaceutical and Medicine Manufacturing*

This industry comprises establishments primarily engaged in one or more of the following: (1) manufacturing biological and medicinal products; (2) processing (i.e., grading, grinding, and milling) botanical drugs and herbs; (3) isolating active medicinal principals from botanical drugs and herbs; and (4) manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions, and suspensions.

236. *Pharmacy*

A shop or a store wherein prescription medicines may be obtained during all operating hours wherein primarily medicine and medical supplies are offered for sale.

237. *Photographer's or Artist's Studio/Film Processing*

Work space for one or more photographers, artists or artisans, including the accessory sale of art produced on the premises.

238. *Planning and Zoning Commission*

The Planning and Zoning Commission of the **City**.

239. *Planning Division Manager*

The person(s) so designated by the **City** to provide oversight for and have responsibility of the City's planning and development related duties. This term shall also include any designee of the Planning Division Manager. Also, this term shall be inclusive of any future variations of the term, such as "Planning Director" or "Zoning Administrator."

240. *Plastic Products Manufacturing*

The making of goods by processing plastics materials or raw rubber, with dust and fume control.

241. *Plat*

A map or chart of the subdivision, lot or tract of land that is filed in the County plat records.

242. *Play Field or Stadium, Public*

An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field or stadium.

243. *Plumbing/Electrical/Air Conditioning Store (Retail Sales Only)*

Establishments primarily engaged in retail sales of plumbing, heating, and air-conditioning equipment, without warehouse facilities, includes storage for ordinary repair but no materials for contracting work.

244. *Police or Fire Station*

Protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of safety vehicles; excluding, however, correctional institutions.

245. *Polystyrene Foam Product Manufacturing*

This industry comprises establishments primarily engaged in manufacturing polystyrene foam products.

246. *Principal Use*

The primary or predominant use of any lot or building.

247. *Printing/Duplication or Mailing Center*

a. An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving; or

b. A commercial business that conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

248. *Private Utility*

A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC) or its successor, Environmental Protection Agency (EPA) or its successor, Occupational Health and Safety Administration (OSHA) or its successor, and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

249. *Progress Towards Completion*

Progress towards completion of the project shall include any one of the following:

a. An Application for a final plat or plan for development is submitted;

b. A good-faith attempt is made to file with the City an Application for a permit necessary to begin or continue towards completion of the project;

c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;

d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or

e. Utility connection fees for the project have been paid to a regulatory agency.

250. *Public Improvement*

Any **Improvement**, facility or service together with its associated public site, **Right-of-Way** or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City or other government authority ultimately assumes the responsibility for maintenance, operation or ownership.

251. *Public Use or Building*

a. Any use or building held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

b. A building belonging to or used by the public for the transaction of public or quasi-public business.

252. *Radio or TV Station*

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or broadcasting or communication towers.

253. *Record Drawings*

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, or clarified in the field.

254. *Refreshment Kiosk*

A structure that meets building code standards to be freestanding and is used to sell to and serve to drive through and walk-up customers prepackaged, foods and beverages from a drive through window for off-premises consumption and that provides no indoor or outdoor seating.

255. *Religious Use*

A place of worship and religious training of recognized religions, including the on-site housing of ministers, rabbis, priests, nuns, Islamic religious leaders, and similar staff personnel.

256. *Residential Street*

A street that is intended primarily to serve traffic within a neighborhood or limited residential district and that is used primarily for access to abutting properties.

257. *Residential Use*

Residential use means use of a structure as a residence.

258. *Residential Zoning Districts*

Residential district means a single-family, duplex, townhouse, multiple-family or mobile home zoning district as defined in the zoning ordinance, see **Table 1: Zoning Districts** for a list of districts.

259. *Restaurant or Cafeteria, with Drive-Through Window or Curb Service*

An establishment, with drive-through window or curb service, where food and/or drink are prepared and consumed primarily on the premises.

260. *Restaurant or Cafeteria, without Drive-Through Window or Curb Service*

An establishment, without drive-through window or curb service, where food and/or drink are prepared and consumed primarily on the premises.

261. *Retail Stores and Shops*

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

262. *Retail Tobacco Store*

A retail store that sells mainly tobacco products. This business may also sell tobacco accessories such as lighters, matches, cigarette holders and devices used to preserve tobacco, cigars or cigarettes, which are incidental to the sale of tobacco products.

263. *Retaining Wall*

A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures and vehicles.

264. *Retirement Housing*

Any age restricted housing development that may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms and designed to provide meals and nursing care.

265. *Right-of-Way*

a. A parcel of land occupied or intended to be occupied by a street or alley or other transportation infrastructure.

b. A **Right-of-Way** may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.

c. The use of Right-of-Way shall also include parkways and medians outside of pavement.

266. *Rodeo Grounds*

A public gathering place for rodeo activities in which there are performances of riders with horses and generally involving cattle. The area may involve various cattle pens, barns or shelters. Parking generally would involve double drive-through spaces for participants with trucks pulling horse trailers and standard parking for spectators.

267. *School, Career*

Career schools including programs such as dental assisting, pharmacy technician, nurse aide, veterinary assistant, etc.

268. *School, Private*

Includes private school facilities providing pre-K through 12 education (Pre-kindergarten, **Kindergarten**, elementary, middle school, high schools).

269. *School, Public*

Includes public school facilities providing pre-K through 12 education (Pre-kindergarten, **Kindergarten**, elementary, middle school, high schools).

270. *Scientific Research and Development Center or Laboratory*

A facility that includes laboratories and experimental equipment for medical testing, scientific testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not included in this category.

271. *Seamstress or Tailor Shop*

Establishments primarily engaged in manufacturing or modifying clothing.

272. *Setback Line*

A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.

273. *Shoe Repair Shop*

An establishment with the principal business of repairing shoes.

274. *Site Plan*

A **Site Plan** is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the zoning ordinance.

275. *Small Engine Repair Shop*

A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

276. *Small Wind Energy Systems*

A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics that will be used to reduce on-site consumption of utility power.

277. *Smelter, Refinery, or Chemical Plant*

A building or facility for refining or processing oil or a chemical plant for producing chemical products or processing of those products.

278. *Soap and Cleaning Compound Manufacturing*

This industry comprises establishments primarily engaged in manufacturing and packaging soap and other cleaning compounds, surface active agents, and textile and leather finishing agents used to reduce tension or speed the drying process.

279. *Spa, Day Spa or Health Spa*

A business that provides therapeutic and personal grooming services, including haircuts and styling, waxing, facial treatments, body therapies (massage and massage therapy), and nail treatments by providers licensed by the State of Texas.

280. *Special Zoning Districts*

The term "Special Zoning Districts" means a zoning district as listed a special zoning district within **Table 1: Zoning Districts**.

281. *Specific Use Designation*

a. A zoning procedure to allow a specific use on a property.

b. See **9.07 Specific Use Designation (SUDs)**.

c. See **4.03 Use Chart** for which zoning districts allow a **Specific Use Designation**.

282. *Stable*

A stable and related facilities, including an open pasture, where horses are quartered for owners.

283. *Storage*

a. Outside Display

The temporary outside display of finished goods. Finished goods are specifically intended for immediate retail sales and are not intended nor used as an area for the continuous keeping or storage (i.e., **Outside Storage**) of such finished goods. Examples of outside display include the display of grills, deer feeders, patio furniture, lawn mowers, flowers, pumpkins, Christmas trees, and clothing. For information regarding **Outside Display** regulations, see the **Use Chart** and Section **4.04.A.15**.

b. Outside Storage

The continuous keeping or storage of any finished or unfinished goods, materials, merchandise, or equipment outside of a building for more than 24 hours. For information regarding **Outside Storage** regulations, see the **Use Chart** and Section **4.04.A.16**.

284. *Storage Units, Mini*

a. A building(s) containing separate, individual self-storage units for rent or lease.

b. The conduct of sales, business, or any activity other than storage does not occur within any individual storage unit.

285. *Storefront*

Storefronts are defined as the part of the building that fills the structural bay on the front façade at ground level.

286. *Story*

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

287. *Street*

A public **Right-of-Way** that provides vehicular traffic access to adjacent lands or for the movement of through traffic.

288. *Structural Alterations*

Any change in any supporting member of a building, such as a bearing wall, column, partition, beam, or girder, or a change in the pitch or height of the roof.

289. *Structure*

Anything constructed or erected that requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

290. *Studio Residence*

A dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant.

291. *Subdivider*

a. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.

b. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.

292. *Subdivision*

a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.

b. Any other subdivision or re-subdivision of land contemplated by the provisions of **Chapter 212, Local Government Code**.

293. *Subdivision Regulations*

The adopted subdivision regulations of the **City**. (See Title XI, Chapter 2 of the Midland Municipal Code, as may be amended.)

294. *SUD*

See **Specific Use Designation** definition and Section **9.07** **Specific Use Designation (SUDs)**.

295. *Surveyor*

A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.

296. *Tattoo Studio*

A permanent, non-dwelling building or portion of a building where scarring or inserting a pigment of a design or artistic image under the skin using needles, scalpels, or other related equipment is performed in accordance with all applicable laws, ordinances, rules, and regulations.

297. *Taxidermist*

An establishment whose principal business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

298. *Telephone Exchange (No Offices or Storage Facilities)*

A building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless service towers.

299. *Temporary Building for New Construction*

a. A structure or shelter used in connection with the construction of a development or building project for housing on the site of temporary administration and supervisory functions and for sheltering employees and equipment.

b. Buildings are permitted for a specific period of time in accordance with a permit issued by the **City**.

c. See the **4.03** **Use Chart** and Section **4.04.A.19** within the **Additional Development Standards** for details.

d. The term "Temporary Field or Construction Office" may also be used.

300. *Textile Manufacturing, with dust and odor control*

Establishments primarily engaged in finishing of textiles, fabrics, and apparel, with dust and odor controls.

301. *Thoroughfare*

See Arterial Street.

302. *Tinsmith / Sheet Metal Shop*

A shop where flat sheets of metal are shaped into three-dimensional objects and soldered, brazed or welded.

303. *Trailer*

A portable dwelling unit designed to move on wheels from location to location by automobile or truck.

304. *Transit Center*

Any premises, including train or bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

305. *Transportation Plan*

The plan that guides the development of adequate circulation within the **City**, and connects the **City** street system to regional traffic carriers. Also referred to as the Thoroughfare Plan.

306. *Truck Sales, Heavy Trucks*

The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

307. *Unmanned Equipment Building*

An accessory building housing electronic and communication equipment as an associated and permitted part of a wireless communication system.

308. *Urethane and Other Foam Product (except Polystyrene) Manufacturing*

This industry comprises establishments primarily engaged in manufacturing plastics foam products

309. *Utility Distribution/Transmission Line*

Facilities, including subsidiary stations that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

310. *Utility Easement*

See **Easement** (Definition # **122**).

311. *Vacation Travel Trailer*

A vacation travel trailer is a vehicular portable structure designed for a temporary or short-term occupancy for travel, recreational or vacation uses. Such vehicles shall include travel trailers, converted buses, tent trailers, recreational vehicles, motor homes or similar devices used for temporary portable housing.

312. *Vacation Travel Trailer Park*

A **Vacation Travel Trailer Park** is any tract of land under single ownership and where accommodation is provided for transient trailer use for a maximum of seven days. See Section **4.04.A.2 Manufactured Home Mini-Park, Manufactured Home Park, and Vacation Travel Trailer Park Standards** for more information.

313. *Veterinarian Clinic*

An establishment where animals and pets are admitted for examination and medical treatment.

314. *Warehouse*

Facilities characterized by extensive warehousing, frequent heavy trucking activity, **Outside Storage** of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

315. *Wedding Chapel, Reception Facility, Special Events Center*

A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function, that is not open to the general public, whether or not a fee is charged.

316. *Weight Loss Center*

An establishment that holds meetings for its membership, counsels, or sells products to encourage the personal weight loss of individuals.

317. *Wholesale Center*

An establishment or place of business primarily engaged in selling or distributing merchandise to the general public, to retailers, to industrial, commercial, institutional, or professional business users, and to other wholesalers.

318. *Wildlife Rehabilitation Center*

A property or building where wildlife animals are kept for the purpose of undergoing rehabilitation.

319. *Winery*

An establishment where wine is made.

320. *Wireless Communication Systems*

Antenna support structures for mobile and land based telecommunication facilities, whip antennas, panel antennas, microwave dishes and receive-only satellite dishes, cell enhancers and related equipment for wireless transmission from a sender to one or more receivers, such as for mobile cellular telephones, mobile radio systems facilities, commercial mobile radio service and radio or television (commercial only) broadcasting towers and transmitting stations. This definition is inclusive of the placement of the above-referenced equipment on a monopole tower, a steel lattice tower, guyed steel lattice tower and any communication tower which does or does not utilize guy wire support in addition to existing buildings or other independent support structures. This system shall also allow as one of its components an unmanned equipment shelter.

321. *Wood Window and Door Manufacturing*

This industry comprises establishments primarily engaged in manufacturing window and door units, sash, window and door frames, and doors from wood or wood clad with metal or plastics.

322. *Woodworking and Planing Mill*

a. Establishments with dust and noise control and primarily engaged in one or more of the following:

   i. Manufacturing dimension lumber from purchased lumber;

   ii. Manufacturing dimension stock (i.e., shapes) or cut stock;

   iii. Re-sawing the output of sawmills; and

   iv. Planning purchased lumber.

b. These establishments generally use woodworking machinery, such as jointers, planers, lathes, and routers to shape wood.

323. *Wrecking or Auto Salvage Yard*

A yard or building where automobiles or machinery are stored, dismantled and offered for sale as whole units, as salvaged parts or as processed metal.

324. *Yard*

a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

325. *Yard, Front*

A yard across the full width of a lot extending from the front line of the main building to the front property line of the lot.

326. *Yard, Rear*

A yard extending across the full width of the lot and measured between the rear property line of the lot and rear line of the main building, except that area included in the side yard as defined below.

327. *Yard, Side*

A yard between the building and the side property line of the lot and extending from the front yard to the required minimum rear yard.

328. *Zoning District Map*

a. The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the **Zoning Ordinance**, which may also be cited as the Zoning Map.

b. See Section **1.04** **Official Zoning District Map**.

329. *Zoning Ordinance*

The adopted Zoning Ordinance of the City, as may be amended in the future, and may be referred as "the Zoning Ordinance."

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Section 3. Zoning Districts

3.01. Zoning District Authorization

The **City** is divided into zones, or districts, and the boundaries of zoning districts are delineated on the Official **Zoning District Map** of the **City**.

A. Zoning Districts

The location and boundaries of the various districts as defined herein shall be established and amended by ordinance and shall be shown and delineated on the Official **Zoning District Map** of the **City**.

B. Effect of Zoning District Change

The reclassification of property to a new zoning district shall be an amendment of the Official **Zoning District Map** and shall be so recorded.

C. Interpretation of District Boundaries

The district boundary lines shown on the Official **Zoning District Map** are along streets, alleys, or property lines. When uncertainty exists as to the boundaries of the districts on the Official **Zoning District Map** or when boundaries do not follow along streets, alleys, or property lines, the following rules apply:

1. Metes and Bounds Survey

   Boundaries shall follow metes and bounds surveys as approved by the City as part of the zoning or rezoning process.

2. Center Lines

   Boundaries approximately following the center lines of streets or highways shall be construed to follow such center lines.

3. Platted Lot Lines

   Boundaries approximately following platted lot lines shall be construed as following such lot lines.

4. City Limit Lines

   Boundaries approximately following city limits shall be construed as following such city limits.

5. Railroad Lines

   Boundaries following railroad lines shall be construed to be the middle of the railroad easement or **Right-of-Way**.

6. Shore Lines

   a. Boundaries following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines, shall be construed as moving with the actual shoreline, or as otherwise set forth by State law.

   b. Boundaries approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

3.02. Zoning Districts Established

A. Purpose

The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development and uses within them, and to establish regulations regarding the physical character and intensity of development in order to protect the public health, safety and welfare.

B. Zoning Districts Established

All land within the corporate limits shall be classified into one of the following zoning districts.

Table 1: Zoning Districts	
Residential Zoning Districts	
Section 3.04	AE, Agricultural Estate District
Section 3.05	CE, Country Estate District
Section 3.06	SF-1, Single-Family Dwelling District
Section 3.07	SF-2, Single-Family Dwelling District
Section 3.08	SF-3, Single-Family Dwelling District
Section 3.09	MH, Manufactured Housing District
Section 3.10	TH, Townhouse (Attached) Dwelling District
Section 3.11	2F, Two-Family Dwelling (Duplex) District
Section 3.12	MF-16, Multiple-Family Dwelling District
Section 3.13	MF-22, Multiple-Family Dwelling District
Nonresidential Zoning Districts	
Section 3.14	O-1, Office District
Section 3.15	O-2, Office District
Section 3.16	LR, Local Retail District
Section 3.17	RR, Regional Retail District
Section 3.18	CB, Central Business District
Section 3.19	C, Commercial District
Section 3.20	BP, I-20 Business Park District
Section 3.21	TP, Technology Park District
Section 3.22	LI, Light Industrial District
Section 3.23	HI, Heavy Industrial District
Special Zoning Districts	
Section 3.24	PD, Planned Development District

3.03. Equivalency Table for Zoning Districts

The following table identifies zoning districts adopted in previous ordinances and the zoning district regulations that now apply in this **Zoning Ordinance** to those districts.

Table 2: Zoning Districts Equivalency Table	
Previous Zoning Designation	**Current Zoning District**
Residential Zoning Districts	
AE, Agriculture-Estate District	AE, Agricultural Estate District
CE, Country Estate District	CE, Country Estate District
1F-1, One-Family Dwelling District	SF-1, Single-Family Dwelling District
1F-2, One-Family Dwelling District	SF-2, Single-Family Dwelling District
1F-3, One-Family Dwelling District	SF-3, Single-Family Dwelling District
MH, Mobile Home Dwelling District	MH, Manufactured Housing District
TH, Townhouse Dwelling District	TH, Townhouse (Attached) Dwelling District
2F, Two-Family Dwelling District	2F, Two-Family Dwelling (Duplex) District
MF-1, Multiple-Family Dwelling District	MF-16, Multiple-Family Dwelling District
MF,2 Multiple-Family Dwelling District	MF-22, Multiple-Family Dwelling District
Nonresidential Zoning Districts	
O-1, Office District	O-1, Office District
O-2, Office District	O-2, Office District
NS, Neighborhood Service District	LR, Local Retail District
LR-1, Local Retail District	LR, Local Retail District
LR-2, Local Retail District	RR, Regional Retail District
LR-3, Local Retail District	RR, Regional Retail District
C-1, Central Area District	CB, Central Business District
C-2, Commercial District	C, Commercial District
C-3, Commercial District	C, Commercial District
BP, I-20 Business Park District	BP, I-20 Business Park District
IP, Industrial Park District	TP, Technology Park District
IP-1, Industrial Park District	TP, Technology Park District
IP-2, Industrial Park District	TP, Technology Park District
IP-3, Industrial Park District	TP, Technology Park District
LI, Light Industry	LI, Light Industrial District
HI, Heavy Industry	HI, Heavy Industrial District
Special Zoning Districts	
FD, Future Development District	
P, Parking District	
	PD, Planned Development District

3.04. AE, Agricultural Estate District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units within a rural setting on lots of not less than two acres (or 87,120 square feet) and to provide a location for agricultural uses.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
    a. See **4.09 Accessory Buildings and Uses**.
    b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
    c. See **6.02 Off-Street Parking and Loading Requirements**.
    d. See **6.03 Lighting Standards**.
    e. See **6.04 Building Façade Material Standards**.
    f. See **6.05 Building Design Standards for Nonresidential Buildings**.
    g. See **6.06 Building Design Standards for Multiple-Family Use**.
    h. See **6.07 Multiple-Family Density Bonus**.

3.05. CE, Country Estate District

A. Purpose Statement
This district is intended to provide for development of single-family detached dwelling units within a semi-rural setting on lots of not less than 43,560 square feet.

B. Permitted Uses and Use Regulations
See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations
See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.
2. Driveways
   a. Residential lots shall, at a minimum, have all-weather surfaced driveway.
      i. Driveways shall be designed and maintained to prevent all-weather surface materials from being deposited on public streets and Right-of-Ways by storm water runoff.

3.06. SF-1, Single-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units within a suburban neighborhood setting on lots of not less than 9,000 square feet.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.
2. Driveways
   a. Residential lots shall have concrete driveways.

3.07. SF-2, Single-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units within a suburban neighborhood setting on lots of not less than 7,000 square feet.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.
2. Driveways
   a. Residential lots shall have concrete driveways.

3.08. SF-3, Single-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of single-family detached dwelling units within a suburban neighborhood setting on lots of not less than 5,500 square feet.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
    a. See **4.09 Accessory Buildings and Uses**.
    b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
    c. See **6.02 Off-Street Parking and Loading Requirements**.
    d. See **6.03 Lighting Standards**.
    e. See **6.04 Building Façade Material Standards**.
    f. See **6.05 Building Design Standards for Nonresidential Buildings**.
2. Driveways
    a. Residential lots shall have concrete driveways.

3.09. MH, Manufactured Housing District

A. Purpose Statement
The **MH, Manufactured Housing District** is a detached single-family residential district to provide for the development of **Manufactured Housing**.

B. Permitted Uses and Use Regulations
See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations
See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.
2. Areas requirements for park site.
   a. Minimum Area for a **Manufactured Home Mini-Park**: 15,000 square feet and shall have a minimum width (measured parallel to a street) of 150 feet and a minimum depth of 100 feet.
   b. Minimum Area for a **Manufactured Home Park**: Eight acres
   c. Minimum Area for a **Vacation Travel Trailer Park**: Two acres
3. See **Additional Development Standards** (Section: **4.04.A.2**) for additional requirements specifically for **Manufactured Home Mini-Park**, **Manufactured Home Mini-Park**, **Vacation Travel Trailer Park** developments.
4. Regulations for individual manufactured or mobile homes on individual lots (i.e., non-park developments).
   a. Both the mobile home or manufactured home and the lot on which it is located must be under a common ownership.
   b. All mobile homes or manufactured homes must comply with the minimum standards established in Appendix E of the International Residential Code of One and Two Family Dwellings.
   c. Mobile homes or manufactured homes must be installed on a concrete foundation or footing and be equipped with tie-downs per the manufacturer's standards.
   d. If the trailer is not installed on a continuous foundation, the space between the bottom of the trailer and the lot surface must be covered by a continuous skirt with vents.
   e. No storage is permitted under the trailer except transportation wheels.
   f. No structure may be built as an addition to the trailer other than a standard self-standing patio area.

g. An accessory building constructed in compliance with regulations established under the **SF-1, Single-Family Dwelling District** may be built.

h. A detached garage for the storage of vehicles may be constructed. The garage may not be occupied or converted to another use unless in compliance with the accessory building requirements.

i. Prior to removal of a mobile home or manufactured home the owner must comply with all the provisions of the City Code for house moving, see requirements with Title IX, Chapter 3 of the City's Code.

5. Parking Required

Two paved off-street parking spaces shall be provided.

3.10. TH, Townhouse (Attached) Dwelling District

A. Purpose Statement
This district is intended to provide for development of townhouses (**Dwelling, Single-Family (attached – townhouse)**) in structures built to accommodate three to 12 units per structure.

B. Permitted Uses and Use Regulations
See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations
See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.
2. Lot Provisions for Dwelling Units
   a. Each dwelling unit shall be located on a single lot that fronts a dedicated street or other approved public access easement and is served individually by water, wastewater, electric, and gas utility services.
   b. There shall be no more than one dwelling unit on any lot.
3. Structure Separation
   a. Contiguous attached structures shall not exceed 310 feet in length.
   b. The minimum separation between noncontiguous, adjacent structures shall be 20 feet
4. Mechanical Equipment, Refuse Containers, and Waste Storage
   a. Mechanical equipment, refuse containers, and waste storage areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
5. Garages
   a. All homes shall have a two-car enclosed garage.
   b. Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

3.11. 2F, Two-Family Dwelling (Duplex) District

A. Purpose Statement

This district is intended to provide for development of quality duplex residential development. This district is envisioned to include small areas or entire neighborhoods consisting entirely of duplexes. Additionally, this district serves to provide for a transition between lower density residential areas and more intense residential areas or nonresidential areas.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
    a. See **4.09 Accessory Buildings and Uses**.
    b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
    c. See **6.02 Off-Street Parking and Loading Requirements**.
    d. See **6.03 Lighting Standards**.
    e. See **6.04 Building Façade Material Standards**.
    f. See **6.05 Building Design Standards for Nonresidential Buildings**.
2. Driveways
    a. Each dwelling unit shall have a two-car enclosed garage.
    b. Residential lots shall have concrete driveways.

3.12. MF-16, Multiple-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of attached residential units, such as multi-family developments, at a maximum residential density of 16 dwelling units per acre. (The dwelling units per acre (DU/A) calculation is exclusive of all streets, alleys and sidewalks, but inclusive of open space, recreational, and service areas.) This district is for moderate densities.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

1. See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.
2. The maximum residential density shall be 16 dwelling units per acre.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.
   g. See **6.06 Building Design Standards for Multiple-Family Use**.
   h. See **6.07 Multiple-Family Density Bonus**.
2. Front Yard Regulations
   a. No structure shall be located in the front yard.
   b. No off-street parking shall be allowed in any front yard area. However, drives of ingress and egress from the public street to a parking area shall be allowed to cross the front yard from front to rear.
3. Garages

   A minimum of 25 percent of the total number of units in the complex shall have a one-car enclosed garage, 240 square feet minimum, attached or detached, per dwelling unit.
4. Mechanical Equipment, Refuse Containers, and Waste Storage
   a. Mechanical equipment, refuse containers and waste storage areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
5. Storage Area

   Every apartment unit shall have an enclosed storage area of not less than 30 square feet of Floor Area, eight feet high, exclusive of interior closet space.

6. Private Recreation Areas

   a. Recreation Area Required

      i. All apartment complexes shall have at least one recreation area, in a location free of traffic hazards, easily accessible to all complex residents, and centrally located where topography permits.

   b. Recreation Space Requirement

      i. Not less than eight percent of the gross complex area shall be devoted to recreational facilities, generally in a central location. In large complexes (two acres or larger) these may be decentralized.

      ii. Recreation areas include space for community buildings and community uses, such as adult recreation and child play areas, and swimming pools, but do not include vehicle parking, commercial, maintenance and utilities areas.

   c. Playground Space

      i. When playground space is provided, it shall be so designated and shall be protected from traffic, streets, and parking areas.

      ii. Such space shall be maintained in a sanitary condition and free of dangerous conditions and hazards.

E. Site Plan Required for Rezoning to the MF-16, Multiple-Family Dwelling District

A **Site Plan**, as outlined in **9.05 Site Plans**, shall be required for all **Zoning Map Amendment (Rezoning)** Applications seeking the MF-16, Multiple-Family Dwelling District designation. The **Site Plan** shall be included as part of the ordinance approving the **Zoning Map Amendment (Rezoning)**.

3.13. MF-22, Multiple-Family Dwelling District

A. Purpose Statement

This district is intended to provide for development of attached residential units, such as multi-family developments, at a maximum residential density of 22 dwelling units per acre. (The dwelling units per acre (DU/A) calculation is exclusive of all streets, alleys and sidewalks, but inclusive of open space, recreational, and service areas.) This district is for urban densities.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

1. See the **Residential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.
2. The maximum residential density shall be 22 dwelling units per acre.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.
   g. See **6.06 Building Design Standards for Multiple-Family Use**.
   h. See **6.07 Multiple-Family Density Bonus**.
2. Front Yard Regulations
   a. No structure shall be located in the front yard.
   b. No off-street parking shall be allowed in any front yard area. However, drives of ingress and egress from the public street to a parking area shall be allowed to cross the front yard from front to rear.
3. Garages

   A minimum of 25 percent of the total number of units in the complex shall have a one-car enclosed garage, 240 square feet minimum, attached or detached, per dwelling unit.
4. Mechanical Equipment, Refuse Containers, and Waste Storage
   a. Mechanical equipment, refuse containers and waste storage areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
5. Storage Area

   Every apartment unit shall have an enclosed storage area of not less than 30 square feet of Floor Area, eight feet high, exclusive of interior closet space.

6. Private Recreation Areas

   a. Recreation Area Required

      i. All apartment complexes shall have at least one recreation area, in a location free of traffic hazards, easily accessible to all complex residents, and centrally located where topography permits.

   b. Recreation Space Requirement

      i. Not less than eight percent of the gross complex area shall be devoted to recreational facilities, generally in a central location. In large complexes (two acres or larger) these may be decentralized.

      ii. Recreation areas include space for community buildings and community uses, such as adult recreation and child play areas, and swimming pools, but do not include vehicle parking, commercial, maintenance and utilities areas.

   c. Playground Space

      i. When playground space is provided, it shall be so designated and shall be protected from traffic, streets, and parking areas.

      ii. Such space shall be maintained in a sanitary condition and free of dangerous conditions and hazards.

E. Site Plan Required for Rezoning to the MF-22, Multiple-Family Dwelling District

A **Site Plan**, as outlined in **9.05 Site Plans**, shall be required for all **Zoning Map Amendment (Rezoning)** Applications seeking the MF-22, Multiple-Family Dwelling District designation. The **Site Plan** shall be included as part of the ordinance approving the **Zoning Map Amendment (Rezoning)**.

3.14. O-1, Office District

A. Purpose Statement
This district is intended to provide for low intensity office and professional uses.

B. Permitted Uses and Use Regulations
See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations
See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.

3.15. O-2, Office District

A. Purpose Statement
This district is intended to provide for moderate or high intensity office and professional uses.

B. Permitted Uses and Use Regulations
See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations
See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.

3.16. LR, Local Retail District

A. Purpose Statement

This district is intended to provide for locations for various types of local retail trade and businesses primarily serving the surrounding neighborhoods.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.

3.17. RR, Regional Retail District

A. Purpose Statement
This district is intended to provide for locations for various types of regional retail trade, business, and low-impact service uses.

B. Permitted Uses and Use Regulations
See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations
See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.

   a. See **4.09 Accessory Buildings and Uses**.

   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.

   c. See **6.02 Off-Street Parking and Loading Requirements**.

   d. See **6.03 Lighting Standards**.

   e. See **6.04 Building Façade Material Standards**.

   f. See **6.05 Building Design Standards for Nonresidential Buildings**.

3.18. CB, Central Business District

A. Purpose Statement

This district is intended to provide for the development of downtown Midland as the regional business center for professional offices. This district is also designed to promote a vibrant downtown by providing for residential, restaurant, retail, hotel, and other unique development opportunities that encourage downtown development and redevelopment efforts.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

1. See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.
2. The maximum residential density (i.e., dwelling units per acre) shall be unlimited within the **CB, Central Business District**.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.
   g. See **6.06 Building Design Standards for Multiple-Family Use**.
   h. See **6.07 Multiple-Family Density Bonus**.

3.19. C, Commercial District

A. Purpose Statement

This district is intended to provide for locations for moderately intense commercial, storage, and warehousing uses.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.

   a. See **4.09 Accessory Buildings and Uses**.

   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.

   c. See **6.02 Off-Street Parking and Loading Requirements**.

   d. See **6.03 Lighting Standards**.

   e. See **6.04 Building Façade Material Standards**.

   f. See **6.05 Building Design Standards for Nonresidential Buildings**.

3.20. BP, I-20 Business Park District

A. Purpose Statement
This district is designed to encourage development along the Interstate Highway 20 (I-20) corridor, which is recognized for its important economic development potential.

B. Permitted Uses and Use Regulations
See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations
See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.

   a. See **4.09 Accessory Buildings and Uses**.

   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.

   c. See **6.02 Off-Street Parking and Loading Requirements**.

   d. See **6.03 Lighting Standards**.

   e. See **6.04 Building Façade Material Standards**.

   f. See **6.05 Building Design Standards for Nonresidential Buildings**.

3.21. TP, Technology Park District

A. Purpose Statement

This district is intended to provide for locations for research and laboratory facilities, higher quality manufacturing and industrial uses in an organized industrial park setting.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.

3.22. LI, Light Industrial District

A. Purpose Statement

The **LI, Light Industrial District** is primarily for warehousing, wholesaling, and distribution activities. It is the intent that this district includes light manufacturing or the assembly of small products such as electronics, pharmaceuticals, medical supplies and other small equipment.

Truck traffic and loading operations are expected to be characteristics of this district. This district should have efficient accessibility to major transportation routes via major thoroughfares or other means of transportation. Facilities in this district may require limited amounts of outside storage. It is the intent of this district to reserve large tracts exclusively for light industrial activities.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
   a. See **4.09 Accessory Buildings and Uses**.
   b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
   c. See **6.02 Off-Street Parking and Loading Requirements**.
   d. See **6.03 Lighting Standards**.
   e. See **6.04 Building Façade Material Standards**.
   f. See **6.05 Building Design Standards for Nonresidential Buildings**.

3.23. HI, Heavy Industrial District

A. Purpose Statement

The **HI, Heavy Industrial District** is intended for large-scale basic or primary industrial uses that involve extensive processing, manufacturing or assembly of large products or equipment.

Because of the nature of the products or character of activities, uses within this district will likely produce greater than average negative visual qualities and external effects involving noise, fumes, noxious odors, glare or other atmospheric influence beyond the boundaries of the property on which the use is located. Therefore, these uses are surrounded with similar industrial uses. It is the intent to reserve large tracts exclusively for industrial activities defined herein.

B. Permitted Uses and Use Regulations

See the **Use Chart** and all applicable regulations in Section 4.

C. Dimensional Regulations

See the **Nonresidential Zoning District Dimensional Regulations Chart** and all applicable regulations in Section 5.

D. Development Standards

1. See the following sections for development regulations.
    a. See **4.09 Accessory Buildings and Uses**.
    b. See **6.01 Screening Requirements for Residential and Nonresidential Properties**.
    c. See **6.02 Off-Street Parking and Loading Requirements**.
    d. See **6.03 Lighting Standards**.
    e. See **6.04 Building Façade Material Standards**.
    f. See **6.05 Building Design Standards for Nonresidential Buildings**.
    g. See **6.06 Building Design Standards for Multiple-Family Use**.
    h. See **6.07 Multiple-Family Density Bonus**.

3.24. PD, Planned Development District

A. Purpose Statement

The purpose of this district is to encourage higher quality development in the City by allowing flexibility in the planning and development of projects. A **PD, Planned Development District** may be used to permit new or innovative concepts in land utilization or diversification that could not be achieved under conventional zoning approaches. Any combination of residential, commercial, light industrial, public or recreational uses as approved by the City Council may be permitted.

B. General Description and Purpose

1. The **PD, Planned Development District** shall be used for the following purpose(s):
   a. Master planning;
   b. To carry out specific goals of the **Comprehensive Plan**, City or public/private partnered projects;
   c. Development of mixed use, transit-oriented, or traditional neighborhoods with a variety of uses and housing types; and
   d. To preserve natural features, open space, and other topographical features of the land.
2. The **PD, Planned Development District** shall not be used for the following purpose(s):
   a. To secure agreement between an **Applicant** and nearby property owners to receive zoning approval; and
   b. To assign responsibility to the City of private deed restrictions or covenants.

C. Base Zoning District

1. A **PD, Planned Development District** shall contain at least one base zoning district to regulate all uses and development regulations not modified by the **PD, Planned Development District** ordinance.
2. If the standards of the base zoning district are amended, then the most recently amended standards shall apply to a **PD, Planned Development District** unless the standards have been individually listed within the **PD, Planned Development District** adoption ordinance as being different from the base zoning district.

D. Permitted Uses and Use Regulations

1. See the **Use Chart** and all applicable regulations within Section 4.
2. See Section **9.06 PD, Planned Development District Application and Review**.

E. Dimensional Regulations

1. See the **Zoning Dimensional Regulations** in **Section 5**.
2. See Section **9.06 PD, Planned Development District Application and Review**.

F. Development Standards

1. See the **Zoning Development Regulations** in **Section 6** for all applicable regulations.
2. See Section **9.06 PD, Planned Development District Application and Review**.

G. Minimum Size

A minimum of three acres is required for all **PD, Planned Development Districts**.

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Section 4. Zoning Land Use Regulations

4.01. Uses Permitted by District

Land and buildings in each of the zoning districts may be used for any of the specified uses in Section **4.03 Use Chart**. No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which the property is located.

Legend for Use Chart	
P	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a **9.07 Specific Use Designation (SUDs)**
#	Use is permitted in the district indicated if the use complies with conditional development standards or limitations in the corresponding numeric end note in **4.04 Additional Development Standards**.

4.02. Classification of New and Unlisted Uses

A. Existence of New and Unlisted Uses

Any use not listed in the **Use Chart** is prohibited.

B. Planning Division Manager Interpretation of a New and Unlisted Use

If the **Planning Division Manager** is unable to classify the use under one of the existing listed uses, then the **Planning Division Manager** shall initiate a **Zoning Text Amendment** pursuant to procedures set forth in **9.02 Zoning Text and Map Amendments**.

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4.03. Use Chart

The use of land or buildings shall be in accordance with those listed in the following **Use Chart**. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses permitted in the zoning district in which the property is located, as shown in the **Use Chart**.

Legend for Use Chart

P	**Use is permitted in district indicated**
	Use is prohibited in district indicated
S	**Use is permitted in district upon approval of a Specific Use Designation (9.07) and 4.04 Additional Development Standards may apply**
#	**Use is permitted if the use complies with 4.04 Additional Development Standards as indicated by the corresponding numeric end note**
§	**Reference to 6.02 Off-Street Parking and Loading Requirements**

Row Number	Uses	Residential Zoning Districts										Nonresidential Zoning Districts										PD, Planned Development District	Off-Street Parking and Loading Requirements	Row Number
		AE, Agricultural Estate District	CE, Country Estate District	SF-1, Single-Family Dwelling District	SF-2, Single-Family Dwelling District	SF-3, Single-Family Dwelling District	MH, Manufactured Housing District	TH, Townhouse (Attached) Dwelling District	2F, Two-Family Dwelling (Duplex) District	MF-16, Multiple-Family Dwelling District	MF-22, Multiple-Family Dwelling District	O-1, Office District	O-2, Office District	LR, Local Retail District	RR, Regional Retail District	CB, Central Business District	C, Commercial District	BP, I-20 Business Park District	TP, Technology Park District	LI, Light Industrial District	HI, Heavy Industrial District			
	Residential Uses																							
1	Accessory Dwelling Unit	S-1	S-1	S-1	S-1	S-1																22	C.1	1
2	Assisted Living/Nursing Home	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P					22	E.9	2
3	Boarding or Rooming House									P	P											22	D.2	3
4	Community Group Home	S	S	S	S	S	S	S	S	S	S											22	C.1	4
5	Dwelling, Single-Family (detached)	P	P	P	P	P	P	P	P			P										22	C.1	5
6	Dwelling, Single-Family (attached – duplex)							P	P													22	C.1	6
7	Dwelling, Single-Family (attached – townhouse)							P	P													22	C.1	7
8	Dwelling, Multi-Family									P	P					P						22	D.2	8
9	Manufactured Home (HUD Code)						P															22	C.1	9
10	Manufactured Home Mini-Park						S-2															22	C.1	10
11	Manufactured Home Park	S-2	S-2	S-2	S-2	S-2	S-2															22	C.1	11
12	Industrialized Housing	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3			P-3										22	C.1	12
13	Studio Residence															P						22	D.2	13
	Nonresidential Uses																							
14	Adult Day-Care Services											P	P	P	P	P	P	P				22	E.4	14
15	Agricultural Use	P-4	P-4																			22	6.02.E.15	15
16	Air Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing																		P	P	P	22	E.18	16
17	Aircraft Engine and Engine Parts Manufacturing																		P	P	P	22	E.18	17
18	Aircraft Parts and Auxiliary Equipment Manufacturing																		P	P	P	22	E.18	18
19	Alcoholic Beverages Sales for On-Premises Consumption (9.07.F)											S	S	S	S	S	S	S				22	E.23	19
20	Alcoholic Beverages Sales for Off-Premises Consumption													P	P	P	P	P				22	E.24	20
21	Alcoholic Beverages Sales for Off-Premises Consumption – Beer and Wine Only (9.07.F)												S	P	P	P	P	P				22	E.24	21
22	Ambulance Service																P	P				22	E.18	22
23	Amusement, Commercial (indoors)													S	P	P	P	P				22	E.22	23
24	Amusement, Commercial (outdoors)														S	P-5	P-5	P-5				22	E.7	24
25	Antique Shop											P	P	P	P	P	P	P				22	E.24	25
26	Appliance Rental														P	P	P	P				22	E. 24	26
27	Armed Services Recruiting Center													P	P	P	P	P				22	E.20	27
28	Art Gallery or Museum											P	P	P	P	P	P	P				22	E.17	28

Row Number	Uses	Residential Zoning Districts										Nonresidential Zoning Districts										PD, Planned Development District	Off-Street Parking and Loading Requirements	Row Number
	Legend for Use Chart P: Use is permitted in district indicated Use is prohibited in district indicated S: Use is permitted in district upon approval of a Specific Use Designation (9.07) and 4.04 Additional Development Standards may apply # : Use is permitted if the use complies with 4.04 Additional Development Standards as indicated by the corresponding numeric end note § : Reference to 6.02 Off-Street Parking and Loading Requirements	AE, Agricultural Estate District	CE, Country Estate District	SF-1, Single-Family Dwelling District	SF-2, Single-Family Dwelling District	SF-3, Single-Family Dwelling District	MH, Manufactured Housing District	TH, Townhouse (Attached) Dwelling District	2F, Two-Family Dwelling (Duplex) District	MF-16, Multiple-Family Dwelling District	MF-22, Multiple-Family Dwelling District	O-1, Office District	O-2, Office District	LR, Local Retail District	RR, Regional Retail District	CB, Central Business District	C, Commercial District	BP, I-20 Business Park District	TP, Technology Park District	LI, Light Industrial District	HI, Heavy Industrial District			
29	Art Supply Store													P	P	P	P	P				22	E.24	29
30	Artisan's Workshop													P	P	P	P	P	P	P	P	22	E.24	30
31	Automobile Body Shop															P	P	P	P	P	P	22	E.22	31
32	Automobile or Other Motorized Vehicle Sales and Service														S-6	S-6	S-6	S-6	S-6	P	P	22	E.22	32
33	Automobile Parts Store														P	P	P	P	P	P	P	22	E.22	33
34	Automobile Rental														P	P	P	P	P	P	P	22	E.8	34
35	Automobile Service Garage (Major)																P	P	P	P	P	22	E.10	35
36	Automobile Service Garage (Minor)														P	P	P	P	P	P	P	22	E.10	36
37	Bail Bond Services															P	P					22	E.1	37
38	Bakery Shop											P	P	P	P	P	P	P				22	E.24	38
39	Bank or Financial Institution													P	P	P	P	P				22	E.1	39
40	Bar												S	S	S	S	S	S				22	E. 28	40
41	Barber or Beauty Shop											P	P	P	P	P	P	P				22	E.24	41
42	Bed and Breakfast Inn	S	S									P	P			P						22	E.2	42
43	Bike (Bicycle) Sales and Service													P	P	P	P	P				22	E.24	43
44	Book Store											P	P	P	P	P	P	P				22	E.24	44
45	Bottling Works																			P	P	22	E.18	45
46	Bowling Alley													P	P	P	P	P				22	E.3	46
47	Brewery, Large															P			P	P	P	22	E.18	47
48	Brewery, Local													S	S	S	S	S	P	P	P	22	E.18	48
49	Brewery, Regular															S	S	S	P	P	P	22	E.18	49
50	Cabinet Shop																P	P				22	E.18	50
51	Car Wash, Full Service														P	P	P	P				22	E.10	51
52	Car Wash, Self Service														p	P	P	P				22	E.10	52
53	Carnival, Circus or Tent Service (Temporary)														S	S	S	S				22	E.7	53
54	Carpentry Shop																P	P	P	P	P	22	E.18	54
55	Caterer or Wedding Service												P	P	P	P	P	P				22	E.22	55
56	Cement or Hydrated Lime Plant																				P	22	E.15	56
57	Cemetery or Mausoleum	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	None	57
58	Ceramic and Pottery Manufacturer																			P	P	22	E.18	58
59	Child-Care: Agency Foster Home	P	P	P	P	P																22	C.1	59
60	Child-Care: Day-Care Center	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P				22	E.4	60
61	Child-Care: Group Day-Care Home	S	S	S	S	S																22	C.1	61
62	Child-Care: Family Home	P	P	P	P	P																22	C.1	62
63	Cigar Lounge													P	P	P	P					22	E.24	63
64	Civic/Convention Center											S	S	S	P	P	P	P	P			22	E.21	64
65	Clothing or Similar Light Manufacturing																	P	P	P	P	22	E.18	65
66	College or University	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	22	E.12	66
67	Computer and Peripheral Equipment Manufacturing																	P	P	P	P	22	E.18	67
68	Concrete Block and Brick Manufacturing																				P	22	E.18	68
69	Concrete or Asphalt Batching Plant, Permanent																				P	22	E.18	69
70	Concrete or Asphalt Batching Plant, Temporary	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	S-7	P-7	P-7	22	E.18	70
71	Concrete Pipe Manufacturing																				P	22	E.18	71

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72	Consignment Store													P	P	P	P					22	E.24	72
73	Construction Machinery Manufacturing																			P	P	22	E. 18	73
74	Contractor's Shop or Storage Yard																P	P		P	P	22	E.8	74
75	Copy Shop or Printing Shop														P	P	P	P	P	P	P	22	E.24	75
76	Country Club	P	P	P	P	P	P	P	P	P	P	P	P	P	P							22	E.22	76
77	Credit Access Business													P-8	P-8	P-8	P-8			P-8	P-8	22	E.24	77
78	Dance Hall													P	P	P	P	P				22	E. 28	78
79	Dance, Music, or Drama Studio											P	P	P	P	P	P	P				22	E.24	79
80	Design Transfer Manufacturing and Wholesale Shops															P	P	P	P	P	P	22	E.18	80
81	Discount or Department Store														P	P	P					22	E.24	81
82	Distillery													S	S	S	S	S	P	P	P	22	E.27	82
83	Distribution Center																	P	P	P	P	22	E.27	83
84	Donation or Recycling Collection Point	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P				22	None	84
85	Drapery or Furniture Coverings Shop													P	P	P	P					22	E.24	85
86	Educational Services Offices											P	P	P	P	P	P	P				22	E.20	86
87	Electrical Energy Generating Plant	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	22	E.15	87
88	Electrical Equipment Manufacturing																			P	P	22	E.18	88
89	Electrical Power Substations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	E.18	89
90	Engine, Turbine, and Power Transmission Equipment Manufacturing																			P	P	22	E.18	90
91	Equestrian Center	P																				22	E.22	91
92	Equipment Rental (Heavy)																P	P		P	P	22	E.8	92
93	Equipment Repair Shop,																P	P	P	P	P	22	E.18	93
94	Exterminating Company																P	P	P	P	P	22	E.20	94
95	Farmer's Market													S	S	P	S	S	S	S	S	22	None	95
96	Feed Store														P		P	P	P	P	P	22	E.24	96
97	Firearms Sales Establishment												S	P	P	P	P	P				22	E.24	97
98	Florist											P	P	P	P	P	P	P				22	E.24	98
99	Food Processing Plant																			P	P	22	E.18	99
100	For-Profit Plasma Donation Centers	S	S	S	S	S	S	S	S	S	S	S	S	S	S									100
101	Funeral Home or Mortuary														P	P	P	P	P	P	P	22	E.22	101
102	Furniture Repair and Upholstering Shop															P	P	P	P	P	P	22	E.18	102
103	Gas or Oil Well Operation	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	22	None	103
104	Gasoline Self-Service Pumps Only													P	P	P	P	P	P	P	P	22	E.10	104
105	Gasoline Filling or Service Station													P	P	P	P	P	P	P	P	22	E.10	105
106	Golf Course	P	P	P	P	P	P	P	P	P	P	P	P	P	P							22	E.11	106
107	Grocery Store													P	P	P	P	P				22	E.24	107
108	Gun Club, Skeet or Target Range (Indoor)														S	S	S	S	S			22	E.22	108
109	Gun Club, Skeet or Target Range (Outdoor)																			S	S	22	E. 7	109
110	Gym or Health/Fitness Center											S	P	P	P	P	P	P	P			22	E.24	110
111	Gymnastic Studio											S	P	P	P	P	P	P	P			22	E.22	111
112	Handcraft Shop													P	P	P	P					22	E.24	112
113	Heliport or Helistop											S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	22	E.22	113

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§	**Reference to 6.02 Off-Street Parking and Loading Requirements**

Row Number	Uses	Residential Zoning Districts										Nonresidential Zoning Districts										PD, Planned Development District	Off-Street Parking and Loading Requirements	Row Number
		AE, Agricultural Estate District	CE, Country Estate District	SF-1, Single-Family Dwelling District	SF-2, Single-Family Dwelling District	SF-3, Single-Family Dwelling District	MH, Manufactured Housing District	TH, Townhouse (Attached) Dwelling District	2F, Two-Family Dwelling (Duplex) District	MF-16, Multiple-Family Dwelling District	MF-22, Multiple-Family Dwelling District	O-1, Office District	O-2, Office District	LR, Local Retail District	RR, Regional Retail District	CB, Central Business District	C, Commercial District	BP, I-20 Business Park District	TP, Technology Park District	LI, Light Industrial District	HI, Heavy Industrial District			
114	Hobby Shop													P	P	P	P					22	E.24	114
115	Home-Based Business	P-12	P-12	P-12	P-12	P-12	P-12	P-12	P-12	P-12	P-12											22	C.1	115
116	Hospital, Acute Care											P	P	P	P	P	P	P				22	E.13	116
117	Hospital, Chronic Care											P	P	P	P	P	P	P				22	E.13	117
118	Hotel											P	P	P	P	P	P	P	P			22	E.14	118
119	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing																				P	22	E.18	119
120	Institution for the Care of Alcoholic, Psychiatric, or Narcotic Patients	S										S	S	S	S	P	P	P				22	E.16	120
121	Jewelry Manufacturing or Assembly																	P	P	P	P	22	E.18	121
122	Kennel	S												S	S	S	S	S				22	E.20	122
123	Laboratory, Scientific or Research												P		P	P	P	P	P	P	P	22	E.18	123
124	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing																			P	P	22	E.18	124
125	Landfill	S																			P	22	None	125
126	Laundry, Commercial															P	P	P	P	P	P	22	E.22	126
127	Laundry, Dry Cleaning Drop-Off/Pick-Up											S	P	P	P	P	P	P				22	E.24	127
128	Laundry, Self-Service												P	P	P	P	P	P				22	E.24	128
129	Leather Product and Saddle Manufacturing																	P		P	P	22	E.18	129
130	Library											P	P	P	P	P	P	P				22	E.17	130
131	Light Assembly and Manufacturing Processes															P	P	P	P	P	P	22	E.18	131
132	Locksmith/Security System Company														P	P	P	P	P	P	P	22	E.8	132
133	Lounge or Nightclub												S	S	S	S	S	S				22	E. 28	133
134	Manufactured Home Sales																P	P				22	E.20	134
135	Manufacturing or Industrial Operations																			P	P	22	E.18	135
136	Medical Clinic											P	P	P	P	P	P	P				22	E.6	136
137	Mixed Use Development													P–13	P–13	P–13						22	Per Use Type	137
138	Mobile Food Vendor Park											S–14	S–14	S–14	S–14	S–14	S–14	S–14	S–14			22	E.28	138
139	Model Home	P	P	P	P	P	P	P	P													22	E.19	139
140	Motel, Motor Hotel, or Tourist Court													P	P	P	P	P				22	E.14	140
141	Motor Freight Company																	P		P	P	22	E.27	141
142	Motor Vehicle Electrical and Electronic Equipment Manufacturing																			P	P	22	E.18	142
143	Motor Vehicle Parts Manufacturing																			P	P	22	E.18	143
144	Movie Theatre													S	P	P	P	P				22	E.28	144
145	Newspaper Printing															P	P	P	P	P	P	22	E.22	145
146	Nursery, Major	S	S														P	P	P	P	P	22	E.8	146
147	Nursery, Minor													P	P	P	P	P				22	E.24	147
148	Office, Professional, Medical, or Business											P	P	P	P	P	P	P				22	E.20	148
149	Outside Display													P-15	P-15	P-15	P-15	P-15	P-15	P-15	P-15	22	E.22	149
150	Outside Storage														S-16	S-16	P-16	P-16	P-16	P-16	P-16	22	E.22	150
151	Palm Reader / Card Reader													P	P	P	P					22	E.24	151
152	Park, Playground, or Community Center, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	E.22	152

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		Residential Zoning Districts										Nonresidential Zoning Districts												
153	Pawn Shop														P	P	P	P				22	E.24	153
154	Penal and Correctional Institutions					S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	22	E.16	154
155	Permanent Cosmetics or Makeup											P	P	P	P	P	P	P				22	E.24	155
156	Personal Service Shop											S	P	P	P	P	P	P				22	E.24	156
157	Pet Store (Retail Sales Only)														P	P	P	P				22	E.24	157
158	Petroleum Storage and Collection Facilities																			P	P	22	E.27	158
159	Pharmaceutical and Medicine Manufacturing																	P	P	P	P	22	E.18	159
160	Pharmacy													P	P	P	P	P				22	E.22	160
161	Photographer's or Artist's Studio/Film Processing											P	P	P	P	P	P	P				22	E.22	161
162	Plastic Products Manufacturing																			P	P	22	E.18	162
163	Play Field or Stadium, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	E.28	163
164	Plumbing/Electrical/Air Conditioning Store (Retail Sales Only)														P	P	P	P				22	E.22	164
165	Police or Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	E.22	165
166	Polystyrene Foam Product Manufacturing																				P	22	E.18	166
167	Printing/Duplication or Mailing Center														P	P	P	P	P	P	P	22	E.22	167
168	Private Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	None	168
169	Radio or TV Station												P	P	P	P	P	P	P	P	P	22	E.22	169
170	Religious Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	E.5	170
171	Restaurant or Cafeteria, with Drive-Through Window or Curb Service														P	P	P	P	P			22	E.23	171
172	Restaurant or Cafeteria, without Drive-Through Window or Curb Service											P	P	P	P	P	P	P	P			22	E.23	172
173	Retail Stores and Shops												S	P	P	P	P	P				22	E.24	173
174	Retail Tobacco Store														P	P	P					22	E.24	174
175	Rodeo Grounds	S															P	P				22	E.7	175
176	School, Career											P	P		P	P	P	P	P			22	E.12	176
177	School, Private	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	22	E.12/26	177
178	School, Public	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	P-18	22	E.12/26	178
179	Scientific Research and Development Center or Laboratory												P		P	P	P	P	P	P	P	22	E.22	179
180	Seamstress or Tailor Shop												P	P	P	P	P	P				22	E.22	180
181	Shoe Repair Shop												P	P	P	P	P	P				22	E.22	181
182	Small Engine Repair Shop																P	P	P	P		22	E.18	182
183	Smelter, Refinery, or Chemical Plant																				P	22	E.15	183
184	Soap and Cleaning Compound Manufacturing																			P	P	22	E.18	184
185	Spa, Day Spa or Health Spa											P	P	P	P	P	P					22	E.24	185
186	Stable	P															P					22	E. 22	186
187	Storage Units, Mini																P	P	P	P	P	22	E.27	187
188	Tattoo Studio														P	P	P	P				22	E.24	188
189	Telephone Exchange (No Offices or Storage Facilities)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	E.22	189
190	Temporary Building for New Construction	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	P-19	22	None	190
191	Textile Manufacturing, with dust and odor control																			P	P	22	E.18	191
192	Tinsmith / Sheet Metal Shop																P	P	P	P	P	22	E.18	192

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Row Number	Uses	Residential Zoning Districts										Nonresidential Zoning Districts										PD, Planned Development District	Off-Street Parking and Loading Requirements	Row Number
	Legend for Use Chart P – Use is permitted in district indicated Use is prohibited in district indicated S – Use is permitted in district upon approval of a Specific Use Designation (9.07) and 4.04 Additional Development Standards may apply # – Use is permitted if the use complies with 4.04 Additional Development Standards as indicated by the corresponding numeric end note § – Reference to 6.02 Off-Street Parking and Loading Requirements	AE, Agricultural Estate District	CE, Country Estate District	SF-1, Single-Family Dwelling District	SF-2, Single-Family Dwelling District	SF-3, Single-Family Dwelling District	MH, Manufactured Housing District	TH, Townhouse (Attached) Dwelling District	2F, Two-Family Dwelling (Duplex) District	MF-16, Multiple-Family Dwelling District	MF-22, Multiple-Family Dwelling District	O-1, Office District	O-2, Office District	LR, Local Retail District	RR, Regional Retail District	CB, Central Business District	C, Commercial District	BP, I-20 Business Park District	TP, Technology Park District	LI, Light Industrial District	HI, Heavy Industrial District			
193	Transit Center														P	P	P	P	P			22	E.28	193
194	Truck Sales, Heavy Trucks																P-6	P-6		P	P	22	E.24	194
195	Urethane and Other Foam Product (except Polystyrene) Manufacturing																				P	22	E.18	195
196	Utility Distribution/Transmission Line	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	22	None	196
197	Vacation Travel Trailer Park	S-2	S-2	S-2	S-2	S-2	S-2											S-2				22	E.22	197
198	Veterinarian Clinic											S	P	S	P	P	P	P	P			22	E.20	198
199	Warehouse																P	P	P	P	P	22	E.27	199
200	Wedding Chapel, Reception Facility, Special Events Center	S	S									P	P	P	P	P	P	P	P			22	E.24	200
201	Weight Loss Center													P	P	P	P	P				22	E.24	201
202	Wildlife Rehabilitation Center	S	S															P				22	E.16	202
203	Winery													S	S	S	S	S	P	P	P	22	E.8	203
204	Wireless Communication Systems	S-20	S-20	S-20	S-20	S-20	S-20	S-20	S-20	S-20	S-20	S-20	S-20	S-20	S-20	S-20	P-20	P-20	P-20	P-20	P-20	22	None	204
205	Wrecking or Auto Salvage Yard																			P-21	P-21	22	E.22	205
206	Wholesale Center														P	P	P	P	P	P	P	22	E.24	206
207	Wood Window and Door Manufacturing																			P	P	22	E.18	207
208	Woodworking and Planing Mill																			P	P	22	E.18	208

4.04. Additional Development Standards

A. The following additional development standards shall apply:

1. **Accessory Dwelling Unit** Standards

   See **4.09 Accessory Buildings and Uses** for standards.

2. **Manufactured Home Mini-Park**, **Manufactured Home Park**, and **Vacation Travel Trailer Park** Standards

   a. Location

      It shall be unlawful for any person to locate a **Mobile Home**, **Manufactured Home – HUD Code**, or **Vacation Travel Trailer** within a **Manufactured Home Mini-Park**, **Manufactured Home Park**, or **Vacation Travel Trailer Park** within the City except as provided within this section. An existing **Mobile Home** may remain at its current location; however, no **Mobile Home** may be moved into another location within the city.

   b. License Required

      It shall be unlawful for any person to establish or operate a **Manufactured Home Mini-Park**, **Manufactured Home Park**, or **Vacation Travel Trailer Park** totally or partially within the corporate limits of the City, without first applying for and obtaining a license in accordance this section.

   c. Application for License

      i. Application for the license required by **4.04.A.2.b above** shall be in writing and shall be filed with the building inspector. The application shall set forth the name and address of the applicant and a proper description of the location of a **Manufactured Home Mini-Park**, **Manufactured Home Park**, and **Vacation Travel Trailer Park**. The applicant shall comply with all the requirements in this section as to size, location of the space to be allocated each unit, and sanitary facilities, with specifications and plans complying with this section and with all building, zoning, health, sanitary and police regulations.

      ii. A site plan shall be attached to the application, at a minimum scale of one inch equals 200 feet for sites of 30 acres or more, and at a minimum scale of one inch equals 100 feet for sites under 30 acres. The site plan shall include the following:

         (a) The area and dimensions of the tract of land with identification of location and boundaries;

         (b) The number, location and size of all manufactured home spaces;

         (c) The location, width and specifications of driveways, roadways and walkways;

         (d) The location and specifications of water and sewer lines and riser pipes;

         (e) The location and details of lighting, electrical and gas systems;

         (f) The location and specifications of all existing buildings or building to be constructed within the park;

         (g) Existing and proposed topography of the **Manufactured Home Park** or **Vacation Travel Trailer Park**;

         (h) The location of fire mains, including the size, the hydrants and any other equipment which may be required by the fire code; and

         (i) Such other information as municipal reviewing officials may reasonably require.

d. Application Fee

A fee in accordance with the **Fee Schedule** shall accompany the application, payable to the City, which shall be an application fee and inspection fee for the examination of the application, and shall not be returned, whether a license is granted or not.

e. License Fee

Upon the approval of an application provided for in Sections **4.04.A.2.d** and **4.04.A.2.e**, an annual license shall be issued upon payment of a fee in accordance with the **Fee Schedule**). This license fee shall be for a period of one year and shall be payable in advance on January 1 of each succeeding year after the date of first license. The fee for the first license shall be prorated according to the quarter of the calendar year in which the license is issued. This nontransferable license may be obtained from the city inspection office. The license shall be conspicuously posted in the office located on the premises of the **Manufactured Home Park** or **Vacation Travel Trailer Park** at all times.

f. Types of License

There shall be two types of licenses, defined as follows:

i. Type I

(a) Type I shall be for **Manufactured Home Mini-Parks** or **Manufactured Home Parks** which are to accommodate only those manufactured homes in which water closet, bath and lavatory facilities are contained, and any park holding a Type I license on which any other type of trailer is placed shall be in violation of this section and subject to having the license revoked.

ii. Type II

(a) Type II shall be for **Vacation Travel Trailer Parks** and shall allow the accommodation of either modern trailers in which water closet, bath or lavatory accommodations are contained or those trailers which do not have these facilities, but must meet the requirements within this section.

g. Cancellation of License

Upon any violation of the provisions of this section, the building inspector shall notify the owner of the **Manufactured Home Mini-Park**, **Manufactured Home Park**, or **Vacation Travel Trailer Park** that his license is cancelled, which cancellation shall become effective ten days from the date of notice and shall be in addition to any other penalty provided in the Zoning Ordinance or City Code. In case of such cancellation, the licensee shall have the right to appeal to the City Council within ten days. Such appeal shall be by written petition addressed to the City Council. A new license may be issued if the circumstances leading to revocation have been remedied and a new license fee paid.

h. **Manufactured Home Mini-Park**, **Manufactured Home Park**, or **Vacation Travel Trailer Park** Development Regulations

All **Manufactured Home Parks** and **Vacation Travel Trailer Parks** constructed in whole or in part after April 22, 1971, and all **Manufactured Home Mini-Parks**, shall conform to the following requirements, and all existing such parks (as of April 22, 1971) shall become nonconforming uses and subject to all applicable regulations of the City pertaining thereto, respectively, to wit:

i. **Manufactured Home Parks**

(a) Where allowed:

See Section **4.03** **Use Chart**.

(b) Density:

The maximum allowed density shall be seven manufactured homes per acre.

(c) Size:

Initial development of any **Manufactured Home Park** shall not be less than eight acres fully improved with utility serviced spaces and shall be defined on all site plans.

(d) Tenant storage:

Manufactured Home Parks shall provide storage facilities of 120 cubic feet minimum on each manufactured home space.

(e) Recreation area:

A landscaped recreation area or areas totaling not less than eight percent of the total **Manufactured Home Park** site shall be provided. Such recreation area shall be provided in a central location where possible and may be divided so as not to exceed one such recreation area per five acres of gross **Manufactured Home Park** area. Regardless of location, each recreation area's smallest dimension shall be not less than 50 feet. Community buildings and community use facilities, adult recreation and child play areas and swimming pools may be included in these recreation areas. This area shall be protected from traffic hazards.

(f) Parking requirements:

Two spaces conforming to all requirements of Chapter 1, Title XI, of the Midland City Code shall be provided for each manufactured home space. Such parking spaces shall not be over 300 feet from the manufactured homes they serve.

ii. **Vacation Travel Trailer Parks**

(a) Where allowed:

See Section **4.03** **Use Chart**.

(b) Density:

The maximum allowed density shall be 12 travel trailers per acre.

(c) Size:

Initial development of any **Vacation Travel Trailer Park** shall be not less than two acres.

(d) Sanitation facilities: **Vacation Travel Trailer Parks** shall provide water closets, baths or showers and other sanitation facilities which shall conform to the following requirements:

(i) The sanitation facilities for males and females shall be either in separate buildings, or shall be separated if in the same buildings, and ventilated at all times with screened openings. These service buildings shall be maintained in clean, sightly condition. Service buildings shall be located not closer than five feet nor farther than 200 feet from vacation travel trailer space.

(ii) An adequate supply of hot water shall be provided at all times in any required service buildings, and for all bathing, washing, cleansing and laundry facilities.

(iii) Toilet facilities – Males: Toilet facilities for males shall consist of not less than one flush water closet for every 15 vacation travel trailers, one urinal for every 15 vacation travel trailers, and one shower with individual dressing accommodations for every ten vacation travel trailers.

(iv) Toilet facilities – Females: Toilet facilities for females shall consist of not less than one flush water closet for every ten vacation travel trailers, and one shower with individual dressing accommodations for every ten vacation travel trailers.

iii. **Manufactured Home Parks** and **Vacation Travel Trailer Parks**

(a) Setbacks and space requirements.

Table 3: MHP and VTTP Setbacks and Space Requirements		
Requirements	Manufactured Home Parks	Vacation Travel Trailer Parks
Spacing:		
Between structures	20 ft.	10 ft.
End-to-end parking	10 ft.	6 ft.
Setbacks:		
From permanent structures (excluding individual storage structures, patio roofs and carports)	10 ft.	10 ft.
From patio roof or carport of one structure to adjacent structures	3 ft.	3 ft.
Rear and side park property lines	10 ft.	5 ft.
Front park property lines	25 ft.	15 ft.
From interior streets	15 ft.	10 ft.
From cul-de-sac streets	25 ft.	10 ft.
Space Width:	40 ft.	25 ft.

(b) Area requirements for manufactured homes: Each manufactured home space shall provide a minimum area of 3,500 square feet, however, no manufactured home space shall have dimensions less than 40 feet on the narrow dimension nor 80 feet on the long dimension.

(c) Patio roofs and carports: Manufactured home and vacation travel trailer spaces may have open, unenclosed patio roofs and carports of metal, fiberglass or other noncombustible materials.

(d) Utilities:

(i) Water supply: An adequate supply of potable water for domestic and fire protection purposes shall be supplied that is determined by the fire marshal to be sufficient to meet the requirements of the park. Manufactured home and vacation travel trailer spaces shall be provided with water hookups at least four inches above the ground and hose connections for lawn maintenance.

(ii) Sewage disposal: Waste from showers, bathtubs, water closets, and lavatories in manufactured homes, vacation travel trailers and service or other buildings within the park shall be discharged into a public sewer service system in compliance with applicable ordinances. In the event public services are not available, such waste shall be discharged into a private disposal system approved by the City of Midland Health Department.

(iii) Natural gas: Manufactured home and vacation travel trailer space shall be provided with a natural gas hookup at least four inches above the ground.

(iv) Electric service: Underground service shall be provided throughout **Manufactured Home Parks** and **Vacation Travel Trailer Parks**, and service to individual manufactured homes and vacation travel trailers shall meet the requirements as set forth in the City Code. All electric meters shall be permanently installed in a location accessible from an interior street, alley or all-weather walkway.

(v) All utilities supplied to manufactured homes or vacation travel trailers shall comply with all applicable plumbing, gas and electric codes and regulations of the City.

(e) Lighting:

(i) Entrances and exits to **Manufactured Home Parks** and **Vacation Travel Trailer Parks** shall be lighted with one or more luminaries (or fixtures) totaling at least 7,700 lumens.

(ii) The interior area of **Manufactured Home Parks** or **Vacation Travel Trailer Parks** shall be lighted to 0.5 candle average maintained. All luminaries shall be mounted 15 feet to 25 feet above ground level.

(f) Walks: All interior walks of **Manufactured Home Parks** and **Vacation Travel Trailer Parks** shall be all-weather and not less than four feet in width. Walks provided adjacent to interior streets shall be three feet concrete gutter-walks. Walks provided adjacent to public streets shall comply with the City Code.

(g) Interior streets:

(i) Interior asphalt streets shall be provided to serve each manufactured home and vacation travel trailer space. All spaces shall abut upon a paved interior streets, which shall connect with a public street. In **Manufactured Home Parks** and **Vacation Travel Trailer Parks** the interior streets shall not be less than 36 feet in width. All streets shall have standard curb and gutter except where three-foot gutter-walks or drives are stipulated. No cul-de-sac street shall be over 250 feet from the center of the turnaround to the nearest curb-line of the public or interior street it abuts. At the end of each cul-de-sac a ten-foot-wide open, unobstructed firefighting easement shall be provided. This easement shall not be more than 200 feet in length and shall abut and open onto a private or public street other than a cul-de-sac. Gates may be installed in such opening, provided breakaway locks are used.

(h) Ingress and egress: All **Manufactured Home Parks** and **Vacation Travel Trailer Parks** shall have a double drive entrance separated by a 30-foot median, and at least one secondary entrance street shall be provided along the abutting public dedicated street at a minimum interval of 300 feet along the perimeter of the park. Such streets shall have standard curb and gutter and shall not be less than 36 feet wide. All curb cuts on public streets must comply with the provisions of the City Code.

(i) Driveway or access-way: A driveway or access-way shall be reserved from the street to the manufactured home or vacation travel trailer.

(j) **Vacation Travel Trailer Parks** shall provide one automobile parking space for each vacation travel trailer space, and one additional guest parking space shall be provided in a common area for each four vacation travel trailer spaces in the park. Such parking spaces shall not be over 200 feet from the travel trailers they serve and shall conform to all requirements of **6.02 Off-Street Parking and Loading Requirements**.

iv. **Manufactured Home Mini-Parks**.

(a) Any tract developed as a **Manufactured Home Mini-Park** shall have a minimum area and dimensions as required by **3.09.D.2.a**. The size of any such park shall not be reduced below these minimum dimensions until all manufactured homes have been removed therefrom or, if located in the **MH, Manufactured Housing District**, until the minimum area regulations for manufactured homes as fixed dwellings on individual lots have been met and certificates of occupancy for such use obtained.

(b) Each manufactured home space shall have frontage of not less than 25 feet on a public street and access from a public alley by which it abuts for a distance of not less than ten feet and be served with public water, sewer, gas and electric service, all in the same manner as if each were an individual separate lot.

(c) Sidewalks, where required by City Code, and curbs and gutters shall be constructed on the adjacent side of each street abutting a **Manufactured Home Mini-Park**, and two parking spaces, paved with concrete or asphalt, shall be provided on each manufactured home space to conform to all requirements of **6.02 Off-Street Parking and Loading Requirements**. These requirements shall be completed by the property owner before any manufactured home space is rented or leased and any manufactured home placed thereon.

(d) Each manufactured home space shall have a minimum width of 35 feet and a minimum average depth of 100 feet and shall have a minimum area of 4,000 square feet.

(e) The minimum yard regulations that shall apply in relation to the boundaries of a **Manufactured Home Mini-Park** and the maximum height limits shall be those of the zoning district in which the park is located.

(f) The minimum distance between manufactured homes at any point shall be 12 feet. Accessory structures shall observe the following setback regulations:

(i) Attached accessory structures shall observe the same minimum separations from manufactured homes and attached accessory structures on adjacent spaces as required for manufactured homes.

(ii) Detached accessory structures shall be located not less than six feet from any portion of an adjacent space where the approved site plan would permit the placement of a manufactured home or attached accessory structure. Further, detached accessory structures shall be located not less than six feet from any manufactured home space line, except as follows: No setback shall be required if the accessory structure is constructed with a solid masonry wall achieving a four-hour fire rating adjacent to such space line. A setback of not less than three feet shall be observed if the accessory structure is constructed with a one-hour firewall facing such space line.

(g) The coverage of a space by a manufactured home and any attached accessory structure shall not exceed 40 percent; provided that a vehicle parking space shall not be considered in determining the space coverage.

(h) No structure shall be built as an addition to a manufactured home except a self-standing patio cover or carport without enclosed sides and no storage shall be permitted under the manufactured home except transportation wheels.

(i) Connections to utilities by manufactured home occupant. Connection to utilities shall be made in conformance with the applicable standards of the City of Midland as set forth in the ordinances of the City of Midland and shall be subject to approval by the building official. Connection must be made to the public water supply and sewer system. Occupancy of a manufactured home shall not be permitted prior to the same having passed all city inspections regarding utility hookups and placement and a **Certificate of Occupancy and Compliance** having been issued.

(j) Each manufactured home placed in such a park shall conform to all zoning regulations applicable to manufactured homes, and to the standards set forth in the Texas Manufactured Housing Standards Act, as amended, and the rules and regulations promulgated pursuant thereto by the Texas Department of Licensing and Regulation (or its successor), if applicable, including but not limited to construction, foundation blocking, tie-downs and utility connections. According to Chapter 1201 of the Occupations Code (the Texas Manufactured Housing Standards Act), rules thereunder are rules of "the Texas Department of Housing and Community Affairs operating through its manufactured housing division."

i. Sanitation Facilities

Vacation Travel Trailer Parks shall provide water closets, baths or showers and other sanitation facilities which shall conform to the following requirements:

i. The sanitation facilities for males and females shall be either in separate buildings, or shall be separated if in the same building, and ventilated at all times with screened openings. These service buildings shall be maintained in clean, sightly condition and kept free of any condition that could menace the health of any occupant. Service buildings shall be located not closer than five feet nor farther than 200 feet from vacation travel trailer space.

ii. An adequate supply of hot water shall be provided at all times in any required service buildings, and for all bathing, washing, cleansing and laundry facilities.

iii. Toilet facilities

(a) Males: Toilet facilities for males shall consist of not less than one flush water closet for every 15 vacation travel trailers, one urinal for every 15 vacation travel trailers, and one shower with individual dressing accommodations for every ten vacation travel trailers.

(b) Females: Toilet facilities for females shall consist of not less than one flush water closet for every ten vacation travel trailers, and one shower with individual dressing accommodations for every ten vacation travel trailers.

j. General regulations pertaining to **Manufactured Home Parks** and **Vacation Travel Trailer Parks**

i. Removal of trash and garbage. **Manufactured Home Parks** and **Vacation Travel Trailer Parks** shall provide a sufficient number of refuse containers to handle the refuse generated by their occupants. Such refuse containers shall be located in designated areas where pickup will be made by the City.

ii. Fire protection

(a) Manufactured homes.

(i) Each manufactured home shall contain a working five-pound CO-2 fire extinguisher at all times.
(ii) Fire hydrants shall be installed so that no manufactured home space will be over 500 feet from a hydrant.
(iii) There shall not be any storage under the manufactured home.
(iv) Fences around manufactured homes shall not be over 36 inches high across the front of the space.

(b) Vacation travel trailers

(i) Each vacation travel trailer shall contain a five-pound CO-2 fire extinguisher at all times.
(ii) Fire hydrants shall be installed so that no vacation travel trailer space will be over 500 feet from a hydrant.
(iii) There shall not be any storage under the vacation travel trailer.

iii. Supervision. A responsible attendant or supervisor, owner or operator shall be in charge at all times to keep the **Manufactured Home Park** and **Vacation Travel Trailer Park**, its facilities and equipment in a clean, orderly and sanitary condition and he shall be answerable, with the licensee, for any violation of the provisions of this section.

k. General regulations pertaining to **Manufactured Home Mini-Parks**

i. Manufactured home location permits

(a) Permit required: No manufactured home may be located or emplaced within a **Manufactured Home Mini-Park** unless a location permit for such manufactured home has been issued by the city inspection division, and it shall be unlawful for any person to locate or emplace a manufactured home or cause or permit the same to be located or emplaced unless the requisite location permit has been issued for such manufactured home.

(b) Application for location permit: The application for a location permit shall contain the following information:

(i) The name of the company or person emplacing the manufactured home.
(ii) The name of the registered owner of the manufactured home.
(iii) The legal description, address and owner of the location to which the applicant is intending to move the manufactured home.
(iv) A description of the manufactured home, including manufacturer's serial number, length, width, make and year model.
(v) The location from which the manufactured home is being moved.

(c) Issuance of location permit: Upon receipt of an application for a location permit from a manufactured home owner or his agent, and upon determination that the requirements of this section and all other applicable regulations are satisfied, the building official shall issue a location permit to the applicant or his agent.

(d) Location permit fee: Following approval of the application, and for the purpose of defraying the administrative costs of processing such application, a fee shall be paid for the issuance of the location permit according to the **Fee Schedule**.

(e) Unlawful to permit emplacement: It shall be unlawful for the owner or person in charge of premises to permit a manufactured home to be located or emplaced on such premises unless the requisite location permit has been issued for such manufactured home as provided in subsection **4.04.A.2.k.i(a) above**.

ii. **Manufactured Home Mini-Park** license

(a) No location permit shall be issued for emplacement of a manufactured home in each park until a license has been obtained by the park owner. Application for said license shall be

in writing and shall be filed with the building official. Such application shall set forth the name and address of the property owner and the address and legal description of the proposed **Manufactured Home Mini-Park**. The initial license application shall be accompanied by a site plan as required herein. A revised site plan shall be submitted and approved prior to any change in the required elements of the site plan as specified herein. A fee, according to the **Fee Schedule,** shall accompany the application and any filing of a revised site plan, payable to the City, which shall be an application fee and inspection fee for the examination of the site plan, and shall not be returned whether a license is granted or not.

(b) Upon the approval of an application an annual license shall be issued. This license shall be for a period of one year and shall be renewed on January 1 of each succeeding year after the date of the first license. This nontransferable license may be obtained from the city inspection office.

(c) Cancellation of license. Upon any violation of the provisions of this section, the building official shall notify the owner of the **Manufactured Home Mini-Park** that his license is cancelled, which cancellation shall become effective ten days from the date of notice and shall be in addition to any other penalty provided in the Zoning Ordinance or City Code. In case of such cancellation, the licensee shall have the right to appeal to the City Council within ten days. Such appeal shall be by written petition addressed to the City Council. A new license may be issued if the circumstances leading to revocation have been remedied and a new license fee paid.

iii. Site plan requirements. Before any manufactured home may be emplaced in or upon any **Manufactured Home Mini-Park** or portion thereof, a site plan containing the following listed information must be submitted, reviewed by the building official and approved in accordance with the provisions of this section:

(a) Name and address of property owner.

(b) Location and legal description of the proposed **Manufactured Home Mini-Park**.

(c) The area, dimensions and boundaries of the tract of land proposed for such park.

(d) The number, location and size of all proposed manufactured home spaces.

(e) The location, width and types of all private driveways and walkways, if any.

(f) The location and details of any fences around the boundaries of the park.

(g) The location and types of all permanent buildings within the proposed **Manufactured Home Park**.

(h) The location and types of gas, electrical, water and sewer lines.

(i) The setbacks to be observed by manufactured homes, attached accessory structures and detached accessory structures as required to conform to **4.04.A.2.h.iv** **Manufactured Home Mini-Parks**.

(j) All public sidewalks, curbs and gutters and paved parking spaces as required herein.

l. More than one family per unit prohibited

It shall be unlawful for more than one family to use one unit as a living or sleeping quarters in any **Manufactured Home Park**, **Manufactured Home Mini-Park**, or **Vacation Travel Trailer Park**.

m. Temporary Special permits

Upon satisfactory proof that the applicant qualifies for one of the exceptions set out hereinafter in **4.04.A.2.m.iii below**, temporary special permits may be issued by the **Planning and Zoning Commission** for manufactured homes as provided herein. Such permit for a manufactured home may be issued for any specified location (unless otherwise restricted herein) within the City, subject to the following rules and regulations:

i. Only one manufactured home may be covered by the application for special permit (which must be filed with the director of planning and development on a form prescribed by him, not less than 20 days before such application is considered by the **Planning and Zoning Commission**).

ii. The application shall be processed as provided for applications for manufactured home or **Vacation Travel Trailer Park** licenses in all the preceding subsections of this section and subject to the same requirements regarding utilities, sewer connections, drainage and removal of trash and garbage for manufactured homes, but the application fee shall be determined by a fee spreadsheet and no annual license shall be required. The use and occupancy of any manufactured home shall be subject to all other ordinances, rules and regulations of the City applicable to single-family residences.

iii. Special permits may be issued as follows:

(a) Special hardship permits. Upon satisfactory proof of medical or other conditions constituting a genuine hardship, a special hardship permit may be issued to the owner of a manufactured home for location on a lot or tract owned by him or a member of his family and which shall only be occupied by such owner and his family or other member or members of his family and shall never be rented out or used for any commercial purposes whatsoever. However, medical or other conditions constituting a genuine hardship shall not be a financial hardship or the inability to merely accommodate the effective use of the property. No such permit may be issued for a parcel of property for a period of more than two years, provided however, that the **Planning and Zoning Commission** may, upon subsequent application, approve renewals of such permits for successive periods of not more than two years each for as long as the hardship exists. Each renewal of any such permit shall require a separate determination of hardship and any request for renewal may be disapproved. In considering whether to approve any permit renewal request, the **Planning and Zoning Commission** shall consider the following:

(i) Whether the original need has continued to the same or a greater degree or, if the degree of need has lessened, whether it constitutes a genuine hardship;

(ii) Whether the hardship justifies any adverse effect on the value, development, or enjoyment of the use of property in the vicinity which may exist or be anticipated; and

(iii) Any alternatives for relieving the hardship which the **Planning and Zoning Commission** considers appropriate.

(b) Special Permit for caretaker's, manager's, or guard's residence. Upon satisfactory proof of conditions constituting a genuine need, a special permit may be issued for a manufactured home to be located where not otherwise permitted by the zoning ordinance, on a lot or tract owned by the applicant and to be used as caretaker's, manager's or guard's residence. Provided, however, that such manufactured home shall not contain in excess of 1,000 square feet of gross floor area and shall be located not less than 30 feet from any other structure or from any lot line of an adjacent lot or parcel of land and shall never be rented out or used for any commercial purpose whatsoever. Provided further that no such permit may be issued for a parcel of property for a period of more than two years and no renewal of such a permit shall be approved which would extend the total period to more than two years. Provided, however, that the preceding two-year limitation shall not apply to such permits issued prior to April 12, 1977, other than as to renewals thereof subsequent to said date.

iv. The **Planning and Zoning Commission** may impose any reasonable conditions, restrictions, or limitations on such permits as it deems to be in the public interest after full hearing on said application.

The applicants for such permits shall submit accurate site plans, dimensioned to show minimum distances from property lines and other structures on the property and containing any other information pertinent to the positioning and use of the manufactured home on the property, for review and approval as a part of their applications. Any manufactured home permitted shall observe all area regulations applicable to single-family residences unless the **Planning and Zoning Commission** specifically approves an exception to such requirements in its approval of the temporary special permit.

v. No such special permit shall be issued until after a hearing before the **Planning and Zoning Commission** following written notice of the time, place and purpose thereof to the applicant and to the owners of all other property within 200 feet of the lot or tract of land for which the permit is sought. Said notice shall be given by first class U.S. mail (deposited in the city post office not less than 15 days prior to the hearing) addressed to the parties entitled to receive the same as the ownership appears on the last approved city tax roll.

vi. No application requesting a temporary special permit on any property which has been the subject of a previous request for a temporary special permit that was denied by the **Planning and Zoning Commission** shall be considered by the **Planning and Zoning Commission** before the expiration of six months from the date of such previous denial.

vii. Revocation of a special permit may occur for any violation of the special permit terms. If a violation is identified by the City, then the City shall send notice to the permit holder of the violation and hold a hearing within 30 days, but not earlier than 20 days from the date the notice is sent by the City. At the hearing, the **Planning and Zoning Commission** shall consider evidence of the violation and allow the permit holder to respond to the evidence. The **Planning and Zoning Commission** shall render a decision whether to revoke the permit after the hearing.

n. Parking restrictions

i. No person shall park, place or locate any trailer, trailer house, manufactured home, motor home, vacation travel trailer, or other unit which is designed or used as living or sleeping quarters, within any block, on any street (public or private), alley, or public park within the City for a period longer than four hours, in any 24-hour period, except that a vacation travel trailer as defined herein may be parked and occupied by a non-Midland resident on the street abutting the property of the Midland resident that he is visiting, for a period not exceeding 48 hours per 30-day period, and except that a Midland resident may place or park but not occupy his vacation travel trailer on the street adjacent to his residence while engaged in active loading or unloading for a period not exceeding 48 hours in a five-day period. In no event shall the vacation travel trailer be parked on a public street where the vacation travel trailer is closer than 40 feet to the near curb-line, traveled portion or extension thereof of an intersecting public street or highway.

ii. No person shall park or locate any manufactured home upon any private lot, tract or parcel of land owned by any person, for a period longer than four hours in any 24-hour period.

iii. No person shall park, place or locate any vacation travel trailer or other such unit as defined herein on any private lot, tract, or parcel of land within a residence area of the City except in compliance with Title X, "Traffic Regulations," Chapter 13, "Parking Prohibited," Section 5, "Parking in residence districts," of the Midland City Code.

iv. No person shall occupy or use as living or sleeping quarters any vacation travel trailer or other such unit as defined herein, on any private lot, tract or parcel of land within the City, except

in a **Vacation Travel Trailer Park** as provided herein or as specified in Title X, "Traffic Regulations," Chapter 13, "Parking Prohibited," Section 5, "Parking in residence districts," of the Midland City Code.

3. **Industrialized Housing** Standards

   a. Industrialized Housing shall be permitted where Dwelling, Single-Family (detached) uses are allowed in the **Use Chart**.

   b. Industrialized Housing Requirements

      Industrialized Housing shall meet the following requirements.

      i. Industrialized Housing shall meet or exceed all building code requirements that apply to other dwelling units concerning on-site construction.

      ii. Industrialized Housing shall conform to all applicable zoning standards for the respective zoning district.

      iii. Industrialized Housing shall be placed on an approved platted lot.

      iv. Single-family and duplex Industrialized Housing shall:

         (a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the Industrialized Housing is proposed to be located, as determined by the most recent county certified tax appraisal roll;

         (b) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the Industrialized Housing is proposed to be located;

         (c) Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and

         (d) Be securely affixed to an approved permanent foundation.

      v. For purposes of subsection **4.04.A.3.b.iv above,** "value" means the combined taxable value of the industrialized housing and the lot after installation of the housing.

4. **Agricultural Use** Standards for Select Zoning Districts

   Commercial farm, ranch, stable, garden, orchard or plant nursery, on a tract of five acres or more (unless permitted on a smaller tract by approval of a Specific Use Designation) area permitted provided no retail sales are conducted from the premises.

5. **Amusement, Commercial (outdoors)** Standards

   a. Allowed by **Specific Use Designation**, according to the permitted **Use Chart**.

   b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.

   c. No intermittent or flashing lights shall be permitted.

   d. Luminaries shall be mounted at a height not to exceed 30 feet as measured vertically from the horizontal surface of the nearest parking pavement.

   e. No exterior auditory devices shall be permitted.

6. **Automobile or Other Motorized Vehicle Sales and Service** Standards

   a. Allowed by **Specific Use Designation**, according to the permitted **Use Chart**.

   b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.

   c. No intermittent or flashing lights shall be permitted.

   d. Luminaries shall be mounted at a height not to exceed 30 feet as measured vertically from the horizontal surface of the nearest parking pavement.

   e. All building façades shall be constructed with the same masonry materials that meet the masonry regulations for the zoning district in which the property is located.

   f. No exterior auditory devices shall be permitted.

7. Concrete/Asphalt Batching Plan, Temporary

   a. Temporary Building Permit issued by the **Building Official**.

8. **Credit Access Business** Standards

   All **Credit Access Business** operations shall conform to all applicable laws, ordinances, rules, and regulations.

9. **Gasoline Filling or Service Station** Standards

   a. Allowed by **Specific Use Designation**, according to the permitted **Use Chart**.

   b. Gasoline pumps, pump islands, canopies, or car washes, where adjacent to property zoned as single-family residential uses shall maintain a minimum setback of at least 125 feet.

   c. The hours of any car wash operation may be limited when located adjacent to property zoned for single-family residential uses.

   d. No exterior illumination (either direct or indirect) shall cross a residential property line nor be a nuisance to traffic.

   e. No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.

10. **Gas or Oil Well Operation** Standards

    a. Gas or Oil Well Operations shall conform to all applicable laws, ordinances, rules, and regulations.

11. **Heliport or Helistop** Standards

    a. Allowed by **Specific Use Designation**, according to the permitted **Use Chart**.

    b. No heliport or helistop shall be located within 1,000 feet of any church, school, library, public park or within 1,000 feet of any dwelling unless:

       i. Noise attenuation methods are implemented to achieve noise levels no greater than if the heliport or helistop were located 1,000 feet from any such property in an unprotected state;

       ii. The Federal Aviation Administration has approved approach and departure paths for the proposed heliport or helistop which require all departures to be made at an angle of more than 90 degrees from any boundary or any such property which is less than 1,000 feet from the proposed heliport or helistop; and

       iii. No substantial adverse impact exists on residence or businesses within the 1,000 foot requirement.

12. **Home-Based Business** Standards

A **Home-Based Business** shall meet the following requirements:

a. No persons other than members of the family residing on the premises shall be engaged in such business;

b. The use of the dwelling unit for the home-based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 500 square feet or 10 percent of the square footage of the dwelling area or **Accessory Building**, whichever is greater, shall be used in the conduct of the home-based business;

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home-based business;

d. No sign advertising a home-based business shall be placed on property where a home-based business is conducted;

e. Any sales in connection with such home-based business shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises;

f. No traffic shall be generated by a home-based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home-based business shall be met off the street and other than in a required front yard;

g. No equipment, process or work shall be used or conducted in such home-based business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work shall be used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;

h. The operation of beauty culture schools, beauty parlors, barber shops, vehicle repair, lawn mower or other small or large engine repair, and any boarding house/rooming house shall not be permitted as a home-based business or as an accessory use; and

i. No **Outside Storage** or **Outside Display** of any type shall be permitted with any home-based business.

13. **Mixed Use Development** Standards

    a. Purpose Statement

        i. **Mixed Use Development** is intended to encourage compatible developments of integrated nonresidential and residential activities where appropriate and acceptable among land uses through the **4.04 Additional Development Standards** permit process.

        ii. **Mixed Use Development** is intended for use within the LR, Local Retail, RR, Regional Retail, and CB, Central Business Districts. All other regulations not specified in this section will follow the regulations set forth within the respective zoning district.

    b. General Description and Purpose

        Mixed Use Developments shall be used for the following purposes:

        i. Master Planning;

        ii. Development of mixed use;

        iii. To preserve natural features, open space, and other features of the land.

    c. Base Zoning District

        A **Mixed Use Development** shall contain the following residential zoning density equivalencies:

Table 4: Base Zoning and Density Equivalencies	
Zone	Zoning Density Equivalencies
LR, Local Retail District	MF-16, Multiple-Family Dwelling District
RR, Regional Retail District	MF-22, Multiple-Family Dwelling District
CB, Central Business District	No Density Restrictions

    d. Font Yard Setback

        Where a 5- to 10-foot sidewalk is present along an Arterial or Collector Street for a proposed **Mixed Use Development**, the proposed building may have a zero foot front yard setback measured from the property line.

    e. Design Elements

        i. In order to promote a more walkable and urban form, parking lots or parking structures are recommended to be located in the interior of the property with buildings located along the edges of the property.

        ii. Litter receptacles shall be encouraged along **Mixed Use Development** street frontages. Receptacles shall be low maintenance and resistant to vandalism.

        iii. Retail and other approved nonresidential uses shall be located on the first floor of a **Mixed Use Development**.

    f. Density Bonus

        i. The following density bonus options are available to all **Mixed Use Developments**. Density bonuses are cumulative and a combination of up to two density bonuses may be applied to the Zoning Density Equivalencies of the base zoning district (see table above).

        ii. Density Bonus Options:

            (a) Affordable Units

                A density bonus of up to six dwelling units per acre may be granted if 50 percent of the additional units created by the bonus are dedicated for affordable housing. Affordable housing shall be for families earning less than 80 percent of median income, as reported

for the City in the most recent census data, and calculated so that the monthly rent, including utilities, does not exceed 30 percent of a family's monthly income.

(b) Parking Structures

A density bonus of up to the maximum density of the zoning district may be granted if a parking structure is built. The parking structure shall be designed to accommodate 100 percent of the required residential parking. Nonresidential parking does not have to be accommodated by the parking structure, but must meet the parking standards of the zoning district.

(c) Public Art, Open Space, and Public Amenities

A density bonus of up to six dwelling units per acre may be granted if public art, a plaza, or other public open space, or public amenities are provided on-site.

14. **Mobile Food Vendor Park** Standards

A Mobile Food Vendor Park shall meet the following requirements:

a. A Mobile Food Vendor Park is allowed by **Specific Use Designation**, according to the permitted **Use Chart**.

b. A Mobile Food Vendor Park shall be considered a primary use on a property and therefore is subject to all development standards applicable to the zoning of the property, including off-street parking requirements.

c. All Mobile Food Vendor Parks shall be on legally platted lots.

d. All Mobile Food Vendor Parks shall require a Certificate of Occupancy.

e. All Mobile Food Vendor Parks shall comply with all applicable regulations of the Midland Health Department, adopted building codes, International Fire Code, these standards, and all other applicable federal, state, and local laws.

f. All Mobile Food Vendors shall be removed from the Mobile Food Vendor Park upon closing of the park. If a commissary is provided on-site and the Mobile Food Vendor is approved to operate within the site's commissary, then the Mobile Food Vendor will not have to be removed from the site each day.

g. On-site Manager: There must be a designated manager of the site that is responsible for the orderly organization of Mobile Food Vendors, the cleanliness of the site, and the site's compliance with all rules and regulations during business hours.

h. Restrooms: Permanent restroom facilities shall be provided according to the adopted International Building Code.

i. Mobile Food Vendor Parks may be standalone establishments or may be located on a property with other permanent uses (i.e. retail establishments). These properties shall accommodate all required development standards for all primary uses.

j. Mobile Food Vendors shall not be parked on unimproved surfaces and at a minimum be parked on compacted gravel base.

k. One on-premise sign is permitted at the entrance(s) identifying the Mobile Food Vendor Park subject to the sign regulations for the applicable zoning district. Each Mobile Food Vendor may have attached signage.

l. Mobile Food Vendor Parks adjacent to single-family zoned or used property (not including a mixed-use structure), shall provide appropriate screening.

m. No Temporary Land Use Permits that allow for Mobile Food Vendors shall be permitted within Mobile Food Vendor Parks.

n. All Mobile Food Vendor Parks not located in the CB, Central Business District shall provide off-street parking. Off-street parking may be provided by way of shared or joint off-site parking arrangements within 1,000 feet of the park.

o. Mobile Food Vendor Park owners are encouraged to provide for an aesthetically-pleasing environment which includes shade and seating elements in addition to pervious groundcover.

p. All Mobile Food Vendor Parks shall comply with the noise regulations in City Code Section 6-6-13, 14, 15, & 16.

q. Vehicular drive-through service of food and/or beverages shall not be permitted.

15. **Outside Display** Standards

a. Outside Display areas shall not be placed or located more than 30 feet from the main building and shall not exceed 50 percent of the linear frontage of the building.

b. Outside Display areas shall be permitted year round.

c. Outside Display areas shall not occupy any of the parking spaces that are required by this **Zoning Ordinance** for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display and a maximum of two displays per calendar year.

d. Outside Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

e. Outside Display areas shall not extend into public Right-of-Way or onto adjacent property.

f. Outside Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

g. Outside Display is permitted only as an **Accessory Use** and is not a permitted **Principal Use**.

16. **Outside Storage** Standards

a. See Section **9.07.F.8 Outside Storage Uses and Standards**.

17. **Refreshment Kiosk** Standards

a. The applicant shall obtain approval from the Midland Health and Senior Services Department to operate a refreshment kiosk and shall remain in compliance with guidelines, rules and regulations established by the Midland Health and Senior Services Department.

b. The applicant shall submit to the **Planning Division Manager** a letter of authorization from the owner of the property upon which the refreshment kiosk is proposed to be located.

c. The **Refreshment Kiosk** shall be located on a paved surface.

d. The applicant shall submit a site plan drawing to the **Planning Division Manager** for approval. The site plan shall be drawn to scale and shall show the following minimum details:

i. Location of the **Refreshment Kiosk** in its relationship to existing structures, site circulation, traffic flows or patterns and off-street parking spaces and drive aisles;

ii. Dimensions of all parking spaces and drive aisles;

iii. Setbacks and property lines on public and private streets

iv. Size and dimensions of the **Refreshment Kiosk**; and

v. Location of proposed utilities to serve the **Refreshment Kiosk**.

e. No **Refreshment Kiosk** shall block, impede or otherwise hinder the traffic flow within the lot where the **Refreshment Kiosk** is proposed to be located, including any approaches or exit lanes leading to and/or away from the **Refreshment Kiosk**. No **Refreshment Kiosk** shall be allowed to cause

undue or unsafe congestion on or near the ingress or egress points located on the lot or adjacent lots, nor shall any fire lane be blocked by the structure or patrons of the **Refreshment Kiosk**.

f. Two parking spaces shall be provided on the property on which the **Refreshment Kiosk** is located for employee use.

g. Business signs, limited to flat wall signs, are permitted on the structure. All signage shall conform to all applicable laws, ordinances, rules, and regulations.

h. The design and operation of the refreshment kiosk shall comply with all applicable laws, ordinances, rules, and regulations.

i. The area of the **Refreshment Kiosk** shall not exceed 200 square feet.

j. A structure used for a **Refreshment Kiosk** shall not be required to be a permanent structure, and may be a movable structure having skids or wheels. A movable structure shall be anchored to the ground adequately in a manner determined to be sufficient by the manufacturer of the building and in accordance with the Midland City Building Code.

18. School (School, Private and School, Public) Standards

a. A public or private school shall be subject to the following conditions:

i. The school building or buildings shall conform to the current building code requirements for an educational use.

ii. The school shall be accredited by the state to provide academic instruction for any of grades, Pre−kindergarten through 12.

19. **Temporary Building for New Construction** Standards

a. Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for two years in accordance with a permit issued by the **Building Official**. Two six month extensions may be approved by the **Building Official**. The temporary buildings must meet all setbacks and must be set back at least 25 feet from a residential lot or building.

b. Upon completion or abandonment of construction or expiration of permit, the temporary field offices and buildings shall be immediately removed.

20. **Wireless Communication Systems** Standards

a. Purpose

i. The regulation of **Wireless Communication Systems** is intended to provide for the appropriate location and development of wireless communication towers and antennas to serve the residents and businesses, minimize the visual impacts of towers through careful design, siting and screening, prevent potential damage to adjacent properties through engineering and careful siting of structures, and maximize use of any new or existing towers to reduce the number of towers needed. The intent of this section is to:

(a) Discourage the location of towers in residential areas and minimize the total number of towers throughout the **City**.

(b) Encourage the shared use of new and existing towers, and the use of existing alternate structures.

(c) Require users to locate and engineer towers and design sites in ways that minimize the adverse visual impact and ensure the public safety.

b. Compliance with Telecommunications Act

i. The regulations herein have been developed under the following general guidelines as provided in the federal Telecommunications Act of 1996:

(a) Cities have local authority over "placement, construction, and modification" of cellular telephone facilities and other personal wireless telecommunication service facilities.

(b) Regulations "shall not unreasonably discriminate among providers of functionally equivalent services."

(c) Regulations "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

(d) "Denial shall be in writing and supported by substantial evidence."

(e) Cities may not "regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental or radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission regulations concerning such emissions."

c. Design Standards

i. The **Use Chart** shall govern the use of **Wireless Communication Systems**. Prior to filling a request for a building permit and/or a **Specific Use Designation**, whichever is applicable, the following requirements must be met:

(a) The setback of an antenna support structure from a residential zoning district, except by a **Specific Use Designation**, measured from the base of the antenna support structure to the nearest residential zoning district boundary shall be equal to the height of the antenna support structure plus the setback of the zoning in which it is located .

(b) The unmanned equipment buildings shall not exceed 750 square feet of gross floor area per building and shall not exceed 12 feet in overall height.

(c) The overall height of antenna support structures including the antenna shall not exceed 150 feet. Buildings or other independent support structures as defined in this Section shall be exempt from the maximum height requirement; however, they shall comply with all other requirements as set forth.

(d) The fall radius of the antenna support structure must be from finished grade to the height of the antenna plus an additional ten feet.

(e) A building permit from the Building Official of the City of Midland shall be required for the installation of any antenna support structures, antennas attached to buildings or other independent support structures and unmanned equipment buildings developed for **Wireless Communication Systems**. An application for a building permit shall be accompanied by the following in duplicate:

(i) A complete set of construction documents showing the proposed method of installation.

(ii) A copy of the manufacture's recommended installation instructions, if any.

(iii) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines, all structures and the distances from all residential zoning districts.

(iv) Certification by a structural or civil engineer registered with the State of Texas that the proposed installation complies with the requirements of the City of Midland Building Code.

(v) Certification stating that all antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration), its successor, or other applicable federal or state agencies.

ii. The shared use of existing antenna support structures and approved antenna support structure sites shall be preferred to the construction of new facilities. The antenna support structures must be constructed to support a minimum of two antenna arrays from two separate **Wireless Communication Systems** providers or users. Annually, the Building Official shall publish a list of known **Wireless Communication Systems** providers by advertisement in a newspaper of general circulation. The Building Official may add known **Wireless Communication Systems** providers to this list. This **Wireless Communication Systems** providers list shall remain valid for one calendar year. Prior to certification of any application, all applicants for antenna support structures shall comply with the following procedures:

(a) All **Wireless Communication Systems** applicants shall provide notice by mail to all providers on the **Wireless Communication Systems** providers list with the following information: specifications of the proposed antenna support structure; its general location; its proposed height; and a phone number to locate the owner of the antenna support structure. A copy of the notice shall be mailed to the Building Official's office. The notices shall invite potential **Wireless Communication Systems** providers to apply for space on the proposed antenna support structure.

(b) The applicant shall submit a report inventorying existing antenna support structures and antenna sites within a one-mile distance from the proposed site outlining opportunities for shared use as an alternative to the proposed one. In the case of co-location, the pro rata reimbursement to the initial applicant from the future provider shall not exceed 55 percent of the original cost for construction of the antenna support structure.

iii. Stealth Design

(a) Stealth means any telecommunications tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screening the same color scheme, antennas integrated into architectural elements, and towers designed to look other than like a tower, such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

(b) The installation of **Wireless Communication Systems** utilizing a stealth tower to camouflage an antenna support structure, such as a clock tower, flagpole or tree is recommended in all zone districts, and is required in residential zones. In addition, stealth design may include utilizing church steeples, bell towers, and other internal structures.

(c) Concealed Wireless Communication Facilities (WCF)

Concealed WCF are permitted in all zoning districts and are not regulated by these provisions of the Zoning Ordinance. Other Concealed WCF are permitted in all zoning districts, subject to the following standards:

(i) *Public/quasi-public spaces* – Concealed WCF are permitted on residentially zoned property that are designated or used for public or quasi-public spaces such as, but not limited to, schools, churches, or golf courses, subject to obtaining a proper permit(s) pursuant to the provisions contained in the Zoning Ordinance.

iv. Additional Design Standard Requirements

(a) Tower illumination – Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or other applicable federal or state agencies.

(b) Radiation Standards – **Wireless Communication Systems** shall comply with current Federal Communications Commission (FCC) standards for non-ionizing electromagnetic radiation (NIER). The applicant shall submit verification that the proposed site plan ensures compliance with these standards.

(c) Fencing for **Wireless Communication Systems** – A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on a building or other independent support structure. The fence shall not be less than eight feet in height measured from finished grade. Access to the antenna support structure shall be through a locked gate.

(d) Landscaping for **Wireless Communication Systems** Requiring a **Specific Use Designation** – Landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the antenna support structure, and any other ground level features, such as a building). A combination of existing/native vegetation, natural topography, manmade features such as berms, walls, decorative fences and any other features can be used instead of landscaping if those features achieve the same degree of screening as the required landscaping. Landscaping shall be exempt for **Wireless Communication Systems** in the permitted use zones.

(e) Setbacks for **Wireless Communication Systems** – Antenna support structures and unmanned equipment buildings shall meet the minimum building setback requirements per 4.04.A.20.c.i(a).

(f) Abandonment – In the event the use of any **Wireless Communication Systems**, which would include the antenna support structure, has been discontinued for a period of 180 consecutive days, the antenna support structure shall be deemed abandoned. Determination of the date of abandonment shall be made by the Building Official, who shall have the right to request documentation and/or affidavits from the antenna support structure owner/operator regarding the issue of usage. Upon determination of abandonment, the owner/operator of the antenna support structure shall remove the antenna support structure within 90 days of receipt of notice from the Building Official notifying the owner/operator of such abandonment. If such antenna support structure is not removed within said 90 days, the Building Official may cause such antenna support structure to be removed at the owner's expense. If there are two or more users of an antenna support structure, then this provision shall not become effective until all users cease using the antenna support structure.

d. **Wireless Communication Systems** shall be a use permitted by right in all zoning districts if the land or structure is owned by the City of Midland.

i. All antenna support structures or buildings or other independent support structures where antennas are proposed to be attached shall require a building permit. Antenna support structures located in residential zoning districts shall be monopole design. The height of a monopole antenna support structure, including the antenna, shall not exceed 150 feet. **Wireless Communication Systems** shall not be allowed in city parks which contain five acres or less.

ii. Antenna support structures shall be spaced from all residential zoning districts a minimum of 200 feet, measured from the base of the antenna support structure to the nearest residential zoning districts, except for antenna support structures located on land owned by the City of Midland within residential zoning districts. This spacing requirement does not apply to antennas attached to the buildings or independent support structures.

iii. The antenna array may be attached to buildings or independent support structures if:

(a) The pole replaced or modified is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole, or antenna support structure; and

(b) The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreation facility pole by more

than 12 feet, or the height of the original telecommunication tower and antenna array; and

(c) The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other right-of-way, and pole appearance and function, except for the antenna, are not significantly altered; and

(d) The existing support structure is engineered to support the proposed antenna.

e. Radio and Television Antennas

i. Radio and Television Antennas, limited to those used by the federal licensed amateur radio operators, unlicensed citizens band radio operators, and private citizens receiving television signals, including satellite dish antennas, shall be considered as permitted accessory uses in all zoning districts and shall be permitted in accordance with the regulations for detached accessory structures. Antenna support structures within nonresidential districts shall comply with the height and setback requirements for the particular district.

ii. The height of an antenna support structure shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade adjacent to the antenna or antenna support structure if ground mounted or from the peak of the roof if roof mounted.

iii. A building permit from the Building Official of the City of Midland shall be required for the installation of any roof-mounted antenna or antenna support structure over 12 feet above the peak of the roof and any ground-mounted antenna or antenna support structure over 25 feet in height. A building permit shall be issued only when there is full compliance with this Section and the applicable provisions of the City of Midland Building Code. Applications for a building permit shall be accompanied by the following in duplicate:

(a) A complete set of construction documents showing the proposed method of installation.

(b) A copy of the manufacturer's recommended installation instructions, if any.

(c) A diagram to scale showing the locations of the antenna property and setback lines, easements, power lines and all structures.

(d) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural requirements of the City of Midland Building Code, as may be amended.

iv. All antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration), its successor or any other federal or state agencies.

21. Wrecking or Auto Salvage Yard Standards

Wrecking or Auto Salvage Yards shall be completely enclosed by an opaque wall, screen, or fence at least eight feet high around those portions of such tract in which the **Wrecking or Auto Salvage Yard** operations are conducted. Such establishments shall also be in conformance with the standards and requirements of applicable state and federal laws and regulations.

22. PD, Planned Development District Standards

Permitted uses shall be determined through Section **3.24** **PD, Planned Development District** and Section **9.06** **PD, Planned Development District Application and Review**.

4.05. Temporary Uses of Land

A. Standards

The following types of uses shall be allowed on a temporary basis by resolution approved by the City Council when it determines that the proposed temporary use will not be detrimental to the use of land in the established zoning district, according to the uses allowed by such district. The maximum time limit of such temporary use shall be one year, and the Council may impose any conditions it deems necessary to ensure that the conditions of construction or operation associated with the temporary use will not be inconsistent with the intent of the use of land according to the established zoning district. Land used as a roping arena as approved by the City Council shall have a maximum time limit of three (3) years and any renewal process shall be subject to the same public hearing process and procedures described herein as for all other allowable temporary uses of land. Such temporary uses shall not be considered as established uses of land when approved as provided herein. Therefore, the procedures applicable to re-zoning of properties shall not apply, except that a single public hearing shall be held by the City Council, with prior notice to owners of property within 200 feet of the proposed location, a minimum of ten days before such hearing, prior to approval of such temporary use, if the period of use will extend in excess of one calendar day (except in the case of a mobile food vendor, as provided within this section) or the use is located within any residential zoning district or is located within 1000 feet of any residential zoning district. All buildings or other structures which are erected or located on the property in connection with the temporary use shall be removed not later than two days after the same time period for which the use is approved as set forth in the resolution, or sooner if specified in the conditions of approval.

1. Carnival, fair, circus or amusement facility or function.
2. Asphalt or concrete batching plant.
3. Seasonal fruit, vegetable, plant or Christmas tree sales.
4. Religious or cultural observance or performance.
5. Mobile food vendors at fixed location.
    a. A mobile food vendor shall be considered to have a fixed location any time it operates four or more consecutive days at one location.
    b. Mobile food vendors at a fixed location shall be connected to an individual electric meter, shall not be connected to water or sewer lines, and shall only be located on a paved surface or other similar type surface in zoning districts that allow restaurants. The mobile food vendor structure shall either be anchored to the ground or mounted on wheels and shall be wired in metal conduit. Mobile food vendors shall not sell alcoholic beverages.
    c. The following shall be submitted with all applications for Mobile Food Vendors at Fixed Locations:
        i. Health Department certificate.
        ii. If no restroom is provided by the mobile food vendor: a letter from a business whose entrance is within 500 feet from the proposed location granting restroom access for the mobile food vendors' employees; hours of operation shall not exceed said businesses' hours of operation.
        iii. A site plan for all proposed locations showing: a minimum of three paved parking spaces in addition to the parking spaces required for the business upon whose property the mobile food vendor is located, building setbacks in accordance with the zoning district, proposed signage, and distances from the mobile food vendor to all driveways on the property.
        iv. A letter of permission from the owner of the property on which the mobile food vendor proposes to locate.
6. Roping arenas.
7. Freight containers.

8. Any temporary activity involving outdoor music after 10:00 p.m. or that includes the sale of alcoholic beverages.

9. Outside sale of dogs.

   The following shall be submitted with all applications for temporary land use permits for the outside sale of dogs.

   a. A letter from the property owner stating that the applicant is allowed to sell dogs between the times of 9:00 a.m. and 6:00 p.m. on the said date(s) on the said property;

   b. Veterinary records showing that each dog to be sold has its rabies vaccination;

   c. Proof that each dog to be sold has had its Distemper/Parvo vaccination, and its Bordetella vaccination;

   d. Each dog to be sold will be required to have a current City license. See Title VI, Chapter 2, Section 7, of the City Code of Midland, Texas, for license requirements;

   e. Each dog to be sold must be spayed or neutered;

   f. Each dog to be sold will require prior inspection by the Director of Animal Services or his designee. The inspection will verify the general health of the dog, and compliance with requirements **4.05.A.9.d** and **4.05.A.9.e above**.

   g. The applicant must display the temporary land use permit in a location that can be seen by customers;

   h. The applicant must provide a City of Midland Animal Services Information Packet with each dog that is sold. The packets will be issued to applicant at the time the permit is issued;

   i. The applicant must provide adequate water and shelter for the dog during all times that said dog is on the premises of the sale;

   j. The temporary land use permit for the outside sale of dogs shall be subject to the prescribed fees set forth in the adopted **Fee Schedule**. This fee does not apply to or affect any other temporary land use permit but only applies to a permit for the outside sale of dogs.

   k. The issuance of any temporary land use permit for the outside sale of dogs by the City of Midland does not constitute any assumption of liability by the City of Midland regarding the dog(s) to be sold or any occurrences taking place on the premises of the sale. The City of Midland assumes no liability and makes no representations that the dog(s) to be sold are fit for any particular purpose.

10. Any temporary activity determined to be of a similar nature by the City Council.

B. Administrative Approval of a Temporary Land Use Permit

1. Notwithstanding any provision to the contrary contained in Subsection A, if the City Council has previously approved a resolution authorizing a certain use of land on a temporary basis, the City Manager may approve or disapprove an application for a new temporary land use permit that authorizes the same or similar use of land on a temporary basis; provided, however:

   a. that the term of a temporary land use permit approved under this Subsection shall not exceed 30 days, except that the term of a temporary land use permit for a carnival, fair, circus or amusement facility or function, or a use similar thereto approved under this Subsection shall not exceed 14 days;

   b. that the City Manager may impose any conditions that he or she deems necessary to ensure that the conditions of construction or operation associated with the temporary use will not be inconsistent with the intent of the use of land according to the established zoning district; and

c. that all buildings or other structures which are erected or located on property in connection with the temporary use shall be removed not later than two days after the same time period for which the use is approved as set forth in the permit, or sooner if specified in the conditions of approval

2. To the extent the City Manager is authorized to take action on an application for a temporary land use permit under this Subsection, the following procedures shall apply:

   a. Within 30 days of the City's receipt of the application, the City Manager shall approve the application, disapprove the application, or refer the application to the City Council for action consistent with Subsection A.

   b. Prior to the City Manager taking action on an application for a temporary land use permit, owners of property located within 200 feet of the proposed location of the temporary use shall be given notice of the proposed temporary use, the proposed location of the temporary use, and the proposed date or dates of the temporary use. Such notice (1) shall inform an owner that the owner may submit comments to the City Manager regarding whether the proposed use should be authorized and (2) shall specify a date by which such comments must be received by the City Manager, which shall be at least 10 days after the date on which notice was given. The notice requirement of this Subsection shall not apply if the City Manager refers the application to the City Council for action consistent with Subsection A.

   c. An applicant for a temporary land use permit who is contesting the City Manager's disapproval or conditional approval of the applicant's application, or the interpretation or application of any rule, standard, regulation, determination or requirement related thereto, directly or by delegation of authority, shall have the right to appeal by submitting to the City Manager a written request for a hearing setting forth fully the grounds for the appeal within 14 days of the action that the applicant wishes to contest. If an applicant requests a hearing under this Subsection, the City Manager shall refer the application and request for a hearing to the City Council for action consistent with Subsection A. If an applicant does not submit a written request for a hearing within 14 days of the City Manager's action under this Subsection, the City Manager's action shall be final and conclusive.

3. Temporary uses authorized under this Subsection shall not be considered as established uses of land.

C. Miscellaneous

1. A review fee as set forth in the adopted **Fee Schedule** shall accompany each request for approval of a temporary use as described above.

2. For purposes of this subsection the term "one day" shall have the following meaning: A time period which begins no earlier than 8:00 a.m. and ends no later than 10:00 p.m. on the same day.

4.06. Building Location and Arrangement Standards

A. Location and Arrangement of Residential Buildings on Lots for Single-Family or Duplex Uses

1. Only one main building for single-family or duplex use with a permitted **Accessory Building** may be located upon a lot.
2. Every dwelling shall face or front upon a public street or approved access easement, other than an alley, which means of access shall have a minimum width of 30 feet.

B. Location and Arrangement of Buildings on Lots for Multi-Family, Retail, Commercial, or Industrial Uses

1. Where a lot is used for multi-family, retail, commercial, or industrial purposes, more than one main building may be located upon the lot, but only when such additional main buildings conform to all the open space, parking and density requirements applicable to the uses and districts.
   a. All main buildings shall face upon a public street or approved access easement other than an alley.
2. No parking area, storage area, or required open space for one building shall be computed as being the open space yard or area requirements for any other building or other use.
3. On lots zoned and used for multi-family use, the minimum separation distance between any two buildings shall be 30 feet.

C. Drive-Through Facility Standards

Drive-throughs are not permitted in the **O-1, Office District** or **O-2, Office District**.

4.07. Health and Safety Standards

A. Uses with Flammable, Toxic, and Hazardous Materials

1. The storage, manufacture, utilization, or dispensing of substances that may constitute or may cause danger to public health, safety, or welfare shall be conducted only within the limits and conditions specified in the latest edition of both the International Fire Code and International Building Code.
2. The emission of toxic or explosive vapors, dusts, or aerosols into the atmosphere shall not exceed, at the facility property line, 50 percent of the limit of such as is given in "Threshold Limit Values" as adopted at the most recent International Fire Code and International Building Code.
3. No form of flammable, toxic, or other hazardous material shall be released into or upon any utility line, pit, dump, open ground, stream, or drainage way.
4. The container size, location, design, and construction of any storage tank, building, or facility for any flammable, toxic, or other hazardous material shall be approved by the fire marshal and the **City Manager** as a part of the Building Permit application and shall be based upon the requirements of the International Fire Code and International Building Code.

B. Pollution Prevention

1. No operation or activity shall discharge or cause to be released into public waters any liquid or solid waste unless in conformance with the latest provisions of the Texas Commission on Environmental Quality (TCEQ) or its successor, the Texas Department of Health or its successor, and the Texas Railroad Commission or its successor.
2. No operation or activity shall discharge or cause to be released into the atmosphere any smoke or particulate matter which exceeds the limits permitted by the latest requirements of Texas Commission on Environmental Quality (TCEQ) or its successor.

4.08. Nonconformities

A. Intent of Provisions

1. Existence of Nonconformities

   a. A nonconformity describes a use, structure, or lot that does not conform to the current standards of the Zoning Ordinance, but that was in conformance with the standards in place at the time of its inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

   b. The **City Council** has determined that it is in the best interest of the City for **Nonconformities** to be brought into conformance with the Zoning Ordinance at the earliest reasonable time. The purpose of this Section **4.08** **Nonconformities** is to establish provisions for the allowance and potential alteration of uses, structures and lots that do not conform to currently applicable zoning standards or regulations.

   c. **Nonconformities** occur in three general categories, or combination thereof.

      i. **Nonconforming Uses**.

         A nonconforming use can occur when an existing use is no longer allowed in a zoning district.

      ii. **Nonconforming Structures**.

         A nonconforming structure can have a lesser setback, yard, or height lot area or dimension requirement than required by the Zoning Ordinance.

      iii. **Nonconforming Lots**.

         A nonconforming lot can be nonconforming as to lot area or dimension requirements.

   d. It is the declared intent of this section that **Nonconforming Uses** and **Nonconforming Structures** eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

2. Incompatible Uses

   Nonconformities are hereby declared incompatible with the permitted uses in the districts involved.

B. Establishment of Legal or Illegal Nonconformities

1. Legal Nonconformities

   a. Those uses, structures, or lots which in whole or part do not conform to current zoning standards, but were legally established prior to the effective date of this Zoning Ordinance, at which time they were in conformance with applicable standards shall be considered "Legal Nonconformities."

   b. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this Section **4.08** **Nonconformities**.

2. Illegal Nonconformities

   a. Those uses, structures, or lots, other than residential accessory buildings, which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall be considered "Illegal Nonconformities."

   b. Such uses, structures, or lots and shall be subject to the penalties established in **1.06** **Zoning Violations**.

C. Single-Family Residential Uses

Previously conforming single-family residential uses on platted lots approved prior to the Zoning Ordinance effective date, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Zoning Ordinance.

D. Existing Platted Lots are Conforming Lots

Any existing vacant lot platted prior to the Zoning Ordinance effective date that was legally conforming shall be deemed a conforming lot.

E. Changing Uses

1. Nonconforming Use to Conforming Use

   Any nonconforming use may be changed to a conforming use, and once a change is made, the use shall not be changed back to a nonconforming use.

2. Nonconforming Use to another Nonconforming Use

   A nonconforming use shall not be changed to another nonconforming use.

3. Conforming Use in a Nonconforming Structure

   Where a conforming use is located in a Nonconforming Structure, the use may be changed to another conforming use by the process outlined in **4.08.F Expansion of Nonconforming Uses and Structures**.

F. Expansion of Nonconforming Uses and Structures

An expansion of a Nonconforming Use or Nonconforming Structure is allowed in accordance with the following.

1. Prohibited Expansion or Reoccupation

   A **Nonconforming Use** or **Nonconforming Structure** shall not be expanded, reoccupied with another Nonconforming Use, or increased as of the effective date of this Zoning Ordinance, except as provided in **4.08.F Expansion of Nonconforming Uses and Structures**.

2. Nonconforming Use Expansion in Existing Building

   A **Nonconforming Use** may be enlarged, increased, or extended within an existing building provided:

   a. No structural alteration may be made on or in the existing building except those required by law to preserve the building in a structurally sound condition.

   b. Work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the current replacement value of the building.

   c. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became a nonconforming use.

3. Nonconforming Use Prohibited from Expansion beyond Existing Building

   A **Nonconforming Use** located within any building shall not be extended to occupy any land outside the building.

4. Residential Lot Exemption

   The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than required by the Zoning Ordinance that was an official Lot of Record prior to the effective date may be used for a single-family dwelling.

5. Expansion of Nonconforming Structures with Conforming Uses

   Buildings or structures that do not conform to the area regulations or development standards in the Zoning Ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than 10 percent from the date when the building became nonconforming.

6. Reuse of Nonconforming Structure by Conforming Uses Allowed

   a. Nonconforming Structures that have been abandoned and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use.

   b. If re-occupied by a conforming use, then the new conforming use shall meet the applicable parking (Section **6.02**), and fire lane requirements for health, safety, and welfare reasons.

G. Restoration of Nonconforming Structures

1. Total or Partial Destruction

   If a **Nonconforming Structure** is destroyed by fire, the elements, or other natural catastrophic event, it may be rebuilt, but the existing square footage or function of the Nonconforming Structure cannot be expanded. The construction must comply with all current building codes, and zoning regulations in effect at the time the structure received its building permit. The construction must commence within 12 months of the date of destruction. The failure of the owner to start such reconstruction within 12 months shall forfeit the owner's right to restore or reconstruct the structure except in conformance with the Zoning Ordinance. If the regulations cannot be determined or if the regulations are disputed for the time the structure received its building permit, then the **Board of Adjustment** shall hold a hearing and shall take evidence, such as previously adopted ordinances, photographs, and tax records, to determine the standards that apply.

2. If the owner of a **Nonconforming Structure** has a **Nonconforming Use** and fails to begin reconstruction of the destroyed structure within 12 months of the date of destruction, then the **Nonconforming Structure** and **Nonconforming Use** shall be deemed to be discontinued or abandoned.

H. Movement of Nonconforming Structure

A Nonconforming Structure may be relocated within the same platted lot, and shall comply with all setback and screening requirements.

I. Completion of Structures

Nothing in the Zoning Ordinance shall require any change in the plans, construction, or designated use of the following:

1. Approved Building Permit

   A building or structure for which a Building Permit has been issued or a **Site Plan** approved prior to the effective date, provided that the permit or **Site Plan** shall expire in accordance with the time periods set forth in this Zoning Ordinance.

2. Building in the Approval Process

   A building or structure for which a complete Application for a Building Permit was accepted by the **Planning Division Manager** on or before the effective date, provided however, that such Building Permit shall comply with all applicable ordinances in effect on the date such application was filed.

J. Abandonment of Nonconforming Uses

1. Once a **Nonconforming Use** has been abandoned, the **Nonconforming Use** shall not be allowed to be reintroduced within the applicable zoning district. This prohibition of the reoccupation or reintroduction of an abandoned **Nonconforming Use** shall be enforced by the denial of building permit or certificate of occupancy applications.

2. A **Nonconforming Use** shall be considered abandoned and surrendered, forfeited, and lost when evidence presented to the **Planning Division Manager** indicates that a structure designed or arranged for a **Nonconforming Use** has ceased to be used in a bona fide manner as a **Nonconforming Use** for a period of six consecutive calendar months. For purposes of calculating the six-month period, a use is abandoned upon the occurrence of the first of any of the following events:

   a. On the date when the use of land is physically vacated;

   b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

   c. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or

   d. On the date a final reading of water or power meters is made by the applicable utility provider(s).

3. A **Nonconforming Use**, when abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this Zoning Ordinance.

4. Any **Nonconforming Use** that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.

5. Abandonment of a **Nonconforming Use** requires intent.

6. Any **Nonconforming Use** that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.

7. Unless the nonconforming use status is reinstated pursuant to **4.08.K** **Loss of and Reinstatement of Nonconforming Use Status** , an abandoned use shall not be instituted on that parcel or other parcel in any district which does not permit the abandoned use.

K. Loss of and Reinstatement of Nonconforming Use Status

1. Loss of Nonconforming Use Status

   If the **Planning Division Manager** determines that a **Nonconforming Use** has met the definition of abandonment and has lost its nonconforming use status, the use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.

2. Application for Nonconforming Use Status Reinstatement

   a. The owner or operator of the abandoned Nonconforming Use may submit a written application to the **Board of Adjustment** to have the nonconforming rights reinstated.

   b. Written application for reinstatement of nonconforming rights must be made within 30 days after the denial of building permit or certificate of occupancy application for the **Nonconforming Use**.

3. Board of Adjustment Hearing

   a. The **Board of Adjustment** shall hold a hearing on the requested reinstatement of a **Nonconforming Use** status within 30 calendar days of the request or the next scheduled **Board of Adjustment**, whichever is greater.

   b. The applicant and the **Planning Division Manager** shall submit any evidence or findings to the **Board of Adjustment** for consideration in the case.

   c. The **Board of Adjustment** shall use the above abandonment criteria in deliberating the case.

4. Board of Adjustment Decision

   The **Board of Adjustment** may reinstate the **Nonconforming Use** status and thus allow the building permit or certificate of occupancy application to be processed only if the **Board of Adjustment** finds

that the use was not discontinued for six months or more. The failure of the owner or operator to remove on-premise signs shall not be considered (on its own) evidence of a continuing use.

L. Nonconforming Use Created by Acquisition of Right-of-Way

1. Lawful Conforming Structure

   Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of **Right-of-Way** by eminent domain proceedings, dedication, or purchase by the City, the county, the state, or a federal agency creates a Nonconforming Structure, lot, or setback, the structure shall be deemed a lawful conforming structure, to the extent the nonconformity results from the acquisition of the **Right-of-Way**. In the event the structure is partially or totally destroyed by natural causes, the structure may be rebuilt.

2. Cases in which the Owner Receives Compensation for Fencing or Landscaping

   In the event the owner of an interest in real property receives compensation for fencing or landscaping in the form of curative measures or damages to the remainder in a **Right-of-Way** acquisition, the owner shall relocate required fencing or landscaping originally located on the acquired property to the remainder of the tract as closely as practicable to the required setback.

3. Cases in which the Owner Receives Compensation for Demolition

   A Certificate of Occupancy and Compliance shall not be issued for any structure for which compensation has been paid for the demolition of the structure or for other curative measures until such time that the structure meets all applicable ordinances or the curative measures for which the compensation was paid have been completed. For purposes of this section, “curative measures” are those actions, corrections, repairs or improvements identified in an appraisal or similar valuation analysis prepared in the context of considering damages to the remainder suffered as a result of the acquisition of a portion of property.

4.09. Accessory Buildings and Uses

A. Residential Accessory Buildings and Uses

1. The following regulations apply to **Accessory Buildings** servicing lots zoned for residential uses.

Table 5: Residential Accessory Building Requirements				
Standard	Lots up to 7,500 SF	Lots 7,500 SF up to 21,999 SF	Lots 22,000 SF up to 5-acres	Lots 5-acres or greater
Maximum Square Footage of All Accessory Buildings (Combined Area)	10% of the property	10% of the property	10% of the property	15% of the property
Maximum Height of Accessory Buildings	15’	15’	Equal to or less than main building	40’**
Maximum Number of Accessory Buildings	2	2	3	4**
Maximum Allowed Building Area Coverage	Main and accessory buildings shall not exceed the allowable coverage percentage of the zoning district in which they are located.			
Minimum Front Setback	25’*	25’*	25’*	25’***
Minimum Side and Rear Setback	5’	5’	5’	5’
Minimum Setbacks for Corner Lots	10’*	15’*	15’*	15’***
Prohibited Locations	Accessory buildings in Easements are prohibited			
Barns and other Types of Livestock Housing	Accessory Buildings containing livestock (e.g. chickens, hogs, horses, etc.) shall be located at least 200 feet from any existing dwelling or water well.			
*No Accessory Building shall be placed so as to protrude in front of the main building. **On lots 5-acres or greater, a single accessory structure, may be placed on the property for the sole purpose of storing equipment, materials, or agricultural products necessary to the maintenance of the property. This building may have a maximum height of 40’ ***No Accessory Building shall be placed so as to protrude in front of the main building, on lots 5-acres or greater, if no main building exists on the property, the accessory structure must be placed in the rear 50 percent of the property.				

2. Accessory Buildings and uses incidental to other permitted uses are permitted within residential zoning districts and include private garages, carports, tool house, lath or greenhouse as hobby (no business), home workshop, children's playhouse, private stables (no rental), barns, or coops (no rental), private swimming pool and garden shelter.

B. Accessory Buildings and Use Limitations

1. See table for maximum number of Accessory Buildings.
2. An Accessory Building necessary to store equipment for several dwelling units or provide a service function for several dwelling units shall not be occupied as a place of abode within the following zoning districts.
   a. AE, Agricultural Estate District
   b. CE, Country Estate District
   c. SF-1, Single-Family Dwelling District
   d. SF-2, Single-Family Dwelling District
   e. SF-3, Single-Family Dwelling District
   f. MH, Manufactured Housing District
3. Any Accessory Building that is not a part of the principal building shall be separated from the principal building by a minimum of 10 feet.
4. The exterior façade of all Accessory Buildings shall be constructed to meet the requirements of Section **6.04 Building Façade Material Standards**.
5. In the nonresidential districts, an Accessory Building shall not exceed the height of the principal building and shall not exceed 50 percent of the floor area of the principal building, and shall be used for purposes accessory and incidental to the main use.

C. **Accessory Dwelling Unit**s and Use Limitations

1. The following regulations apply to **Accessory Dwelling Unit**s or as a use attached to the principal residence.
   a. Accessory Dwelling Units shall not be leased or rented.
   b. The living area of an Accessory Dwelling Unit shall not exceed 1,000 square feet or 30 percent of the area of the principal residence, whichever is less.
   c. Only one Accessory Dwelling Unit shall be allowed on any individual tract of land.
   d. A mobile home, travel trailer, or recreational vehicle shall not be used as a detached Accessory Dwelling Unit.
   e. The total number of people, who live on the property, including the principal residence and the Accessory Dwelling Unit, shall not exceed that of a "Family" as defined in the Zoning Ordinance.

D. Architectural Elements for Residential Accessory Buildings

1. A detached Accessory Building having an area equal to or greater than 400 square feet shall meet the building material requirements of Section **6.04 Building Façade Material Standards**. An Accessory Building located on lots greater than 5 acres shall not be subject to these requirements.
2. The color and material of the roof of the Accessory Building having an area equal to or greater than 400 square feet must closely resemble the color and materials of the roof of the main structure unless the Accessory Building is prefabricated or prefinished.
3. Utility, mechanical, and HVAC facilities shall be screened from public view.
4. Accessory Dwelling Units are required to meet the development, zoning, and building requirements including building, electrical, fire, mechanical, and plumbing requirements.

5. The principal residence and the Accessory Dwelling Units cannot exceed the maximum lot coverage or encroach in the setbacks for the property as regulated in the applicable zoning district.
6. Accessory Dwelling Units shall be consistent with the provisions of the applicable zoning district and the goals and policies of the Comprehensive Plan.
7. Accessory Dwelling Units must be designed to preserve or compliment the architectural design, style, and appearance of the principal residence.
8. Building setbacks for **Accessory Dwelling Unit**s shall comply with all required building setbacks for the applicable zoning district.
9. No **Accessory Dwelling Unit** may be sold or leased separately from the principal residence.
10. Required **Accessory Dwelling Unit** materials are to be submitted with residential construction:
    a. A site plan, drawn to scale, showing the principal dwelling, accessory structures and the proposed **Accessory Dwelling Unit**.
    b. A floor plan, drawn to scale, of the principal dwelling and the proposed **Accessory Dwelling Unit**.
    c. Elevations of the principal dwelling and proposed **Accessory Dwelling Unit** showing the existing and proposed architectural design and exterior building color, material, and finish.

E. Small Wind Energy Systems

1. Accessory Use

   Small Wind Energy Systems are allowed as an accessory use in all **Residential Zoning Districts**.

2. Building Permit Required

   No **Small Wind Energy Systems** shall be installed without first obtaining a **Building Permit** issued by the **Building Official**.

3. General Standards

   a. **Small Wind Energy Systems** (equipment or tower) shall not be located in a required setback.

   b. The minimum distance between the ground and any part of a rotor blade must be at least 20 feet.

   c. **Small Wind Energy Systems** may not be illuminated, nor may they bear any signs or advertising.

   d. **Small Wind Energy Systems** must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the support structure, rotor blades, and turbine components.

   e. Installation shall meet the requirements of the Electrical Code.

   f. Maximum voltage turbine output to a single-family or two-family dwelling is 600 Volts per electrical code.

   g. Noise produced by **Small Wind Energy Systems** may not exceed 55 dBA measured at the property line.

   h. **Small Wind Energy Systems** must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, and ambulance) radio transmissions, or with any microwave communications link. The owner shall conduct a study at the owner's cost to determine whether there is any such interference. If any such interference occurs, the owner shall immediately eliminate the interference at the owner's cost, or the owner shall immediately shut down the system or parts of the system causing the interference.

   i. A finish (paint/surface) must be provided for the small wind energy system that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

   j. The diameter of the area swept by the rotors may not exceed 12 feet.

   k. Guy wires or other accessories cannot cross or encroach on any **Right-of-Way** or over above ground electrical utility lines.

4. Freestanding Systems – Additional Standards

   Small Wind Energy Systems may be mounted on a tower detached from other structures on the lot.

   a. Setback

      The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zoning district.

b. Height

Freestanding systems measured from the top blade may not exceed 47 feet in height.

c. Security

Support structures for freestanding systems must be unclimbable from the ground to a height of at least 15 feet.

d. Number

A maximum of one freestanding small wind generator system may be allowed on a building site.

5. Roof-Mounted Systems – Additional Standards

Small Wind Energy Systems may be mounted on the roof of a structure as an appurtenance.

a. Height

Roof-mounted systems measured from the top blade may not be more than five feet over the maximum allowed height for the structure.

b. Number

A maximum of one roof-mounted small wind generator system may be allowed on a building site.

c. Engineering Report

Before any roof-mounted system is mounted the property owner must submit a report prepared by a licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the **Building Official** prior to the mounting of the system.

F. Single-Family or Duplex Residential Flags and Flagpoles

1. Scope

The regulations set out in this section apply to flags and detached flagpoles for single-family and duplex homes in all residential zoning districts.

2. Setbacks

The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the top of the pole.

3. Size

a. The height of a flag pole shall not exceed 25 feet measured from the natural grade.

b. The size of the flag shall in no event exceed 24 square feet in area.

4. Number

a. No more than one flagpole shall be allowed per building site or lot.

b. No more than two flags may be mounted vertically and displayed on the flagpole located on a building site or lot. Furcated poles with multiple mounting structures shall not be allowed.

c. Small flags (not to exceed 24 square feet) mounted in stanchions on the face/eaves of buildings and flags that are displayed flush to the face of the building are not limited in number.

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Section 5. Zoning Dimensional Regulations

5.01. Purpose

A. Establish Common Area Regulations and Standards
The purpose of this **Section 5 Zoning Dimensional Regulations** is to establish common area regulations and standards for each zoning district.

B. One Location for Information
This Subsection provides one location within this **Zoning Ordinance** where the common area regulations and standards can be found.

5.02. Establishment of Area Regulations and Standards

A. Residential and Nonresidential Area Regulations and Standards
The area regulations and standards for each zoning district are established within the following two charts.

1. **5.04 Residential Zoning District Dimensional Regulations Chart**, and
2. **5.05 Nonresidential Zoning District Dimensional Regulations Chart**.

B. PD, Planned Development District
Due the nature of a **PD, Planned Development District** with varying area regulations and because all **PD, Planned Development Districts** have an established base zoning district upon which area regulations are varied, **PD, Planned Development Districts** are not shown within the following charts.

5.03. Additional Area Regulations and Standards

Additional area regulations and standards may apply to specific zoning districts and may be found within the other sections of this **Zoning Ordinance**.

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5.04. Residential Zoning District Dimensional Regulations Chart

	Residential Zoning Districts									
Regulation	**AE, Agricultural Estate District**	**CE, Country Estate District**	**SF-1, Single-Family Dwelling District**	**SF-2, Single-Family Dwelling District**	**SF-3, Single-Family Dwelling District**	**MH, Manufactured Housing District**	**TH, Townhouse (Attached) Dwelling District**	**2F, Two-Family Dwelling (Duplex) District**	**MF-16, Multiple-Family Dwelling District**	**MF-22, Multiple-Family Dwelling District**
Lot Dimensions										
Minimum Lot Area[1]	2 Acres (87,120 SF)	43,560 SF	9,000 SF	7,000 SF	5,500 SF	5,000 SF	2,500 SF	7,000 SF per duplex or 3,500 SF per Dwelling Unit	2 Acres (87,120 SF)	2 Acres (87,120 SF)
Minimum Lot Width: Interior Lot	150′	100′	80′	65′	50′	50′	25′	70' per duplex or 35' per Dwelling Unit	150′	150′
Corner Lot	150′	100′	85′	70′	55′	55′	30′	75' per duplex or 37.5' per Dwelling Unit	150′	150′
Minimum Lot Depth	150′	120′	100′	100′	100′	100′	100′	100′	100′	100′
Yard Setback Dimensions										
Minimum Front Yard Setback[2]	40′	35′	25′	20′	20′	20′	20′	20′	20′	20′
Minimum Front Yard Setback – If lot is served by a paved alley and no front entry is provided or allowed (i.e., no driveway may be in the front yard and access must be from the alley.)	40′	35′	10′	10′	10′	20′	5′	10′	20′	20′
Minimum Side Yard Setback: Interior Lot	15′	10′	5′	5′	5′	5′	0′ between attached units/ 10′ minimum on end units	0′ between attached units/ 5′ minimum on end units	15′	15′
Corner Lot – Exterior (Street) Yard	15′	10′	10′	10′	10′	10′	10′	10′	20′	20′
Minimum Rear Yard Setback: Where an alley adjoins the rear lot line[3]	0′ = 1 story structure with no alley access 5′= any structure (garage, carport) with alley access 10′ = 2 story structure 20′ = 3 story structure	0′ = 1 story structure with no alley access 5′= any structure (garage, carport) with alley access 10′ = 2 story structure 20′ = 3 story structure	0′ = 1 story structure with no alley access 5′= any structure (garage, carport) with alley access 10′ = 2 story structure 20′ = 3 story structure	0′ = 1 story structure with no alley access 5′= any structure (garage, carport) with alley access 10′ = 2 story structure 20′ = 3 story structure	0′ = 1 story structure with no alley access 5′= any structure (garage, carport) with alley access 10′ = 2 story structure 20′ = 3 story structure	0′ = 1 story structure with no alley access 5′= any structure (garage, carport) with alley access 10′ = 2 story structure 20′ = 3 story structure	0′ = 1 story structure with no alley access 5′= any structure (garage, carport) with alley access 10′ = 2 story structure 20′ = 3 story structure	0′ = 1 story structure with no alley access 5′= any structure (garage, carport) with alley access 10′ = 2 story structure 20′ = 3 story structure	0′ = 1 story structure 20′ = portions of structure that (a) exceeds one-story and (b) is adjacent to any SF or 2F zoning district 50′ = any structures over 1 story with windows or doors facing SF or 2F zoning district	0′ = 1 story structure. 20′ = portions of structure that (a) exceeds one-story and (b) is adjacent to any SF or 2F zoning district 50′ = any structures over 1 story with windows or doors facing SF or 2F zoning district.
Where no alley adjoins the rear lot line	10′ =-1 story structure 20′ = 2 story structure	10′ =-1 story structure 20′ = 2 story structure	10′ =-1 story structure 20′ = 2 story structure	10′ =-1 story structure 20′ = 2 story structure	10′ =-1 story structure 20′ = 2 story structure	10′ =-1 story structure 20′ = 2 story structure	10′ =-1 story structure 20′ = 2 story structure	10′ =-1 story structure 20′ = 2 story structure	10′ = 1 story structure 40′ = portions of structure that (a) exceeds one-story and (b) is adjacent to any SF or 2F zoning district 50′ = any structures over 1 story with windows or doors facing SF or 2F zoning district	10′ = 1 story structure. 40′ = portions of structure that (a) exceeds one-story and (b) is adjacent to any SF or 2F zoning district 50′ = any structures over 1 story with windows or doors facing SF or 2F zoning district
Floor Area										
Minimum Floor Area	None	None	None	None	None	None	None	None	500 SF per 1 Bedroom unit. 750 SF per 2 Bedroom unit. 150 SF per each add'l room.	500 SF per 1 Bedroom unit. 750 SF per 2 Bedroom unit. 150 SF per each add'l room.
Structure Height										
Maximum Height (feet/stories)	42′	42′	42′	42′	42′	28′	42′	28′	42′ / 3 Stories	56′ / 4 Stories
Building Area Coverage										
Maximum Lot Area allowed to be Covered by Buildings (percentage includes all buildings)	50%	50%	50%	60%	65%	None	85%	65%	60%	60%

(1) SF = Square Feet.

(2) Where a lot abuts the turnaround at the end of a **Cul-de-sac** street, the setback required in any of the **Residential Zoning Districts** may be reduced by not more than ten feet if the lesser setback to be observed is shown on a **Plat** approved by the **Planning and Zoning Commission** and recorded with the **County** Clerk, and if such building line is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line; provided, however, that such building line shall be not less than 65 feet from the center or radius point of such turnaround.

(3) Where an alley adjoins the rear lot line, a one-story structure may be built to the rear property line except that in no case shall a vehicle entrance to a garage, carport or similar facility that faces a rear alley be less than five feet from the rear lot line and no encroachment or overhang beyond the lot line shall be permitted.

5.05. Nonresidential Zoning District Dimensional Regulations Chart

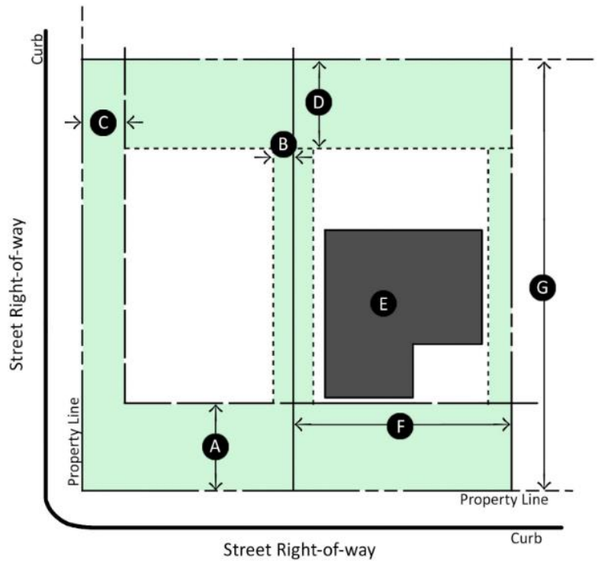
	Nonresidential Zoning Districts									
Regulation	**O-1, Office District**	**O-2, Office District**	**LR, Local Retail District**	**RR, Regional Retail District**	**CB, Central Business District**	**C, Commercial District**	**BP, I-20 Business Park District**	**TP, Technology Park District**	**LI, Light Industrial District**	**HI, Heavy Industrial District**
Lot Dimensions										
Minimum Lot Area[1]	8,000 SF	6,000 SF	8,000 SF	8,000 SF	6,000 SF	6,000 SF	40,000 SF	6,000 SF	None	None
Minimum Lot Width:	60’	60’	60’	60’	60’	60’	100’	60’	None	None
Minimum Lot Depth	100’	100’	100’	100’	100’	100’	120’	100	None	None
Yard Setback Dimensions[2]										
Minimum Front Yard Setback[2]	15’	20’	15’	15’	None	None	35’	15’	15’	15’
Maximum Front Yard Setback	None	None	None	None	None	None	None	None	None	None
Minimum Side Yard Setback:[2] Interior Lot	5’	5’	0’ = When not adjacent to residential district 5’ = When adjacent to residential district	0’ = When not adjacent to residential district 5’ = When adjacent to residential district	None	0’ = Nonresidential 5’ = Residential	10’	10% of lot width, but setback shall be no less than 10’ or greater than 25’	5’	5’
Minimum Rear Yard Setback: [2] Where an alley adjoins the rear lot line	0’ 5’= any structure (garage, carport) with alley access	0’ 5’= any structure (garage, carport) with alley access	0’ 5’= any structure (garage, carport) with alley access	0’ 5’= any structure (garage, carport) with alley access	0’ 5’= any structure (garage, carport) with alley access	0’ 5’= any structure (garage, carport) with alley access	20’	10’	0’ 5’= any structure (garage, carport) with alley access	0’ 5’= any structure (garage, carport) with alley access
Where no alley adjoins the rear lot line	10’	10’	10’	10’	None	10’	20’	10’	10’	10’
Floor Area										
Maximum Floor Area Ratio	None	1.2:1	None	None	None	2:1	1:1	None	None	None
Structure Height										
Maximum Height (feet/stories)	35’ / 2.5 Stories	98’ / 7 Stories	35’ / 2.5 Stories	56’ / 4 Stories	None	None	70’ / 5 Stories	70’ / 5 Stories	None	None
Building Area Coverage										
Maximum Building Area Coverage (all buildings)	60%	60%	60%	60%	None	None	75%	None	50%	50%

(1) SF = Square Feet.

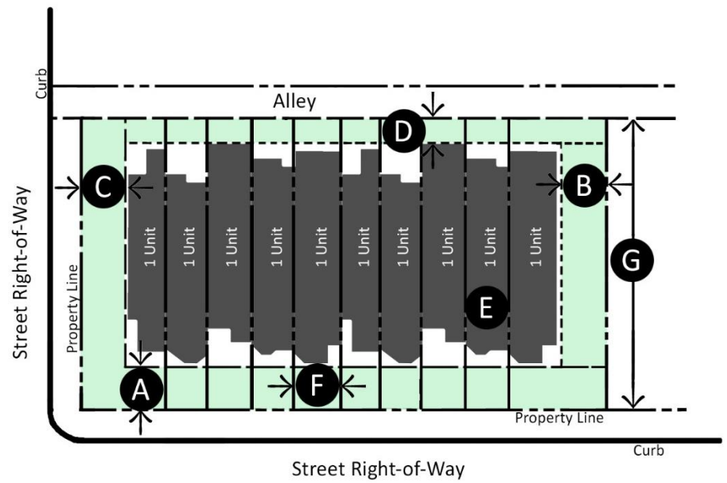
(2) One foot of additional front, side, or rear yard depth shall be required for each three feet, or portion thereof, by which any building exceeds 50 feet in height. (Note: Additional residential adjacent standard (i.e., setbacks) may apply, please see Section 6.04.D.5 Residential Adjacency Standards for Businesses, with the CB, Central Business District being exempt.)

(3) Where fuel sales are permitted, fuel pump island canopies shall observe a minimum ten foot front yard (Yard, Front).

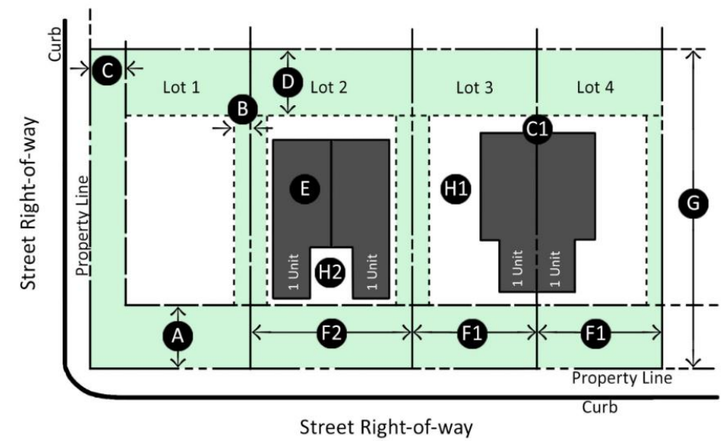
5.06. Diagrams of Area Regulations



Example of Typical Lot Dimensions	
A	Front Yard
B	Side Yard - Interior
C	Side Yard - Street
D	Rear Yard
E	Building Size
F	Lot Width
G	Lot Depth



Example of Townhome Lot Dimensions	
A	Front Yard
B	Side Yard - Interior
C	Side Yard - Street
D	Rear Yard
E	Building Size
F	Lot Width
G	Lot Depth



Example of Duplex Lot Dimensions	
A	Front Yard
B	Side Yard - Interior
C	Side Yard - Street
D	Rear Yard
E	Building Size
	Lot Width
F1	One Dwelling
F2	Two Dwellings
G	Lot Depth
	Lot Size
H1	One Dwelling
H2	Two Dwellings

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Section 6. Zoning Development Regulations

6.01. Screening Requirements for Residential and Nonresidential Properties

A. Screening Required Between Nonresidential and Residential

1. A masonry screening wall separating a nonresidential zoning district from a residential zoning district shall be required pursuant to this section except when deemed physically impractical by the **City Council**.

2. A required masonry screening wall shall be at least eight feet in height, but not more than 10 feet, unless specifically permitted or required by this Section or unless approved by a **PD, Planned Development District**, **Site Plan**, or **Specific Use Designation**.

B. Responsibility for Constructing the Screening Wall

1. When new construction abuts the boundary of an existing development, then the **Developer** of the new construction, regardless of whether the new construction is residential or nonresidential, shall erect the screening wall adjacent to the common property line with the existing development. The screening wall shall extend along the entire shared portion of the common property line.

2. The design and construction material of the screening wall shall be as specified in this Section.

C. Screening Walls for Loading Docks

1. Nonresidential uses with loading docks or delivery entrances that front a Collector Street or Arterial Street shall be screened by a minimum eight-foot tall masonry screening wall to obscure views of loading docks and loading spaces.

2. Loading docks and delivery entrances within the **LI, Light Industrial District** and **HI, Heavy Industrial District** are exempt from the above requirement of **6.01.C.1**.

3. The following standards apply if service or loading dock areas are adjacent to residential uses.

   a. Service/loading areas shall be screened from view at a height of eight feet at the residential property line.

   b. This 8-foot wall must screen the entire loading dock or space.

   c. Screening materials shall utilize similar masonry materials to the building's façades.

   d. Service/loading areas shall be located at the side or rear of buildings.

D. Screening Wall Materials

1. Any screening wall required by this Section shall be constructed of the following materials:

   a. Brick, stone, or split-face concrete masonry unit; or

   b. Pre-cast concrete wall or poured-in-place concrete wall with a similar appearance as brick, stone or split-face concrete masonry unit.

2. All construction materials shall be earth-tone masonry colors including white.

   a. Where a masonry screening wall is constructed of split-face concrete masonry units or pre-cast concrete or poured-in-place concrete with a similar appearance as brick, the decorative or split-face side of the wall shall face the adjacent residential properties or street.

   b. An unfinished haydite block wall or a wall with non- earth-tone colors shall be prohibited.

   c. Smooth-faced concrete masonry units shall not be permitted as a construction material for a screening fence.

E. Screening Wall Design

1. If masonry is used on the main building, then all masonry walls shall be constructed with the same masonry materials as the main building.
2. The screening wall shall be designed and constructed to prevent any drainage or erosion problems.
3. A minimum five-foot wide screening fence maintenance easement shall be provided on all lots abutting the required screening along the full length of the required screening fence, unless separated by an alley.

F. Mechanical Equipment Screening Requirements for Nonresidential Properties

1. General
   a. In all nonresidential development, all mechanical equipment whether ground-mounted, roof-mounted or otherwise attached to the building shall be screened from view.
   b. Mechanical equipment areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
   c. The location, construction, and screening of all mechanical equipment shall be shown on the **Site Plan** or design drawings.
2. Ground-Mounted Mechanical Equipment

   Ground-mounted mechanical equipment, with the exception of an electricity delivery provider's distribution equipment, shall be placed behind a screening wall or living screen (e.g., landscaping materials) equal to or greater than one foot above the height of the unit.
3. Roof-Mounted Mechanical Equipment
   a. Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof or alternative architectural element.
   b. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than six feet above the roof.
   c. When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two horizontal feet for each additional one foot of vertical height above the maximum six feet.
   d. Screening for mechanical equipment shall apply to new building construction only.

G. Screening of Outdoor Waste Storage for Nonresidential, Single-Family Attached, and Multiple-Family Residential Properties

1. General
   a. Waste storage areas housing refuse containers, dumpsters, and similar facilities shall be constructed, located, and screened to prevent interference with the peace, comfort, and repose of the occupants of any associated or neighboring building or residence.
   b. The location, construction, and screening of all waste storage areas shall be shown on the **Site Plan**.
2. Screening Required

   Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be screened on three sides with a masonry screening wall that shall be constructed to a minimum height of one foot above the container height, but shall not exceed eight feet in height.

   a. The container shall be screened by the masonry wall capable of screening the area.

b. The screening wall shall be similar to or extensions of the development's architectural design.

3. Incidental Use Requirement and Location Standards

   Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers that are used for waste disposal purposes shall:

   a. Only be allowed as an incidental use; and

   b. Only be allowed when located behind the building line established by the structure and not within any required landscaped area.

6.02. Off-Street Parking and Loading Requirements

A. Applicability

1. No building or structure or part thereof shall be erected, altered, or converted for any permitted use unless vehicle parking is provided according to the following standards, or unless subject to an exception.

2. With the exception of the **CB, Central Business District**, vehicle parking shall be provided on the lot or tract, on an immediately contiguous lot or tract, or within 150 feet of such building or structure.

3. An established use lawfully existing at the effective date of this **Zoning Ordinance** need not provide any additionally vehicle parking to meet the requirements of the Zoning Ordinance; however, no existing vehicle parking in connection with a legal use may be reduced below the minimum number of spaces as hereinafter required.

B. General Requirements

1. Parking Areas and Driveways

   Unless otherwise noted, parking areas and driveways shall be curbed, paved and maintained to the City specifications.

2. Parking Space Dimension (Standard)

   In all zoning districts, all parking spaces shall not be less than nine feet by 20 feet.

C. Parking Space Schedule: Single-Family and Duplex Uses

1. The minimum off-street parking spaces for single-family and duplex uses shall be two spaces for each dwelling unit, in addition to any garage parking spaces.

D. Parking Space Schedule: Multi-Family Uses

1. Off-street parking shall be provided behind the front building line in the side or rear yard of the lot or tract of land upon which an **Apartment** building is constructed.

2. Off-street parking shall be provided to meet the requirements of the residents and their guests in each **Apartment** project according to the following standards:

   a. One space for each studio unit (i.e., an apartment containing only one main room),

   b. One and one-half spaces for each one-bedroom unit,

   c. Two spaces for each unit with two bedrooms,

   d. Two and one-half spaces for each unit with three or more bedrooms, plus one additional space for each four units in development.

E. Parking Space Schedule: Nonresidential Uses Applicable to All Districts

Off-street parking spaces shall be provided according to the following. In cases where a use is not listed below, see **6.02.G Parking Requirements for New or Unlisted Use**.

Table 6: Parking Space Schedule: Nonresidential Uses Applicable to All District	
Use	Parking Standard
1. Bank, Savings and Loan, or Similar Financial Establishment	One space for each 400 square feet of floor area.
2. Bed and Breakfast Facility	Two spaces per room for rent, plus the requirements for a normal residential use.
3. Bowling Alley	Five spaces for each lane.
4. Child-Care, Kindergartens, Day Schools, and Similar Establishments	One space per eight pupils plus one space per employee.
5. Church or Other Place of Worship	One space per four seats within the main sanctuary.
6. Clinic or Doctor's Office	One space for each 300 square feet of Floor Area, minimum of five.
7. Commercial Outdoor Amusement	Two spaces per three seats on amusement rides, or ten spaces per ride, sports court, batting cage facility, or attraction with no specific or defined seating.
8. Commercial Use (not listed above)	One space for each two employees per maximum shift or one space per each 1,000 square feet of floor area, whichever is greater.
9. Convalescent Home or Nursing Home or Assisted Living Facility	One space for each six rooms or beds.
10. Gasoline Service Station	Minimum of six spaces, areas adjacent to pumps where vehicles park to refuel shall not be considered a parking space.
11. Golf Course	Minimum of 30 spaces.
12. High School, College or University	One space for each classroom, laboratory or instruction area, plus one space for each four students accommodated in the institution.
13. Hospitals	One space for every three beds.
14. Hotel or Motel	One space for each room or unit, plus one space for each two seats in the largest meeting room.
15. Industrial Use (not listed above)	One space for each two employees per maximum shift or one space per each 1,000 square feet of floor area, whichever is greater.
16. Institutions of a Philanthropic Nature	Ten spaces plus one space for each employee.
17. Library or Museum	Ten spaces plus one for each 300 square feet of Floor Area.
18. Manufacturing, Processing or Repairing	One space for each two employees or one space for each 1,000 square feet of floor area, whichever is greater.
19. Model Home	Four spaces per Model Home.
20. Offices, General	One space for each 400 square feet of Floor Area, minimum of five spaces.
21. Places of public assembly not listed	One space for each 400 square feet of Floor Area, minimum of five spaces.
22. Recreational, Private or Commercial Area or Building (Other than Listed)	One space for each 400 square feet of Floor Area, minimum of five spaces.
23. Restaurant or Cafeteria	One space for every four seats under maximum seating arrangements, minimum of five spaces, plus one space for every 100 square feet of kitchen area.
24. Retail or Personal Service	One space for each 300 square feet of floor area, minimum of five spaces.
25. RV Park	Two spaces for each recreational vehicle space.
26. Schools, Elementary, Junior High	One space for each classroom, plus ten spaces.
27. Storage or Warehousing	One space for each two employees or one space for each 1,000 square feet of floor area, whichever is greater.
28. Theaters, Meeting Rooms, and Places of Public Assembly	One space for every four seats.

F. Off-Street Parking Regulations

1. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.

2. **Floor Area** of a structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.

G. Parking Requirements for New or Unlisted Use

Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be determined by the **Planning Division Manager** as those of a similar use.

H. Circulation and Parking Requirements for all Nonresidential Developments

1. Applicability

   The regulations provided in this section shall apply to all nonresidential development.

2. Parking Aisles

   Parking aisles shall generally be designed perpendicular to the front of the primary building in the development.

3. Wheel Stops or Bollards

   If curbs are not provided, then parking spaces that face and are adjacent to a building or required landscaped area shall utilize wheel stops or bollards within 12 inches from the end of the space.

I. Handicap Parking Space(s)

Handicap parking space(s) shall be provided according to all state and federal laws and regulations, as may be amended.

J. Parking Space Design Details

Each standard off-street surface parking space size shall be in accordance with the design standards as shown on the following illustrations for space size and design.

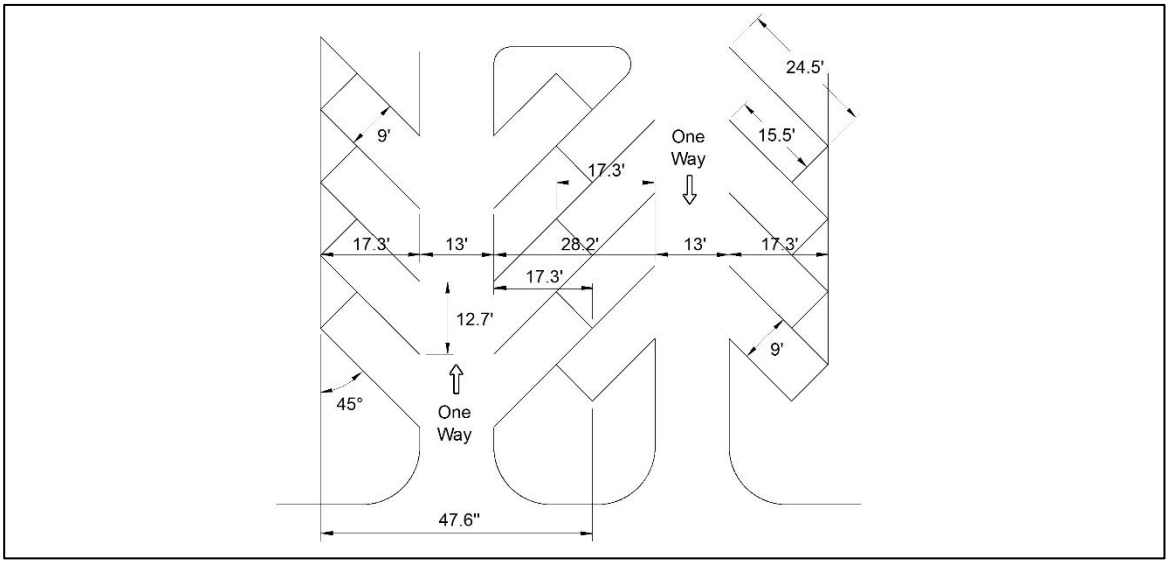

Figure 2: 45 Degree Layout with One-Way Traffic

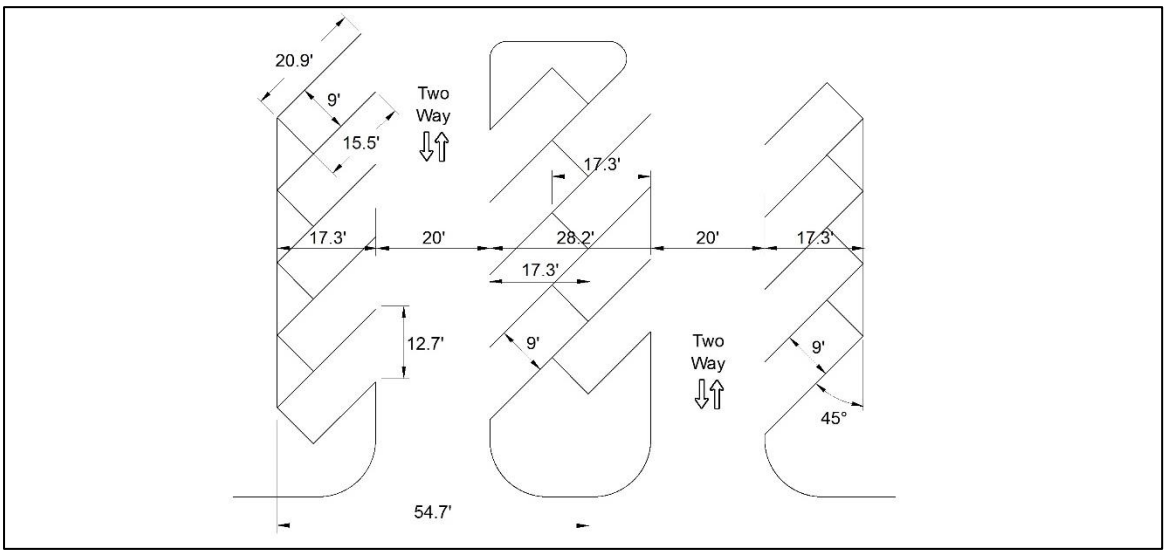

Figure 3: 45 Degree Layout with Two-Way Traffic

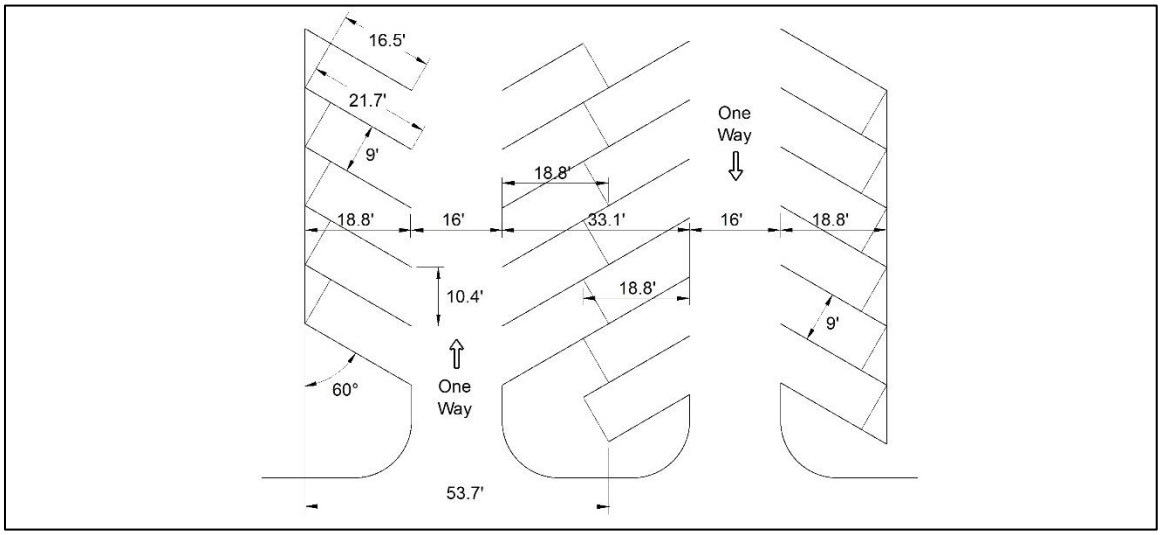

Figure 4: 60 Degree Layout with One-Way Traffic

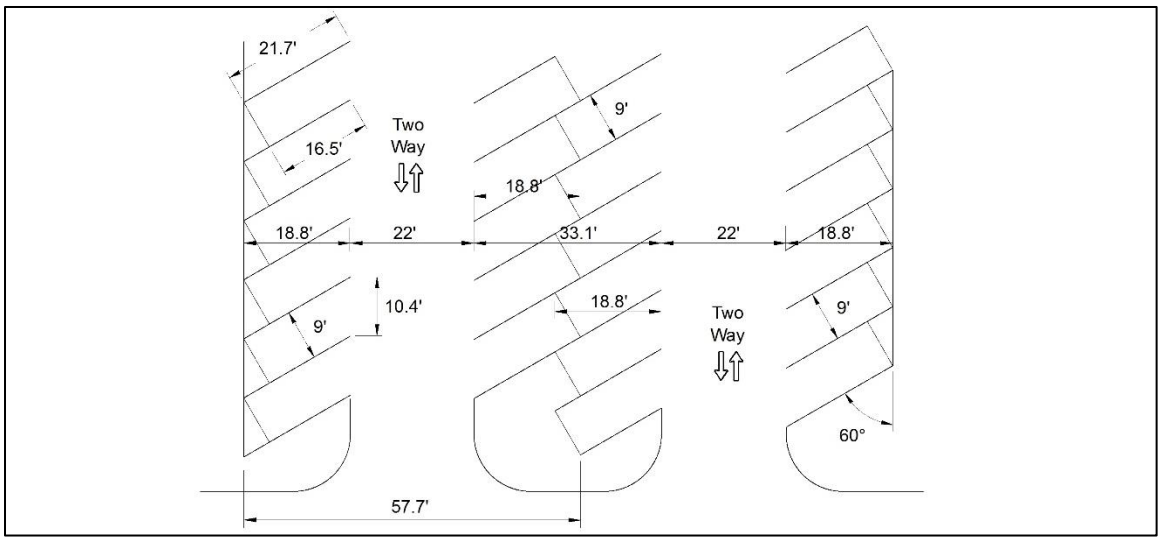

Figure 5: 60 Degree Layout with Two-Way Traffic

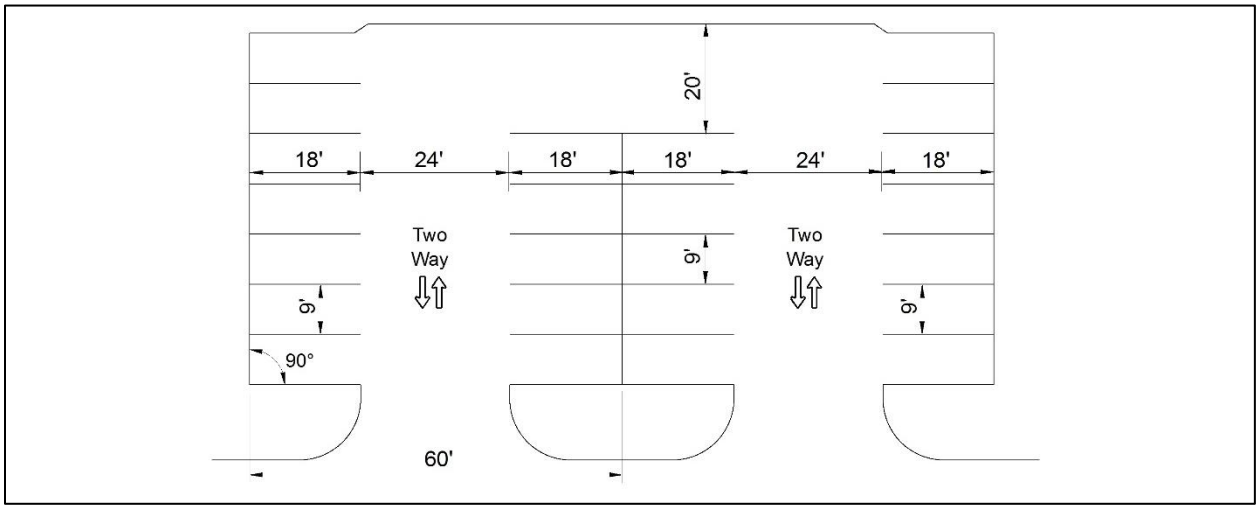

Figure 6: 90 Degree Layout

K. Off-Street Loading Space: All Districts

All nonresidential uses having 50,000 square feet or more of gross floor area shall provide adequate off-street facilities for loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement of the public streets, alleys, or sidewalks.

1. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
2. Each site shall provide a designated maneuvering area for trucks.
3. No maneuvering shall take place in the right-of-way, all maneuvering shall be on-site.

L. Vehicle Stacking Requirements

1. Stacking Space Definition

   Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service.

2. Stacking Space Size and Location

   A stacking space shall be a minimum of nine feet in width and 25 feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

3. Additional Stacking Space Location Criteria

   Stacking spaces shall be provided behind the vehicle bay door, service window, or service island, whichever is applicable.

4. Number of Required Stacking Spaces (All Districts)

   In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses.

Table 7: Number of Required Stacking Spaces (All Districts)	
Use	Number of Required Stacking Spaces
a. Automated Teller Machine (ATM)	Site plans for all uses that will include drive-thru operations or in-vehicle services must be approved by the **Planning Division Manager** and the **Engineering Services Director**, or their respective designees.
b. Automobile Oil Change and Similar Establishments	
c. Car Wash, Full Service	
d. Car Wash, Self Service (Automated)	
e. Car Wash, Self Service (Drying Areas and Vacuum Islands)	
f. Car Wash, Self Service (Open Bay)	
g. Child-care, Kindergartens, day schools, and similar child training and care establishments	
h. Dry Cleaning, Pharmacy, or Other Retail Establishments with a Drive-Through	
i. Financial Institution	
j. Restaurant with Drive-Through	
k. Schools, Public or Private	

5. Single Stacking Space Required after the Final Window, Food Pick-Up Window, or Stopping Point

   A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.

6. Visibility Triangle Requirement for Drive-Through Lanes

   Buildings and other structures shall have a 10 foot visibility triangle at the end point of drive-through lane to provide adequate visibility to allow vehicles to safely exit the drive-through lane prior to merging into intersecting driveways or maneuvering aisles.

6.03. Lighting Standards

A. Purpose

The purpose of this subsection is to:

1. Reduce the problems created by improperly designed and installed outdoor lighting;
2. Reduce problems of glare on operators of motor vehicles, pedestrians and land uses;
3. Minimize light trespass;
4. Reduce the energy and financial costs of outdoor lighting by establishing regulations, which limit the area that certain kinds of outdoor lighting fixtures can illuminate; and
5. Preserve the night sky as a natural resource.

B. General Requirements

The following standards shall apply to all exterior lighting except public street lighting and other lighting (see the City's engineering standards for lighting requirements in a public right-of-way) that is specifically exempted by this subsection.

1. Shielded Light Source Required

   a. All luminaires located on nonresidential use properties shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of at a point three feet above grade on the lot line abutting a residentially used or zoned property.

   b. In all other instances, the light source must be completely shielded from direct view of at a point six feet above grade on the lot line.

   c. See **Figure 7: Shielded / Cutoff Light Source Required** for examples.

2. Light Emitting Diode (LED) Lighting Required

   All exterior lighting governed by this section **6.03 Lighting Standards** shall be composed of LED luminaires and no other form or type of luminaire, such as a metal halide lamp, is permitted.

3. Light Trespass (foot-candle) Limitation

   All luminaires located on private property shall be designed or positioned so that the maximum illumination at the property line next to a residentially used or zoned property shall not exceed one-quarter (¼) foot-candle and shall not exceed one-half (½) foot-candle adjacent to a street right-of-way.

4. Canopy Lighting

   Lighting recessed for canopies covering fueling stations at automobile service stations and drive-through facilities shall not illuminate abutting properties and the luminaires shall be designed so that the light source and lenses (bulb or lamp) are completely shielded from direct view at a point five feet above the grade on the lot line.

5. Outdoor Advertising Lighting

   Outdoor advertising lighting shall conform to all applicable laws, ordinances, rules, and regulations.

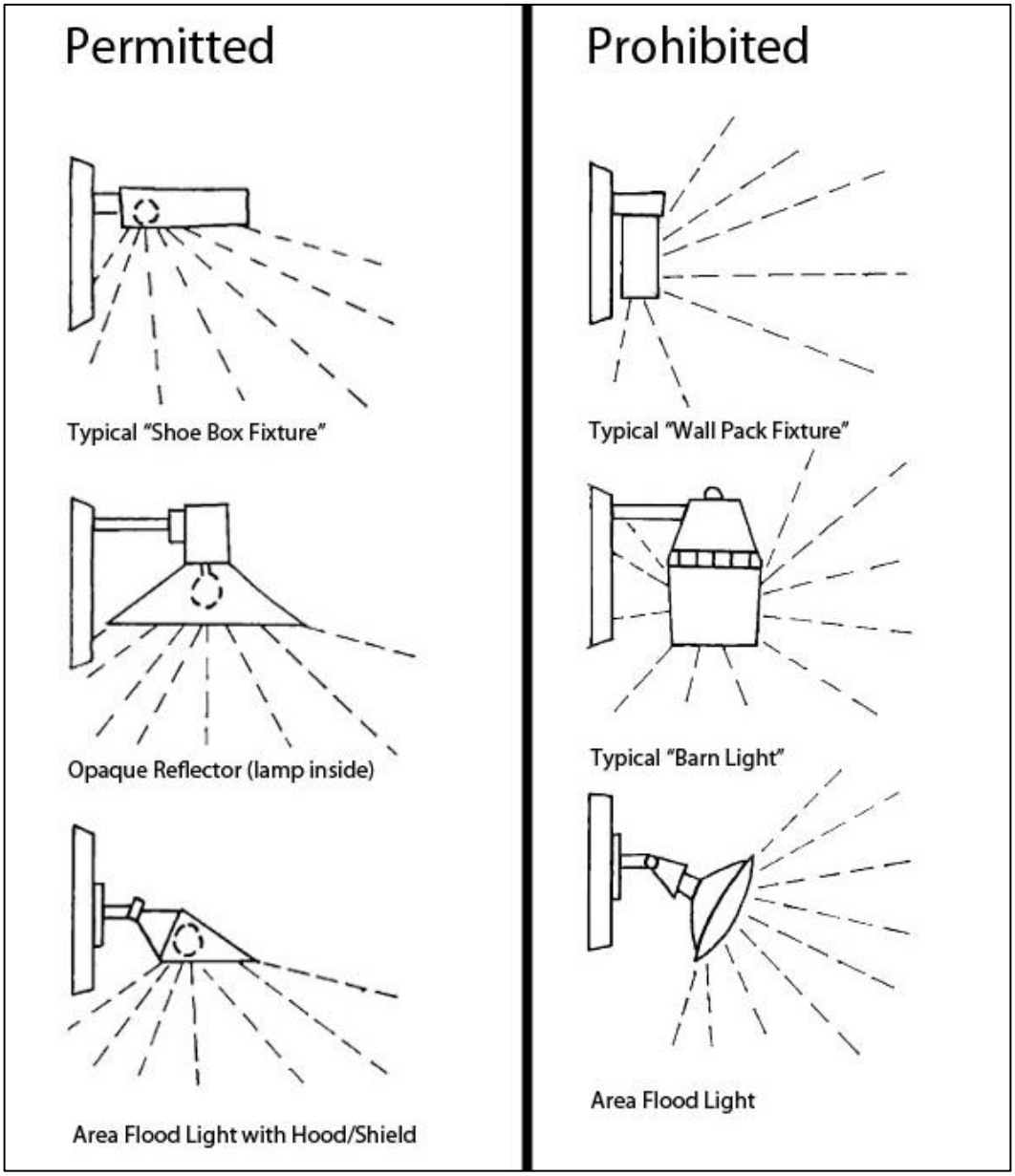

Figure 7: Shielded / Cutoff Light Source Required

6. Wall or Roof Lighting
   a. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas and yard areas within 30 feet of the building.
   b. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the **Building Official** finds the following:
      i. That the proposed lighting is not in conflict with the stated purpose;
      ii. That the proposed lighting will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and
      iii. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

7. Open Area Used for Motor Vehicle Parking, Storage or Access
    a. Any open area used for motor vehicle parking, storage or access may be illuminated with freestanding luminaires.
    b. Freestanding luminaires are permitted to be a maximum of 30 feet in height.
    c. When a luminary is located within 100 feet of a residentially used or zoned property, the maximum permitted luminaires height shall be 20 feet.
    d. All luminaires must have a total cutoff angle equal to or less than 90 degrees.
    e. The use of exterior lighting with a cutoff angle greater than 90 degrees shall be permitted only when the **Building Official** finds the following:
        i. That the proposed lighting is not in conflict with the stated purpose;
        ii. That the proposed lighting will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and
        iii. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

8. Signs

   Signs shall conform to all applicable laws, ordinances, rules, and regulations.

9. Flags, Statues, and Other Similar Objects

   Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

10. Buildings

    Building façades and architectural features of buildings may be floodlighted when the following conditions are met:

    a. Floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated;

    b. The configuration of the floodlight installation shall block all view to the floodlight fixture's lamps from adjacent properties; and

    c. The maximum luminance of any floodlighted surface does not exceed the foot-candles specified in the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.

C. Illumination Levels

1. Engineering Society of North America Lighting Handbook

   The illumination levels contained in the Illuminating Engineering Society of North America Lighting Handbook, as amended from time to time, shall be used as a guide for providing adequate and safe illumination levels.

2. Private or Public Development Project

   The **Building Official** may require conformance with the illumination levels contained in the Lighting Handbook, Illuminating Engineering Society of North America as part of the review and approval of a private or public development project.

D. Method of Measurement

1. Light Measuring Meter

   a. The light measuring meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five percent.

   b. It shall be tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one year of its use.

2. Measurements / Readings

   a. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three feet above grade.

   b. Maximum illumination readings are to be taken directly beneath the luminaires.

E. Exterior Lighting Plan

1. Submission

   a. Applicability

      A lighting plan shall be required anytime exterior lighting is proposed, or modified, that is associated with a use of greater intensity than a one or two family dwelling.

   b. Submission Official

      The lighting plan shall be submitted to the **Building Official**.

   c. Submission Criteria

      The submission shall contain but shall not necessarily be limited to the following:

      i. Plans indicating the location of the exterior lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

      ii. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required) and height of the luminaires; and

      iii. Photometric plan and data sheets, such as that furnished by manufacturers, or similar to that furnished by manufacturers, showing the angle of cut off or light emissions.

   d. Once the plan is approved by the **Building Official**, the exterior lighting of the property shall conform to the approved lighting plan.

   e. A lighting plan required by this **6.03.E Exterior Lighting Plan** shall expire at the same time that the approved Site Plan for which it was submitted expires.

2. Lamp or Fixture Substitution

   Should any outdoor light fixture or the type of light source therein be changed after the issuance of the **Building Permit** or **Certificate of Occupancy and Compliance**, a change request with adequate information, as required in **6.03.E.1 above** herein, to ensure compliance with the Zoning Ordinance must be submitted to the **Building Official** for review and approval prior to the substitution.

F. Prohibited

1. Prohibited Lighting Fixtures

   a. "Cobra head" type lighting fixtures having dished or "drop" lenses or refractors shall be prohibited.

   b. See **Figure 7: Shielded / Cutoff Light Source Required** for examples.

2. Lights Prohibited from Flickering or Flashing

   Flickering or flashing lights shall be prohibited.

G. Exemptions

The following are exempt from the standards contained in the Zoning Ordinance.

1. Decorative Seasonal Lighting

   Decorative seasonal lights used for temporary purposes.

2. Residential Dwellings

   a. Lighting for residential dwellings, provided that:

      i. The lamps have a power rating of less than or equal to 75 watts,

      ii. A cutoff component is incorporated in the design of the luminaires, and

iii. The lighting level at the property line shall not exceed the maximum level specified within the Zoning Ordinance.

b. The maximum lighting level at the property line may be exceeded in cases where the lamp is turned on and off by a motion sensor and the lamp is not on for a continuous period exceeding 10 minutes.

3. Luminous Tube Lighting

Luminous tube lighting is exempt from the Zoning Ordinance.

4. Specific Signs

Signs of the type constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.

5. Temporary Emergency Lighting

Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaires.

6. Hazard Warnings

Hazard warning luminaires, which are required by federal and state regulatory agencies.

7. Residential Party Lights

a. Residential party lights for social gatherings. Such temporary outdoor lighting includes, but is not limited to, strings of lights and lanterns.

b. The party lights shall be removed within a two weeks after a social gathering.

8. Specific Recreation

a. Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section.

b. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto a residentially used or zoned property.

c. The maximum permitted illumination at the residential property line shall not exceed two foot-candles.

9. Public Street or Sidewalk Projects

The **City Council** may vary from the requirements of this section as part of the approval of public street or sidewalk projects.

6.04. Building Façade Material Standards

A. Masonry Construction

1. Class 1: Masonry Construction

   Class 1: Masonry Construction shall include the following exterior construction materials:

   a. Fired brick,

   b. Natural and manufactured stone,

   c. Granite, and

   d. Marble.

2. Class 2: Masonry Construction

   Class 2: Masonry Construction shall include the following exterior construction materials:

   a. All **Class 1: Masonry Construction**,

   b. Architectural concrete block,

   c. 3-step stucco process, and

   d. Tilt wall concrete panels.

3. Class 3: Masonry Construction

   Class 3: Masonry Construction shall include the following exterior construction materials:

   a. All **Class 1: Masonry Construction**,

   b. All **Class 2: Masonry Construction**,

   c. EIFS, and

   d. Sealed and painted concrete block.

B. Exterior Material Requirements for all Single-Family Units

1. Applicability

   This section applies to all single-family (attached and detached) units.

2. Residential Material Standards

   a. The exterior façades of a main building or structure shall be constructed of 85 percent **Class 1: Masonry Construction** unless otherwise specified in this **Zoning Ordinance**.

      i. Individual exterior walls shall contain no less than 50 percent **Class 1: Masonry Construction**.

   b. Fiber Cement Siding

      i. Fiber cement siding shall be considered a **Class 1: Masonry Construction** material for single-family (attached and detached) units.

      ii. Fiber cement siding may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers of rear entry garages, columns, chimneys not part of an exterior wall, or other architectural features.

C. Exterior Material Requirements for all Multi-family Units

1. Applicability

   This section applies to all multi-family units.

2. Residential Material Standards

   The exterior façades of a main building or structure shall be constructed of 85 percent **Class 1: Masonry Construction** on the first and second floors and 50 percent on all other floors.

D. Exterior Material Requirements for Nonresidential Districts and Uses

1. Applicability

   This section applies to all nonresidential buildings

2. Nonresidential Material Standards

   a. The exterior façades of a main building or structure shall comply with the following tables.

Table 8: Office and Retail Zoning Districts		
Section Ref.	Applicable Zoning District	Exterior Material Requirements per District
Section **3.14**	**O-1, Office District**	Exterior façades of a main building or structure shall consist of 100 percent **Class 2: Masonry Construction**.
Section **3.15**	**O-2, Office District**	
Section **3.16**	**LR, Local Retail District**	
Section **3.17**	**RR, Regional Retail District**	
Section **3.18**	**CB, Central Business District**	

Table 9: Commercial Zoning Districts		
Section Ref.	Applicable Zoning District	Exterior Material Requirements per District
Section **3.19**	**C, Commercial District**	Exterior façades of a main building or structure adjacent to a public street shall consist of 75 percent **Class 2: Masonry Construction**. All exterior façades of a main building or structure shall consist of at least 100 percent **Class 3: Masonry Construction**.

Table 10: Business and Technology Park Zoning Districts		
Section Ref.	Applicable Zoning District	Exterior Material Requirements per District
Section **3.20**	**BP, I-20 Business Park District**	Exterior façades of a main building or structure adjacent to a public street shall consist of 100 percent **Class 2: Masonry Construction**. All exterior façades of a main building or structure shall consist of at least 60 percent **Class 3: Masonry Construction**.
Section **3.21**	**TP, Technology Park District**	

Table 11: Industrial Park Zoning Districts		
Section Ref.	Applicable Zoning District	Exterior Material Requirements per District
Section 3.22	LI, Light Industrial District	Exterior façades of a main building or structure adjacent to a public street shall consist of 100 percent Class 2: Masonry Construction or architectural metal panels (i.e. metal composite materials and composite metal cladding).
Section 3.23	HI, Heavy Industrial District	All exterior façades of a main building or structure shall consist of at least 15 percent Class 3: Masonry Construction or architectural metal panels (i.e. metal composite materials and composite metal cladding).

b. If a nonresidential use is within a residential district, then all exterior façades of a main building or structure shall consist of 100 percent Class 2: Masonry Construction.

3. Maximum Material Coverage

No single building material shall cover more than 90 percent of the front of any building, with the exception of on-site utility or service structures.

4. Windows

a. Clear glass shall be used for commercial storefront display windows and doors.

b. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and placed to visually define the building stories.

5. Residential Adjacency Standards for Businesses

a. Purpose and Intent

In order to preserve and protect the integrity of single-family residential neighborhoods and in an effort to protect the quiet enjoyment of single-family residential properties and to maintain property values, the City has determined that it is necessary and appropriate to adopt specialized regulations for non-single-family residential uses and buildings that are constructed within 400 feet of properties used for single-family residences.

b. Applicability

i. The following Residential Adjacency Standards for Businesses shall apply to all non-single-family residential buildings or uses that lie within 400 feet of properties used for single-family residences.

ii. For purposes of the Section, the 400 foot distance shall be measured from the non-single-family residential building or use to the property line of the single-family residence.

iii. All buildings within the CB, Central Business District are exempt from Residential Adjacency Standards for Businesses.

c. Masonry Requirements for Building Façades:

i. All façades of a building shall be finished on all four sides with the same materials (meeting the masonry requirements, see 6.04 Building Façade Material Standards), detailing, and features.

ii. The use of cement, standard (i.e., smooth-faced) concrete block, concrete tilt wall, stucco and other masonry materials of similar characteristics is not permitted.

iii. Exception for Façades not Visible from Public Streets:

(a) The rear wall of the building may be constructed of standard concrete block, concrete tilt wall, stucco and other masonry materials of similar characteristics provided that it is of the same color as the other façades.

(b) This exception does not apply to buildings on pad sites (i.e., “out” buildings).

6.05. Building Design Standards for Nonresidential Buildings

A. Purpose and Intent

This section of the **Zoning Ordinance** is intended to ensure that all nonresidential buildings shall be compatible with the architectural character and design in terms of style, mass, height, roof design, and other exterior elements.

B. Applicability

All nonresidential buildings shall comply with this Section 6.05, except buildings within the **LI, Light Industrial District** or the **HI, Heavy Industrial District**.

C. Nonresidential Building Orientation

Any building (excluding parking garages) within view of a public **Right-of-Way** shall either face such **Right-of-Way** or shall have a façade facing such **Right-of-Way** in keeping with the character of the **Front Façade**.

D. Nonresidential Design Elements Requirements

1. Following is a list of design elements that, based upon the size of a building (see **6.05.D.2** below), shall be incorporated into a building's design:

Table 12: Menu of Nonresidential Design Elements	
1	Canopies, awnings, or porticos
2	Overhangs
3	Recesses or projections
4	Arcades
5	Peaked roof forms
6	Arches
7	Outdoor patios
8	Display windows
9	Architectural details; such as, tile work or moldings, integrated into the building façade
10	Integrated planters or wing walls that incorporate landscape and sitting areas
11	Offsets, reveals or projecting ribs used to express architectural or structural bays

2. A building's floor area shall determine the minimum number of required design elements implemented in its construction as set forth in the table below:

Table 13: Required Minimum Number of Design Elements	
Building Square Footage	Minimum Number of Design Elements
0 – 50,000 s.f.	3
50,001 – 100,000 s.f.	5
Over 100,001 s.f.	7

E. Nonresidential Front Façade Entry Requirements

1. A **Front Façade** shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.
2. Each building shall provide a sheltered entry.

F. Nonresidential Building Articulation

Façade depth and height articulation shall be required on the front façade of a building, per the following:

1. Depth articulation of at least three feet shall be required for every 50 feet of building façade length. Depth articulation applies only below the roofline.
2. Height articulation for flat roofs of at least five feet shall be required for every 50 feet of building façade length. Pitched roofs do not require height articulation.

G. Tripartite Building Design/Composition

1. Buildings shall incorporate a tripartite building composition (base, middle and top).
2. The tripartite shall be proportioned to the other elements of the tripartite and the overall structure.

Figure 8: Tripartite Building Design/Composition

H. Roof Design Standards

1. All structures shall be constructed with a pitched roof, flat roof with a parapet, true mansard roof, or any combination thereof.
2. All flat roof surfaces shall be screened from ground level views so that such roof surfaces are not visible.
3. Roofs of stairwells and elevator machine rooms and other similar spaces shall be exempt from roofing design standards so long as they are not visible from ground level. For the purpose of this paragraph, visible shall be defined as "capable of being seen at a height of six feet while standing at the highest grade on the property line."

6.06. Building Design Standards for Multiple-Family Use

A. Multiple-Family Design Standards for the MF-16 and MF-22 Districts

1. Applicability

   This subsection shall apply to the multiple-family (MF) uses within the **MF-16, Multiple-Family Dwelling District** and the **MF-22, Multiple-Family Dwelling District**.

2. Building Orientation and Construction

   a. Building Orientation Adjacent to a Single-Family Zoning District

      i. Unless set back 100 feet or more from the property line adjoining a single-family zoning district, a MF building shall be designed so that the smallest façade faces the single-family property. The purpose of this regulation is to limit to the greatest extent possible the number of windows and balconies that face towards or look onto the single-family properties.

      ii. If a MF development is bounded by single-family developments on multiple property lines, then the longest lines shall take priority over the smaller property lines.

   b. Parking

      i. Parking is only allowed between the building and a public street when located at or beyond the required landscape buffer and screened with a headlight screen of earthen berms or a row of shrubs.

      ii. Parking areas located between the building and a public street are also subject to tree planting requirements specified in **4.b Other Parking and Circulation Requirements below**.

      iii. Buildings with enclosed garages, when adjacent to a public street, must face the garage doors internally to the development. Garage doors may not face a public street.

   c. Detached Garages

      No detached garages may be located between residential buildings and a public street.

   d. Pedestrian Connections

      Gated or un-gated pedestrian sidewalk connections will be provided around the perimeter of the property to adjacent schools, parks, and nonresidential developments.

3. Exterior Material Requirements and Design Elements

   a. Exterior Materials

      i. See **6.04.C Exterior Material Requirements for all Multi-family Units** for requirements.

   b. Design Elements

      i. Flat roofs are prohibited.

      ii. All residential windows shall be operable, with the exception of decorative windows, transoms, and side lights.

      iii. All stairs (except entry stairs and stoops to individual units and shared hallways) and elevated walkways shall be screened with architectural features to avoid a direct view of a stairwell from public streets and open space.

iv. All multiple-family buildings must use three or more of the following architectural features.

(a) Awnings/Canopies

(b) Balconies (a minimum of 25 square feet in size)

(c) Dormers

(d) Offsets within each building (minimum 20 feet to receive credit)

(e) Patio (a minimum of 25 square feet in size)

(f) Porches (a minimum of 25 square feet in size)

(g) Stoops (a minimum of two feet tall by four feet wide)

(h) Varied roof height in building (minimum 10 foot difference)

v. Mailrooms or mail kiosks shall be 100 percent masonry and constructed of the same materials as the main structure.

c. Façade Articulation

In order to ensure the aesthetic value and visual appeal of multiple-family land uses and structures, façade articulation shall be required.

i. Façade articulation of at least three feet in depth or offset shall be required for every 30 feet in horizontal surface length.

ii. Façade offsets shall be shown, along with calculations verifying that the building elevations meet the above requirement, on a building façade (elevation) plan, and shall be submitted for review along with the site plan.

4. Parking and Circulation Standards

a. Garages, When Provided

i. Garages shall be 100 percent masonry and be constructed of the same materials as the main structure.

ii. The garage may be part of the dwelling structure.

iii. Garages shall be set back a minimum of eight feet from the circulation aisle.

b. Other Parking and Circulation Requirements

i. Sub-grade parking under all or a portion of the building will not count against building height if half or more of sub-grade parking is below the average finish grade of the first floor.

ii. Dead-end drive aisles shall have a maximum of 10 parking spaces.

iii. Mail kiosk shall have a minimum of five of the required parking spaces for the development within 50 feet, unless a drive-through facility is provided.

iv. Enclosed garage parking spaces shall be a minimum of 10 by 20 feet.

v. Drive aisles within the apartment complex must be configured to decrease speed and shall have a maximum of 500 feet in a straight length without an offset of a minimum of thirty 30 feet, unless other traffic calming measured are approved by the Zoning Administrator and Fire Chief.

vi. Access to a public street in a single-family neighborhood will be limited access and will not function as a primary access point for the complex.

vii. Access to single-family alleys is prohibited.

viii. Direct access to a median opening is required when the property is located on a divided thoroughfare. This shall be one of two access points required.

5. MF Structure Separation

   a. Multiple-Family structures on the same parcel shall have the following minimum distance between structures.

      i. From main structure to main structure with walls that have openings for doors or windows on façades facing each other.

Table 14: MF Structure Separation	
Site Layout	Distance between Structures
Face to Face	50 feet
Face to End	30 feet
Corner to Face or End	30 feet
End to End	30 feet

      ii. From main structure to main structure with walls that do not have openings, the minimum distance between structures is 20 feet for one- and two-story buildings and 30 feet for three-story buildings.

      iii. From main structure to accessory buildings or pools, the minimum distance between structures is 20 feet.

      iv. From main structure to free standing garage building, the minimum distance between structures is 30 feet

   b. A multiple-family structure on a parcel of land shall not be closer than a distance of 50 feet to any nonresidential building, excluding garages, on an adjacent property.

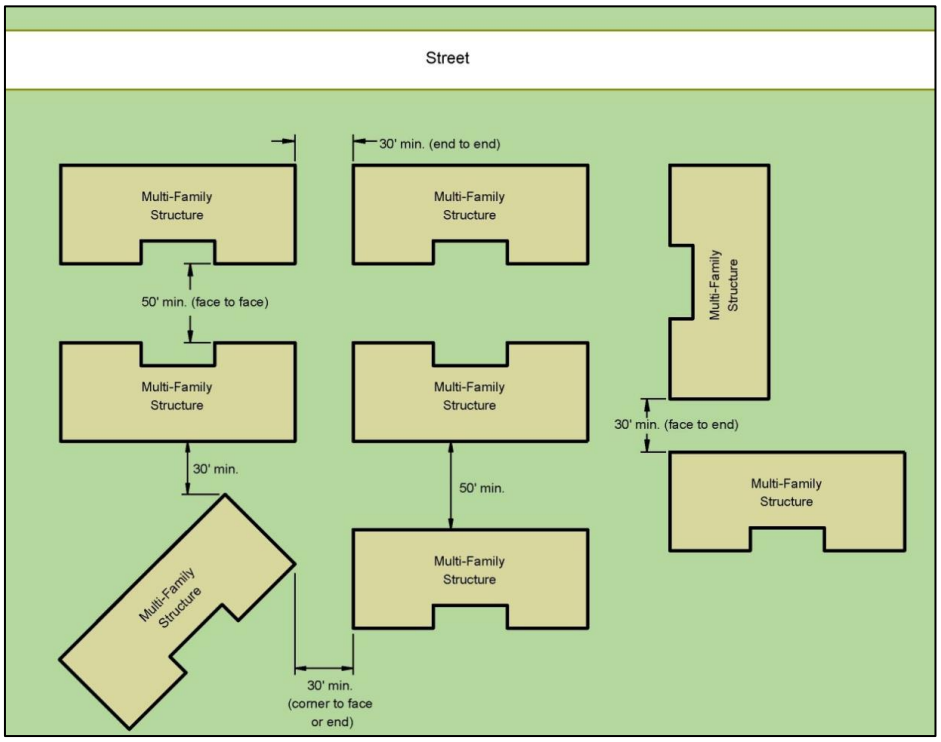

Figure 9. MF Structure Separation

B. Multiple-Family Design Standards for the CB, Central Business District

1. Applicability

   This subsection shall apply to the multiple-family (MF) uses within the **CB, Central Business District**.

2. Design Elements

   The following design elements shall be incorporated into multiple-family uses within the **CB, Central Business District**, except MF uses may occupy or reoccupy an existing building without complying with the following design elements.

   a. Windows on the First Floor

      At least 25 percent of the first floor façade along a street shall consist of windows.

   b. Building Design

      At least 75 percent of the MF building's façade shall be located along the minimum front setback.

   c. Parking Located in the Center of a Lot with Buildings along the Edge of the Property

      In order to promote a more walkable and urban form, parking lots or parking structures shall be located in the interior of the property with MF buildings located along the edges of the property.

   d. Direct Access to the Street Required

      MF units adjacent to a street shall have direct access via a door to the street.

   e. Balconies along the Street Required

      i. Balconies shall be required for every exterior MF unit adjacent to the street.

      ii. Balconies may extend five feet into the minimum setback.

   f. Parallel or Angled Parking along the Street Allowed

      Parallel or Angled parking is allowed along the street frontage.

   g. Street Furnishing along the Street Required

      i. Areas along street sidewalks or adjacent to buildings shall incorporate features to promote a walkable environment, such as seats and benches.

      ii. Benches shall be provided along sidewalks or adjacent to buildings at a rate of one bench per 100 linear feet of sidewalk.

      iii. Litter receptacles or planters shall be provided along sidewalks or adjacent to buildings at a rate of one bench per 100 linear feet of sidewalk. Street furnishings shall be low maintenance and resistant to vandalism.

Figure 10. Example of Street Furnishings

      iv. Street furnishings shall maintain an unencumbered walkway for pedestrians.

      v. Street furnishings may be grouped together at common locations, such as a plaza or outdoor sitting/eating area.

   h. Off-Site Parking Allowed

      Parking may be located off-site to allow an entire block to be built as one unified complex.

6.07. Multiple-Family Density Bonus

A. Applicability

1. The following density bonus options are available to all multiple-family uses.
2. These density bonuses are subject to the **City Council's** approval through a modified **Site Plans Related to Building Permit Applications** process. The process is modified from **9.05.C.2.b** in that the **City Council** shall be the approval authority instead of the **Planning Division Manager** and **Building Official**.
3. An applicant can petition the **City Council** for all of the density bonus options listed below.
4. The **City Council** may either grant a full bonus or a partial bonus depending upon the degree that the proposed project meets the requirement of this section.
5. Density bonuses are cumulative and multiple density bonuses may be applied to the base density of the base zoning district.

B. Density Bonus Options

1. Affordable Units

   A density bonus of up to six dwelling units per acre may be granted if 50 percent of the additional units created by the bonus are dedicated for affordable housing. Affordable housing shall be for families earning less than 80 percent of median income, as reported for the City in the most recent census data, and calculated so that the monthly rent, including utilities, does not exceed 30 percent of a family's monthly income.

2. Parking Structures

   A density bonus of up to 30 dwelling units per acre may be granted if a parking structure is built. The parking structure shall be designed to accommodate 100 percent of the required residential parking. If the development is part of a mixed use development, nonresidential parking does not have to be accommodated by the parking structure.

3. Retail Space Provided on First Floor

   A density bonus of up to six dwelling units per acre may be granted if the first floor of the multiple-family development is designed to accommodate retail uses. If granted by the **City Council**, then nonresidential uses shall be allowed per the uses of the **LR, Local Retail District**.

4. Stoops

   A density bonus of up to three dwelling units per acre may be granted if units with direct access to the street are designed with stoops at least six feet above street level.

5. Public Art, Open Space, and Public Amenities

   A density bonus of up to six dwelling units per acre may be granted if public art, a plaza, or other public open space, or public amenities are provided on-site or off-site (e.g., within the right-of-way). Due to the varied nature of each project and the proposed level of public art, public open space, or public amenities, these element should have a substantial influence on the public realm.

C. Alteration of Dimensional Regulations to Allow Buildings with Density Bonuses

The **City Council** may, upon application of the developer, vary any of the dimensional regulations (maximum height, maximum coverage, etc.) found in either Section **5.04** or **5.05** to permit a development to meet any approved density bonus.

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Section 7. Board of Adjustment

7.01. Organization

A. Creation

There is hereby created a **Board of Adjustment** consisting of five members, each to be appointed by the **City Council** for a term of two years beginning and ending on September 30 of the appropriate years.

B. Membership

1. The terms of all current board members are extended to the September 30 following their currently scheduled dates of termination. The terms of three of the board members shall expire in odd-numbered years, while the terms of the other two board members shall expire in even-numbered years.

2. The **City Council** may also appoint up to four alternate members to serve concurrent terms as the regular members and serve on the board when requested to do so by the chairman of the board so that all cases to be heard by the **Board of Adjustment** shall always be heard by a minimum of four members. Two alternate members shall serve terms expiring in odd-numbered years and two expiring in even-numbered years. The Council may appoint members and alternates for terms of lesser duration than two years when necessary to comply with the terms of this subsection.

3. Vacancies in positions of both board members and alternate board members shall be filled by appointment of the Council for the remaining portion of the unexpired term. Board members and alternate board members may be removed for cause by the **City Council** upon written charges and after public hearing.

4. If a board member is absent from more than 25 percent of the duly called meetings in any period of 12 consecutive months or absent from more than two duly called meetings in any period of 12 consecutive months, whichever is greater, for any reason other than a medical reason which prevents the member's attendance, it shall be presumed that cause exists for removal of the board member by the **City Council**.

5. Similarly, if an alternate board member is absent from more than 25 percent of the duly called meetings at which his attendance is requested in any period of 12 consecutive months or absent from more than two duly called meetings at which his presence is requested in any period of 12 consecutive months, whichever is greater, for any reason other than a medical reason which prevents the member's attendance, it shall be presumed that cause exists for the **City Council** to remove the alternate board member.

6. The term "duly called meetings" includes all meetings of the board and all meetings of subcommittees of the board on which the board member serves.

C. Rules

The board may adopt rules to govern its proceedings; provided, however, that such rules are not inconsistent with this section.

D. Meetings

1. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

2. All meetings of the board shall be open to the public.

3. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other

official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

7.02. Procedure for Special Exceptions, Appeals and Granting of Variances

A. Appeals

1. Appeals to the **Board of Adjustment** may be taken by a person aggrieved or by an officer, department or board of the City affected by any decision of an administrative officer. Such appeal shall be taken within 15 days' time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the secretary of the **Board of Adjustment** a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith have made available to the secretary of the board all the papers constituting the record upon which the action appealed from was taken.

2. Such notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the **Board of Adjustment**, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the **Board of Adjustment** or by a court of record on application and after notice to the officer from whom the appeal is taken and for due cause shown.

3. Upon notice of appeal being given to the secretary of the **Board of Adjustment**, before such appeal shall be construed as having been perfected, the applicant must deposit a fee per the **Fee Schedule**, and, when an appeal involves the issue of development of a specific tract of land, the applicant must concurrently file eight copies of a site plan drawn to scale showing existing and proposed development of the property in question.

B. Variances and Special Exceptions

1. Application for variances from and special exceptions to the terms of this section shall be made in writing on forms provided in the office of the secretary of the **Board of Adjustment** by the prospective occupant and/or owner of the property.

2. The applicant must deposit a fee per the **Fee Schedule**, and, when an application involves the issue of development of a specific tract of land, the applicant must concurrently file eight copies of a site plan drawn to scale showing existing and proposed development of the property in question.

C. Notice

1. The zoning **Board of Adjustment** shall hold a public hearing on all appeals and requests for special exceptions and variances, and written notice of all such public hearings shall be sent by the secretary of the board on forms prepared by the **Development Services Department** to the applicant and all other persons deemed by the board to be affected thereby, and all owners of real property lying within 200 feet of the property on which the special exception, variance or appeal is proposed, such notice to be given not less than ten days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last approved city tax roll.

2. Such notice may be served by depositing the same, properly addressed and postage paid, in the City post office.

3. Notice shall also be given by publishing the same in a newspaper of general circulation in the City at least ten days prior to the date set for hearing, which notice shall state the time and place of such hearing; provided, however, all provisions contained herein with respect to the mailing and publishing of notices of hearing shall be deemed sufficient upon substantial compliance with this Section.

4. Burden of proof

The burden of proof shall be on the applicant to establish the facts necessary, which the zoning **Board of Adjustment** must find before granting any special exception, variance or appeal as herein contained.

5. Limitation on reapplications.

   When the **Board of Adjustment** has denied a proposal, no new applications of similar nature shall be accepted by the board or scheduled for 12 months after the date of board denial. Applications which have been withdrawn at or before the board meeting may be resubmitted at any time for hearing before the board.

6. Acceptance of applications.

   The secretary to the board shall not accept an application for a special exception or a variance unless the same is specifically authorized by the Zoning Ordinance. If an appeal is made from a determination by the secretary that no variance or special exception of the nature requested is authorized by this the Zoning Ordinance, said appeal shall be to the **City Council**, without requirement for a public hearing, and the zoning **Board of Adjustment** shall not act on the item under question until a clarification or ruling has been obtained from the **City Council**.

7.03. Jurisdiction

The **Board of Adjustment** shall have the following powers:

A. Appeals from Administrative Decisions

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official of the City in the enforcement of V.T.C.A., Local Government Code, Chapter 211, or the Zoning Ordinance.
2. The **Board of Adjustment** shall not have jurisdiction to consider an appeal or any matter that concerns or effects in any way the following:
   a. The height of any residences, detached accessory structures or attached accessory structures;
   b. The building materials of any structures;
   c. The size and percentage of coverage of any lots;
   d. The height, setback, materials or openness of any fences;
   e. The determination of what constitutes the front, side or rear yard of a lot or lots; or
   f. The requirement of on-site or off-site parking.
3. The **Board of Adjustment** shall continue to have jurisdiction to consider minor architecture projections.
4. Any appeals of administrative decisions that concern or effect the above-listed matters may be appealed to the Midland **City Council** for consideration. Any such appeals must require the filing of a written application of appeal and the payment of a fee in accordance with the **Fee Schedule**.

B. Special Exceptions

1. To hear and decide special exceptions to the terms of the Zoning Ordinance upon which such board is authorized and required to pass as follows:
   a. Where a nonconforming building or a building occupied by a nonconforming use is in being, a permit for a special exception may be issued for any of the following:
      i. The addition of off-street parking.
      ii. The addition of off-street loading.

iii. The reconstruction, extension or enlargement of such building on the lot or tract upon which such nonconforming use was located as of the time it became nonconforming, provided that, where same has been destroyed by fire or the elements, such destruction does not exceed 50 percent of its reasonable value.

b. Require the discontinuance of nonconforming uses of land or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of the Zoning Ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard to the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property. The board shall, from time to time, on its own motion or upon cause presented by interested property owners or on request of the **City Council** or **Planning and Zoning Commission**, inquire into the existence, continuation or maintenance of any nonconforming use within the City.

c. Allow as a special exception a sign in a residential zoning district to exceed the maximum size permitted by applicable ordinances subject to the following conditions:

i. Such exception shall only be made where the sign is to be located along the frontage of an arterial street. Arterial streets include only freeways, expressways, section-line arterials and other streets of equal importance to section-line arterials. Main collector streets which serve and bisect residential sections shall not be construed as arterial streets.

ii. The sign shall not exceed the maximum size permitted for a sign in the O-1 Office District, but the board may set lesser limits if it deems appropriate.

iii. The sign shall be set back from property lines a sufficient distance to prevent an adverse effect on adjacent property.

iv. The sign shall be designed to be generally consistent with the residential character of the zoning district in which it is located.

v. The sign shall conform to all regulations of the Zoning Ordinance except maximum size regulations, and only one such exception shall be granted for each arterial street frontage.

d. Permit such modifications of the height or yard regulations as may be necessary to secure equity in the development of a parcel of land where it has been demonstrated that, due to the existence of nonconforming structures, a substantial proportion of the other properties in the same area and zoning district are legally enjoying the conditions which the applicant is requesting.

e. Permit the placement of air conditioners and other similar equipment or machinery within minimum side yard areas, where circumstances would render such placement unobjectionable and where the equipment (if adjacent to a street or other public area) is adequately screened from sight.

f. Architectural or other projections of a minor extent beyond a height limit or into required front, side or rear yard areas, provided such projections do not constitute general encroachments of living, storage, equipment or other principal use areas beyond prescribed limits, and provided the board determines that the exception will not be contrary to the intent of the Zoning Ordinance restrictions.

2. The board shall deny a request for a special exception unless it shall find the following conditions have been met:

a. The board shall determine that satisfactory evidence has been presented that the use to be authorized by the granting of the special exception will not be detrimental to the health, safety, comfort and welfare of the occupants of the land area near the tract on which the use to be allowed by special exception will be located.

b. The board finds that it is clearly and specifically authorized by the terms of the Zoning Ordinance to grant such a special exception and that it will be in harmony with the general purposes and intent of the Zoning Ordinance.

C. Variances

1. To authorize upon request in specific cases of unnecessary hardship such variance of the height, yard, area, coverage and floor area ratio regulations and required number of parking and loading spaces prescribed by the Zoning Ordinance as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the vicinity and the same zoning district by being of such restricted area, shape or slope that it cannot be reasonably developed or used without such modification. In exercising its power to grant a variance in accordance with the Zoning Ordinance, the **Board of Adjustment** shall make findings and show in its minutes such facts and/or special conditions by which each of the following conditions has been satisfied:

   a. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding condition or location that do not apply generally to other property in the same area and the same zoning district and that said circumstances or conditions are such that the strict application of the provisions of the Zoning Ordinance would deprive the applicant of the reasonable use of such land or building; and

   b. That granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan for the area; and

   c. That the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity; and

   d. That the variance to be granted is the minimum variance that will relieve the proven hardship.

2. In exercising such authority, the board shall be mindful that a variance shall not be granted where:

   a. The variance will operate to relieve the applicant of conditions or circumstances:

      i. Which are not inherent in the property itself, but rather are the result of the use or development of the property; or

      ii. Which are caused by the division of land after the effective date hereof, which division of land caused the property to be unusable for any reasonable development under the existing regulations; or

      iii. Which were otherwise self-imposed by the present or a previous owner; or

   b. The variance is grounded solely upon the opportunity to make the property more profitable or to reduce expense to the owner; or

   c. The variance would modify any requirement or condition placed upon a specific use permit which is in addition to the general requirements and provisions of the Zoning Ordinance or would modify any provision of a planned district; or

   d. The variance would not only affect a specific parcel of property but would be of such general nature as to constitute, in effect, a change in zoning of said parcel or a larger area, or would merit consideration of an amendment to the Zoning Ordinance.

7.04. Actions of the Board

A. Action

In exercising its powers the board may, in conformity with the provisions of V.T.C.A., Local Government Code Ch. 211, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions and safeguards to be complied with by the applicant. In exercising its powers the board shall not consider, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination made by an administrative officer of the City, when such decisions involve matters listed in Subsection **7.03.A** (**Appeals from Administrative Decisions**).

B. Vote

The concurring vote of four members of the board shall be necessary to revise any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance or to affect any variance in the Zoning Ordinance.

C. Court of Record

Any person or persons jointly or severally aggrieved by any decision of the **Board of Adjustment** or any taxpayer or any officer, department or board of the City may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the ground of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.

D. Effect

Any special exceptions, variances or appeals authorized or granted by the **Board of Adjustment** either under the provisions of the Zoning Ordinance or under the authority granted to the **Board of Adjustment** under the statutes of the State of Texas, as may be amended, shall authorize the issuance of a building permit, or a certificate of occupancy, as the case may be, for a period of 180 days from the date of the favorable action on the part of the **Board of Adjustment**, unless said **Board of Adjustment** in its minutes shall, at the same time, grant a longer period. Provided, however, no building permit shall be issued pursuant to the granting of a special exception, variance or appeal by the **Board of Adjustment** until the expiration of ten days after the filing of the decision granting such special exception, variance or appeal in the office of the board. In the event any person entitled to do so should, within said ten days, appeal the decision of the **Board of Adjustment** to the courts, no permit shall be issued by the building official pursuant to such special exception, variance or appeal until the action of the courts supporting the decision of the board becomes final, and the issuance of a building permit or certificate of occupancy, as the case may be, is authorized for a period of 180 days from the date the action of the courts became final. If the building permit and/or certificate of occupancy shall not have been requested and issued within said 180-day period, or such extended period as the board may specifically grant, then the special exception, variance or favorable appeal shall be deemed waived and all rights thereunder terminated. Such terminating and waiver shall be without prejudice to a subsequent appeal to said board in accordance with the rules and regulations herein contained.

7.05. Administrative Staff

The **Planning Division Manager** shall serve as secretary to the board and the **City Attorney** shall serve as legal advisor.

Section 8. Zoning Application Submittal and Processing Procedures

8.01. General Application Processing

A. Universal Application Contents

1. Application Forms

   The City is hereby authorized to prepare **Application Forms** that include information requirements, checklists, architectural or engineering drawing sizes, the Applicant's contact information, and any other information necessary to show compliance with City codes.

2. Basic Information for All Applications

   All Applications shall contain the following information and shall be signed stating that the Applicant believes the information contained therein is true to the best of his or her knowledge:

   a. Identification of property owner and authorized agent;

   b. Description of the property and the nature of the development that is the subject of the application;

   c. Identification of all zoning classifications for the property;

   d. Identification of all pending legislative applications for the property;

   e. Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;

   f. Identification of all accompanying Applications;

   g. Identification of all pending or accompanying requests for relief;

   h. Demonstration of compliance with prior approved permits; and

   i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent.

   j. Any other information required in an **Application Form**.

3. All **Application Forms** are available from the **Planning Division Manager**.

B. Universal Application Fees

1. Every **Application** shall be accompanied by the prescribed fees set forth in the adopted **Fee Schedule**.

2. The prescribed fee shall not be refundable, except when the City Council waives the Application fee for resubmission of an **Application** that was denied.

C. Payment of all Indebtedness Attributable to the Subject Property

1. No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the **City** until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.

2. It shall be the **Applicant's** responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of taxes, fees, etc. When applicable, proof of tax-exempt status shall be provided.

D. Action by Planning Division Manager

1. Circulate and Compile Comments

   After the determination of completeness has been established, the **Planning Division Manager** shall circulate the Application to all other administrative officials and departments whose review is required for a decision on the Application and shall compile the comments and recommendations of the officials.

2. Decision Rendered, If Applicable

   For Applications where the **Planning Division Manager** decides the approval or disapproval of an Application, he or she shall render a decision in the time prescribed for the applicable Application.

3. Forward Application and Provide Notification

   a. In cases where the **Planning Division Manager** does not decide an Application, the **Planning Division Manager** shall forward the Application for review to the appropriate board/commission or **City Council**, and shall prepare a report to such board or commission, or the City Council, including the compilation of any comments and recommendations by other administrative officials.

   b. If applicable, the **Planning Division Manager** also shall prepare required notices and schedule the **Application** for decision within the time (if any) and in the manner required by this **Zoning Ordinance**.

E. Decision by the City

Unless otherwise prescribed by State law, City Code, or City Charter, an **Application** shall be decided by majority vote of a quorum of the members of the board, commission, or the City Council.

F. Conditions

The City may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with applicable requirements of this **Zoning Ordinance**.

8.02. Pre-Application Meeting

A. Purpose

1. The **Pre-Application Meeting** is intended to allow for the exchange of non-binding information between the **Applicant** and **City** Staff to ensure that the Applicant is aware of pertinent City development regulations and processes.

2. The Pre-Application Meeting provides an opportunity for the Applicant and City Staff to discuss major development considerations such as utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historic information.

3. This exchange of information is intended to promote an efficient and orderly review process.

B. Pre-Application Conference before the Submission of Plans and Applications

1. Prior to formal submittal of any required plan or Application, the **Applicant** is encouraged to consult with the **Planning Division Manager**, the **Building Official**, and any other pertinent **City** Staff in order for the Applicant to become familiar with the City's development regulations and the development process.

2. At the Pre-Application Meeting, the Applicant may be represented by his/her land planner, engineer, surveyor, or other qualified professional.

8.03. Complete Applications

A. Applicability

The following procedures shall apply to any zoning related plan or Application that is required by the City and is submitted in accordance with this **Zoning Ordinance**.

B. Determination of Completeness for Zoning Related Applications

Every required Application shall be subject to a determination of completeness by the **Planning Division Manager** for processing the Application.

1. Acceptance Standards

   The **Application** shall only be accepted by the **Planning Division Manager** for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this **Zoning Ordinance**. A typographical error shall not, by itself, constitute an incomplete Application.

2. Acceptance shall not Constitute Compliance

   A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this **Zoning Ordinance**.

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Section 9. Zoning Development Review Procedures

9.01. Zoning Upon Annexation

A. Timing

Proceedings to establish the initial zoning of land being considered for annexation into the City shall occur jointly with annexation procedures, but shall occur as a separate and distinct action by the **City Council**.

B. Annexation Precedes Zoning

City Council shall adopt the annexation ordinance prior to adoption of an ordinance for zoning.

9.02. Zoning Text and Map Amendments

A. Two Types of Zoning Amendments

1. Zoning Map Amendment (Rezoning)

   A Zoning Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the City's Official **Zoning District Map**.

2. Zoning Text Amendment

   A Zoning Text Amendment is the change of the text within this **Zoning Ordinance** and does not include change or modification to the boundaries of any zoning districts.

B. Approval Authority and Report Requirement for Zoning Amendments

1. Zoning Amendments Require City Council Approval

   The **City Council** may, from time to time, amend, supplement or change by ordinance the boundaries of the districts (i.e., **Zoning Map Amendment (Rezoning)**) or the regulations herein established (i.e., **Zoning Text Amendment**) as provided by the Statutes of the State of Texas, as may be amended.

2. Zoning Amendments Require a Planning and Zoning Commission Report

   Before taking action on any proposed amendment, the **City Council** shall submit the amendment to the **Planning and Zoning Commission** for its report, with the exception of procedural and administrative amendments that do not affect development standards within **Section 3**, **Section 4**, **Section 5**, or **Section 6**.

3. Zoning Amendments that do not Require a Planning and Zoning Commission Report

   No **Planning and Zoning Commission** report is required for procedural or administrative amendments to this **Zoning Ordinance**. However, the **City Council** may submit these amendments to the **Planning and Zoning Commission** for a report if the **City Council** desires.

C. Planning and Zoning Commission Report and Public Hearings

1. Pursuant to Local Government Code § 211.007(b), the **Planning and Zoning Commission** shall make a preliminary report and hold public hearings on that report before submitting a final report to the **City Council**. The **City Council** may not hold a public hearing until it receives the final report of the **Planning and Zoning Commission** unless the **City Council** by ordinance provides that a public hearing is to be held, after the notice required by Section 211.006(a), jointly with a public hearing required to be held by the **Planning and Zoning Commission**. In either case, the **City Council** may not take action on the matter until it receives the final report of the **Planning and Zoning Commission**.

2. In cases where it is required to provide a report (see 9.02.B.2 and 9.02.B.3 for report details), the **Planning and Zoning Commission** shall hold a public hearing on an **Application** for a zoning amendment or change (i.e., a **Zoning Map Amendment (Rezoning)** or **Zoning Text Amendment**) prior to making its report to the **City Council**.

3. In the case of a **Zoning Map Amendment (Rezoning)**:

   a. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners of real property within 200 feet of the property on which the change is requested.

   b. Notice shall be given before the tenth day before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.

D. City Council Public Hearing Required

1. A public hearing shall be held by the **City Council** before adopting any proposed amendment.

2. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in the official newspaper or a newspaper of general circulation in the City.

3. The **City Council** shall not hold its public hearings or take action on any **Zoning Map Amendment (Rezoning)** or **Zoning Text Amendment** until it has received the report from the **Planning and Zoning Commission**.

E. Three-Fourths City Council Vote Required for Protested Amendments

If any of the following conditions exist, then amendments shall not become effective except by a three-fourths vote of the governing body.

1. A protest against such proposed amendment has been filed at least three calendar days before the date of the public hearings with the **City Secretary** by one of the following types of protesters:

   a. Interior Protesters:

      i. The property owners, duly signed and acknowledged, of 20 percent or more of the lots or land area included within a proposed amendment boundary.

   b. Exterior Protesters:

      i. The property owners, duly signed and acknowledged, of 20 percent or more of the lots or land area within a 200 foot radius of the exterior boundary of the area included in a proposed amendment.

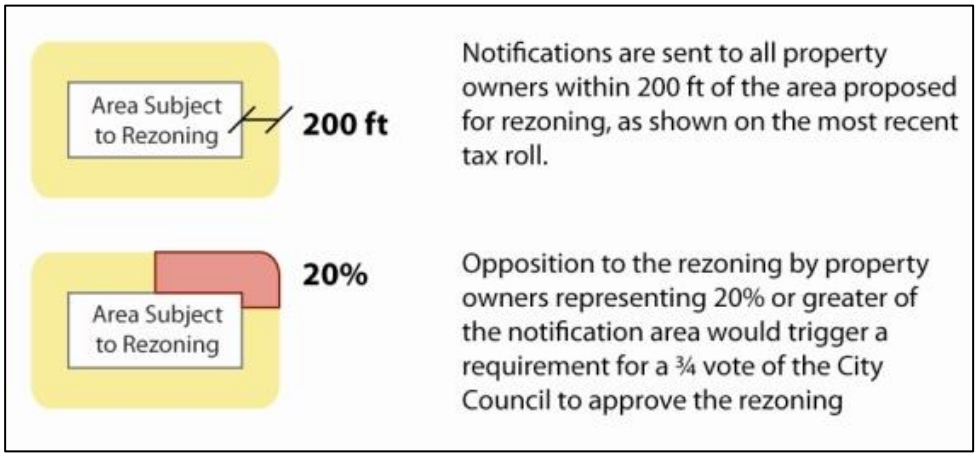

Figure 11: Calculation for Exterior Protestors

F. Consistency between Zoning Map Amendments and the Comprehensive Plan

Consistency between a zoning map amendment and the comprehensive plan shall be required, or the comprehensive plan shall be amended until consistency is achieved.

9.03. Zoning Required for Platting

The City shall not approve any Plat of any subdivision within the City Limits until the area covered by the proposed Plat has been zoned by the City Council, as described in **9.01 Zoning Upon Annexation**.

9.04. Creation of Building Site

A. Conditions Required for Building Site, Tract, or Lot Creation

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.

1. Approved Plat of Record

   The lot or tract is part of a **Plat** of record, properly approved by the **City**, and filed with the **County**.

2. Approved Site Plan

   The **Plat** or tract is all or part of a **Site Plan** officially approved by the **City**, 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.

B. Building Permit Issuance Requires a Plat of Record

A Plat of record shall be created prior to the issuance of a **Building Permit**.

9.05. Site Plans

A. Purpose

1. Through Site Plan review, zoning standards and other applicable municipal standards or ordinances that may apply to specific site development can be uniformly implemented by the City for townhome, multi-family, and nonresidential development.

2. The purpose of the Site Plan process is to:

   a. Ensure compliance with adopted City development regulations and other applicable regulations that apply to the property for which the City has enforcement responsibility;

   b. Promote safe, efficient and harmonious use of land through application of City-adopted design standards and guidelines;

   c. Promote the vision established by the Comprehensive Plan;

   d. Ensure adequate public facilities to serve development;

   e. Coordinate and document the design of public and private improvements to be constructed;

   f. Prevent or mitigate adverse development impacts, including overcrowding and congestion;

   g. Aid evaluation and coordination of land subdivision, including the granting of easements, Right-of-Way, development agreements and provision of surety;

   h. Identify and address environmental concerns (floodplain, drainage, trees, topography, etc.); and

   i. Promote the public health, safety and welfare.

B. Applicability

1. Processing and Timing: Two Different Types of Site Plans Exist

   a. Site Plans Related to Rezoning Applications

      A site plan is required for an Application for:

      i. MF-16, Multiple-Family Dwelling District

      ii. MF-22, Multiple-Family Dwelling District

      iii. Specific Use Designation (SUDs)

      iv. PD, Planned Development District

   b. Site Plans Related to Building Permit Applications

      No **Building Permit** shall be issued for any townhome, Manufactured Home Parks, multi-family, PD, Planned Development District, and nonresidential development unless a Site Plan is first approved by the City.

2. Effect

   No **Certificate of Occupancy and Compliance** shall be issued unless all construction and development conform to the Site Plan as approved by the City.

C. Approval and Process

1. Site Plans Related to Rezoning Applications

The approval of a Site Plan related to a rezoning Application requires the following:

a. Review by the **Planning Division Manager** and **Building Official**,

b. A recommended action by **Planning and Zoning Commission** for the Council's consideration, and

c. Approval by the **City Council**.

2. Site Plans Related to Building Permit Applications

The approval of a Site Plan related to a **Building Permit** or construction/development Application for townhome, multi-family, and nonresidential development requires the following:

a. Review by the **Planning Division Manager** and **Building Official**, and

b. Approval by the **Planning Division Manager** and **Building Official**.

D. Site Plan Exempted Development

The following types of development are exempted from the requirements of this Section **9.05 Site Plans**:

a. Agricultural buildings; and

b. A **Temporary Building for New Construction** as permitted by **4.03 Use Chart**.

E. Submission of Site Plan Applications

1. Coordinating Official

Applications for approval of plans required by this Section **9.05 Site Plans** must be submitted to the:

a. The **Planning Division Manager** for **Site Plans Related to Rezoning Applications** or,

b. The **Building Official** for **Site Plans Related to Building Permit Applications**.

2. Calendar of Official Processing Dates

A calendar of official processing dates for items requiring City review, **Planning and Zoning Commission** recommendation, and **City Council** approval pursuant to this Section **9.05 Site Plans** shall be created by the City each calendar year.

3. Other Regulations for Applications

Applications are also governed by **Section 8 Zoning Application Submittal and Processing Procedures**.

F. Fees and Forms

1. Schedule of Fees

The fees relating to the Site Plan approval process shall be established by the **Fee Schedule**.

2. Forms and Standards

The **Planning Division Manager** shall establish forms and standards with regard to the content, format and number of copies of information constituting an Application for a Site Plan.

G. Site Plan

1. Site Plan Application Procedure and Requirements

a. Site Plan Pre-Application Meeting

i. Before preparing a **Site Plan**, the **Applicant** may meet with the **Planning Division Manager** or **Building Official** to allow the Applicant to learn the general procedures for approval and to review the concept of the proposed development, if desired by Applicant.

ii. No Application for a permit may be submitted to or accepted for filing during the meeting.

b. Site Plan General Application

The property owner or authorized agent shall file an Application for the approval of a Site Plan. This Application shall include the information listed on the Site Plan **Application Form**, which shall be created and maintained by the **Planning Division Manager**.

c. Site Plan Additional Information

The following plans may be required with a **Site Plan** **Application** and approval is necessary prior to final authorization for development:

i. Final Plat or Replat,

ii. Engineering plans or Construction Plans,

iii. Traffic Impact Analysis, if applicable,

iv. Façade Plan, if required,

v. Landscape plans, if required,

vi. Flood Study, if required, and

vii. Other approvals as required by ordinance or resolution.

d. Site Plan Standards of Approval

i. Site Plan Approval

(a) The **City Council** and **Planning Division Manager** shall use the review and approval process outlined in Section **9.05.C.1** (rezoning applications) and may approve, conditionally approve, table or deny a Site Plan based upon the criteria listed below.

(b) The **Planning Division Manager** and **Building Official** shall use the review and approval process outlined in Section **9.05.C.2** (building permit applications) and shall approve, conditionally approve, or deny a Site Plan based upon the criteria listed below.

ii. Approval Criteria

(a) Compliance with the **Zoning Ordinance** regulations and other applicable regulations and previously approved, valid plans for the property.

(b) The City shall not take action on a Site Plan for property where City taxes are delinquent.

e. Site Plan Effect

i. Approval of a **Site Plan** in association with a rezoning application is the City's authorization to apply for or for the issuance of **Building Permits**, depending on the specific case.

ii. During the time the Site Plan remains valid, the City shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping or screening.

iii. Except where authorized by ordinance, a Site Plan may not be used to approve a variance to development regulations.

iv. Where an approved plan conflicts with an adopted regulation and no zoning variance or zoning special exception is expressly approved, the regulation shall apply.

f. Site Plan Lapse

i. Two Year Effective Period

(a) The approval of a Site Plan shall be effective for a period of two years from the date of filing of the Application.

ii. Expired Site Plans

(a) Upon expiration of a Site Plan, the Applicant shall be required to submit a new Site Plan subject to the then existing regulations (see **9.05.G.1 Site Plan Application Procedure and Requirements**).

(b) Site Plan approval shall expire upon completion of the improvements shown on the plan. Permits must remain valid during the construction process.

(c) Subsequent additional development, site modifications and redevelopment shall be considered a new project subject to the then existing ordinances, laws and regulations of the City.

H. Revocation of Site Plan Approval

The City Council may revoke approval of a Site Plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit.

I. Compliance with other City Regulations Required

Compliance with the following design standards and specifications, as may be amended, is required in addition to the design standards and specification set forth in this Zoning Ordinance:

1. Subdivision Regulations;
2. Fire Code;
3. Engineering Standards;
4. Building Code; and
5. Any additional design standards and specifications approved by the City Council.

9.06. PD, Planned Development District Application and Review

A. Applicability

After a public hearing following proper notice as prescribed by law to all parties affected, and after recommendation from the **Planning and Zoning Commission**, the following types of **PD, Planned Development Districts** may be approved by the City Council:

1. Civic center and community center.
2. Housing development.
3. Industrial district on tracts of ten acres or more.
4. Medical center and hospital.
5. Office center.
6. Recreation center.
7. Shopping center.
8. Transition district as an extension of an existing district whereby the provision of off-street parking, screening walls, open space and planting would create a protective transition between a lesser intensive use and a more intensive use.

B. Site Plan

1. In establishing a **PD, Planned Development District** the City Council shall require a site plan of the development, which shall be part of the ordinance creating the **PD, Planned Development District**.
2. The required site plan and ordinance shall set forth the requirements for ingress and egress to the property, public or private streets or drives, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property.

C. Effect and Imposed Conditions

1. Every **PD, Planned Development District** approved under the provisions of this section shall be considered a map and text amendment, and shall be processed in accordance with the notice and public hearing requirements.
2. In approving the **PD, Planned Development District** the City Council may impose conditions on the standard of development, which shall be complied with before a certificate of occupancy is issued for the use of land or any structure which is part of the **PD, Planned Development District**. Any conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

D. Minimum Size

A minimum of three acres is required for all **PD, Planned Development Districts**.

9.07. Specific Use Designation (SUDs)

A. General

The uses listed under the various districts within the **Use Chart** as **Specific Use Designation (SUDs)** are so classified because they may have adverse effects or more intensely dominate the area in which they are located than do other uses permitted in the district. The rezoning process allows the City to review specific uses at a specific location and determine the appropriateness on a case-by-case basis.

B. Specific Use Designation Application Process

1. Procedures for Processing a Specific Use Designation (SUD)

   An application for a **Specific Use Designation** is a **Zoning Map Amendment (Rezoning)**, since the zoning map shall be updated to indicate the location of the SUD, and shall be processed as a **Zoning Map Amendment (Rezoning)**.

2. Compatibility Conditions

   a. The Planning and Zoning Commission and City Council may require conditions and safeguards as necessary to protect adjoining property.

   b. A use allowed by a Specific Use Designation shall be in conformance with the **Comprehensive Plan** and contain such requirements and safeguards as are necessary to protect adjoining property.

3. Required Information

   Each application shall be accompanied by a Site Plan (see **9.05 Site Plans**) and other information required by this **Zoning Ordinance**, including the items below

   a. A detailed description of the intended use of the property.

   b. The availability and location of off-street parking.

   c. The projected amount of additional traffic generated in and around the property, the types of vehicles anticipated that will be visiting the property, the likely changes in traffic patterns, and the possible impact such changes in traffic will have on properties within 500 feet of the subject property.

   d. The proposed number of occupants or users of the property and the proposed hours of occupancy.

   e. If the proposed use will require deliveries of goods to the property, and the use is proposed to be located in any zoning district from the **AE, Agricultural Estate District** through **MF-22, Multiple-Family Dwelling District**, provide the proposed location of loading/unloading areas.

   f. Whether the proposed use requires any type of state or federal license or permit to operate, what type of license or permit is required, and whether the license or permit has been received.

   g. The number and locations of properties within one-half mile of the applicant's property that have the same or similar use(s) as that proposed by the applicant.

   h. The Planning and Zoning Commission or **City Council** may reasonably require additional information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.

C. Specific Use Designation Regulations

1. In recommending that a Specific Use Designation for the premises under consideration to be granted, the **Planning and Zoning Commission** shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall consider the following factors:

a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

b. Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys and sidewalks to accommodate traffic generated by the proposed use;

c. Adequate provisions for drainage;

d. Adequate off-street parking and loading;

e. Safety from fire hazard and measures for fire control;

f. Protection against negative effects of noise, glare and lighting on the character of the neighborhood, protective screening and open space;

g. Heights of structures; and

h. Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.

2. In granting a **Specific Use Designation**, the **City Council** may impose reasonable conditions, including time limits that shall be complied with by the owner, grantee, or any tenant of any portion of the property.

D. Specific Use Designations "Without Term" – Timing and Renewals

1. A Specific Use Designation without term shall be effective until repealed by the **City Council**.

E. Specific Use Designations "With Term" – Timing and Renewals

1. A Specific Use Designation with term shall be effective for two years from the date of approval by the **City Council**, subject to extension in accordance with Section **9.07.E.2** (below) of this Code or early termination in accordance with Section **9.07.E.3** of this Code.

2. A Specific Use Designation with term may be renewed for additional two-year terms in accordance with the following procedure:

a. The then current owner of the property subject to the Specific Use Designation with term shall submit to the **City Manager** an application for a renewal of the Specific Use Designation with term not later than 60 days prior to the expiration of the then current term, which application shall contain such information as may be required by the **City Manager**. As part of the application for renewal, the property owner shall certify under oath that the use of the property has been at all times during the term of the Specific Use Designation with term in compliance with the provisions of the Specific Use Designation with term.

b. Upon a finding of the **City Manager** that the use of the property has been and remains in compliance with the provisions of the Specific Use Designation with term originally approved, the term of the Specific Use Designation with term shall be extended for an additional two-year term from the date of termination of the prior term.

c. Upon a finding of the **City Manager** that the use of the property has not been or is not in compliance with the provisions of the Specific Use Designation with term, the **City Manager** shall send written notice to the owner of the property at the last known address as determined by the property rolls of the appraisal district within ten working days of the **City Manager's** finding that the Specific Use Designation with term will not be extended beyond the then current term. Said notification shall contain a summary of the findings by the **City Manager** citing what provisions of the Specific Use Designation with term or the City Code have been violated. The owner of the property shall have ten calendar days from receipt of the **City Manager's** notice to file a written appeal with the **City Council** with a summary of the property owner's basis for appeal. Unless requested by the property owner, the appeal shall be heard at the next regular **City Council**

meeting which occurs on or after the tenth calendar day following the receipt of the notice of appeal.

d. The appeal to the **City Council** shall be conducted in accordance with the procedures adopted by the **City Council**. The decision of the **City Council** shall be final.

3. A Specific Use Designation with term shall terminate prior to the expiration of the then current term upon a finding by the **City Manager** that the property for which the Specific Use Designation with term was approved has not been used for the purpose for which the Specific Use Designation with term was approved for a period of more than 120 consecutive days. The **City Manager** shall within 10 calendar days of said finding send written notice of termination pursuant to this Section to the owner of the property at the last known address of the owner as shown by the property rolls of the appraisal district.

F. Specific Use Designation "With Term" – Uses and Baseline Standards

Specific Use Designations with term may be approved for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts.

1. Alcoholic Beverages in other than a **Bar**, **Lounge or Nightclub** as follows:

a. Sale of all alcoholic beverages, for on-premises consumption, in a restaurant in the **O-1, Office District**, **O-2, Office District**, **LR, Local Retail District** or **RR, Regional Retail District** (See Section **4.03 Use Chart** .) Such restaurant shall observe the following restrictions:

i. Not less than 60 percent of the monetary sales for a tax-year for such establishment shall be for food or nonalcoholic beverages.

ii. The sale of all alcoholic beverages for on-premises consumption shall be a secondary use only, ancillary to the primary use of the premises for a restaurant. Any sale of alcoholic beverages on the premises after they have ceased to be used primarily for a restaurant, or at any time when restaurant kitchen facilities are not in operation and staffed as specified below, shall constitute a violation of this Specific Use Designation with term;

iii. No outside entrance to a separate bar shall be permitted and no signs or other identification of a bar or lounge or the sale of alcoholic beverages in any way may be located anywhere on the premises, outside the building, unless such sign or other identification is approved as part of the **Specific Use Designation with term**; and

iv. The restaurant and the restaurant kitchen facilities shall be in compliance with the following definitions:

(a) Restaurant: Restaurant is defined for purposes of this Section as a place where the primary business is the preparation and sale, on the premises, of food to be provided from a full service menu of items which shall be available at all times when the facility is in operation and which all food items for sale (which shall include appetizers, entrée, desserts and beverages), provides kitchen facilities separate and apart from the area of the premises devoted to public dining and may or may not provide live entertainment to, or permit dancing by patrons of the premises.

(b) Restaurant Kitchen Facilities: A restaurant kitchen facility is a separate area located in, or on, the premises of a restaurant and meets the following conditions or standards: (1) meets all requirements of other applicable codes; (2) contains a stove or oven in working order; (3) provides refrigerated storage for food to be prepared and sold on premises; (4) is staff by a full time cook or chef who must be on duty for the preparation of food during the hours that the restaurant is in operation; (5) maintains a food inventory and condiments for use by the cook or chef in the preparation of food for sale; and (6) pots, pans and utensils necessary for use by the cook or chef in preparation of menu items for sale.

b. Sale of all alcoholic beverages for on-premises consumption in a theater, place of commercial amusement, sports stadium or course or any similar facility, in any zoning district where the primary use is permitted; provided, however, that the type of facility shall be specifically stated or defined in each Specific Use Designation with term.

c. Sale of beer and wine only, for off-premises consumption, in the O-2 district in connection with food and beverage sales stores.

2. Alcoholic Beverages Sales for On-Premises Consumption as follows:

   a. Sale of all alcoholic beverages, for on-premises consumption in a **Bar**, **Lounge or Nightclub** in the **LR, Local Retail District**, **RR, Regional Retail District**, **CB, Central Business District**, **C, Commercial District**, **BP, I-20 Business Park District** or in the **O-2, Office District**. (See Section **4.03** **Use Chart**.)

3. **Assisted Living/Nursing Home** Uses

   a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district.

4. **Bar**, **Lounge or Nightclub** Uses

   a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district.

5. **Barber or Beauty Shop** Uses

   a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district.

6. **Child-Care: Day-Care Center** Uses

   a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district.

7. **Community Group Home** Uses

   a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district.

8. **Outside Storage** Uses and Standards

   a. Allowed by **Specific Use Designation**, according to the permitted **Use Chart**.

   b. Outside Storage is limited to a maximum of 20 percent of the total lot area, shall not be located in the front yard and must be screened.

   c. Outside Storage screening shall be required only for those areas surrounding Outside Storage.

      A six foot screening fence or wall shall be provided and maintained either surrounding the Outside Storage or at the property line or street adjacent to the area to be screened by one or a combination of the following methods:

      i. Solid masonry consisting of rock, stone, or other material that is visually and qualitatively equivalent;

      ii. Wrought iron in conjunction with solid landscape screening;

      iii. Wood or wood vinyl in conjunction with solid landscape screening; and,

      iv. An equivalent alternative screening method approved by the **Planning Division Manager**.

   d. Outside Storage of materials, commodities, or equipment shall be screened with a minimum six foot screening fence or wall, and shall not be visible from the street or from adjacent property.

   e. No Outside Storage may be visible from public right-of-way.

9. **Penal and Correctional Institutions** Uses

   a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district.

10. **Wildlife Rehabilitation Center** Uses

a. See Section 4.03 Use Chart to determine if a Specific Use Designation is required a given district.

b. A **Wildlife Rehabilitation Center** shall be on tracts of land of not less than two acres.

c. A **Specific Use Designation** with term for a **Wildlife Rehabilitation Center** shall contain the following conditions in addition to such other conditions that may be adopted by the **City Council**:

i. Animals located on the property for the purpose of undergoing rehabilitation are at all times to be kept within an enclosed building, except to the extent set forth in the **Specific Use Designation** ordinance;

ii. The **Specific Use Designation** with term must include a site plan showing the location on the property of the area(s) where wildlife rehabilitation activities are proposed to occur along with such other elements that the **City Council** determines to be appropriate and necessary; and

iii. No mammals may be kept on the premises for purposes of rehabilitation.

G. Specific Use Designation Expiration and Extension

1. Specific Use Designation Expiration

a. An **SUD** shall automatically expire if a **Building Permit** is not issued and construction begun within six months of the granting of the **SUD**.

2. Specific Use Designation Extension

a. The **City Council** may authorize an extension beyond the six months upon recommendation by the **City Manager**.

H. Amendments Required for Changes

No building, premise, or land used under an **SUD** may be enlarged, modified, structurally altered, or otherwise significantly changed, unless an amendment to the approved **SUD** is granted for such enlargement, modifications, structural alteration, or change.