

EXHIBIT "A"
OF ORDINANCE NO. 999

CHAPTER 12
ZONING ORDINANCE REGULATIONS
(codification of Original Zoning Ordinance No. 77, as amended Ord. 999)

ARTICLE 12-1
GENERAL PROVISIONS

Sec. 12-1-1 PURPOSE AND INTENT

This ordinance is prepared under the authority of Section 1, Article 1011a, Vernon's Civil Statutes of the State of Texas (as amended) to promote health, safety, morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, and the general welfare of the community. These zoning regulations are made in accordance with the spirit of the city comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the general welfare of the community; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation water, sewerage schools, parks, and other public requirements, These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. Ord. 77¹

Sec. 12-1-2 ZONING ADMINISTRATION

The mayor is hereby designated by the city council as the administrative official to supervise the administration and enforcement of these regulations. The mayor may be provided with the assistance of such other persons or consultants as the city council may direct. Ord. 77.

If the mayor finds that the provisions of this ordinance are being violated, the person responsible shall be notified in writing and ordered to take action to remedy it. The mayor shall order the discontinuance of any illegal use of land, buildings or structures, the removal of any illegal buildings or structures or of any illegal additions, alterations or structural changes, the discontinuance of any illegal work; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of these provisions. Ord. 77.

¹ Ordinance No. 77, the basic Zoning Ordinance for the City of Palmer was adopted on July 7, 1986. The original text of Ordinance No. 77 will be noted in this document as follows: Ord. 77. Amendments that have been made to the original ordinance that have been carried forward by subsequent ordinances including this ordinance are noted are noted by "Ord. 00" using the proper amending ordinance number in place of the "00"s noted. This Ordinance to become Chapter 12 in the new Code of Ordinances, as amended, until the new code is published. These reference notations are subject to change as new information is determined, and are therefore for reference purposes only.

Sec. 12-1-3 **INTERPRETATION AND APPEALS**

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the mayor and that such questions shall be presented to the city council only on appeal from the decision of the mayor, and that recourse from the decisions of the city council shall be to the courts as provided by law. Ord. 77.

Sec. 12-1-4 **CITY COUNCIL DUTTES**

It is further the intent of this ordinance that the duties of the city council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated elsewhere in this ordinance. Under this ordinance the city council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and, of establishing a schedule of fees and charges as stated in section below. Ord. 77.

Sec. 12-1-5 **FEES**

The city council shall, by ordinance, establish a schedule of fees and charges for the permits, certificates of occupancy, zoning change requests, zoning board of adjustment appeals and other matters pertaining to this ordinance. The schedule of fees and charges may be altered or amended only by action of the city council. Until all applicable fees and charges have been paid in full, no action shall be taken on any zoning application or appeal. Ord. 77.

Sec. 12-1-6 **BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

A. **Building Permits Required**

No building or other structure shall be erected, moved, added to, enclosed or structurally altered without a permit therefor, where applicable, and issued by the city secretary. No building permit shall be issued by the city secretary except in conformity with the provisions of this chapter, unless he or she receives a written order from the city council in the form of a special exception or variance as provided by this chapter. Ord. 77.

B. **Certificate of Occupancy Required for New, Altered or Changes in Use or Nonconforming Uses.**

It shall be unlawful to use or occupy or permit the uses or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued

therefor by the city secretary stating that the proposed use of the principal building or land conform to the requirements of this chapter. Ord. 77.

1. No nonconforming building or use shall be maintained, renewed, changed or extended until a certificate of occupancy shall have been issued by the city secretary. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses or buildings shall have three months to apply for certificates of occupancy. Failure to make such application within three months shall be presumptive evidence that the property was in a nonconforming use at the time of enactment or amendment of this ordinance. Ord. 77.
 2. No permit for erection, alteration, moving or structural repair of any building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work. Ord. 77.
 3. A temporary certificate of occupancy may be issued by the city secretary for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public. Ord. 77.
 4. The city secretary shall maintain a public record of all certificates of occupancy. Ord. 77.
 5. Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable by fine. Ord. 77.
- C. Construction and Use to be as provided in Applications, Plans, Permits, and Certificates of Occupancy. Ord. 77.

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement or construction set forth in such approved plans and applications, and any other construction, use, arrangement or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable by fine. Ord. 77.

ARTICLE 12-2 INTERPRETATION & DEFINITIONS

Sec. 12-2-1 GENERAL INTERPRETATION

For the purpose of this ordinance, certain terms and words are defined and shall have the meanings ascribed in this ordinance unless it is apparent from the context that different meanings are intended. Words used in the present tense include the future tense, words in the singular number include the plural number, and all words in the plural number included in the singular number. The word "building" includes the word "structure," except as otherwise specified. The term "use" means "used or intended to be used for", or "arranged or designed for use." The word "shall" is mandatory not directory; the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual. The word including means including but not limited to. Ord. 77.

Sec. 12-2-2 DEFINITIONS²

- 1. Accessory Building:** A subordinate building use of which is incidental to that of the main building on the same lot.
- 2. Alley:** A public minor way which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.
- 3. Apartment:** Any room or suite of rooms in an apartment building arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.
- 4. Apartment Multi-Family Building:** Any building, or portion thereof which is designed, built, rented, leased, let or hired out to be occupied as 3 or more apartments or dwelling units or which is occupied as the home or residence of 3 or more families living independently of each other and maintaining separate cooking facilities.
- 5. Automobile Repair Shop:** - A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.
- 6. Automobile Sales Lot** - An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars for sale or keeping of used car parts or junk on the premise.

² Unless otherwise indicated the definitions listed in the following sub-sections have been carried forward from original ordinance Number 77.

7. Basement - A building story which is partly underground, but may have at least one-half of its height above the average level of the adjoining ground.

7.1 Beverage Store – A retail establishment whose primary purpose is the sale of pre-packaged beverages for off-premise consumption. Ord. 999

8. Block - That property abutting on one side of a Street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

9. Boarding Rooming House - A dwelling wherein lodging or meals for 3 or more persons, not members of the principal family therein, is provided for compensation but not including a building in which 10 or more guest rooms are provided.

10. Building - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

11. Building Line: - A line parallel or approximately parallel to the street line at a specific distance there from marking the minimum distance from the Street line that a building may be erected.

12. Business: - Includes retail, commercial, personal services, excavation, manufacturing and industrial operations and uses.

13. Car Wash: - A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business,

14. Certificate of Occupancy - An official certificate issued by the city through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

15. Clinic - A group of offices for one or more physicians, surgeons or dentists to treat sick or injured out-patients who do not remain overnight.

16. Conditional Use - Same as Specific Use and being any building, structure, and use which complies with the applicable regulations and standards governing the specific use zoning district and for which a specific use permit is granted.

17. Convalescent Home - Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

18. Country Club Private - An area of twenty (20) acres or more containing a golf course and a clubhouse and available only to private specific membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

19. Courtyard - An open, unoccupied space on the same lot with a building and bounded on two sides by such building, or the open space provided for access to a dwelling group.

20. Day Care Center or Kindergarten - Any facility, whether known or incorporated under such descriptive title or name as “Day Nursery School,” “Kindergarten,” “Child Play School,” “Child Development Center,” “Early Childhood Center” and the like, where 6 or more children are left for care or training during the day or portion of the day and a fee is charged for this service.

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

22. Dwelling, Single Family - A detached building containing 1 dwelling unit and which is occupied by not more than 1 family.

23. Dwelling, Two-Family - A detached building containing 2 dwelling units, commonly referred to as a duplex, and which is not occupied by more than 2 families.

24. Dwelling, Multi-Family - A building containing 3 or more dwelling units which is occupied as a home or residence of 3 or more families.

25. Family - Any number of individuals living together as a single housekeeping unit, in which not more than two individuals are unrelated by blood, marriage or adoption, but not including a group occupying a hotel, boarding house, club, dormitory, fraternity or sorority house.

26. Farm - An area of 2 acres or more which is used for the growing of the usual farm products such as vegetables, fruit trees and grain and their storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, including dairy farms with the necessary accessory uses for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.

27. Floor Area - The living area of a building, including the walls thereof, but excluding all porches, open breezeways and garages.

28. Garage, Private - An accessory building or portion of a main building on the same lot and used for the storage of private passenger motor vehicles or boats.

29. Garage, Public - A building or portion of a building, except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil and accessories is only incidental to the principal use.

30. Grade - When used as a reference point in measuring height of building the “grade” shall be the average elevation of the finished ground at the exterior walls of the main building.

31. Halfway House - A residential facility providing shelter, supervision and residential rehabilitative services for persons who have been inmates of any county, state or federal correctional institution and released and require a group setting to facilitate the transition to a functional member of society.

32. Height of Building - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the highest ridge board, for gable, hip and gambrel roof.

33. Office Occupation - Any occupation customarily conducted for gain or support entirely within a dwelling by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof.

34. Hospital - An institution or place where sick or injured patients are given medical or surgical care either at public, charity, or private expense.

35. Hotel A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singularly for hire, in which there are no provisions for cooking in individual rooms or apartments.

36. Industrialized Housing - A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of two 2) stories or thirty-five feet 35’) in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to a) housing constructed of sectional or panelized systems not utilizing modular components; or b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

37. Industrialized Building - A commercial structure that is constructed on one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems. The term does not include any commercial structure that is in excess of two 2) stories or thirty-five feet 35’) in height as measured from the finished grade elevation at the building entrance.

- 38. Junkyard** - Any area used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.
- 39. Living Area** - Shall include that portion of the living unit heated and air-conditioned and does not include carports, garages, porches and breezeways,
- 40. Lot** - The entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group of buildings and their accessory buildings, and having frontage on a dedicated street.
- 41. Lot, Corner** - A lot abutting on two intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
- 42. Lot Coverage** - The percentage of the total area of a lot occupied by the base first story or floor of buildings located on the lot
- 43. Lot Depth** - The average depth from the front line of the lot to the rear line of the lot.
- 44. Lot, Interior** A lot other than a corner lot.
- 45. Lot of Record** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk, or a parcel of land, the deed for which was recorded in the office of the county clerk prior to passage of this ordinance.
- 46. Lot Width** - The width measured at a distance back from the front line equal to the minimum depth required for a front yard.
- 47. Main Building** - A building in which is conducted the principal use of the lot on which it is situated.
- 47.1. Metal Clad Building** - Are permitted only in industrial zoned districts and shall mean any building constructed of pipe or steel beams or girders in which metal siding is directly placed thereto. This definition shall not prevent the application of steel, aluminum or other metal siding over any exterior wood siding of any building or residence.
- 48. Mobile Home Manufactured Home or House** - A structure transportable in one or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with r without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

49. Mobile Home Park - A parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental of lots to tenants with mobile homes.

50. Mobile Home Lot - That part of a parcel of land (mobile home site) in a mobile home district or park which has been reserved for the placement of one (1) mobile home unit.

51. Neighborhood Convenience Center - Centers which carry convenience goods, such as groceries, drugs, hardware and some variety items, and also includes some service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called “spot necessity” items. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

52. Nonconforming Use - Use of a building or land which existed previously that does not conform to the present regulations as to use for the district in which it is situated.

53. Park or Playground Public - An open recreation facility or park owned and operated by a public agency such as the city or the school and available to the general public for neighborhood use.

54. Parking Space - An area of not less than one hundred eighty (180) square feet measuring approximately nine feet (9’) by twenty feet (20’), not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress. In any single family dwelling, duplex or apartment district, the parking of trucks or buses for commercial purposes shall not be permitted. Head-in parking adjacent to public thoroughfares wherein the maneuvering is done on a public street shall not be classified as off-street parking in computing the parking requirements for any use, except in the “C-1” District.

55. Personal Services Businesses - Businesses which provide services customized for an individual such as: tailor, barber or beauty shop, health studio, travel consultant, shoe repair, portrait photographic studio; however, uses such as customizing of motor vehicles are not included,

56. Private Club - Facilities where food, beverages, including alcoholic beverages, entertainment or meeting space are provided to specific membership only.

57. Stable Private - An accessory building for quartering horses when the stable building is set back from all adjacent property lines at least one hundred feet (100’), is at least one hundred fifty feet (150’) from any adjacent residence and when the site contains a minimum of one (1) acre.

58. Screening Element Device - Or suitably screened as herein referred, shall mean any of the following:

- a. Any solid material constructed of brick, masonry or of a concrete or metal or base which supports a permanent type material, the vertical
- b. Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition; or
- c. Landscaped earth berms may when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

59. Setback - The required minimum distance between any structure and any property line of the lot on which it is located. Setbacks shall be measured perpendicular to lot lines. The terms “setback” and “required yard” shall mean the same and can be interchanged.

60. Shopping Center- An area consisting of three (3) acres or more arranged according to a site plan to be submitted to and to be approved by the city council, on which is indicated the amount of land to be devoted to the shopping village, the detailed arrangement of the various buildings, parking area, streets and type of zoning desired. It shall be required that the installation of all utilities, drainage structures, the paving of streets, parking area, alley and sidewalks be in accordance with the city’s specifications for each type of improvement.

61. Sign - An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure or displayed on premises.

62. Story- That portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations if the vertical distance from grade to the ceiling is more than seven feet (7’).

63. Story, Half - The topmost story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two feet (2’) above the floor of such story.

64. Street A public or private thoroughfare which affords the principal means of access to abutting property.

65. Structural Alteration - Any change, addition or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters or trusses.

66. Structure - Anything constructed or erected having location on or under the ground or attached to something having location on or under the ground.

67. Television Satellite Dish - An earth-based station shaped like a dish which is used for the reception of satellite signals for television programs.

68. Trailer Camp or Park - An area designed, arranged or used for the parking or storing of one or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families. House trailers, auto trailers or mobile homes shall not be considered as dwellings, structures or buildings.

69. Use- The purpose, for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

70. Use. Accessory - A subordinate use on the same lot with the principal use and incidental and accessory thereto.

71. Variance - An adjustment in the application of the specific regulations of the zoning ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

72. Yard - An open space, other than a court, on the same lot with a building.

73. Yard, Front - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

74. Yard, Rear - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

75. Yard, Side - A yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building.

**ARTICLE 12-3
ZONING DISTRICT MAP**

Sec. 12-3-1 OFFICIAL ZONING MAP

The city is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted and declared to be a part of this ordinance. This map shall be kept on file in the office of the city secretary and shall be available for public inspection during regular office hours. The official zoning map shall be identified by the signature of the mayor, attested by the city secretary and bearing the seal of the city under the following words:

"This is the official zoning map of the city of Palmer originally adopted as part of Ordinance No.77 on July 7, 1986, and codified as Chapter 12, of Palmer Code of Ordinances on January 18, 2011 with amendments thereto and thereafter carried forward to the latter of the following listed dates: _____; _____; _____; _____; _____; _____; etc." Ord. 999

When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council. No zoning change shall become effective until after council approval. Ord. 77.

Sec. 12-3-2 ZONING MAP REPLACEMENT

The city council may, by ordinance, adopt a new official zoning map should the original official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map or any subsequent amendment thereof. The new official zoning map shall also be identified by the signature of the mayor attested by the city secretary, and bearing the seal of the city under the following words: Ord. 77.

"This is to certify that this official zoning map supersedes and replaces the official zoning map adopted as a part of the Zoning Ordinance of the City of Palmer, Texas." Ord. 77.

ARTICLE 12-4 BOUNDARIES & DISTRICTS

Sec. 12-4-1 DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following shall apply:

- A. When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or Street line, the center line of such road or Street shall be construed to be the district boundary line; Ord. 77.
- B. Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district;
- C. Where the district boundaries are not otherwise indicated for un-subdivided property, the district boundaries are property lines or section lines, or quarter section lines; and
- D. Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map or in other circumstances not covered in this section, the zoning board of adjustment shall interpret the district boundaries. Ord. 77.

Sec. 12-4-2 ESTABLISHMENT OF DISTRICTS

For the purpose of this chapter, the City of Palmer, Texas, is hereby divided into twelve 14) zoning districts as follows:

- “AG”- Agricultural District
- “R-1”- Single Family Residential District
- “R-2”- Single Family Residential District
- “R-3”- Single Family Residential District
- “R-4”- Single Family Residential District
- “R-5”- Single Family Residential District Ord. 999.
- “MF”- Two Family and Multi-Family District
- “MH” - Mobile Home District
- “C-1” - Commercial District Ord. 999.
- “C-2” - Commercial District Ord. 999. ³
- “I” - Industrial District
- “PD” - Planned Development District
- “SUP” - Specific Use Permit District
- “FP” - Floodplain District

³ In the original zoning ordinance the C-1 District was called the Restricted Commercial District and the C-2 District was called the General Commercial District. The ordinance is hereby amended to hereafter delete the “Restricted” and “General” designations as these additional designations have not always been used, cause confusion, and are unnecessary.

Sec. 12-4-3 **NEWLY ANNEXED TERRITORY**

A. **Annexed Territory to be Zoned AG**

All territory hereafter annexed to the city shall be temporarily classified as “A” Agricultural District until other zoning is established by the city council, except as provided in paragraph (3) below. The procedure for establishing permanent zoning on newly annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations,

B. **Regulations for Temporary AG Districts in an area temporarily classified as AG:**

1. No person shall erect, construct or add to any building or structure or cause same to be done in any newly annexed territory without first applying for and obtaining a building permit; certificate of occupancy or if required, a specific use permit from the city. No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in AG districts unless and until such territory has been reclassified in a zoning district other than an agricultural district and which such use is permitted. Ord. 999.

3. An application for a permit for any use other than that specified above shall be made to the city council for their consideration. The city council in making its recommendation shall take into consideration the appropriate land use for the area and the overall plans for the city. The city council may, by majority vote, authorize the issuance of such building permit or certificate of occupancy or may disapprove the application as their findings may indicate it is inappropriate in the public interest.

4. **Concurrent Re-Zoning and Annexation.**

Applications for permanent zoning of a newly annexed area may be considered by the city at the same time as the area is being considered for annexation, although adoption of the annexation ordinance should be completed prior to adoption of the zoning ordinance granting the zoning change. Ord. 999.

`ARTICLE 12-5
GENERAL COMPLIANCE WITH DISTRICT REGULATIONS

The regulations established by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, and in accordance with the following sections:

Sec. 12-5-1 CONFORMITY WITH DISTRICT REQUIRED

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. Ord. 77.

Sec. 12-5-2 HEIGHT & LOT COVERAGE

No building or other structure shall hereafter be erected or altered to exceed the height or to occupy a greater percentage of lot area in which it is located. Ord. 77.

Sec. 12-5-3 HEIGHT & AREA EXCEPTIONS

The regulations contained herein relating to the height of buildings or structure and the size of yards and other open spaces shall be subject to the following exceptions:

- A. Churches, schools and other public and quasi-public buildings may be erected to a height not exceeding sixty feet (60') or five (5) stories, provided the front, side and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot (1') for each foot of additional height above the height otherwise established for the district in which such building or structure is to be located.
- B. Chimneys, cooling towers, church steeples or spires, tanks, water towers, television antennas, microwave radio relay or broadcasting towers, mast or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations as established herein.
- C. When a lot has an area less than the minimum number of square feet as required for the district in which it is located, and was of record as such at the time of the passage of this ordinance, such lot may be continued to be occupied by one (1) family. Ord. 77.

Sec. 12-5-4 **YARDS TO CONFORM TO DISTRICT REGULATIONS**

No building or other structure shall have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner be contrary to the provisions of these regulations unless existing at the time of passage of this ordinance in which case they shall not be further reduced. Ord. 77.

Sec. 12-5-5 **NO YARD OR OTHER INTEGRAL COMPONENT REQUIRED FOR ANY BUILDING SHALL BE COUNTED TWICE**

No part of a yard or other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with these regulations shall be included as a part of a yard, open space, off-street parking or loading space similarly required for any other building. Ord. 77.

Sec. 12-5-6 **VISIBILITY AT INTERSECTIONS REQUIRED**

On a corner lot, nothing shall be erected, placed or planted, or allowed to grow in such a manner as materially to interfere with traffic visibility across the corner. This visibility area shall be a triangle measured twenty feet (20') from the point of right-of-way line intersection. All objects on the ground in said triangle should not exceed two and one-half feet 2-(1/2) in height and vegetation should not droop to less than ten feet (10') from the ground. Ord. 77.

Sec. 12-5-7 **EXTERIOR WALL STANDARDS GENERALLY**

A. The minimum exterior wall standards for all residential, commercial and industrial buildings shall be of fire-resistant construction, generally constructed with stone, stone veneer, brick veneer or stucco in accordance with the city's building codes, unless otherwise provided for herein. The minimum exterior wall standards for churches, schools or public buildings shall be determined by the zoning district in which they are located. In computing the exterior wall area, the perimeter of the structure or building including the attached garage, if any, should be multiplied by the vertical measurements from the foundation to the top plate line. Passageway doors and window areas shall be considered as being included in the masonry portion of the construction, however, garage doors shall not. Ord. 77.

This requirement shall only apply to the first story of any residential building or structure. Ord. 77.

B. In commercial zoned areas or industrial parks, the exterior walls of buildings or structures may also be of concrete structural tilt walls, painted, integrally colored or with exposed aggregate surfaces or a

combination of both; brick veneer, or integrally colored concrete block with wood, metal or concrete block backing. Ord. 77.

- C. Metal clad buildings and exposed painted or unpainted concrete block exterior walls will not be permitted in any zoning district, except in an industrial zoned district, unless a variance is granted. Ord. 77.
- D. Exceptions may be granted from the minimum exterior wall requirements by the city council when a unique or architecturally significant construction design is proposed for any residential building or structure, i.e., Victorian or gingerbread style homes constructed of wood. However, such exceptions shall only be granted for single family homes. Additionally, an accessory building located in a residential district and for a purpose customarily incidental to the main dwelling will also be exempt from the minimum exterior wall requirements provided such building is detached and less than 150 square feet in area. Examples of accessory buildings exempt from these minimum exterior wall requirements include carports, storage sheds and buildings, greenhouses, children's playhouses, and home workshops. No accessory building exempted herein shall involve the conduct of any business. Ord. 77.

Sec. 12-5-8 **LANDSCAPING REQUIREMENTS FOR SHOPPING CENTERS, BUSINESSES AND INDUSTRIAL PROJECTS**

In all new shopping centers, commercial businesses and industrial projects, not less than five percent (5%) of the gross land area shall be provided as permanent landscaped open space. Such permanent landscaped open space shall be maintained in lawn or a previous decorative surface containing trees, shrubs or flowers, and such area shall be exclusive of building or storage areas, driveways, parking areas and other impervious or covered surfaces except pedestrian walkways, decorative fountains or sculpture. Such landscape shall include a minimum 10 foot wide landscape buffer adjacent to all street rights-of-way. The use of shade tree planters and landscaped medians, islands or peninsulas in paved parking areas may be considered as contributing to meeting the required landscaped open space herein required. Such required landscaping shall be in place prior to the issuance of a Certificate of Occupancy. Ord. 93.

The owners, tenant, and their respective agents, if any, shall jointly and severally be responsible for the maintenance of all landscaping. This shall include, but not be limited to, pruning, fertilizing, watering, mowing, weeding, and other such activities necessary to the proper maintenance of landscaping. No grass, plant, shrubs, or trees shall be allowed to encroach on rights-of-way and easements to the extent that motorists' vision or vehicular traffic is impeded. Landscaped areas shall be kept free of trash, litter, weeds and other such matter that are not considered as part of the landscaping. All grass, plants, shrubs, and trees shall be maintained in a healthy growing condition as is appropriate for the season of the

year and any grass, plants, shrubs, or trees which dies shall be replaced. Ord. 93.

Additionally, automatic irrigation facilities or conveniently placed water hydrants for watering landscaped areas shall be required and in place at time of planting and prior to the issuance of a Certificate of Occupancy. Ord. 93

Sec. 12-5-9 **TELEVISION SATELLITE DISHES**

A. One (1) television satellite dish per occupancy in single family residential districts and one (1) per apartment complex or mobile home park shall be permitted as a use incidental to a permitted use, under the following conditions:

1. Dish shall not exceed ten and one-half feet (10-1/2) in diameter. Ord. 77.
2. Dish shall not be erected in front of the main building or the front building line. Ord. 77.
3. The overall height of the dish, at any position, shall not exceed twelve and one-half feet. Ord. 77.
4. Dish shall not be erected closer than five feet from the rear property line or side property line. Ord. 77.
5. A screening fence, wall or hedge shall be erected, grown and maintained around the dish, wherever installed, unless a six foot (6) backyard fence or wall around the perimeter of the backyard is already in place; Ord. 77.
6. Roof-top installations of dishes are prohibited. Ord. 77.
7. No lettering, logo or any form of advertising or other writing shall appear on the face or back of such satellite dishes, except the name of the manufacturer, distributor or seller of such dish, and provided the lettering does not exceed two inches (2") in height. Ord. 77.

B. One (1) television satellite dish per occupancy in all non-residential districts shall be permitted as a use incidental to a permitted use, under the following conditions:

1. Dish shall not be erected in front of the main building or the front building line; Ord. 77.
2. When the occupancy is adjacent to a residential district, the overall height of the dish, at any position, shall not exceed more than ten feet (10') in height when located closer than twenty-five feet (25') to

a residential district; twenty feet 20') in height when located closer than fifty feet 50'); fifty feet; 30') in height when located closer than one hundred feet 100'); forty feet 40) in height when located closer than one hundred fifty feet 150'); sixty feet 60') in height when located closer than two hundred feet 200); or seventy feet 70') in height when located closer than two hundred fifty feet 250); Ord. 77.

3. Dish shall not be erected closer than five feet 5') from the rear property line or side property line, and Ord. 77.
4. No lettering, logo or any form of advertising or other writing shall appear on the face or back of such satellite dishes, except the name of the manufacturer, distributor or seller of such dish, and provided the lettering does not exceed two inches 2") in height. Ord. 77.

Sec. 12-5-10

Table 1. Schedule of District Regulations

	AG	R-1	R-2	R-3	R-4	R-5	MF	MH	C-1	C-2	I
Lot Area (sq. ft.)	1 acre	12,000	9,000	7,200	5,000	5,000	(a)	(b)	3,000	3,000	N/A
Min. Lot Width ft.	N/A	100	75	60	50	50	75	40* / 100**	25	25	N/A
Min. Lot Depth ft.	NIA	120	120	120	100	100	120	75* / 100*	120	120	N/A
Front Yard Setback ft.	25	25	25	25	20	20	25	20* / 25*	N/A	25	25
Rear Yard Setback ft.	25	25	25	25	20	20	15	15* / 25**	c	c	c
Side Yard Setback ft./interior Lot	25	15	10	7.5	7.5	7.5	7:5	15	c	c	c
Side Yard Setback ft./Corner Lot	15	15	15	15	15	15	15	7.5	15	15	15
Max. Height stories	2.5	2.5	2.5	2.5	2.5	2.5	3	1.5	3	3	2
Min. Lot Coverage	40%	40%	40%	40%	40%	40%	50%	50%	N/A	N/A	50%
Min. Living area excludes garages (sq.ft.)	1,000	1,800	1,400	1,200	1,000	1,000	(e)	450	N/A	N/A	N/A
Masonry Requirements	80%	80%	80%	80%	80%	N/A	800%	N/A	80%	80%	25%

(a) The minimum lot area for two-family dwellings (or duplexes) and multi-family dwellings shall be not less than 9,000 square feet for each dwelling building or dwelling group. For each dwelling unit over three (3) in number an additional 1,000 square feet of lot area shall be required. A maximum of sixteen (16) units may be constructed per acre.

(b) For HUD-Code Manufactured Home lots which are individually owned, the minimum size lot area shall be 12,000 square feet when a public sewer system serves the lot or 20,000 square feet where no public sewer system is available and septic tanks are used for sewage disposal.

For HUD-Code Manufactured Home parks, the minimum lot area shall be at least three times larger than the HUD-Code Manufactured Home to be placed thereon and in no event less than 3,000 square feet in area where a public sewer system serves the park. Where no public sewer system is available and septic tanks are used for sewage disposal, the minimum lot area shall be 20,000 square feet per HUD-Code Manufactured Home lot or space.

(c) None required, except where a non-residential use abuts a residential lot or district, the requirement shall be the same as the adjoining residential zone.

(d) When no public sewer system serves the lot or development and a septic tank system is used for sewage disposal, the maximum lot coverage shall be 35%.

(e) - The minimum living area per unit shall be 500 square feet for an efficiency, 650 square feet for one bedroom, 800 square feet for two bedrooms, and 900 square feet for three bedrooms. However, the average living area for all units in a building group must be a minimum of 800 square feet.

* pertains to HUD-Code Manufactured Home par

**ARTICLE 12-6
AGRICULTURAL, RESIDENTIAL,
COMMERCIAL & INDUSTRIAL
ZONING DISTRICT REGULATIONS**

Sec. 12-6-1 **“AG” AGRICULTURAL DISTRICT**

A. PURPOSE

The “AG” District is established to be used primarily in areas where agricultural uses or open space should be retained, where scattered non-farm growth should be prevented, and as a temporary classification for newly annexed lands until such permanent zoning is established. These lands should be continued to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the city. Ord. 77.

B. PERMITTED USES

The following uses shall be permitted in the “AG” Agricultural District:

Single Family Residence including accessory uses, such as private garages, carports, barns, sheds, swimming pools, tennis courts, gazebos and servant’s quarters associated with the Agricultural Use. Ord. 77

Cemetery and Mausoleum. Ord. 77.

Farm, Ranch, and Dairy land. Ord. 77.

Fruit and Produce Stand with city permit.

Garden, Truck Farm, or Orchard land. Ord. 77.

Plant, nursery, or greenhouse land. Ord. 77.

Park or Playground. Ord. 77.

Private Stable. Ord. 77.

Silo. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 999.

**D. SCREENING REQUIREMENTS & ENCROACHMENT
PROHIBITED**

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sec. 12-5-6 of these regulations. Ord. 77.
2. Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height. Ord. 77.
3. No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare, or drainageway. Ord. 77.

Sec. 12-6-2 **“R-1” RESIDENTIAL DISTRICT**

A. **PURPOSE**

The “R-1” District is established to allow for larger lots with larger single family dwelling structures per lot. This district is intended to provide a more rural and estate setting. Ord. 77.

B. **PERMITTED USES**

The following uses shall be permitted in the “R-1” District

1. Single Family Dwelling. Ord. 77.
2. Park, Playground or Golf Course, but not including miniature golf courses, driving ranges or any forms of commercial amusement. Ord. 77.
3. Accessory Uses, such as Private Garages, Carports, Sheds, Swimming Pools, Tennis Courts, Gazebos and Servant’s Quarters. Ord. 77.

C. **SPECIFIC USES PERMITS**

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 999.

D. **AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS**

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions set out in Table 1 - "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. **AUTOMOBILE PARKING SPACE REQUIREMENTS**

For automobile parking requirements, see Art. 12-11. Ord. 999

F. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sec. 12-5-6 of these regulations. Ord. 77.
2. Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height. Ord. 77.
3. No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare, or drainageway. Ord. 77.

Sec. 12-6-3 **“R-2” RESIDENTIAL DISTRICT**

A. **PURPOSE**

This district is one of the preferred single family housing districts for the city. Unless otherwise specified or requested, all residentially suited areas presently undeveloped should be zoned in this classification. Development in the “R-2” District is limited primarily to single family dwellings and certain community and recreational facilities to serve residents of the district. Ord. 77.

B. **PERMITTED USES**

The following uses shall be permitted in the “R-1” District

1. Single Family Dwelling. Ord. 77.
2. Park, Playground or Golf Course, but not including miniature golf courses, driving ranges or any forms of commercial amusement. Ord. 77.
3. Accessory Uses, such as Private Garages, Carports, Sheds, Swimming Pools, Tennis Courts, Gazebos and Servant’s Quarters. Ord. 77.

C. **SPECIFIC USES PERMITS**

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 77.

D. **AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS**

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions set out in Table 1 "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. **AUTOMOBILE PARKING SPACE REQUIREMENTS**

For automobile parking requirements, See Art 12-11. Ord. 77.

F. **SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED**

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sec. 12-5-6 of these regulations. Ord. 77.
2. Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height. Ord. 77.
3. No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare, or drainage way. Ord. 77.

Sec. 12-6-4 **“R-3” RESIDENTIAL DISTRICT**

A. **PURPOSE**

This district allows for smaller and more affordable housing for residents. Development in the “R-3” District is limited primarily to single family dwellings and certain community and recreational facilities to serve residents of the district. Ord. 77.

B. **PERMITTED USES**

The following uses shall be permitted in the “R-1” District

1. Single Family Dwelling. Ord. 77.
2. Park, Playground or Golf Course, but not including miniature golf courses, driving ranges or any forms of commercial amusement. Ord. 77.
3. Accessory Uses, such as Private Garages, Carports, Sheds, Swimming Pools, Tennis Courts, Gazebos and Servant’s Quarters. Ord. 77.

C. **SPECIFIC USES PERMITS**

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 999.

D. **AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS**

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions set out in Table 1 - "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. **AUTOMOBILE PARKING SPACE REQUIREMENTS**

For automobile parking requirements, See. Art. 12-11

F. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet 6') in height nor greater than eight feet 8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sec. 12-5-6 of these regulations. Ord. 77.
2. Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet 3-1/2') in height. Ord. 77.
3. No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare, or drainage way. Ord. 77.

Sec. 12-6-5 **“R-4” RESIDENTIAL DISTRICT**

A. PURPOSE

The ‘R-4’ District is established in order to allow small and more affordable single family housing within existing and developed neighborhoods which are compatible in use. No new areas should be zoned as an ‘R-4’ District. Ord. 77.

B. PERMITTED USES

The following uses shall be permitted in the ‘R-4’ District

1. Single Family Dwelling. Ord. 77.
2. Park, Playground or Golf Course, but not including miniature golf courses, driving ranges or any forms of commercial amusement. Ord. 77.
3. Accessory Uses, such as Private Garages, Carports, Sheds, Swimming Pools, Tennis Courts, Gazebos and Servant’s Quarters. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 999.

D. AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions set out in Table 1 "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. AUTOMOBILE PARKING SPACE REQUIREMENTS

For automobile parking requirements, See Art 12-11.

F. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet 6') in height nor greater than eight feet 8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 12-5-6 of these regulations. Ord. 77.
2. Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet 3-1/2') in height. Ord. 77.
3. No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare, or drainage way. Ord. 77.

Sec. 12-6-6 **“R-5” RESIDENTIAL DISTRICT**

A. PURPOSE

The “R-5” District is established in order to allow small and more affordable single family housing and Hud-Code Manufactured Homes to develop with a Specific Use Permit and conditions including a permanent foundation within existing and developed neighborhoods which are compatible in use. No new areas should be zoned as an “R-5” District without a specific use permit requiring a permanent Hud-Code foundation. Ord. 77.

B. PERMITTED USES

The following uses shall be permitted in the “R-5” District.

1. Single Family Dwelling. Ord. 77.
2. Park, Playground or Golf Course, but not including miniature golf courses, driving ranges or any forms of commercial amusement. Ord. 77.
3. Accessory Uses, such as Private Garages, Carports, Sheds, Swimming Pools, Tennis Courts, Gazebos and Servant’s Quarters. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 999.

D. AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions set out in Table 1 "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. AUTOMOBILE PARKING SPACE REQUIREMENTS

For automobile parking requirements, See Art 12-11.

F. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet 6') in height nor greater than eight feet 8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 12-5-6 of these regulations. Ord. 77.
2. Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet 3-1/2') in height. Ord. 77.
3. No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare, or drainage way. Ord. 77.

Sec. 12-6-7 **“MF” TWO-FAMILY AND MULTI-FAMILY
RESIDENTIAL DISTRICT**

A. PURPOSE

The “MF” District is established to meet the needs for medium to high density residential development, where such areas are suitable for higher impact development. Ord. 77.

B. PERMITTED USES

The following uses shall only be permitted in the “MF” District

1. Two-Family Dwelling or Duplex); Ord. 77.
2. Multi-Family Dwelling, including Triplex, Quadraplex, and Apartment; Ord. 77.
3. Park, Playground, or Golf Course, but not including miniature golf courses, driving ranges or any forms of commercial amusement. Ord. 77.
4. Club House or Fitness Club, for tenants and guests only. Ord. 77.
5. Accessory Uses, such as Private Garages, Carports, Swimming Pools, Tennis Courts, Maintenance Buildings and Washaterias for tenants and guests only. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 77.

**D. AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE;
AND EXTERIOR REQUIREMENTS**

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions set out in Table 1 -

"Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. AUTOMOBILE PARKING SPACE REQUIREMENTS

For automobile parking requirements, See Art 12-11 Ord. 77.

F. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet 6' in height nor greater than eight feet 8' in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 12-5-6 of these regulations. Ord. 77.
2. Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet 3-1/2') in height. Ord. 77.
3. No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare, or drainage way. Ord. 77.
4. Garbage, refuse and trash collection/storage areas in any multi-family development, condominium or townhouse, shall be enclosed on at least three 3 sides, by a dense screening element to adequately screen such area from view of the surrounding area. Ord. 77.

G. MINIMUM SETBACK REQUIREMENTS FOR CARPORTS AND ACCESSORY BUILDINGS

Carports or other detached accessory buildings shall be located within the rear portion of the lot and shall not exceed one 1 story in height nor shall any such structure be located closer than fifteen feet 15') to the main building nor closer than seven and one-half feet 7-1/2') to a side Lot line, nor closer than ten feet 10') to any rear lot line nor closer than fifteen feet 15) to any side street. Ord. 77.

Sec. 12-6-8 **“MH” MOBILE HOME DISTRICT**

A. PURPOSE

The “MH” District is intended to provide for quality mobile home subdivision development containing many characteristics and atmosphere of a conventional type single family residential subdivision. Ord. 77.

B. PERMITTED USES

The following uses shall only be permitted in the “MF” District

1. HUD-Code Manufactured Homes. Ord. 77.
2. Multi-Family Dwelling, including Triplex, Quadraplex, and Apartment. Ord. 77.
3. Park, Playground, or Golf Course, but not including miniature golf courses, driving ranges or any forms of commercial amusement. Ord. 77.
4. Club House or Fitness Club, for tenants and guests only. Ord. 77.
5. Accessory Uses, such as Private Garages, Carports, Swimming Pools, Tennis Courts, Maintenance Buildings and Washaterias for tenants and guests only. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 77.

D. AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions set out in Table 1 "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. AUTOMOBILE PARKING SPACE REQUIREMENTS

For automobile parking requirements, See Art 12-11.

F. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet 6') in height nor greater than eight feet 8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sec, 12-5-6 of these regulations. Ord. 77.
2. Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet 3-1/2') in height. Ord. 77.
3. No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare, or drainage way. Ord. 77.
4. Garbage, refuse and trash collection/storage areas in any multi-family development, condominium or townhouse project, shall be enclosed on at least three 3) sides, by a dense screening element to adequately screen such area from view of the surrounding area. Ord. 77.

Sec. 12-6-9 **“C-1” COMMERCIAL DISTRICT**

A. PURPOSE

The “C-1” District is established to include the downtown business area some of which has developed without setback and some without off-street parking and other areas to accommodate the basic shopping needs of residents and to provide retail and office space for merchants and financial, administrative, government and business services. Businesses in this district should be oriented to satisfying the daily and frequent shopping needs or personal services of the citizens. Ord. 999.

B. PERMITTED USES

The following uses shall only be permitted in the “C-1” District:

Antique Shop; Ord. 77.
Appliance Store, retail Ord. 77.
Art Supply Store and Gallery Ord. 77.;
Automobile Accessory, Supply Store and Parking Lot Ord. 77.;
Bakeries, Confectioneries and Ice Cream Shops Ord. 77.;
Bank, Savings and Loan Association and Financial Institution Ord. 77.;
Barber and Beauty Shop Ord. 77.;
Bird and Pet Shop Ord. 77.;
Book and Stationery Store; Ord. 77.
Business Machine Sales and Set-vice Establishment; Ord. 77.
Camera and Film Shop; Ord. 77.
Carpet and Rug Store; Ord. 77.
Caterer Ord. 77.;
Church and School Ord. 77.;
College and. University Ord. 77.
Computer Sales and Service Store; Ord. 77.
China and Glassware Store; Ord. 77.
Drug Store or Pharmacy; Ord. 77.
Dry Goods Store;
Electronics, Audio and Video S tore; Ord. 77.
Employment or Temporary Agency; Ord. 77.
Fire Station; Ord. 77.
Feed S tore; Ord. 77.
Florist Shop; Ord. 77.
Furniture Store, retail; Ord. 77.
Gift and Novelty Shop; Ord. 77.
Hardware S tore; Ord. 77.
Hobby Store; Ord. 77.
Interior Decorating Shop; Ord. 77.
Jewelry Shop; Ord. 77.

Library; Ord. 77.
 Medical and Dental Clinic; Ord. 77.
 Municipal and Governmental Buildings; Ord. 77.
 Music Store, retail; Ord. 77.
 Museum; Ord. 77.
 Office Supply Store; Ord. 77.
 Optical Store, retail only; Ord. 77.
 Park, Playground and Courtyard; Ord. 77.
 Pet Grooming Shop; Ord. 77.
 Picture Framing Shop; Ord. 77.
 Print Shop; Ord. 77.
 Police Station; Ord. 77.
 Post Office; Ord. 77.
 Plumbing Shop, retail only; Ord. 77.
 Professional Offices, such as:
 Doctor, Dentist, Optician, Attorney, Chiropractor, Psychologist,
 Insurance, Real Estate, Architect, Engineer and Accountant, Ord. 77.
 Residential Dwelling, above ground floor only; Ord. 77.
 Shoe and Boot Store or Repair Shop; Ord. 77.
 Sporting Goods Store; Ord. 77.
 Studios for Dance, Music, Exercise, Drama, Photography, Art
 and Modeling; Ord. 77.
 Tanning Salon; Ord. 77.
 Telephone Exchange, provided no open storage facilities are maintained
 Ord. 77.
 Ticket Agency; Ord. 77.
 Travel Agency; Ord. 77.
 Washateria, self-service. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter.

D. AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions in Table 1 "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as

herein provided. Ord. 77.

E. AUTOMOBILE PARKING SPACE REQUIREMENTS

For automobile parking requirements, See 12-11.

F. ALL COMMERCIAL OPERATIONS TO BE ENCLOSED

All commercial uses, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the drive-in type, shall be conducted within completely enclosed buildings unless otherwise indicated in this section. Ord. 77.

F. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any commercial use or district when adjacent to any residentially zoned property or major thoroughfare to a height of not less than six feet 6') nor more than eight feet 8') above ground level V/hen a parking lot or facility is adjacent to any residential use or boundary, then a fence, wail or hedge will be required along the common boundary in order to provide suitable screening. Such fence, wail or hedge must be at least three and one-half feet in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 12-5-6 of these regulations. Ord. 77.
2. All storage within one hundred feet 100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than 6 feet nor more than 8feet in height, provided no storage located within fifty feet 50' of such screening shall exceed the height of such screening. Ord. 77.
3. Whenever any commercial use is permitted in a residential district or when the rear or side property line of such commercial use or district abuts a residential district or use, or when the refuse and trash collection/storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/storage areas shall be enclosed on at least three 3) sides, by a dense screening element to adequately screen such area from view of the surrounding area. Ord. 77.

4. The board of adjustment may grant a variance from this subsection after public hearing if it is found that such action is still within the general purpose and intent of this ordinance. Ord. 77.
5. No fence or wall shall be erected or placed in any dedicated easement or tight-of-way. Ord. 77.

Sec. 12-6-10 “C-2” COMMERCIAL DISTRICT

A. **PURPOSE**

The “C-2” District is established to accommodate those uses that or of city-wide and regional significance. Within this district are permitted retail, service and office uses characteristic of retailing and wholesaling markets. This district is intended to accommodate commercial activities that cannot be accommodated in the ‘C-1’ District. Ord. 77.

B. **PERMITTED USES**

The following uses shall only be permitted in the “C-2” District Ord. 77.

Arcade;
Automobile Service Station; Ord. 77.
Automobile Repair Shop or Garage; Ord. 77.
Automobile Sales Lot; Ord. 77.
Bakery, retail;
Blueprinting and Photocopy Establishment; Ord. 77.
Boat Sales and Service Establishment; Ord. 77.
Bus Terminal; Ord. 77.
Cabinet Shop; Ord. 77.
Cleaning and Dyeing Facility; Ord. 77.
Construction Equipment Sales and Service Establishment; Ord. 77.
Exterminating Office; Ord. 77.
Pant Equipment Sales and Service Establishment; Ord. 77.
Fix-It Shop, including bicycle, saw, lawn mower and small appliance;
Ord. 77.
Miniature Golf Course; Ord. 77.
Greenhouse and Plant Nursery; 25) Gymnasium; Ord. 77.
Sanitarium; Ord. 77.
Motel; Ord. 77.
Laundry or Dry Cleaners; Ord. 77.
Linen or Uniform Supply and Diaper Service; Ord. 77.
Lumber Yard; Ord. 77.
Laboratory for Research and Development; Ord. 77.
Mini-Warehouses; Ord. 77.
Muffler Shop; Ord. 77.
Mortuary and Funeral Home; Ord. 77.
Nursing and Convalescent Home; Ord. 77.
News Printing Establishment; Ord. 77.
Paint and Body Shop; Ord. 77.
Paint Store; Ord. 77.
Radio and Television Broadcasting Station or Transmitter; Ord. 77.

Rental Business for cars, trucks, trailers and equipment; Ord. 77.

Rummage Store; Ord. 77.

Sign Shop;

Second-Hand Goods Store; Ord. 77.

Taxidermist; Ord. 77.

Tire Repair Shop; Ord. 77.

Theater, excluding drive-in; Ord. 77.

Tool Rental Store; Ord. 77.

Travel Trailer or Recreational Vehicle Park; Ord. 77.

Upholstery Shop;

Water Softener Sales and Service Establishment; and Ord. 77.

Other Retail Sales and Service Uses which are similar in character to those enumerated above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property, **but not including any of the following uses**: Ord. 77.

- a. Any use permitted only in an Industrial District; Ord. 77.
- b. Manufacturing and Processing, other than an accessory use customarily incidental to permitted commercial sales and service uses; or Ord. 77.
- c. Any use which is objectionable, by reason of emission of odor, soot, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 77.

D. AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions in Table 1 "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. AUTOMOBILE PARKING SPACE REQUIREMENTS

For automobile parking requirements, See Art. 12-11.

F. ALL COMMERCIAL OPERATIONS TO BE ENCLOSED

All commercial uses, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the drive-in type, shall be conducted within completely enclosed buildings unless otherwise indicated in this section. Ord. 77.

F. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any commercial use or district when adjacent to any residentially zoned property or major thoroughfare to a height of not less than six feet 6') nor more than eight feet 8') above ground level V/hen a parking lot or facility is adjacent to any residential use or boundary, then a fence, wail or hedge will be required along the common boundary in order to provide suitable screening. Such fence, wail or hedge must be at least three and one-half feet 3-1a') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at

intersections as prescribed in Section 12-5-6 of these regulations. Ord. 77.

2. All storage within one hundred feet (100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the height of such screening. Ord. 77.
3. Whenever any commercial use is permitted in a residential district or when the rear or side property line of such commercial use or district abuts a residential district or use, or when the refuse and trash collection/storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/storage areas shall be enclosed on at least three (3) sides, by a dense screening element to adequately screen such area from view of the surrounding area. Ord. 77.
4. The board of adjustment may grant a variance from this subsection after public hearing if it is found that such action is still within the general purpose and intent of this ordinance. Ord. 77.
5. No fence or wall shall be erected or placed in any dedicated easement or right-of-way. Ord. 77.

Sec. 12-6-11 **“I” INDUSTRIAL DISTRICT**

A. PURPOSE

The “I” Industrial District is established to accommodate most industrial and manufacturing uses provided such use is not noxious or offensive by reason of emission odors, soot, dust, noise, fumes or vibrations. Ord. 77.

B. PERMITTED USES ~"I"

The following uses shall only be permitted in the “I” District Ord. 77.

Amusement Park, Circus and Carnival – Temporary with Council approval; Ord. 77.

Animal Pound, Kennel and Hospital; Ord. 77.

Apparel and Garment Manufacture; Ord. 77.

Appliance Manufacture; Ord. 77.

Artificial Limb Manufacture; Ord. 77.

Automotive Repair Garage; Ord. 77.

Automobile, Truck and Van - assembly, manufacture or customizing;
Ord. 77.

Boat Building Manufacture; Ord. 77.

Bottling and Distribution Plant; Ord. 77.

Cabinet Shop; Ord. 77.

Candy and Cookie Manufacture; Ord. 77.

Cartage Operations; Ord. 77.

Clothing Manufacture; Ord. 77.

Cold Storage Plant; Ord. 77.

Concrete Products Casting or Batch Plant; Ord. 77.

Contractor Construction Yard; Ord. 77.

Creamery and Ice Cream Plant; Ord. 77.

Drug Manufacture; Ord. 77.

Electrical Energy Substation;

Electroplating; Ord. 77.

Envelope Manufacture; Ord. 77.

Fairground, Carnival, or Circus - Temporary with City Council approved
permit. Ord. 999

Flea Market; Ord. 77.

Food Products Storage, Processing and Canning; Ord. 77.

Foundry; Ord. 77.

Furniture Refinishing and Manufacture; Ord. 77.

Gas Odorizing and Gate Station; Ord. 77.

Handbag Manufacture; Ord. 77.

Lumber Yard; Ord. 77.

Machine Shop; Ord. 77.

Machinery Manufacture and Repair Ord. 77.

Metal Fabrication; Ord. 77.
 Metal Finishing, Plating, Grinding, Sharpening, Polishing, Cleaning, Rust-
 Proofing and Heat Treatment; Ord. 77.
 Metal Stamping and Extrusion Plant; Ord. 77.
 Monument Works; Ord. 77.
 Motor Freight Terminal; Ord. 77.
 Neon Sign Manufacture; Ord. 77.
 News Printing Operation; - Ord. 77.
 Optical Goods Manufacture; Ord. 77.
 Paint Mixing and Manufacture; Ord. 77.
 Paint and Body Shop; Ord. 77.
 Paper Products Manufacture; Ord. 77.
 Pharmaceutical Products Manufacture; Ord. 77.
 Photofinishing Operation; Ord. 77.
 Printing, commercial, Publishing and Bookbinding; Ord. 77.
 Railroad Tracks.
 Rental Businesses for cars, trucks, trailers and equipment; Ord. 77.
 Sheet Metal Shop; Ord. 77.
 Stadium and Sports Arena; Ord. 77.
 Warehouse; Ord. 77.
 Water Treatment Plant, Pump Station, Reservoir and Artesian Well;
 Ord. 77.
 Welding Shop. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter. Ord. 77.

D. AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS

Requirements regulating the minimum lot size; minimum yard sizes (front, side and rear); maximum building height; maximum percent of lot coverage; minimum size of buildings; exterior construction requirements of buildings; shall conform with the provisions set out in Table 1 - "Schedule of District Regulations" Sec. 12-5-10, and any other applicable regulations as herein provided. Ord. 77.

E. AUTOMOBILE PARKING SPACE REQUIREMENTS

For automobile parking requirements See Art. 12-11.

F. ALL COMMERCIAL OPERATIONS TO BE ENCLOSED

All commercial uses, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the drive-in type, shall be conducted within completely enclosed buildings unless otherwise indicated in this section. Ord. 77.

G. SCREENING REQUIREMENTS & ENCROACHMENT PROHIBITED

1. Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of an industrial district when adjacent to any residentially zoned property or major thoroughfare to a height of not less than six feet 6') nor more than eight feet 8') above ground level. Ord. 77.
2. All storage within one hundred feet 100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than six feet 6') nor more than eight feet 8') in height, provided no storage located within fifty feet 50') of such screening shall exceed the height of such screening. Ord. 77.
3. Whenever arty industrial or manufacturing use is permitted in a residential district or when the rear or side property line of such industrial manufacturing use or district abuts a residential district or use or when the refuse and trash collection/storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/storage areas shall be enclosed on at least three 3) sides, by a dense screening element to adequately screen such area from view of the surrounding area. Ord. 77.
4. The board of adjustment may grant a variance from this subsection after public hearing if it is found that such action is still within the general purpose and intent of this ordinance. Ord. 77.

ARTICLE 12-7
"PD" PLANNED DEVELOPMENT
ZONING DISTRICT REGULATIONS

Sec. 12-7-1 "PD" PLANNED DEVELOPMENT DISTRICT

A. PURPOSE AND SCOPE

The "PD" District is established to provide a greater flexibility in development planning and the opportunity of the application of modern planning concepts than is permitted under conventional regulations. "PD" Districts may combine a variety of land uses and/or housing types. Mixed uses may include any combination of residential, commercial or industrial uses as long as the uses are compatible with each other and with potential and existing uses surrounding the district. "PD" Districts may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this ordinance. Ord. 77.

In addition, property may be classified under the "PD" District in combination with any other zoning district or base district) and so designated by the letters "PD" affixed to the code letters of that base district. Ord. 77.

B. PERMITTED USES

The following uses shall only be permitted in the "PD" District:

1. Residential Use, including Detached, Attached or Semi-Attached Single Family Units, Row Houses, Townhouses and Patio Homes, in addition to Duplexes and Multi-Family Dwellings. No mobile homes or mobile home parks shall be allowed; Ord. 77.
2. Business Park. Ord. 77.
3. Office and Shopping Center. Ord. 77.
4. Hotel and Motel; Ord. 77.
5. Medical Center, Clinic and Hospital; Ord. 77.
6. Industrial Park; - Ord. 77.
7. Library, Museum and Gallery; Ord. 77.
8. Community Recreation and Civic Center; Ord. 77.
9. Park, Playground and Golf Course; Ord. 77.
10. Church and School; Ord. 77.
11. College and University; Ord. 77.
12. Police and Fire Station; Ord. 77.
13. Municipal and Governmental Building; Ord. 77.
14. Water Pumping Station, Water Reservoir, Water Tower Artesian Well, Sewage Lift Station and Septic Tank Ord. 77.

15. Wrecking/Salvage Yard Ord. 77.;
16. Telephone Exchange; Ord. 77.
17. Radio and Television Transmitter and Satellite Dish. Ord. 77.

Whenever a property is classified as a “PD” District in combination with any other zoning district, the permitted uses shall primarily be those allowed under the base district. In no event shall more than thirty percent (30%) of the land area of this district be utilized as any other use than that permitted in such base district unless otherwise agreed to by a concurring vote of at least four (4) members of the city council, and only after public hearings and proper notices to all parties affected. Ord. 77.

C. **APPLICATION FOR “PD” DISTRICT**

Application for a “PD” District shall be made in the same manner as an application for any amendment to this zoning ordinance and shall include the following additional information: Ord. 77.

1. **Proposed Uses**

An application for a “PD” District shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under “PD” zoning shall be specified in each “PD” District ordinance. If such ordinance specifies permitted uses by references to a conventional zoning district, the permitted uses shall mean those uses permitted in the referenced district Ord. 77.

2. **Development Requirements**

An application for a “PD” District shall include a list of proposed development standards, which may be incorporated into the “PD” District ordinance. Development standards shall include, but not be limited to: density; lot size; setbacks; building sizes; height and exterior requirements; lot coverage; parking ratios; screening; landscaping; and any other requirements the council may deem appropriate, Ord. 77.

Whenever a property is classified as a “PD” District in combination with any other zoning district, the standards set forth in the specific zoning district will be used as a guideline for planned development. Modifications of standards may be considered if the modification substantially meets the intent of this ordinance and improves the overall development design or if a unique project design is proposed which cannot readily be accommodated through other zoning districts, provided, that

pecuniary reasons shall not be the sole reason for modifying standards. Ord. 77.

3. Concept Plan

An application for a “PD” District shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space and the relationship to existing natural features and adjacent properties and uses. Ord. 77.

Upon submission of the application for a “PD” District and after proper notice has been given to all affected parties and public hearings are had, the city council shall review the application and may either give approval, with or without modifications, or reject it. In approving the “PD” District, the city council may impose conditions relative to the standard of development and such conditions 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” District, and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be granted as conditions precedent to the granting of a Certificate of Occupancy and its subsequent amendments are satisfied. Five (5) copies of the site plan will be required to be submitted to the city prior to the issuance of any building permit. Ord. 77.

D. DEVELOPMENT SITE PLAN

1. Approval Required

In establishing a “PD” District in accordance with this section, the city council shall require a comprehensive site plan of the development. Such site plan shall be approved and filed as a part of the “PD” ordinance prior to the issuance of any building permit in the “PD” District. The approval of the development site plan may also serve as preliminary plat approval, provided that all requirements of the subdivision ordinance and its subsequent amendments are satisfied. Five (5) copies of the site plan will be required to be submitted to the city prior to the issuance of any building permit. Ord. 77.

Upon approval of a development site plan by the city council and approval of the preliminary plat, application may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes may be authorized by the city

council when such changes will not cause any of the following circumstances to occur:

- a. a change in the character of the development; Ord. 77.
- b. an increase in the ratio of the gross floor area in structures to the area of any lot; Ord. 77.
- c. an increase in the intensity of use; Ord. 77.
- d. a reduction in the originally approved separations between buildings; Ord. 77.
- e. an increase in the problems of circulation, safety and utilities; Ord. 77.
- f. an increase in the external effects on adjacent property; Ord. 77.
- g. an increase in ground coverage by structures; Ord. 77.
- h. reduction in the ratio of off-street parking and loading space; or Ord. 77.
- i. a change in the locations, lightings or orientation of approved signs. Ord. 77.

2. **Compliance with Approvals of Site Plan**

The development site plan must comply with all provisions of the "PD" ordinance specifying development standards and substantially reflect the precepts and layout set forth in the concept plan. If, in the judgment of the city council or mayor, a development site plan does not comply with the provisions of the "PD" ordinance and the concept plan incorporated therein, the city council or mayor may reject such plan, in which case a new site plan may be submitted or application must be made to amend the "PD" ordinance, including all requirements for notices and public hearings. If a "PD" ordinance does not specify- development standards or has not incorporated a concept plan, the development site plan approval must specify such standards. Development requirements on such site plan may be revised under the same review, notice and approval procedures as applied to the original approval of the site

plan and application to amend the “PD” ordinance shall not be required. Ord. 77.

3. Site Plan Information

Every application for approval of a site plan under the terms of this district shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities, and what protection features are included to insure that the development will be compatible with existing and allowable development on adjacent property. The site plan shall show at least the following items of information: Ord. 77.

a. Site/Adjacent Property Information: The land area included within the site; the land area of all abutting sites and zoning classification; all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned; and the north arrow, date and scale. Ord. 77.

b. Building Layout: The location of each existing and each proposed structures on the site: the general category of use or uses to be Contained therein; the number of stories, gross floor area and the location of entrances and exits to buildings; front, side and rear building setback lines; and elevation views or renderings indicating architectural design and building materials proposed; Ord. 77.

A table showing the type of units by size, number of bedrooms and number and type for all residential dwellings, including floor plans, will also be required; Ord. 77.

c. Circulation and Parking: The location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches, as well as their alignment with the existing thoroughfares; location and dimensions of sidewalks, off-street parking areas, fire lanes and loading zones; Ord. 77.

- d. Drainage and Utilities: Existing and proposed finished grade of the site, shown to contour intervals not exceeding two feet 2'), proposed handling of on-site surface drainage, location of any floodway or flood-prone area as shown on current FL& mapping; existing And proposed water and sanitary sewer layout; and existing and proposed fire hydrants; and Ord. 77.

- e. Screening, Landscaping and Recreational Facilities; The location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; proposed landscaping plan; location and size of any proposed recreational facilities such as swimming pools, tennis courts and playgrounds. Ord. 77.

ARTICLE 12-8 "SUP" SPECIFIC USE DISTRICT

Sec. 12-8-1 PURPOSE

The Specific Use Permit District is a specific zoning classification. Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of the use, the location, and the rural manner in which the city has developed around a railroad and an interstate highway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific use location. Ord. 77.

When an applicant seeks a change of zoning for a use listed in the Specific Use Section, the Planning & Zoning Commission may recommend, and the City Council may impose, necessary additional special conditions. Ord. 268.

Sec. 12-8-2 SPECIFIC USE PERMIT - HOW DESIGNATED

The following is an example of a property that has been granted a zoning change to **"C-1" Commercial District** with a Specific Use Permit zoning classification for operation of a Television Studio. The basic classification is the "C-1" Commercial District and the Specific Use is the Television Studio use.

Property with this zoning classification should be designated as follows: Ord. 77.

In the adoptive ordinance designated as "C-1" Commercial District with a Specific Use Permit to operate a Television Studio, and on. The Zoning Map designated as "C-1" SUP followed by the adoptive ordinance number. Ord. 77.

Sec. 12-8-3 SPECIFIC USE PERMIT - HOW APPLIED

The zoning change becomes effective upon adoption of, and pursuant to the adoptive ordinance. Applicants are placed on notice that the City retains the right and authority to rezone the property its original (or to a different) basic zoning classification in the event the property ceases to be used for the specific use granted. Any special condition or regulation established by the grant of the Specific Use shall control the Specific Use and supersedes any conflicting condition or regulation of the basic classification, however, where the grant of the Specific Use is silent as to a condition or regulation imposed by the basic classification, the basic condition or regulation shall control. Ord. 77.

Sec. 12-8-4 SPECIFIC USE PERMIT - HOW PROCESSED

Any application for a change of zoning to a Specific Use Permit Classification shall be processed in the same manner as any other request for a zoning change, to-wit: A proper application; public hearing before the Planning and Zoning Commission;

public hearing before the City Council; and final adoption of an ordinance amending the Comprehensive Zoning Ordinance and the Zoning Map of the City. Ord. 268.

Sec. 12-8-5 **PERMITTED USES:**

The uses set out in the following **Table of Uses** shall be permitted only upon the grant of a Specific Use Permit Zoning District Classification, unless the use is listed as a permitted use in the basic district of property.

TABLE OF SPECIFIC USES

Airport, Private and Landing Strips -----	Only in the "I" District. .	Ord. 77
Airport, Public and Landing Strip -----	Only in the "I" District .	Ord. 77
Amusement & Video Games, indoor.		Ord. 268
Amusement Facility, outdoor. . .		Ord. 268
Amusement, Fairgrounds. .		Ord. 268
Amusement, Rodeo Arena-----	Only in the "I" District .	Ord. 77
Amusement, Temporary Amusement Approved By Council. .		Ord. 268
Animal Hospital of Kennel, indoor type. .		Ord. 77
Animal Hotel, with Outside Kennel or Pens. .		Ord. 268
Artesian Wells. .		Ord. 77
Asphalt and Concrete Batching or Ready-Mix Plant		Ord. 999
Auction House for Livestock		Ord. 999
Auto Repair, with Outside Storage. .		Ord. 268
Auto, Car Rental Office & Vehicle Storage Lot. .		Ord. 268
Auto/Vehicle Wrecking & Parts Yard. .		Ord. 268
Automobile, Used Sales. .		Ord. 268
Bate Store		Ord. 999
Bakery, Commercial. .		Ord. 77
Bar and/or Restaurant		Ord. 999
Barber Shop. .		Ord. 77
Beauty Shop.		Ord. 77
Beverage Store		Ord. 999
Boarding & Rooming Houses.		Ord. 77
Boutique. .		Ord. 268
Bowling Alley		Ord. 999
Broadcasting Facilities & Towers. .		Ord. 268
Building Materials Sales. outside storage. .		Ord. 268
Car Wash		Ord. 999
Cement Tile Manufacturing Plant -----	In the "C-2" District.	Ord. 327.
Cemetery		Ord. 268
Churches.		Ord. 77
Club House or Lodge, private		Ord. 999
Church School. .		Ord. 77
College and University. .		Ord. 77
Community and Recreation Center. .		Ord. 77

Community center for local groups; book store and gift shop;
 small historical museum; and residential;
 transient occupancy of second floor as a
 dwelling unit or sleeping unit for not more
 than thirty (30) days for any one transient stay. Ord. 969.

Dance Hall Ord. 999

Dairy and Livestock feed Lot Ord. 999

Day Care Facility -----Only in the "R-3" District. Ord. 77

Electric Substation. Ord. 268

Excavation and Mining Operations. Ord. 268

Farmer's Market Ord. 999

Feed Products Storage and Processing Ord. 999

Fertilizer and Pesticide Storage and Processing Ord. 999

Fireworks or Explosives Storage and Manufacture -----Only in the "I" District . Ord. 77

Food Grocery or Market Ord. 999

Gas Odorizing Station and Gate Station. Ord. 268

Gift Shop. Ord. 77

Go-Kart Track Ord. 999

Golf Courses, Driving Ranges, and Gun & Shooting Ranges. Ord. 268

Granary and Gin. Ord. 268

Grocery Store or Convenience Store With Gas Pumps Ord. 999

Grocery Store or Convenience Store Without Gas Pumps Ord. 999

Halfway House & Group Home. . Ord. 77

Heliport and Helistop. Ord. 268

Home Occupation. . Ord. 77

Hospital. Ord. 268

Hotel. Ord. 268

HUD-Code Manufactured Home -----Only in the "R-5" District. Ord.270

HUD-Code Manufactured Home Park. Ord. 268

HUD-Code Manufactured Home Sales. Ord. 268

Insecticide and Pesticide Storage and Processing Ord. 999

Inside Welding Shop where all welding is done inside a building. Ord. 268

Junk Yard -----Only in the "I" District. . Ord. 77

Library. . Ord. 77

Lodges & Fraternal Orders. Ord. 268

Meat and Poultry Packing Plant Ord. 999

Mining Activity -----Only in the "I" District. . Ord. 77

Mortuary. Ord. 268

Motel. Ord. 268

Motorcycle Sales & Service. Ord. 268

Movie Theater, Outdoor. Ord. 268

Municipal & Government Buildings, Police & Fire Stations
 Museum and Art Gallery. Ord. 77

Neighborhood Convenience Center Store. Ord. 77

Newsstand Ord. 999

Night Club. Ord. 268

Nursing Home. Ord. 268
 Petroleum Storage and Processing -----Only in the "I" District. Ord. 268
 Petroleum or Gas Extraction. Ord. 268
 Petroleum Storage & Processing. Ord. 77
 Pool Hall Ord. 999
 Post Office. Ord. 268
 Private Club. . Ord. 77
 Private Stable. Ord. 77.
 Public Utility Services Uses. Ord. 268
 Race Track and Drag Strip -----Only in the "I" District. . Ord. 77
 Radio, amateur sending or receiving devices. Ord. 268
 Radio and Television Transmitters and Television Satellite Dishes. Ord. 77
 Radio, TV, & Microwave Receiving Dish. Ord. 268
 Railroad Right-of-Way and Tracks, but not including
 railroad yards or shops, freight and service buildings
 or right-of-way for switch, or lead, spur or team tracks ---Only in the "C" & "I" Districts. . Ord. 77
 Recreation Center Ord. 999
 Restaurant, Café, Cafeteria, Sandwich Shop Ord. 999
 Restaurant, drive-in type. Ord. 268
 Riding Academy Ord. 268
 Rodeo Grounds -----Only in the "I" District. Ord. 77
 Sanitary Landfill, private -----Only in the "I" District. Ord. 77
 Sand & Gravel Extraction. Ord. 268
 Sand, Gravel, Soil Storage & Sales. Ord. 268
 School Athletic Field . Ord. 77
 Schools, Business & Trade. Ord. 268
 Schools, Private. Ord. 268
 Schools, Public. Ord. 268
 Self-Storage Facility. Ord. 268
 Septic Tanks, Sewage Lift Stations, Sewage Treatment Plant. . Ord. 77
 Sewage Treatment Plant and Lift Station Ord. 999
 Shopping Center and Mall Ord. 999
 Skating Rink Ord. 999
 Slaughter House Ord. 999
 Smelter and Refinery -----Only in the "I" District. . Ord. 77
 Stable, commercial rental -----Only in the "I" District. . Ord. 77
 Stadium and Sports Arena. Ord. 268
 Telephone Exchange provided no public business and no repair
 or storage facilities are maintained. . Ord. 77
 Television Studio. Ord. 268.
 Tire Retreading and Recapping Plant Ord. 999
 Temporary Batching Plant. Ord. 268
 Theater, Drive in. . Ord. 77
 Thrift Shop. Ord. 268
 Water Pump Station & Reservoirs, Water Tower, Water Treatment Plant. . Ord. 77.
 Welding Shop inside

Sec. 12-8-6 APPLICATION FOR SPECIFIC USE PERMIT ZONING.

In addition to any other provision in this ordinance regulating applications for zoning change, an application for zoning change requesting a Specific Use Permit District Classification shall, unless waived by the Planning and Zoning Commission, be accompanied by a site plan containing the following information: Ord. 77.

- A. Date, scale, north point, name of owner, name of person preparing the site plan. Ord. 77.
- B. Location of existing boundary lines and dimensions of the tract. Ord. 77.
- C. Minimum building setback dimensions adjacent to all property lines. Ord. 77.
- D. Drawings and data necessary to show the full scope of the facility. Ord. 77.
- E. Designation of the location and size of points of ingress and egress. Ord. 77.
- F. The center line of any existing water course, drainage feature or floodway easement. Ord. 77.
- G. The location and size of existing and proposed streets and alleys with location of all street intersections adjacent to the area of request. Ord. 77.
- H. In addition to the site plan, an area map shall be required indicating the neighborhood in which the property is located and showing the existing zoning of adjacent properties. Ord. 77.
- I. Where screening, landscaping or a drainage study may be essential to the granting of the specific use permit, the applicant, to avoid delay or denial in the processing of his request, should provide an adequate screening plan, landscaping plan or drainage study. The screening plan and landscaping plan may be separate plans or a part of applicant's site plan. Ord. 77.
- J. The application and site plan of any business seeking a state permit to sell alcoholic beverages shall demonstrate that the requested location of the business meets the requirements of City of Palmer Ordinance No. 998 regarding the location of the businesses in relation to churches, hospitals and schools. Ord. 999.

K. APPLICATION FOR A USE NOT SPECIFICALLY NAMED

Any applicant seeking a land use not otherwise authorized by the Comprehensive Zoning Ordinance, as amended, or a use not listed above that would be applicable for a state permit for the sale of alcoholic beverages, may make application to amend this section to include the unlisted use and may at the same time make application for a Specific Use Zoning Change for such use, on a specific property. In such a case both amendments may be heard at the same time by the Planning and Zoning Commission; may be heard at the same time by the City Council; and the adoptive ordinances may be acted upon by the City Council on the same date. Ord. 999.

Sec. 12-8-7 SPECIAL FACTORS FOR CONSIDERATION

In granting or denying an application for specific permit zoning district classification, the Planning and Zoning Commission in its recommendation and the governing body of the City, may take into consideration the following factors:

- A. Safety of motoring public and of pedestrians using the facility and the area immediately surrounding the site. Ord. 77.
- B. Safety from fire hazards, and measures of fire control. Ord. 77.
- C. Protecting the property, adjacent property, and other properties within the City from flood or water damage. Ord. 77.
- D. Noise producing elements, glare of vehicular and stationary lights and the effect of such noise and lights on the established character of neighboring property. Ord. 77.
- E. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood. Ord. 77.
- F. Adequacy of on-site and off-site parking facilities; location of ingress and egress points for parking and off-street loading and the surfacing of all parking areas to control dust and for the protection of public health. Ord. 77.
- G. Such other measures as will secure and protect public health, safety, morals and general welfare. Ord. 77.
- H. Off-street parking, unless specifically regulated in the ordinance adopting the specific use permit zoning classification, shall be governed by other applicable provisions of the Comprehensive Zoning Ordinance or other applicable ordinances of the City. Ord. 77.

- I. The economic and/or environmental impact the use may have on property within the City as a whole, as well as on adjacent property, and whether an economic and/or environmental impact study should be submitted as a part of the application for Specific Use Permit. Ord. 77.
- J. The aesthetic appearance of the use, and other sensory effects that the use may have on the established character of the neighborhood, its property and the property within the City as a whole.

Sec. 12-8-9 COMPLIANCE WITH SITE PLAN

- A.. All improvements to the land and all buildings and construction on the land shall, unless waived by the Planning and Zoning Commission, be in accordance with the site plan and/or the development plan which shall be made a part of the adoptive ordinance. After adoption of the ordinance that grants the Specific Use zoning change, the City Council, upon finding that a requested site plan change is a minor change that will not adversely impact adjacent or other properties within the City, may authorize by written order, the minor alteration to the site plan, without further notice, public hearings, reports from the Planning and Zoning Commission or amendment to the original ordinance. The Councils Order shall be attached to or filed with the original ordinance. Provided, however, no such amendment to the site plan should be made that would conflict with the final subdivision plat of such property after the final plat has been approved by the City and filed of record. Ord. 77.
- B. A Specific Use zoning classification shall not “run with the land” and a new business owner is placed on notice that a new Specific Use zoning change will be required if there is any deviation from the approved plan or change in the ownership or manner in which the use is conducted, and applicants are placed on notice that in the event of such change the city may take such action as is necessary to rezone the property to its original zoning classification. Ord. 999

Sec. 12-8-10 DESIGNATION ON ZONING MAP

- A. On the official zoning map of the City, a Specific Use Permit District shall bear the prefix designation of the Base Zoning and "SUP" followed by the ordinance number granting the specific use permit classification. Ord. 77.
- B. For example, a property with a base zoning classification of “C-1” Commercial District that is granted a Specific Use permit zoning classification for operation of a Television Studio, should be designated in the adoptive ordinance as having the following zoning classification:

“C-1” Commercial District with a Specific Use Permit to operate a Television Studio; and on the Zoning Map as “C-1” SUP, followed by the adoptive ordinance number. Ord. 77.

Sec. 12-8-11 SPECIAL FACTORS FOR CONSIDERATION REGARDING MOBILE HOMES

- A. **“Mobile home”** means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems. Ord. 77.
- B. **Mobile Homes**, being structures that are not likely to be constructed in accordance with federal standards, are not permitted in the city. Provided, however, any mobile home legally in existence that is located within the city may be replaced by a HUD-Code Manufactured Home. Ord. 77.

Sec. 12-8-13 SPECIAL FACTORS FOR CONSIDERATION FOR HUD-CODE MANUFACTURED HOMES

- A. **HUD-Code Manufactured Home**, defined.

“HUD-Code Manufactured Home” means a structure constructed on or after June 15, 1976, according to the rules of the United State Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

- B. Construction standards and safety standards applicable to a HUD-Code Manufactured Homes, not considered as a factor in the granting or denial of a specific use permit zoning classification.

The handling of a Specific Use application for a **HUD-Code Manufactured Homes** shall be handled as in the case of any other Specific Use request, and in granting or denying an application for such a Specific Use permit the Planning and Zoning Commission in its

recommendation, and the City Council in its final decision, may take into consideration any matter it might consider in regard to any other application for a Specific Use Permit. Provided, however in considering such request, construction standards and construction safety standards may not be considered. Therefore, construction or construction safety standards of the city, applicable to houses built using conventional methods, and other standards dealing with the quality of construction of **HUD-Code Manufactured Homes** shall not be imposed as a condition of a Specific Use Permit for such a home. Quality of construction and construction safety standards for such homes, having been preempted by federal law and state law, shall not be considered an adequate basis for failure to approve a Specific Use Permit Zoning Classification for **HUD-Code Manufactured Homes**.

- C. Size and Design of HUD-Code Manufactured Homes may be Considered.

The City Council finds that **HUD-Code Manufactured Homes**, like houses built using conventional methods, vary in size and design. That the terms are so broadly defined that they can include structures ranging from elaborate residential dwellings to structures that in size and design give the appearance of homes which are not permitted within the city or the specific zoning district. That when size and design are unregulated such structures may (i) fail to protect property values of other property within the city; (ii) fail to protect property values of other adjacent **HUD-Code Manufactured Homes**; or (iii) fail to protect property values of other adjacent homes built using conventional methods. Therefore, in considering requests for Specific Use Permit zoning for Single-Family-**HUD-Code Manufactured Homes**, size and design conditions may be imposed for the purpose of protecting property values.

- D. All other requirements of the basic zoning district of such Specific Use permit, including but not limited to, garage requirements, parking regulations, minimum lot size, minimum structure size, exterior masonry, yard size, accessory buildings, and driveways, shall be complied with even though not listed in the ordinance granting the Specific Use classification.

Sec. 12-8-14 EFFECT OF DENIAL OF APPLICATION

No application for a Specific Use Permit that has been denied wholly or in part by the city council, shall be re-submitted for a period of sixty (60) days from the date of said denial.” Ord. 77.

Sec. 12-8-15 EXISTING “SPECIFIC” USE PERMITS

All prior “Specific Use Permits” legally existing at the adoption of this ordinance shall continue in full force and effect, governed by the law in effect at the time of the adoption of this ordinance and in accordance with any conditions of the permit then granted. Such prior permits shall not be considered non-conforming.

**ARTICLE 12-9
"FP" FLOODPLAIN DISTRICT
ZONING DISTRICT REGULATIONS**

Sec. 12-9-1 "FP" FLOODPLAIN DISTRICT

A. PURPOSE

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard and to promote the general welfare and to provide protection from flooding, the "FP" District is hereby established, This district may also be coextensive with or overlay any or all of the other zoning districts or portions thereof as provided for herein. Ord. 77.

Where a tract of land or portion thereof is zoned for the uses of one of the other zoning districts and is also zoned "FP" District, the restrictions contained in the "FP" District shall take precedent over the other zoning districts and shall be the controlling regulations for that district or portion of that district. Ord. 77.

B. USES PERMITTED

The following uses shall only be permitted in the "FP" District: Ord. 77.

- 1) Agricultural Activities, including the ordinary cultivation or grazing of land and legal and permitted types of animal husbandry; Ord. 77.
- 2) Park, Playground or Golf Course; Ord. 77.
- 3) Parking Facilities; and Ord. 77.
- 4) Railroad Right-of-Way and Tracks, but not including railroad yards or shops, freight or service buildings. Ord. 77.

C. SPECIFIC USES PERMITS

Uses that normally fall into the specific use permit classification are uses that for some unique characteristic of either the use, the location, the rural manner in which the city has developed around a railroad and an interstate freeway, often require conditions not otherwise listed under the basic zoning district in order to warrant a rational basis for a specific location. See Article 12-8 of this Chapter.

D. AREA: YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE; AND EXTERIOR REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard sizes front, side and rear, maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings and their exterior construction requirements, as pertains to this district, shall conform to the provisions and regulations of the zoning district overlay.

E. AUTOMOBILE PARKING SPACE REQUIREMENTS

For automobile parking requirements, see Article 12-11.

F. GENERAL REGULATIONS-

1. No building or structure shall be erected in that portion of any district designated "FP" District until such building or structure has been approved by the city council after recommendation by the city engineer, who will ascertain that such building or structure is probably not subject to damage by flooding and would not constitute an encroachment hazard or obstacle to the movement of flood waters and that such construction probably would not endanger the value and safety of other property or the public health and welfare, in his opinion. The level of the first floor of buildings or structures in flood plain areas shall be a minimum of at least eighteen inches 18" above the highest flood elevation shown in the most recent Federal Insurance Administration HA flood insurance study for the area on which such building or structure is erected.

Owners of buildings in flood-prone areas are encouraged to participate in the flood insurance program made available by insurance companies with the support of the FIA of the Department of Housing and Urban Development (HUD).

2. An area may be removed from the "FP" District designation when by the provision of drainage works, grading, flood protection or

specific drainage study, it is determined by the city engineer that the flood hazard has, in most probability, been alleviated.

Removal of the “FP” District designation shall be accomplished by resolution of the city council after written notification from the city engineer advising of the removal of the flood hazard and after proper public hearing and notice has been complied with. It shall be the responsibility of any person or organization applying for the alteration of “FP” District to provide the necessary studies and data on which a decision may be made concerning such change request.

3. No septic tank system or electric or telephone utilities, with the exception of sanitary sewers, may be located underground in a flood plain designated area unless installed by the guidelines set forth by the FIA’s Manual No. 184.

G. CITY NOT LIABLE FOR ANY DAMAGES

1. The fact that land is, or is not, within a district having a floodplain designation, shall not be interpreted as assurance that such land or area is, or is not, subject to periodic flooding. The city shall not be held responsible for failure to designate any lands as flood-prone areas and shall not be responsible for any such damages caused by any such failure or action.
2. No building permit shall be issued for the construction of any building or structure in a floodplain designated area unless and until deed restrictions are executed in favor of the city reciting that the owner and his successors will indemnify and hold harmless the city from any damages caused by flooding.

ARTICLE 12-10 HOME OCCUPATIONS

Sec. 12-10-1 HOME OCCUPATIONS

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

- A. Only the members of the immediate family occupying the dwelling shall be engaged in the home occupation;
- B. The home occupation shall be conducted only within the enclosed area of the dwelling unit, garage, or accessory buildings. No storage or display of materials, goods, supplies, or equipment related to the operation of home occupation shall be visible outside any structure located on the premises;
- C. No more than twenty-five percent (25%) of the area of one (1) story of the principal building shall be devoted to the home occupation; Ord. 77.
- E. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district, Ord. 77.
- F. No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district, Ord. 77.
- G. The home occupation shall not create any significant increase in vehicular flow or parking and shall not create greater pedestrian traffic than normal for the district, Ord. 77.
- H. No home occupation shall cause a significant increase in the use of any utilities, or Ord. 77.
- I. No more than one (1) advertising sign with a maximum of four (4) square feet of a non-illuminating nature may be placed on the main building. Ord. 77.
- J. The following are examples of uses which can often be conducted within the limits of this subsection, however, the uses listed in this paragraph do not automatically qualify as a home occupation nor does this listing limit the uses which may qualify as home occupations: Ord. 77.

piano and guitar instruction, handicraft, dressmaking, preserving, accountant, artist, author, consultant, individual tutoring, millinery, child care of no more than five children, and barber or beauty shops. Ord. 77.

- K. The following uses are incompatible with residential neighborhoods and thereby impair the character of residential areas. Therefore, these uses shall not be permitted as accessory uses in residential districts: Ord. 77.

auto repair, painting of vehicles or boats, private school, photo studio, dance instruction, television and appliance repair, and child thy care center. Ord. 77.

The city council shall interpret the provisions of this subsection to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be permitted only in a commercial district with a specific use permit. Ord. 77.

ARTICLE 12-11

OFF STREET PARKING & LOADING

Sec. 12-11-1 OFF STREET PARKING REQUIREMENTS

A. PURPOSE

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading areas shall be provided as set forth in the following schedules and provisions. Ord. 77.

B. GENERAL PROVISIONS

1. Parking facilities required herein shall have an all-weather surfacing, enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley. An all-weather surface parking facility shall be of asphalt or concrete construction. Ord. 77.
2. No parking space shall be less than eighteen feet (18') in length and nine feet (9') in width. Exception: parking spaces may be reduced in length when a tire-stop curb is installed sixteen feet (16') from the maneuvering lane and a clear space of two feet (2') is provided for a vehicle overhang. The overhang is not permitted over public property or a setback in which parking is not permitted. Such reduction is permitted only when the width of the maneuvering lane is maintained at twenty-six feet (26'). Ord. 77.
3. Required off-street parking for residential uses shall be provided on the lot or tract occupied by the principal use. Required off-street parking for permitted non-residential uses shall be provided on the lot or tract occupied by the principal use, upon a portion of said lot or tract which is contained in the same zoning district as the principal use. The city council may permit a parking facility to accommodate either required or additional off-premise parking, as a special exception, under such regulations and conditions as the city council may deem advisable, when the proposed parking facility is on a planed lot within one hundred fifty feet (150') of the principal use property. Ord. 77.

The city council shall approve the location of entrances and exits to these parking facilities and may require screening devices along the parking facility boundaries. Ord. 77.

4. In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings used for repair garages or car washes shall not be counted as meeting the required minimum parking. Ord. 77.
5. The floor area of structures devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements. Ord. 77.
6. Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use and no off-street parking space provided for one type use or building shall be included in calculation of the off-street parking requirements for any other use or building except as prescribed by this ordinance. Ord. 77.
7. Head-In Parking

The following provisions shall apply to all head-in parking adjacent to a public thoroughfare: Ord. 77.

- a. Head-in parking spaces so situated that the maneuverings of a vehicle in entering or leaving such spaces is done on a public street or within public right-of-way shall not be classified as off-street parking in computing any parking requirements herein; and Ord. 77.
 - b. The construction of head-in parking as described in subparagraph a) hereof shall be prohibited hereafter. All such head-in parking facilities in existence at the time of the enactment of this section are hereby declared to be a nonconforming use of land subject to the provisions of Section 24 of this ordinance. Ord. 77.
8. No off-street parking facility shall be located, either in whole or in part, in a public street or sidewalk, parkway, alley or other public right-of-way. Ord. 77.
 9. No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by the city or within aisles, driveways or maneuvering areas necessary to provide reasonable access to any parking space. Tandem parking is prohibited, unless specifically authorized by this ordinance. Ord. 77.

10. No required off-street parking facility shall be used for sales, non-vehicular storage, repair or service activities. Ord. 77.
11. Lighting facilities, if provided, shall be so arranged as to be reflected away from property zoned or used for residential purposes Ord. 77.
12. No asphalt or concrete paving shall be permitted in the city rights-of-way or in any required setback where parking facilities are prohibited unless such paving is intended for use as a drive approach approved for access to property or such paving is required to meet minimum city sidewalk standards. Ord. 77.
13. For all multi-family and non-residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface, and shall not include any fire lane or other area necessary for aisles or maneuvering of vehicles.

C. MINIMUM OFF-STREET PARKING STANDARDS

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract or on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150') of such building or structure, vehicle parking in the following ratio of vehicle spaces for the uses specified in the designated districts, except that an established use lawfully existing at the effective date of this ordinance need not provide vehicle parking as hereinafter set forth, provided such use is not expanded and that no existing vehicle parking in connection with said uses at the effective date of this ordinance may be reduced below the minimum number of spaces as hereinafter required. The minimum off-street parking spaces shall be provided as follows:

<u>1. Residential</u>	<u>Number of Parking Spaces Required</u>
Single Family Residence	2 per dwelling unit
Duplex	2 per dwelling unit
Multi-Family Dwelling	2 per dwelling unit
Mobile Home	2 per dwelling unit
Mobile Home Park for each 2 lots	2 per lot plus 150 square feet
Condominium or Townhouse	2 per dwelling unit
Boarding or Rooming House	1 per rooming unit
Garage Apartment	1 per apt unit
Tourist Court	1 per rooming unit
Dormitory (private)	1 per rooming unit

2. Institutional

Community or Recreation Center	1 per 200 square feet of floor area
School	
elementary	1 per 20 students
junior high	1 per 18 students
senior high	1 per 1.75 students
trade/vocational	1 per 1.75 students
college/university	1 per 4 day students
Auditorium or Public Assembly Hall	1 for each 4 seats
Church	1 for each 4 seats in sanctuary
Kindergarten, Day Nursery or Day Care Center	1 for each 8 pupils
Hospital	
chronic care	1 for each 6 beds
acute care	1 for each 2 beds
Convalescent Home	1 for each 6 beds
Library or Museum	10 plus 1 for each 600 square feet of floor area
Fraternity or Sorority House or Lodge	1 for each 2 members
Mortuary, Funeral Chapel	1 for each 4 seats in chapel
Sanitarium	1 for each 6 beds
Post Office	10 plus 1 for each employee

3. Commercial and Entertainment

Retail Store or Shop	1 per 200 square feet of floor area
Furniture and Appliance Stores	1 per 400 square feet of floor area
Restaurant, Cafe or Cafeteria	1 for each 3 seats
Private or Night Club	1 per 100 square feet of floor area
Theater	1 for each 4 seats
Bowling Alley	4 per lane
Ballpark, Stadium or Rodeo	1 for each 8 seats
Hotel and Motel	1 per guest room
Offices general	1 per 200 square feet of floor area
Bank, Savings and Loan Association and other Financial Institutions	1 per 300 square feet of floor area
Medical or Dental Clinic	1 per 200 square feet of floor area
Car Wash	3 tandem spaces per wash bay
Vehicle or Machinery Repair Garage or Shop	2-1/2 per work bay
Automobile Service Station	2 per work bay
Skating Rink	1 per 200 square feet of floor area
Arcade, Pool Hall or Domino Parlor	1 per 200 square feet of floor area
Golf Course including miniature	3 per hole

Personal Services Shop	1 per 200 square feet of floor area
Shopping Center	1 per 200 square feet of floor area
Driving Range	1 per tee
Grocery Store or Market	1 per 200 square feet of floor area
4. Manufacturing, Industrial and Warehouse	
Mini-Warehouse	1 for each employee plus 3 visitor parking spaces
Manufacturing and Industrial Operations	1 per employee plus 1 per business vehicle on premises plus 3 visitor spaces
Wholesale Storage and Jobbing .	1 per employee plus 1 per business vehicle on premises plus 3 visitor spaces
Brick or Lumber Yard	1 per 1,000 square feet of site area
Extractive Operations, including Sand and Gravel Mining and Processing	1 for each employee plus 2 visitor
Motor Freight Terminal	1 for each employee plus 1 per business vehicle on premises. plus 2 visitor spaces
Junk, Salvage or Wrecking Yard	1 for each 2,000 square feet of site area
Flea or Farmer's Market Ord. 77.	3 per stall or booth

Sec. 12-11-2 OFF-STREET LOADING REQUIREMENTS

All retail, commercial and industrial uses shall be provided with off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten by forty-five feet (10' X 45') and such spaces or berths shall be provided in accordance with the following schedule: Ord. 77.

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Ben/is
0 to 5,000	None
5,000 to 25,000	1
25,000 to 45,000	2
45,000 to 65,000	3
65,000 to 100,000	4

Except in the "C-1" downtown business area that has developed with no area of setback and off-street parking. Ord. 77.

The existence of twenty foot (20') alley adjacent to the property shall be construed as equivalent to one (1) berth. All off-street loading spaces shall have an all-weather surface of asphalt or concrete construction and shall be accessible by a street, driveway or alley. Ord. 77.

No loading docks shall be constructed facing on any public street or highway unless said loading dock is at least seventy-five feet (75') inside the right-of-way line of the street or highway on which said loading dock fronts. Ord. 77.

**ARTICLE 12-12
CONDOMINIUM & TOWNHOUSES**

Sec. 12-12-1 STANDARDS FOR CONDOMINIUM AND TOWNHOUSE DEVELOPMENT

Development of condominium and/or townhouse projects shall be considered within the scope of the "PD" Planned Development zoning classification, thereby providing flexibility in planning and design, and allowing the application of innovative and creative development concepts. Ord. 77.

The following standards are set forth as guidelines for the preparation of a development plan as required for "PD" Districts which incorporate condominium

and/or townhouse development. Consistent with the intent of the “PD” District, these standards may be modified as may serve the best interests of the community upon approval of the development plan. Ord. 77.

A. CONDOMINIUM AND TOWNHOUSE Lots Ord. 77.

The following minimum requirements should apply to each lot used for condominium or townhouse development: Ord. 77.

1. Area of Lot - Three thousand (3,000) square feet; Ord. 77.
2. Depth of Lot - One hundred feet (100’), except where the lot backs up to a freeway, expressway, or thoroughfare, in which case the minimum depth of lot shall be one hundred ten feet 1155; Ord. 77.
3. Width of Lot - Twenty-five feet (25’); Ord. 77.
4. Front Yard Setback - Twenty-five feet (25’); and Ord. 77.
5. Exterior Side Yard - Where a side lot line abuts a street, a side yard of fifteen feet (15’) shall be required. Ord. 77.
Street access to a condominium or townhouse lot shall be required in order to provide fire protection and sanitation service. Ord. 77.

B. SPACING BETWEEN BUILDINGS.

Dwelling units should be in groups of not less than three 3 condominium or townhouse units nor more than seven 7 units; but in no event should more than one quarter (1/4) of the total building groups contain eight (8) condominiums or townhouses. The total length of any one group of units should not exceed an overall length of two hundred twenty-five feet (225’). There shall be a minimum space of thirty-six feet (36’) between building groups and fifteen feet (15’) between the end of a building and a street, private drive or alley. Ord. 77.

C. OPEN SPACE

Not less than forty percent (40%) of the total gross land area shall be open space or permanent landscaped areas. Such open space shall be used exclusively for the purpose of installation of recreational facilities awl green or landscaped areas. Flood plains, or any standing surface water, other than swimming pools, may be considered open space if specifically approved by council. Ord. 77.

D. DENSITY

The average density of condominium or townhouse units should not exceed eight (8) units per acre. The density is to be computed by taking the gross land area of each tract and dividing the total number of dwelling units within the tract. Ord. 77.

E. LIVING AREA IN EACH CONDOMINIUM OR TOWNHOUSE UNIT Ord. 77.

The minimum living area for a one bedroom condominium or townhouse unit shall be nine hundred (900) square feet; two (2) or more bedroom units shall have a minimum of one thousand (1,000) square feet living area, exclusive of garages, breezeways, patios and porches. Ord. 77.

F. EXTERIOR FIRE RESISTANT CONSTRUCTION

All main buildings shall be of exterior fire resistant construction having at least eighty percent (80%) exterior walls constructed of brick, brick veneer, stone, stone veneer or other masonry, or materials of equal characteristics, or as approved in the review of the development plan. Ord. 77.

G. FIRE WALLS

Within each condominium or townhouse complex, a four (4) hour fire-rated fire wall shall be placed every four thousand five-hundred (4,500) square feet. All such fire walls shall be continuous and unbroken from the foundation slab to the underside of the roof deck and conform to the other requirements for fire walls as outlined in the building code for the city. All other condominium or townhouse unit separation walls shall be of a two hour rating. Ord. 77.

H. UTILITIES

1. Aboveground installations of transformers; Ord. 77.
2. Where utility lines cross a major drainage channel or depression of such depth as to make underground installation impractical; and Ord. 77.
- c. At the point where the utility enters the development Ord. 77.

I. PARKING REGULATIONS

Two (2) off-street parking spaces shall be provided for each condominium or townhouse unit plus one (1) off-street parking space for guest parking for every two (2) units. Each condominium or townhouse should provide a carport or garage that shall have a capacity for two (2) motor vehicles pickups and vans not exceeding three-quarter ton ($\frac{3}{4}$ ton) capacity. The additional guest parking spaces shall be placed in groups scattered through the development to accommodate the guests of the homeowners. Ord. 77.

J. RECREATIONAL FACILITIES

Recreational and community facilities, including community buildings, swimming pools and playground areas, shall be considered in the review of the development plan. Ord. 77.

K. RECREATIONAL VEHICLES AND EQUIPMENT Ord. 77.

Adequate storage areas for the storage of recreational vehicles and equipment shall be considered in the review of the development plan. Ord. 77.

L. SANITATION SERVICES Ord. 77.

Sanitation service within each condominium or townhouse development should be provided by any of the following: Ord. 77.

1. Stationary compaction system provided the homeowners' association is responsible to own, collect, and place the trash into the compactor; Ord. 77.
2. Plastic bag or can system; and/or Ord. 77.
3. Trash container system.

M. SCREENING

In the event that a condominium or townhouse development backs up or sides upon single family residential districts, except a mobile home district, a solid fence, wall or hedge of not less than six feet (6') shall be erected or placed, grown and maintained along the property line separating the two districts. However, no such screening fence shall be erected so as to obstruct the vision of motorists at alley, street or drive intersections. Ord. 77.

N. CONSTRUCTION REQUIREMENTS

All streets, parking areas, access drives, sidewalks and drainage structures constructed on private or public property shall be approved by the city and constructed in Ord. 77.

O. HOMEOWNERS' ASSOCIATIONS

Where any condominium or townhouse development plan proposes the reservation of land or structure in common ownership for recreational, parking, landscape or open space use or for any other use, or private streets are proposed, a homeowners' association shall be required for the purpose of control over the development and maintenance of such private land, streets and facilities which are intended to be owned in common. Ord. 77.

A homeowners' association shall be established by the developer for the purpose of control over the private facilities of the project. Preliminary bylaws, restrictions and other covenants shall be submitted with the application for zoning or site plan approval. Prior to issuance of building permits, a final homeowners' association must be approved by the city council. The responsibility and control of the homeowners' association shall be with the developer until such time that eighty percent (80%) of the dwelling units are occupied. The homeowners' association must include, but not necessarily be limited to, the following requirements: Ord. 77.

1. Mandatory membership from all residents and owners in the association; Ord. 77.
2. A system for payment of association dues to be collected with mortgage payment, Ord. 77.
3. Provisions for enforcement of the rules and regulations within the development and association; Ord. 77.
4. Deed restrictions pertaining to size, architectural style and type of building materials used in the construction of dwelling units and other buildings erected on the site; Ord. 77.
5. Provisions for the construction, maintenance and repair of all open land, buildings, facilities and improvements determined to be private or common as established by the site plan; Ord. 77.
6. Provisions for storage and control of boats, campers, old automobiles

and other items considered to be unsightly; Ord. 77.

7. In the event the approved association does not perform its specified responsibilities or fails to fulfill its obligations as specified in the homeowners' association, or is declared nonexistent for any reason, the city shall have the right to levy special assessments against the property on a pro-rata basis for the cost of maintenance or the cost of correcting any such condition for which the association was responsible and the lien holder shall be responsible for collecting such levies and assessments and transmitting such funds to the city; and Ord. 77.

8. Such other provisions as deemed appropriate to secure a sound and stable association. Ord. 77.

**ARTICLE 12-13
OTHER GENERAL MATTERS**

Sec. 12-13-1 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land uses will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such uses and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows: Ord. 77.

The applicant shall refer the question of any new or unlisted use to the mayor and city council requesting an interpretation as to the zoning classification into which such use may be placed. Such request shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities and sanitation collection. Ord. 77.

The mayor and city council shall then consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and after public hearing, determine the zoning district or districts within which such use should be permitted. The same procedures should be followed as is required for any amendment, including the public notice and hearing requirements, when considering any zoning classification request for a new or unlisted land use. Ord. 77.

Sec. 12-13-2 NONCONFORMING USES

A. NONCONFORMING USE OR STRUCTURE DEFINED

When a use or structure does not conform to the regulations prescribed in the district in which such use or structure is located and was in existence and lawfully operating prior to the adoption of any previous zoning ordinance and has been operating since without continuance or when on the effective date of this ordinance, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of any previous zoning ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which the use or structure is located, such use or structure shall be considered as a nonconforming use or structure. Ord. 77.

B. NONCONFORMING LOTS OF RECORD

In any district in which residential, commercial or industrial buildings are permitted, buildings may be erected on any single lot of record or multiple lots, provided there is access to such buildings or hoses and it is in the same ownership which uses recorded prior to the effective date of this ordinance in the same ownership. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, for such districts in which located; however, all other requirements shall still apply. Any required variances shall be obtained through the city council. Ord. 77.

C. EXPANSIONS OR ENLARGEMENTS PROHIBITED

No nonconforming use or structure may be expanded or increased beyond the lot or tract of land upon which such nonconforming use or structure is located after the passage of this ordinance except to provide off-street loading or off-street parking space upon approval by the city council. Ord. 77.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which a building permit has been properly secured from the city. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently. Ord. 77.

D. WHEN DISCONTINUED CONFORMANCE RECORDED

The lawful use of a building or land existing at the date of enactment of this ordinance, although such use does not conform to the provisions hereof, may be continued. However, if the nonconforming use is discontinued for a period of six 6 consecutive calendar months, it shall not thereafter be resumed and any future use of such building or land shall be in conformity with the provisions hereof. Ord. 77.

E. CLASSIFICATION CHANGES

Whenever the nonconforming use of a structure is changed to a use of a more restrictive classification, such use shall not thereafter be changed to a use of a less restricted classification. Ord. 77.

For the purpose of this regulation, uses permitted in "R-1" Districts shall be deemed to be those in the most restrictive zoning classification while industrial districts shall be the least restrictive. Ord. 77.

F. WHEN RESTORATION ALLOWED

A nonconforming structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty, or by the public enemy, to the extent where the cost of restoration would amount to less than fifty percent (50%) of its assessed value may be restored. If the damage is in excess of fifty percent (50%) of its value or restoration is not started within a period of one 1 year and carried diligently to completion, application for restoration shall be made to the zoning board of adjustment to permit such restoration. Homeowners, as shown by the city tax records on the effective date of this ordinance, shall be able to restore their property regardless of the extent of destruction, without making application to the city council. However, said restoration shall comply with all construction codes then in effect within the city. Ord. 77.

G. APPROVED USES CONSIDERED CONFORMING

Any conditional or special use which is permitted in a district only upon action of the city council shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be so interpreted as to waive any conditions of a specific use permit for such use. Ord. 77.

Sec. 12-13-3 CITY COUNCIL TO ACT AS ZONING BOARD OF ADJUSTMENT

The governing body of the City of Palmer, Texas may, by separate ordinance dissolve the Board of Adjustment and act as the Board of Adjustment with all powers and duties provided by law. Ord. 77.

Sec. 12-13-4 AMENDMENTS

A. GENERAL

The zoning regulations, restrictions and boundaries may be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modifications or repeal shall be deemed to amend, supplement, change, modify or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan. Ord. 77.

B. FILING REQUESTS FOR AMENDMENTS

All requests for amendments to zoning district boundaries and/or changes in land use shall be submitted, together with required fees to the city secretary, whom shall cause notices to be sent and published and the petition to be placed on the council agenda. Requests for changes in zoning district uses or boundaries shall be made on forms provided by the city and shall include a clean clearly typed metes and bounds legal description of the total site area and other information sufficient to consider such request. Ord. 77.

Any proposal or application for an amendment may be withdrawn by the applicant prior to consideration of such request by the city council. Any proposal or application withdrawn shall not be subject to the provision hereof that requires that a period of time must pass before it can be considered. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original proposal or application. Ord. 77.

C. NOTICE AND PUBLIC HEARING

The city council may from time to time amend, supplement or change by ordinance the zoning regulations, restrictions or boundaries of the districts herein established after providing proper notice and holding public hearings before the Planning & Zoning Commission and the City Council. Ord. 77.

Before the 10th day before the hearing date, written notice of the public hearing before the Planning & Zoning Commission shall be sent to all owners of property located within 200 feet of the property to be rezoned. The notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Thereafter, the Planning & Zoning Commission shall make its final report to the City Council. Ord. 77.

Notice of the City Council hearing on the zoning change shall be given by publication one time in the official newspaper of the city before the 15th day before the date of the hearing. The City Council may not hold its public hearing on the zoning change until it receives the final report from the Planning & Zoning Commission. Ord. 77.

Sec. 12-13-5 APPLICATION NOT TO BE CONSIDERED FOR SIXTY (60) DAYS AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be considered within sixty (60) days of denial of a request by the city council for the same classification on the same property. Ord. 77.

Sec. 12-13-6 PROTEST AGAINST CHANGE

In case of a protest against such change signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred feet (200') thereof, such amendment shall not become effective except by the favorable vote of three-quarter (3/4th) of all the members of the city council present and qualified to vote. Ord. 77.

Sec. 12-13-7 COUNCIL ACTION ON APPLICATION

The Council may deny or approve the applicant's request; or it may make a change to a more restrictive use. Ord. 77.

Sec. 12-13-8 SITE PLAN AND SUPPORTING DOCUMENTS

A. When, in the opinion of the Planning & Zoning Commission or City Council, additional information is required from the applicant the applicant may be requested to submit a site plan and supporting documents prior to rendering a decision thereon. Ord. 77.

B. The applicant is encouraged to meet with the appropriate staff in informal work sessions, or called Commission or Council work sessions to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearings. Ord. 77.

C. An applicant may wish to provide, or may be required to furnish one or more of the following: Ord. 77.

Copies of subdivision plats; topographic and drainage maps; site plan drawings showing existing and proposed zoning districts; information showing proposed treatment for screening both the land and the internal separations of land; proposed pedestrian paths, hike trails, bike trails; and equestrian bridle paths; vehicular circulation systems and the proposed handling of points of conflict. Ord. 77.

D. The general type and extent of other plans and supporting documents that may be required include, but are not necessarily limited to:

1. **Site Plan**

Meeting all of the requirements of a "preliminary plat," as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawings or other information that the reviewing body may require include the following: Ord. 77.

Existing and proposed zoning district; Ord. 77.

General outline of extensive tree coverage; Ord. 77.

Drainage ways and 100 year flood plain limits; Ord. 77.

Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use, where required; Ord. 77.

Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict. Ord. 77.

2. **A tabular summary schedule indicating:**

The gross acreage and percent of each type of zoning category proposed; Ord. 77.

The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family, townhouse, etc., including the total gross project acreage; Ord. 77.

The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street only; Ord. 77.

The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.; and Ord. 77.

Proposed maximum lot coverage by building types, i.e., "R-1," "R-2," "R-3," R-4, "MF," commercial, industrial, etc., expressed in terms of percent or floor area ratio of the lot or site; Ord. 77.

3. **A tabular summary schedule indicating:**

The gross acreage and percent of each type of zoning category proposed; Ord. 77.

The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family, townhouse, etc., including the total gross project acreage; Ord. 77.

The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street only; Ord. 77.

The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.; and Ord. 77.

Proposed maximum lot coverage by building types, i.e., "R-1," "R-2," "R-3," R-4, "MF," commercial, industrial, etc., expressed in terms of percent or floor area ratio of the lot or site; Ord. 77.

4. **Architectural Drawings**

elevations, concept sketches, or renderings depicting building types and other significant proposed improvements, including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals. Ord. 77.

5. **Written Documents**

In narrative form on 8-1/2' X 11" sheets, including the following: Ord. 77.

Legal description of the total site area proposed for rezoning, development, or specific use permit Ord. 77.

Statements on planning objectives to be achieved, a narrative description of the character of the proposed development, rationale behind the assumptions and choices made by the applicant including use and ownership of open spaces. Ord. 77.

A development schedule indicating the approximate date(s) when construction of the proposed development and subsequent stages or phases thereof, if any, are expected to begin and be completed.

A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application; Ord. 77.

Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit; Ord. 77.

Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment. Ord. 77.

Statement(s) as to how and when the applicant proposes to provide water and sewer to the development. Ord. 77.

Signature, title and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals. Ord. 77.

The End