

## Chapter 140 - ZONING

### ARTICLE I. - ENACTMENT

Sec. 140-1. - Short title; map adopted; comprehensive plan; minimum standards.

- (a) Short title. This chapter shall be known and may be cited as "The City of Texarkana, Texas, Zoning Code." This chapter may also be cited as the "Texarkana, Texas Zoning Code," "City Zoning Code" or the "Zoning Code."
- (b) City zoning map adopted. The official city zoning map is hereby adopted and incorporated herein.
- (c) Comprehensive plan. The comprehensive plan adopted by resolution of the city council of the city is established as the official policy of the city concerning land uses. The incorporated areas of the city are divided into land use categories consistent with the comprehensive plan. The comprehensive plan does not alter or affect the existing zoning districts in the city, does not effectuate an amendment to the official zoning maps, and does not itself permit or prohibit any existing land uses. The comprehensive plan shall be updated on an as-needed basis to reflect changes in land use and to discover any inconsistencies zoning changes have caused in the city zoning map.
- (d) Minimum standards. The requirements of these regulations are minimum permissible standards; and it is expected that developers and the respective decision-making authority will normally strive for quality developments which will exceed these minimum requirements.

(Ord. of 9-7-1970, § 1-100)

Sec. 140-2. - Purpose.

The zoning districts and regulations as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the city, and for the protection and preservation of places and areas of historical and cultural importance and significance. They have been designed to regulate and restrict the height, number of stories and size of buildings and other structures; the percentage of the lot that may be occupied; the size of the yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for business, residence and other purposes; and, in the case of designated places and areas of historical and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light, air and prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord. of 9-7-1970, § 2-100)

Secs. 140-3—140-22. - Reserved.

### ARTICLE II. - DEFINITIONS

Sec. 140-23. - Definitions.

- (a) Words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number; the term "building" includes the term "structure;" the term "lot" includes the terms "plot" or "tract;" the term "shall" is mandatory and not discretionary.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means a use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

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

Apartment means a room, or suite of rooms, in a multifamily dwelling or apartment house arranged, designed or occupied as a place of residence by a single-family, individual or group of individuals.

Apartment house means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Area of the lot means the net area of the lot and shall not include portions of streets and alleys.

Basement means a building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

Block means an area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

Board means zoning board of adjustment as provided for in section 140-342.

Boardinghouse means a building other than a hotel, where lodging and meals for three or more persons are served for compensation.

Building means any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building ends means those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for a multiple-family dwelling, the term "building end" shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

Building line means a line parallel or approximately parallel to the street line at a specified distance therefrom making the minimum distance from the street line that a building may be erected.

Cellar means a building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

Certificate of occupancy means 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.

City manager means the chief administrative officer of the city.

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

Convalescent home means any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

Court means an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Coverage means the percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of three feet from the walls of a building shall be excluded from coverage computations.

District means a section of the city for which the regulations governing the area, height or use of the land and buildings are uniform.

Dwelling, multiple-family, means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

Dwelling, one-family, means a detached building having accommodations for and occupied by not more than one family, or by one family and not more than three boarders and lodgers.

Dwelling, two-family, means a detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than three boarders and lodgers.

Dwelling unit means 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.

Family means any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage or adoption.

Floor area means the total square feet of floor space within the outside dimensions of a building, including each floor level, but excluding cellars, carports or garages.

Floor area ratio (FAR) means the ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

Height means the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

- (1) The highest point of the roofs surface if a flat surface;
- (2) To the deck line of mansard roofs; or
- (3) To the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Legal height means the maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.

Living unit means the room or rooms occupied by a family and must include cooking facilities.

Lodginghouse means a building where lodging for four or more persons is provided for compensation.

Lot means land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross sectional area of a building.

Lot depth means the mean distance between the front and rear lot lines (see appendix illustration 2.).

Lot lines means the lines bounding a lot, as defined herein.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of the county or a parcel of land, the deed for which it is recorded in the office of the county clerk of the county prior to the adoption of the ordinance from which this chapter is derived.

Lot width means the width of a lot at the front building line. (See appendix illustration 1.)

Main building means the building, or buildings, on a lot which are occupied by the primary use.

Nonconforming use means a building, structure or use of land lawfully occupied at the time of the effective date of the ordinance from which this chapter is derived or amendments thereto, and which does not conform to the use regulations of the district in which it is situated. (See section 140-277.)

Occupancy means the use or intended use of the land or buildings by proprietors or tenants.

Open space means the area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky, except for the ordinary projections of cornices, eaves, porches and plant material.

Parking space means an enclosed or unenclosed paved surface area of not less than 180 square feet, usually measuring nine feet by 20 feet or ten feet by 18 feet, connected to a paved private driveway aisle or access apron which, in turn, connects to a publicly maintained street or paved public alley. A paved surface on private property is further defined as being concrete, hot mix asphaltic concrete, cold mix limestone rock asphalt, or one or more courses of asphalt oil and rock aggregate on a flexible base, except any gravel or stone parking space and connecting driveway that was in existence prior to the adoption of the ordinance from which this chapter is derived is exempt. If an alley or a portion of an alley is to be paved, it shall be paved with concrete or hot mix asphaltic concrete in accordance with the city's minimum standards for residential streets. Any parking adjacent to a public street wherein the parking maneuver is done on the public street shall not be classified as off-street parking in computing the parking area requirements for any use. Any parking spaces adjacent to a paved public alley, with parking aprons as required to provide adequate width for the parking maneuver to be made on paved surface, will be classified as off-street parking spaces. All required off-street parking spaces shall be clearly marked with paint or some other permanent pavement marking material.

Planning and zoning commission means the agency appointed by the city council as an advisory body to it and which is authorized to recommend changes in the zoning.

Private garage means an accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

Residence means the same as a dwelling; also defined as the same when used with district and area of residential regulations.

Roominghouse. See Lodginghouse.

Sign means 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.

Story means the height between the successive floors of a building or from the top floor to the roof. The standard height for a story is 11 feet, six inches.

Street means any thoroughfare or public driveway, other than an alley, and more than 30 feet in width, which has been dedicated or deeded to the public for public use.

Street line means a dividing line between a lot, tract or parcel of land and a contiguous street use; the right-of-way line.

Structural alterations means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.

Structure. See Building.

Thoroughfare. See Street.

Yard means an open space other than a court, on the lot in which a building is situated and which is not obstructed from a point 40 inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

Yard, front, means an open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located. (See appendix illustrations 3 and 5.)

Yard, rear, means an open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated. (See appendix illustration 3.)

Yard, side, means an open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line. (See appendix illustrations 3 and 4.)

Variance means an adjustment in the application of the specific regulations of this chapter 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. (See section 140-345.)

Zoning district map means the official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this chapter.

(Ord. of 9-7-1970, §§ 22-100, 22-101)

Secs. 140-24—140-49. - Reserved.

**ARTICLE III. - ESTABLISHMENT OF DISTRICTS AND BOUNDARIES**

Sec. 140-50. - Zoning districts established.

The city is hereby divided into 22 zoning districts. The use, height and area regulations as set out herein are uniform throughout each district. The 22 districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
A	Agricultural District
SF-1	Single-Family Dwelling District-1
SF-2	Single-Family Dwelling District-2
SF-3	Single-Family Dwelling District-3

PUR	Planned Unit Residential District
2F1	Two-Family Dwelling District-1
2F-2	Two-Family Dwelling District-2
TH	Townhouse Dwelling District
MF1	Multiple-Family Dwelling District-1
MF-2	Multiple-Family Dwelling District-2
P	Parking District
O	Office District
NS	Neighborhood Service District
GR	General Retail District
LC	Limited Commercial District
CB	Central Business District
C	Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District
HD	Historic District
PD	Planned Development District
UPDD	University Planned Development District
FP	Prefix to any district designating a subdistrict subject to provisions section 140-107

(Ord. of 9-7-1970, § 3-100)

Sec. 140-51. - Zoning district map.

- (a) The boundaries of the zoning districts set out herein are delineated upon the zoning district map of the city, said map being a part of this chapter as fully as if the same were set forth herein in detail.
- (b) Three original, official and identical copies of the zoning district maps are hereby adopted, each bearing the signature of the mayor and the attestation of the city secretary and shall be filed and maintained as follows:
  - (1) One copy shall be filed for permanent record in the office of the city secretary and shall be designated as "Exhibit I." This copy shall not be changed in any manner.
  - (2) One copy shall be filed in the office of the building official and shall be designated as "Exhibit II." This copy shall be maintained by the building official and kept up to date by posting therein all subsequent changes and amendments for use in issuing building permits, certificates of compliance and occupancy and enforcing this chapter.
  - (3) One copy shall be filed in the office of the director of planning and traffic and shall be designated as "Exhibit III." This copy shall be maintained by the director of planning and kept up to date by posting thereon all subsequent changes and amendments.
  - (4) Reproductions for information purposes only may, from time to time, be made of the official zoning district map.

(Ord. of 9-7-1970, § 4-100)

Sec. 140-52. - Zoning district boundaries.

- (a) The district boundary lines shown on the zoning district maps are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:
  - (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow the centerlines of such streets.
  - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - (3) Boundaries indicated as approximately following city limits shall be construed as following city limits.
  - (4) Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.
  - (5) Boundaries indicated as following shore lines or centerlines of streams shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainageways or draws shall be construed to follow such centerlines.
  - (6) Boundaries indicated as parallel to or extensions of features indicated in subsection (a)(1) through (5) of this section shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.
  - (7) Whenever any street, alley or other publicway is vacated by official action of the city council or whenever such area is franchised for building purposes and the zoning district line is not simultaneously adjusted, the zoning district line adjoining each side of such street, alley or other publicway shall be automatically extended to the centerline of such vacated street, alley or way

and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

- (b) Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a questions as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of the provisions of subsections (a)(1) through (7) of this section, the property shall be considered as classified SF-2 Single-Family Dwelling-2 District temporarily in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions provided in section 140-78 for temporarily zoned areas.

(Ord. of 9-7-1970, § 5-100)

Secs. 140-53—140-77. - Reserved.

#### ARTICLE IV. - DISTRICT USE REGULATIONS

Sec. 140-78. - Temporary zoning of annexed territory.

- (a) All territory hereafter annexed to the city shall be temporarily classified as the zoning district classification specified in the annexation ordinance or shall be temporarily classified as the SF-2 Single-Family Dwelling-2 District where the annexation ordinance does not specify the temporary zoning classification. Permanent zoning of the newly annexed property should be accomplished within one year after annexation. The procedure for establishing permanent zoning of annexed territory shall conform to the procedure established by law in section 140-317.
- (b) In an area temporarily classified as SF-2 Single-Family Dwelling-2:
  - (1) No person shall erect, construct or add to any building or structure or cause the same to be done in any newly annexed territory to the city without first applying for and obtaining a building permit and a certificate of occupancy therefor from the building official or the city council as may be required herein.
  - (2) No permit for the construction of a building or use of land shall be issued by the building official other than to permit the construction of a building or use permitted in the SF-2 Single-Family Dwelling-2 District, unless and until, such territory has been reclassified to some other zoning district as provided in section 140-79, except that a building permit may be issued in accordance with the provisions of subsection (b)(3) of this section.
  - (3) An application for a permit for any use other than that specifically permitted in the SF-2 Single-Family Dwelling-2 District may be made to the building official of the city, and by the official referred to the planning and zoning commission for consideration and recommendation to the city council. The planning and zoning commission shall take into consideration the appropriate land use for the area. The city council, after receiving and reviewing the recommendations of the planning and zoning commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy or may disapprove the application.

(Ord. of 9-7-1970, § 6-100)

Sec. 140-79. - Classification of new and unlisted uses.

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

- (1) The building official shall refer the question concerning any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- (2) The planning and zoning commission shall meet with the parties at interest and shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
- (3) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall by resolution approve the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate.

(Ord. of 9-7-1970, § 7-100)

Sec. 140-80. - Use regulation districts.

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

(Ord. of 9-7-1970, § 8-100)

Sec. 140-81. - Legend for interpreting schedule of use.

(a) The following legend may be used in interpreting the schedule of use:

	Designates use permitted in district indicated.
	Designates use prohibited in district indicated.
S	Indicates use may be approved as specific use permit. (See section 140-177.)

(b) Use listings for UPDD are located in section 140-111. UPDD (Special district designations).

	Zoning Districts
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Types of Uses	Agriculture	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Planned Unit Residential	Two-Family Dwelling-1	Two-Family Dwelling-2	Townhouse Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Parking	Office	Neighborhood Service	General Retail	Limited Commercial	Central Business	Commercial	Industrial-1	Industrial-2	Planned Development
8-102	Primary Residential Uses																			
One-family dwelling detached																				
One-family dwelling attached																				
Two-family dwelling																				
Multiple-family dwelling (apartment)																				



<p>d home as a fixed dwelli ng</p>																			
<p>Modul ar or factor y fabrica ted dwelli ng</p>	S																		S
8-103	Accessory and Incidental Uses																		
<p>Access ory buildin g (reside ntial)</p>																			
<p>Access ory buildin g (busin ess or indust ry)</p>																			
<p>Access ory buildin g (farm)</p>																			

Garage sale (deleted— See section 140-178)	Subject to Permit Issued by the City														
Home occupation															
Off street parking incidental to main use															
Stable (private)															
Caretakers quarters	S	S													
Swimming pool (private)															
Temp. field office,	Subject to Temporary Permit Issued by Building Official														

const. yard or service office																		
8-104	Utility and Service Uses																	
Electrical substation		S	S	S		S	S	S	S	S								
Electrical energy generating plant	S															S		
Electrical transmission line		S	S	S		S	S	S	S	S								S
Fire station																		
Gas line and regulating station																		
Local utility line																		

Public building, shop or yard of local, state or federal agency	S	S	S	S		S	S	S	S	S		S	S							S
Radio, television or microwave towers	S	S	S	S		S	S	S	S	S	S	S	S							S
Radio or television transmitting station	S																			
Sewage pumping station																				
Sewage treatment	S																S			S







(public )																				
Playfield or stadium (public )		S	S	S	S	S	S	S	S	S										
Pistol and rifle range (indoor)																				
Private club	S								S	S		S	S							S
Riding club	S																			
Roller or ice skating rink	S											S								
Rodeo grounds	S																			S
Swim or tennis club	S	S	S	S	S	S	S	S	S	S	S									
Swimming pool	S										S									



mausoleum																				
Church or rectory																				
College or university		S	S	S	S	S	S	S	S											
Institution for alcoholic, narcotic or psychiatric patients	S										S		S	S						S
Convent or monastery		S	S	S	S	S														
Fairgrounds or Exhibition area	S												S							
Fraternity or																				



Library (public)		S	S	S	S	S	S	S											
Neighborhood health center	S		S	S	S	S	S	S	S	S	S								
Nursing home or assisted living facility	S								S										
School, business											S								
School, commercial trade																			
School, public or denominational																			
Conference									S										



Helip rt	S																S	S			S
Helisto p	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S
Motor freight termin al																					
Railroa d freight termin al																					
Railroa d passen ger station																					
Railroa d track or right- of-way																					
Railroa d team tracks																					
Railroa d yard or round house																					













































- (b) In determining the historical district, site or area, one or more of the following criteria shall be considered:
  - (1) Character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation.
  - (2) Location as the site of an historical event.
  - (3) Structure with a distinguishing architectural type.
  - (4) Relationship to other distinctive buildings, sites, districts or structures which are historically significant.
  - (5) Unique location of singular physical characteristics representing an established and familiar visual feature or a neighborhood, community, the city or this region.
  - (6) Identification with a person who has significantly contributed to the development or culture of the city, state or nation.
- (c) The historic landmark preservation committee shall recommend that certain sites, districts, areas, buildings or structures be designated as historical districts, sites or areas, and shall delineate the boundaries thereof. Such recommendation shall be submitted to the planning and zoning commission and to the city council. Such request for historical designation shall be acted upon by the planning and zoning commission and the city council as prescribed by section 140-317. The prefix "H" shall indicate on the zoning district map the zoning designation of those areas, sites, districts, buildings or structures which are designated as historical districts. Such designation shall be in addition to any other zoning classification established for such site.
- (d) The historic landmark preservation committee shall be composed of nine members. There should be one member from each of the following: An institution authorized to make home loans, a real estate agent, a representative of the city museums system, with the remaining members to be named at the discretion of the city council. Meetings of the historic landmark preservation committee shall be at the call of the chairperson and at such times as the committee shall determine. All meetings shall be open to the public. The committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the community redevelopment and grants and shall be public record. The committee should include the following committees: 1) Guidelines and standards review, 2) Community involvement and marketing; and 3) Expansion, preservation and revitalization. Each committee member shall serve on at least one committee. Ex officio members of the committee shall include the city manager, the executive director of community redevelopment and grants, and the marketing and communications manager. The members of the committee shall select a chairperson, a vice-chairperson and a secretary. Five members shall constitute a quorum.
- (e) No person shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature of a building or structure or develop, construct, relocate or demolish any building or structure with a historic designation or within a Historic Overlay District in the city without first obtaining a certificate of appropriateness. Exterior architectural features include the kind, color and basic texture of all exterior building materials and such features as windows, doors, lights and signs.
  - (1) An application for a certificate of appropriateness shall be made by the owner of the subject property and filed with the director of planning on the city's official form. The director of planning shall determine the completeness of an application for a certificate of appropriateness. Incomplete or applications not in compliance with building codes or other ordinances shall be returned to the applicant for completion and compliance. The director of planning shall within seven days refer a completed application to the historic landmark preservation committee.
  - (2) The historic landmark preservation committee shall hold a public hearing on an application for a certificate of appropriateness within 30 days of their receipt of the application. Notice of application for a certificate of appropriateness shall be posted at the project site such that it is visible from the public right-of-way, including contact information and meeting date. If the historic

landmark preservation committee does not take action within 30 days of receipt of a completed application, a certificate of appropriateness shall be deemed issued by the committee.

- (3) At the public hearing, the historic landmark preservation committee shall investigate and approve or disapprove an application for a certificate of appropriateness by a majority vote. A written report regarding the decision should be prepared by the director of planning within five days after the public hearing.
  - (4) Upon approval of an application, the building official shall be authorized to issue any necessary permits following the city's standard process. Should an application be disapproved, a copy of the written report stating the reasons for disapproval shall be mailed to the applicant with notice of their right to appeal the decision to the zoning board of adjustment.
  - (5) No application for the same project shall be considered within one year of the disapproval of the application by the historic landmark preservation committee. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the committee at any time.
  - (6) Ordinary maintenance and repair shall be exempt from the requirement of a certificate of appropriateness. The director of planning shall be responsible for making a determination whether or not any given project constitutes ordinary maintenance and repair and shall report such projects periodically to the historic landmark preservation committee.
  - (7) Ordinary maintenance and repair is any work, the sole purpose and effect of which is to correct deterioration, decay or damage which does not result in a change in the existing appearance and materials of a property. Examples include minor repairs to windows and doors; repairing walkways or drives and; roofing, foundation or chimney work when no substantial change in appearance occurs. Ordinary maintenance and repair also includes in-kind repair and replacement. Ordinary maintenance and repair must be compatible with the development standards of the historic district in which it is performed.
  - (8) The following general review criteria shall be met in issuing any certificate of appropriateness: the proposed work complies with the development standards and preservation criteria for the district; the integrity of an individual historic structure is preserved; new buildings or additions are designed to be compatible with surrounding historic properties; and the overall character of the district is protected.
- (f) In accordance with state law, the city council finds that all structures located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation. The city shall exempt ten percent of the assessed value of a structure, including the land necessary for access to and use of the structure, from annual city ad valorem taxation. In order to receive this tax exemption, the structure must have been located within a designated Historic Residential Overlay District on January 1 of the applicable tax year and must be designated as the owner's homestead for the applicable tax year.
- (g) The Highland Park-Bingham Park Historic Residential Overlay District is hereby established. The purpose and intent of the Highland Park-Bingham Park Historic Residential Overlay District is to provide for the protection of the aesthetic and visual character of this historic residential neighborhood. The neighborhood consists of homes built between 1903 and 1935 and includes arts and crafts, prairie and cottage style homes. The neighborhood also includes the boyhood home of Ross Perot and the home of Wright Patman.
- (1) The Highland Park-Bingham Park Historic Residential Overlay District shall include all property on Wood Street between West 25th Street and West 29th Street and all property on Olive Street between West 23rd Street and West 29th Street. Additionally, the district shall include residences fronting on West 29th Street between the intersections of Wood Street and Olive Street. An official map of the Highland Park-Bingham Park Historic Residential Overlay District shall be kept on file in the planning and zoning department and the boundaries of the Highland Park-Bingham Park Historic Residential Overlay District shall be shown on the city's official zoning map.

- (2) Development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District are hereby adopted as an official attachment to this chapter. A violation of any provision contained within the development standards and preservation criteria for the district is a violation of this chapter. Copies of the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District shall be available in the office of the director of planning.
- (3) No person shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature of a building or structure or develop, construct, relocate or demolish any building or structure within the district without first obtaining a certificate of appropriateness. All new development and changes to existing development located within the district, except for ordinary maintenance and repair, shall be reviewed in accordance with the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District by the historic landmark preservation committee pursuant to subsection (e) of this section.
- (4) The development standards and preservation criteria for this overlay district control in the event of a conflict with the requirements for the underlying zoning district or other ordinances. Except, this section does not apply to life safety codes such as building or fire codes. If a proposed development or change in an external feature will not be visible from a public right-of-way once the project is completed, the committee may waive review of the project. The Highland Park-Bingham Park Historic Residential Overlay District shall also hereby include all property on Walnut Street between West 25th Street and West 29th Street.

**State Law reference**— Zoning authority of governing body of a municipality to designate places and areas of historical, cultural or architectural importance and significance, and regulate the construction, reconstruction, alteration or razing of buildings and other structures within such designated places and areas, Texas Local Government Code §§ 211.001, 211.003.

(Ord. of 9-7-1970, § 8-200; Ord. No. 138-2005, 5-9-2005; Ord. No. 315-2006, 11-13-2006; Ord. No. 144-2009, 10-26-2009)

Sec. 140-107. - Floodplain designation.

All development within the floodplain must conform to chapter 110.

(Ord. of 9-7-1970, § 8-300)

Sec. 140-108. - Planned development.

- (a) Purpose and scope. The PD Planned Development District is designed to provide flexibility in development planning and the opportunity for the application of new planning concepts. PD Planned Development zoning shall require the submission and approval of a development site plan before any property can be developed in a planned development district.
- (b) Application procedures. Application for a PD district shall be made in the same manner as an application for any amendment to the zoning ordinance and shall include the following additional information:
  - (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 ordinance. If such ordinance specifies permitted uses by references to a zoning district, the permitted uses shall include those uses permitted in the referenced district, including those permitted through the cumulative provision of this chapter.

- (2) Development requirements. An application for a PD district shall include a list of development requirements which may be incorporated into the PD ordinance. The planning and zoning commission may recommend and the city council may require such modifications of a development site plan that will ensure the proposed project will be in harmony with the existing and anticipated development of surrounding areas. 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 the 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 construed as conditions precedent to the granting of a certificate of occupancy.
  - (3) Requirements in excess of standards. The conditions for the development as specified in the ordinance and on the site plan may set forth standards in excess of those requirements specified for the particular zoning district to which the planned development designation prefix is added. Development requirements may include, but not be limited to, density, lot size, setbacks, building heights, lot coverage, parking ratios, screening and other requirements the city council may deem appropriate.
- (c) Waiver of requirements. Standards set forth in the specific zoning districts cannot be modified or waived, unless such modification or waiver improves the overall development design of a project or is necessary to provide for a unique project design which cannot readily be accommodated through other districts. All streets, whether public or private, for a proposed PD district shall be constructed in accordance with the applicable standards set forth under chapter 130, article 5. However, the city council may waive such standards for private streets if they determine such waiver is necessary for an improvement of the development design of the project and will not affect the durability of the streets. Under no circumstances shall the standards set forth in section 130-153 be waived for private streets.
- (d) Development site plan. An application for approval of a site plan shall be submitted either at the time of the application for a PD district or separately when actual development of the area is planned. Six copies of the development site plan will be filed with the application and said development site plan shall include the following information: Site description indicating boundaries, public or private rights-of-way and easements on site or abutting or intersecting the site; adjacent properties with zoning and existing uses identified; proposed structures showing approximate outline or perimeter walls and including distances to property lines and other structures; front, side and rear building setback lines; proposed category of use or uses of structures; number of stories in height and feet; gross floor area; location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches; number and dimensions of parking spaces and width of drive approaches and aisles; location and width for required fire lanes; location, height and building materials for any proposed or required fences or walls; and location of open areas. A development site plan must designate any proposed variance to the zoning district requirements or variance to the street standards for the construction of private streets. Additional requirements for planned development districts designed for multiple ownership include:
- (1) Subdivision plat required. Where a PD district is designed for multiple ownership of lots, a plat conforming to the requirements of the subdivision ordinance, chapter 135, must be recorded in addition to the development site plan as a prerequisite to the issuance of building permits for any property in a PD district.
  - (2) Maintenance requirements. In order to ensure the long term maintenance of common areas, facilities, private streets and prevent unexpected maintenance expenditures by the city, the following shall be required:
    - a. Planned development projects designed for multiple ownership shall be approved subject to the submission of a legal instrument creating a property owners' association and setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking areas, other communally owned facilities and private streets. No such instrument shall be acceptable until approved by the city attorney as to legal form and effect.

- b. The property owners' association shall be organized as a nonprofit corporation with automatic membership in the property owners' association when property is purchased in the planned development district. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Assessments shall also be handled in covenant form rather than as articles of incorporation since the latter may be easily amended.
- c. Included in the maintenance covenants shall be procedures for changing them since maintenance costs may change over time. Deeds shall also mention the rights and responsibilities of property owners to the property owners' association. For common areas and private streets, the property owners' association shall be responsible for the following: liability insurance, taxes and maintenance. The above will be divided among the property owners by use of a pro-rata share formula.
- (e) Approval. Upon approval of a development site plan by the city council, application may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes to the development site plan may be authorized by the director of planning. However, such changes may not be made by the planning director if the changes will substantially alter any of the following:
  - (1) The character of the development, the density or lot coverage of the development or the effect of the development on adjacent property.
  - (2) The setbacks of buildings from property lines.
  - (3) The ratio of off-street parking spaces to the building floor area.
  - (4) The location, orientation or lighting of signs.
- (f) Amendment to ordinance. Every PD district approved under the provisions of this article shall be considered as an amendment to the ordinance as applicable to the property involved. All PD districts approved in accordance with the provisions of this article in its original form or by subsequent amendments thereto shall be referenced on the zoning district map and a list of such PD districts together with the category of uses permitted therein shall be maintained in the office of the director of planning.

(Ord. of 9-7-1970, § 8-400)

Sec. 140-109. - PUR Planned Unit Residential District.

The purpose of the PUR Planned Unit Residential District is to provide for the development of unique and innovative forms of single-family housing utilizing individually platted lots. This zoning district shall include both garden home and zero lot line/patio home developments. Lots within subdivisions intended for garden homes or as zero lot line/patio home developments must be noted on the final plat as recorded. These lots shall be solely for the housing types that are specifically noted on the final plats. If a developer chooses to use a combination of these two housing types in a single subdivision, each lot must be designated as to the type home that will be built, and shown on the final plat as recorded. Alleys are not required in a PUR subdivision.

- (1) Garden home developments.
  - a. Minimum lot requirements.
    - 1. Lot area—3,750 square feet.
    - 2. Lot width—50 feet.
    - 3. Lot depth—75 feet.
  - b. Minimum yard requirements.
    - 1. Front yard—15 feet.

2. Rear yard—Ten feet. When rear entry garages or carports are utilized, the opening shall be a minimum of 15 feet from the rear property line.
  3. Side yard—Five feet, unless on a corner lot adjacent to a street. On a corner lot adjacent to a street, the width of the side yard shall be 12 feet.
- c. Maximum building height. Overall height is 35 feet. No home shall exceed two stories. No accessory building shall exceed one story in height.
  - d. Spatial control.
    1. Maximum lot coverage is 60 percent, including accessory buildings and other structures, subject to minimum yard requirements and other spatial controls.
    2. Minimum distance between exterior walls is ten feet.
  - e. Parking requirements. Each dwelling shall have off street parking sufficient for a minimum of two automobiles or other vehicles, not to exceed one ton capacity. No commercial or panel trucks shall be allowed to be parked in a PUR for non business related reasons. Construction of garages and/or carports shall be at the option of the developer. Garages and carports may be either front or rear entry.
  - f. Private streets. Should a developer desire to have private streets within a PUR, compliance with section 140-108 shall be required.
  - g. Other requirements. All construction and development within a PUR shall comply with all other appropriate rules and regulations as found in this Code, the zoning chapter and the subdivision chapter of the city.
  - h. Density. Garden home subdivisions shall not exceed a density of more than eight units per acre on tracts of land of two acres or less or a density of six units per acre on tracts of land of more than two acres.
- (2) Zero lot line/patio home developments.
- a. Minimum lot requirements.
    1. Lot area—5,000 square feet (zero side option); 6,000 square feet (center option).
    2. Lot width—50 feet (zero side option); 55 feet (center option).
    3. Lot depth—100 feet (zero side or center option).
  - b. Minimum yard requirements.
    1. Front yard—15 feet (zero side or center option).
    2. Rear yard—Ten feet (zero side or center option), 20 feet when access to the required off street parking is gained from a dedicated street or alley, either public or private (zero side or center option).
    3. Side yard—Zero feet on one side and ten feet on the opposite side (zero option); 15 feet on a corner lot, the side adjacent to the street (zero option or center option); seven feet on both sides (center option).
    4. A minimum separation of ten feet shall be maintained between the face of exterior walls of neighboring dwelling units. For lots utilizing the zero side option, no roof overhang, gutter, or extension from a wall will be allowed to extend into or over an adjoining property. The closest exterior roofline to an adjoining property shall be storm guttered if the general slope of the roof falls toward said adjoining property. Also, a three-foot-wide access and maintenance easement shall be dedicated on the final plat filed for record for all lots which are adjacent to lots with a zero side. The purpose of this easement is to give the adjoining property owner access for maintenance of the owners dwelling. The majority of the structure shall be located within three feet of one side lot line. Building walls which are located adjacent to the zero side of the lot shall not have

any doors, windows, ducts, grills, vents or other openings. This requirement does not include exterior walls forming enclosures for courts, patios, or similar indentations to the zero wall. The "zero side" shall be dedicated on the final plat filed for record.

- c. Maximum building height. Overall height is 35 feet. No home shall exceed two stories.
  - d. Spatial control.
    - 1. Maximum lot coverage is 60 percent, including accessory buildings and other structures, subject to minimum yard requirements and other spatial controls.
    - 2. Minimum distance between exterior walls is ten feet.
  - e. Parking requirements. Each dwelling shall have off street parking sufficient for a minimum of two automobiles or other vehicles, not to exceed one ton capacity. No commercial vehicles or panel trucks shall be allowed to be parked in a PUR for nonbusiness related reasons. Construction of garages and/or carports shall be at the option of the developer. Garages or carports may be either front or rear entry.
  - f. Private streets. Should a developer desire to have private streets within a PUR, compliance with section 140-108 shall be required.
  - g. Other requirements. All construction and development within a PUR shall comply with all other appropriate rules and regulations as found in this Code, this chapter and the subdivision chapter of the city.
  - h. Density. Patio home/zero lot line subdivisions shall not exceed a density of more than eight units per acre on tracts of land of two acres or less or a density of six units per acre on tracts of land of more than two acres.
- (3) Clubhouses In a PUR (Planned Unit Residential) zoning district, a clubhouse shall be an allowed use. A clubhouse shall be defined as a detached accessory building that contributes to the comfort, convenience and social enjoyment of the residents of that particular subdivision, and their guests. When a PUR proposes to include a clubhouse as part of its development, the clubhouse may occupy no more than 40 percent of the lot upon which it is to be built and it shall conform to the setbacks set out as shown:
- a. Front yard: Minimum of 25 feet.
  - b. Side yard: Minimum of ten feet.
  - c. Rear yard: Minimum of ten feet.
  - d. Parking requirements shall be based on gross square footage of the clubhouse at one space for every 300 gross square feet or one space for every three lots in the subdivision whichever is greater, with a minimum requirement of five parking spaces. If the subdivision has a private street, any on-street parking abutting to the clubhouse lot will count toward required parking spaces. The clubhouse is not to be used for general public events.
  - e. When a clubhouse is proposed as part of or in conjunction with a subdivision or addition thereto, the following information must be provided to the city for review and approval prior to final acceptance of the subdivision improvements:
    - 1. Plans and illustrations of the proposed clubhouse which conform to the restrictive covenants and sealed by a registered engineer, are to be submitted with the final plat;
    - 2. A homeowner's or property owner's association shall be required to maintain the clubhouse. Documents establishing the property owner's association  
or the homeowner's association shall be submitted to the office of the city attorney for review and approval. The documents shall specify the following:
      - (i) Membership is mandatory for all owners of property within the subdivision.

- (ii) All association responsibilities and property interests shall be noted.
- (iii) By laws relating to the governance of the association.
- (iv) Any and all covenants for maintenance assessments, which run with the land.
- (v) Responsibility for liability insurance and taxes.
- (vi) Written release of liability for maintenance to benefit the city.
- (vii) Written indemnification of the city for any damages, injuries (including death), and/or liability resulting from the clubhouse.
- (viii) Authority of the association to secure funds from its members sufficient to meet its responsibilities. This can include collection of dues, the increasing of dues, the right to charge special assessments and the placing of liens against property for failure to comply with these requirements.
- (ix) Other city requirements as applicable or may become applicable.
- (x) Builders and/or developers shall be required to post notice in a prominent place in all model homes (if any), sales offices and sales documents that a property association has been established and that membership is mandatory for all property owners.
- (xi) Prior to the transfer of the association to the lot owners, the builder/developer must provide an adequate reserve fund to the association for maintenance purposes.
- (xii) Concurrent with the transfer of the association, the builder/developer must transfer to the association control over all utilities related to the clubhouse. The builder/developer must also disclose to the association the total cost to date related to the operation and maintenance of the clubhouse.

(Ord. No. 081-2003, 4-15-2003; Ord. No. 010-2004, 1-12-2004; Ord. No. 213-2006, 8-14-2006)

Sec. 140-110. - Development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District.

- (a) Development standards. The following standards apply in the Highland Park-Bingham Park Historic Residential Overlay District:
  - (1) In general. The development standards for this historic overlay district control shall prevail in the event of a conflict with the requirements for the underlying zoning district.
  - (2) Height requirements. The maximum permitted heights for buildings and structures are:
    - a. Twenty-five feet for a main building; and
    - b. Twenty feet for an accessory building or structure.
  - (3) Lot size requirements. Lots must conform to the following standards:
    - a. Each lot must have a minimum area of 7,200 square feet and a minimum depth of 150 feet.
    - b. Each lot must have a width no less than 50 percent of the average width of all lots in both the same and the opposite blockface.
  - (4) Maximum lot coverage. The maximum permitted lot coverage for all buildings and structures combined is 40 percent.
  - (5) Minimum front yard.
    - a. All buildings and structures must have a minimum front yard setback of 25 feet.

- b. The main building on an interior lot must have a front yard setback that is:
    - 1. Equal to that of the closest main building on either side of the lot in the same blockface; or
    - 2. Between those of the closest main buildings on either side of the lot in the same blockface.
  - c. The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.
- (6) Minimum rear yard. The minimum permitted rear yard setbacks for buildings and structures are:
- a. Ten feet for a main building, if the lot is 230 feet or less in depth;
  - b. Twenty feet for a main building, if the lot is over 230, but less than or equal to 250 feet in depth;
  - c. Thirty feet for a main building, if the lot is over 250 feet in depth; and
  - d. Five feet for an accessory building or structure.
- (7) Minimum side yards.
- a. All buildings and structures must have:
    - 1. On interior lots, a minimum side yard the greater of five; and
    - 2. On corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.
  - b. Except as otherwise provided in this section, no balcony, porch or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.
- (8) Off-street parking requirements. Residential uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit when alley is accessible.
- (9) Signs. Signs of any character shall be not larger than four square foot (i.e., two feet by two feet).
- (b) Preservation criteria. The following preservation criteria apply to all property in the Highland Park-Bingham Park Residential Overlay Historic District:
- (1) Building placement, form and treatment.
- a. Accessory buildings. Accessory buildings:
    - 1. Are only permitted in the rear yard no closer than 15 feet to a main building; and
    - 2. Must be compatible with the scale, shape, roof form, materials, detailing and color of a main building.
  - b. Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing and color of the building.
  - c. Architectural detail. Materials, colors, structural and decorative elements and the manner in which they are used, applied or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.
  - d. Awnings.
    - 1. All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.
    - 2. Wood, metal and plastic awnings are not permitted, unless they:
      - (i) Are on an accessory building or the rear facade of a main building;

- (ii) Complement the color scheme of the building to which they are attached; and
  - (iii) Are totally screened.
- e. Building placement. All buildings must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.
- f. Building widths. The minimum permitted width for a main building is 80 percent of the average width of the existing main buildings in the blockface.
- g. Chimneys. All chimneys must be compatible with the style and period of a main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:
  - 1. Constructed of brick, stucco, stone or other materials that look typical of the style and period of a main building; and
  - 2. Of a style and proportion that is typical of the style and period of a main building.
- h. Color.
  - 1. Brick and stone surfaces. Brick and stone surfaces not previously painted must not be painted unless the applicant establishes that:
    - (i) Painting is the only method by which the brick or stone may be restored or preserved; or
    - (ii) The color and texture of replacement brick or stone cannot be matched with that of the existing brick or stone surface and the paint color matches that of the existing brick or stone surface.
  - 2. Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.
  - 3. Dominant and trim colors. All structures must have a dominant color and no more than three trim colors. The colors of a structure must be complementary of each other and the overall character of this district.
  - 4. Gutters and downspouts. Gutters and downspouts must be painted or colored to match or complement the color scheme of the structure to which they are attached.
  - 5. Roof colors. Roof colors must complement the style and overall color scheme of the structure.
  - 6. Stain. The use and color of stain must be typical of the style and period of the building on which the stain is applied.
- i. Columns.
  - 1. Function. Columns are only permitted as vertical supports near the front entrance of a main building, or as vertical supports for porches.
  - 2. Materials. Columns must be constructed of brick, wood, cut stone or other materials that look typical of the style and period of a main building. No pipe or wrought iron columns are permitted.
  - 3. Style. Columns must be of a style typical of the style and period of a main building.
  - 4. Width dimensions.
    - (i) The width of a one-story column shaft at its widest point must be at least one-eighth the height of the column.
    - (ii) The width of a two-story column shaft at its widest point must be at least one-eighth the height of the column.
- j. Facade materials.

1. In general. The only permitted facade materials are brick, wood siding, stone and stucco. All facade treatments and materials must be typical of the style and period of a main building.
  2. Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.
  3. Wood facades. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on foundation skirts in a manner that is typical of the style and period of a main building.
- k. Front entrances and porches.
1. Detailing. Railings, moldings, tile work, carvings and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of a main building.
  2. Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass or mesh screening.
  3. Facade openings. Porches must not obscure or conceal any facade openings in a main building.
  4. Floor coverings. Carpeting is not permitted as a porch floor or step covering.
  5. Location. An entrance treatment, including door transoms, sidelights, stained glass, trim and hardware, must be retained in its original location.
  6. Style. The main building must have a front porch or entry treatment with a shape, roof form, materials and colors that are typical of the style and period of the building.
- l. Height to width ratio. The relationship between the height and width of the front facade of a main building, including side projections, must be compatible with those of the other main buildings in the blockface.
- m. Porte cocheres. Except as otherwise provided in this subsection, porte cocheres must be preserved as architectural features and not be enclosed on any side by fences, gates or any other materials. A wrought iron gate is permitted across the rear opening of a porte cochere if it has a screening factor of less than 50 percent and is compatible with the style and scale of a main building.
- n. Roof forms.
1. Eaves and soffits. The height of eaves and soffits on a main building must be within ten percent of the height of eaves and soffits on the closest main building in this district of a similar style and having the same number of stories.
  2. Materials and colors. Roof materials and colors must complement the style and overall color scheme of the building or structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.
  3. Overhang. The roof overhang on a building must be compatible with the style and scale of the building. A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.
  4. Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building and include separate substructure roofs.
  5. Skylights and solar panels. Skylights and solar panels are only permitted on:
    - (i) The rear 50 percent of the roof of a main building on an interior lot;
    - (ii) The rear inside quadrant of the roof of a main building on a corner lot; and

- (iii) The roof of an accessory building in the rear yard.
- 6. Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of a main building and compatible with existing building forms in this district. Flat or mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of a main building.
- o. Stairs. Second story exterior staircases are only permitted on accessory buildings and the rear 50 percent of a main building, except that they are not permitted on a corner side facade.
- p. Window and doors.
  - 1. Front facade openings. The total number of window and door openings (combined) in the front facade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of a main building may not be increased.
  - 2. Window openings; glass. Clear, decorative stained and clear leaded glass typical of the style and period of the building may be permitted in any window opening. Reflective, tinted, opaque and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted, except in a bathroom window.
  - 3. Storm doors and windows. Screens, storm doors and storm windows may be permitted if:
    - (i) Their frames are painted or colored to match or complement the color scheme of a main building;
    - (ii) They do not obscure significant features of the window and doors they cover; and
    - (iii) The screen mesh is 18 by 16 gauge.
  - 4. Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or on the rear or side facades of a main building.
  - 5. Shutters. Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.
  - 6. Style.
    - (i) All windows and doors in the front facade of a main building must be proportionally balanced in a manner typical of the style and period of the building.
    - (ii) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.
    - (iii) All windows, doors and lights in the front and side facades of a main building must be typical of the style and period of the building and compatible with the windows, doors and lights in the front and side facades of the other main buildings in the blockface. Windows must contain at least two lights (window panes). Sidelights must be compatible in style and materials with the door.
    - (iv) The frames of windows must be trimmed in a manner typical of the style and period of the building.
- (2) Landscaping.
  - a. Fences.
    - 1. Definitions. The following definitions apply to terms used in these fence regulations:

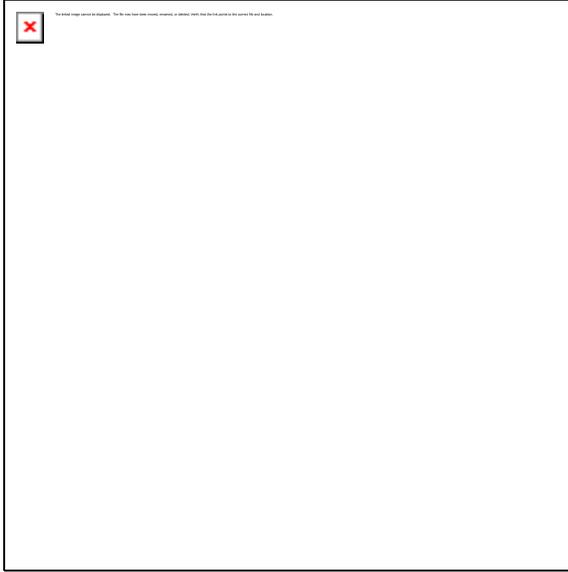
Finished side means the side of a fence that does not reveal the structural components.

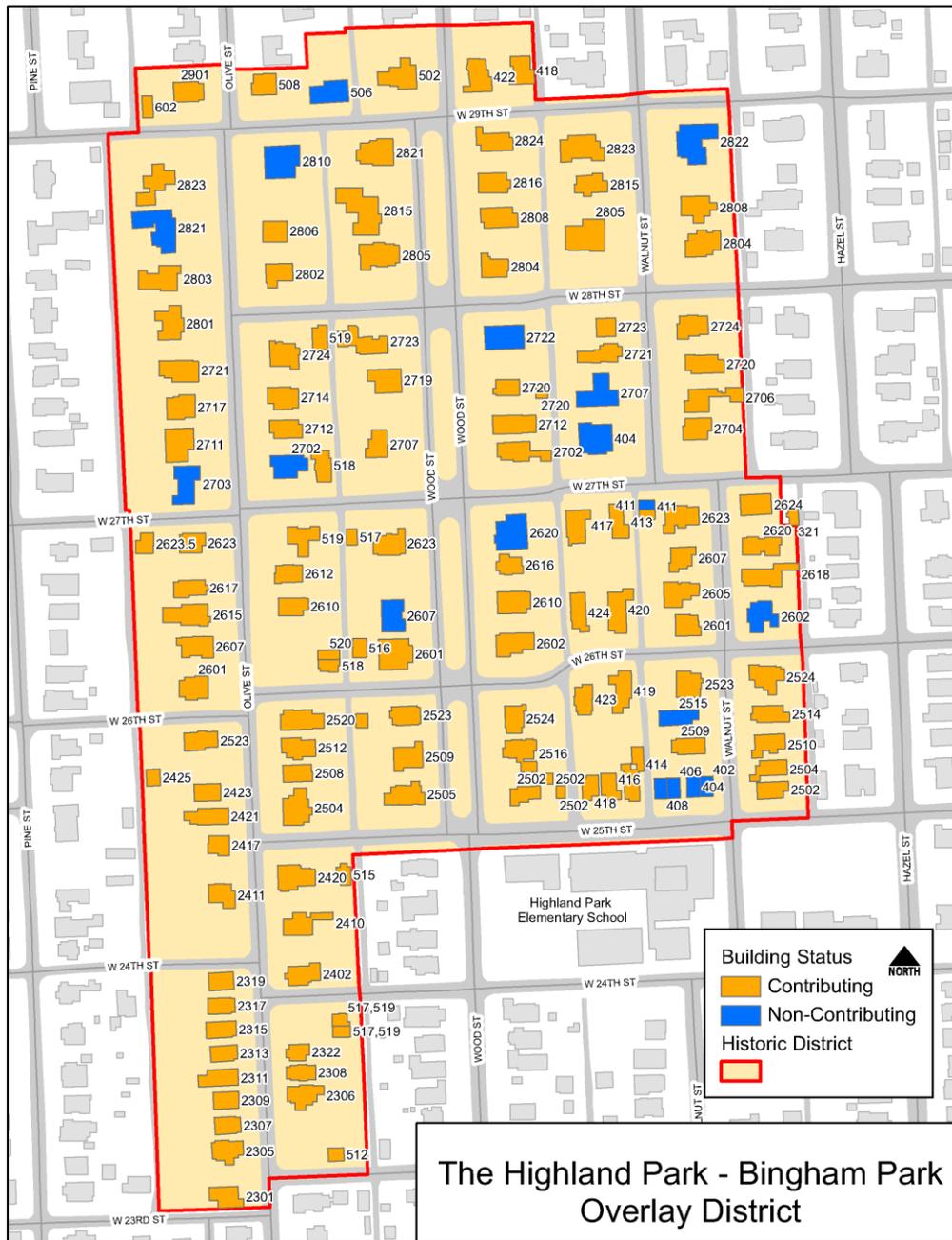
Structural component means a post, column or other vertical or horizontal member providing support and strength for a fence.

2. Form. Fences must be constructed and maintained in a vertical position.
3. Height. The maximum permitted height for a fence is eight feet.
4. Location.
  - (i) Fences are not permitted in the front yard.
  - (ii) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of a main building, except that the commission may allow a fence to be located in the rear 75 percent of the side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.
  - (iii) A fence in the corner side yard must not be directly in front of the corner side facade, however, if a fence covers no more than 50 percent of the corner side facade, it may be permitted if:
    - A. More screening is necessary to ensure privacy due to unusually high pedestrian or vehicular traffic; and
    - B. The fence does not screen all or any portion of a significant architectural feature of a main building.
  - (iv) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.
  - (v) A fence must run either parallel or perpendicular to a building wall or lot line.
  - (vi) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of a main building on the adjacent lot with the greater setback.
5. Materials. A fence must be constructed of one or more of the following materials: wrought iron, wood, brick or stucco. Exposed concrete blocks are not permitted. Chain link fencing is permissible if it is not visible from public right-of-way.
6. Masonry fences.
  - (i) The color, texture, pattern and dimensions of masonry and the color, width, type and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of a main building as nearly as practicable.
  - (ii) All exposed brick in a fence must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.
7. Metal fences.
  - (i) Wrought iron fences must be compatible with the style and period of a main building.
  - (ii) If a wrought iron is painted or colored, it must compliment the style and overall color scheme of the structure.
8. Wooden fences.
  - (i) All wooden structural posts must be a least four inches in diameter (nominal size).
  - (ii) The side of a wooden fence facing a public street must be the finished side.

- (iii) Wooden fences may be painted or stained a color that is complementary to a main building.
- b. Certain items prohibited in front and corner side yards. The following items are not permitted in the front and corner side yards:
  - 1. Berms higher than two feet.
  - 2. Pylons and similar structures.
  - 3. Rock or sculpture gardens.
  - 4. Permanent cooking or BBQ grills.
  - 5. Upholstered furniture. This prohibition includes porch areas.
  - 6. Satellite dishes and antennas. If reception requires such placement, then a satellite dish will be allowed if screened from public view by landscaping or building materials similar to those used on the facade of the main building.
  - 7. Basketball goals and playground equipment will not be permitted in the front or corner side yard.
- c. Outdoor lighting. Outdoor light fixtures on the front facade of a main building and on poles in the front yard must be compatible with the style and period of a main building and not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted. However, temporary holiday lighting displays are permitted from November through January.
- d. Pavement, filler and edging materials. If the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards, the landscape plan must be reviewed and approved by the commission. No more than 25 percent of the front yard of a residential use may be covered by pavement or filler materials.
- e. Planter boxes. Planter boxes must be:
  - 1. An integral part of and typical of the style and period of a main building;
  - 2. Eighteen inches or less in height;
  - 3. Thirty-six inches or less in depth; and
  - 4. Constructed of brick, stone or smooth-finish concrete that matches or is compatible in texture, color and style with a main building.
- f. Retaining walls. Retaining walls are not permitted in the front and side yards, except to preserve a natural or existing slope or to make slope similar to that of an adjacent lot. The height of a retaining wall must not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted stone, brick, stucco or smooth-finished concrete that is compatible in texture, color and style with a main building.
- g. Sidewalks, driveways and curbing.
  - 1. Materials.
    - (i) Asphaltic or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway or curbing material.
    - (ii) All public sidewalks and curbing must be constructed of brush finish concrete.
    - (iii) All private sidewalks and driveways must be constructed of brush finish concrete, brick, tile, slate or exposed aggregate. Gravel is allowed in the center strip of a ribbon driveway.
  - 2. Width, style and spacing.

- (i) The maximum permitted width of a driveway in the front yard is ten feet. The driveway width may be expanded to 20 feet at any point behind the front facade.
  - (ii) Ribbon driveways are only permitted if the owner establishes that a ribbon driveway was an original architectural element of the site. If a ribbon driveway is permitted, the ribbons must be at least one foot wide.
  - (iii) Circular driveways are not permitted in the front yard.
  - (iv) A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be spaced a minimum of one foot from the existing driveway on the adjacent lot.
3. Parking on driveways. No vehicles shall be parked on the lawn area of a property.





(Ord. of 9-7-1970)

Sec. 140-111. - UPDD University Planned Development District.

- (a) Purpose of district. The purpose of this district is to provide appropriate design standards for the development of properties within the UPDD University Planned Development District boundary. These standards recognize and support the area's unique development character and significance of the university as a primary source for development in this subject area. This article's purpose and vision are paraphrased below in the goals of the district.

(b) Goals of the district.

(1) Land use.

- a. Provide for a more compact and integrated mix of land uses and densities that will encourage economic vitality, maintain and embrace the integrity of the existing single-family neighborhoods, efficient use of land and city services and a strong sense of community.
- b. Provide a greater variety of housing to accommodate a broad range of student and family demand, including both more urban style housing within walking distance of campus amenities and to integrate and complement the existing, single-family housing within the UPDD.
- c. Retail areas should be designed to be pedestrian-oriented and be integrated with neighboring residential and commercial areas. This could be created through a mixed-use project that serves as a transition from retail to its surroundings, by the inclusion of walkways, roadways, trails and other means of access.
- d. Strengthen the university's position as the cultural heart of the district by encouraging retail, restaurant and residential uses with development standards designed to enhance the district's form, character and function.

(2) Framework.

- a. Provide University Avenue with landscaping, furnishings and public art to enhance the university lifestyle, and provide the district with cohesive design elements that accommodate vehicular, pedestrian and bicycle traffic.
- b. Ensure that the character of both private and public buildings and structures reflects a sense of permanence and public pride through prominent locations and high quality of design, landscaping, materials and construction.
- c. Identify and protect sceneries that contribute to the district's character and uniqueness, particularly Bringle Lake.

(3) Development.

- a. In the mixed-use areas set out in this plan, the site layout for commercial and for loft, townhome and urban housing developments should encourage buildings to be placed close to the roadway, with parking primarily located to the rear or side of buildings.
- b. Landscaping must be designed, installed, maintained and replanted to ensure that design objectives and the long-term health of plant materials are achieved.
- c. Building facades should be consistent with the overall Texas A&M University-Texarkana (TAMU-T) Campus. The facades of large commercial buildings should be designed and detailed in a manner and scale that minimizes their visual impact on the district.
- d. Implement sign standards to minimize visual clutter while providing clear identity and information.
- e. Use site design considerations including layout, screening and buffering to minimize negative visual impacts on adjacent properties.

(4) University district design concept (from TAMU-T campus entrance to University Avenue Bridge). Boundary areas (refer to UPDD site map):

- a. Area boundaries. UPDD development areas are those areas within close proximity to Texas A&M University-Texarkana campus and the University Corridor from Richmond Road to Summerhill Road, as shown in the boundary map on file in the city secretary's office.
- b. Compliance required. All property within the boundaries of the UPDD shall adhere to the UPDD development standards.

- c. Application to develop inside UPDD. Upon receipt of a request for building permit or subdivision plat within the designated UPDD development area, the applicant will receive a copy of the UPDD development standards and submittal requirements.
- (c) UPDD zoning districts established. The UPDD is hereby divided into nine zoning districts. The use, height and area regulations as set out herein are uniform throughout each district. The boundaries of the zoning districts set out herein are delineated by the zoning district map of the UPDD on file in the city secretary's office. The nine districts established herein shall be known as:
- (1) Texas A&M University-Texarkana Campus.
  - (2) Reserved.
  - (3) Retail and Mixed Uses.  
Additional Retail and Mixed Uses.
  - (4) Bringle Lake and park.
  - (5) Single-Family Residential.
  - (6) Mixed-Use Residential.
  - (7) Office and Residential Uses.
  - (8) Richmond Road Mixed-Use Development.
  - (9) Summerhill Road Retail Development.
  - (10) Future district expansion.
- (d) Use regulations. A church or chapel is allowed in all areas.
- (1) Texas A&M University-Texarkana Campus:
    - a. Office use;
    - b. Educational buildings;
    - c. Public schools;
    - d. Food services;
    - e. High density university housing;
    - f. Parking garages;
    - g. Sporting event centers; and
    - h. College or university.
  - (2) Reserved.
  - (3) Retail and Mixed Uses:
    - a. School, public;
    - b. Bank, credit union, or financial services;
    - c. Food and beverage store (no package stores);
    - d. Restaurant or eateries (no drive-thru service allowed east of bridge) roof top/patio/outside seating allowed (only along Bringle Lake frontage);
    - e. Office use;
    - f. Mixed uses with ground floor retail, personal services and/or offices, upper floor condominiums;
    - g. Brownstone condominiums;

- h. Department stores;
  - i. Dry cleaner stores with cleaning facilities outside the UPDD;
  - j. Civic, cultural, and community facilities;
  - k. Medical clinic (7,500 square feet maximum);
  - l. Coffee, bakery or confectionary shop;
  - m. Retail and shops under 10,000 square feet of gross leasable floor area; and
  - n. Single-family homes (site built homes, not modular or industrial/manufactured homes).
- (4) Additional Retail and Mixed Uses:
- a. Hotels;
  - b. Apartments, townhomes;
  - c. University housing;
  - d. Restaurant or eateries (drive thru service allowed east of bridge);
  - e. Parking garages;
  - f. Drug store or pharmacy; and
  - g. Cinema/theatre.
- (5) Bringle Lake and Park:
- a. Nature and walking/mountain biking trails;
  - b. Park pavilions and picnic areas;
  - c. Playgrounds;
  - d. Boat ramps; and
  - e. Park buildings (including restrooms, maintenance and offices).
- (6) Single-Family Residential: Single-family homes (one unit per lot, only site built homes no modular or industrial/manufactured homes).
- (7) Mixed Use Residential (no apartments, townhomes or duplexes allowed):
- a. Brownstone townhome/condominiums; and
  - b. Single-family homes (one unit per lot, only site built homes no modular or industrial/manufactured homes).
- (8) Office and Residential Uses:
- a. Office use;
  - b. Single-family homes (one unit per lot, only site built homes no modular or industrial/manufactured homes); and
  - c. Brownstone townhomes/condominiums.
- (9) Additional Retail and Mixed Use:
- a. Special event venue; and
  - b. Bed and breakfast inn.
- (10) Richmond Road Mixed Use Development: All that is allowed in Campus Retail and Mixed-Use, plus:
- a. Fast food eateries;

- b. Gas stations;
  - c. Townhomes (no duplexes, triplexes or apartments);
  - d. Day care facility neighborhood health center; and
  - e. Landscape maintenance business with outdoor display sales and equipment.
- (11) Summerhill Road Retail Development (all that is allowed in Mixed Use Residential), plus:
- a. Food and beverage store (no package store);
  - b. Fast food eateries;
  - c. Gas stations;
  - d. Offices;
  - e. Retail stores;
  - f. Dry cleaners; and
  - g. Coffee, bakery or confectionary shop.
- (12) Future Development (golf course and Bringle Lake Park property):
- a. Golf course;
  - b. Golf course amenities;
  - c. Golf course clubhouse with restaurant and bar;
  - d. Golf course clubhouse gift shop; and
  - e. Park green space.
- (e) Building design.
- (1) Height regulations (see University District map). In the following zoning districts, the maximum height of buildings and structures shall be:
- a. Texas A&M University-Texarkana Campus—No height restriction.
  - b. (Removed from district).
  - c. Retail and Mixed Uses—Three stories (35-foot maximum) six stories.
  - d. Additional Retail and Mixed Uses.
  - e. Bringle Lake and Park—2½ stories (35-foot maximum).
  - f. Single-family Residential—2½ stories (35-foot maximum).
  - g. Mixed Use Residential—3½ stories (40-foot maximum).
  - h. Office and Residential Uses—2½ stories (35-foot maximum).
  - i. Richmond Road Mixed Use Development—3½ stories (40-foot maximum).
  - j. Summerhill Road Retail Development—2½ stories (35-foot maximum).
  - k. Future Development—2½ stories (35-foot maximum).
- (2) Architectural style requirements; applicability. All structures/buildings with the exception of Single-Family Residential within the district shall comply with the standards in this section.
- a. Exterior building material requirements; masonry requirement. One hundred percent of the exterior of all buildings (excluding doors and windows) shall be finished in one or more of the following materials:

1. Brick, stone, cast stone, rock, marble and/or granite shall be used in at least 50 percent of exterior walls of the building.
  2. Exterior Insulating Finishing System (E1FS) shall not exceed 30 percent of any exterior wall of the building, nor be located in the first ten feet of the structure.
  3. Glass with less than 20 percent reflectance. However, only a maximum of 30 percent of a building facade may be constructed in glass. Buildings over three stories will be allowed to increase glass surface with UPDD site plan approval.
  4. Poured-in-place concrete and tilt-wall concrete shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics and adornments to enhance the facade on at least ten percent of each facade.
  5. Wood and concrete board, such as Hardy Plank or other similar material, properly installed may be allowed up to 30 percent of a facade, excluding all windows, doors and glass construction materials.
  6. Established chain restaurants and national retailers with specific tradedress designs will be allowed with UPDD site plan approval.
- b. Architectural features. The facades of all primary commercial and multifamily structures which face a street shall include the following key architectural features:
1. Classical architectural elements, such as a distinct base, wall, columns and cornice or top.
  2. The use of covered walkways, architectural awnings, canopies or porticos is required along the primary facade.
  3. Windows, which may include see-through doors, shall be provided along all facades which face streets.
  4. TAMU-T University is the focal point of the district and designs shall enhance or complement the overall architectural features of the campus.
- c. Roofs.
1. Roofline variations are required to reduce the visual scale of buildings and to create additional interest. The roofs of nonresidential and multifamily residential buildings shall include:
    - (i) Parapet walls that conceal flat roofs and rooftop equipment from public view at adjacent public streets. Parapet walls shall vary in height and will include architectural detailing, cornices, moldings, trims, variations in brick coursing and/or other similar type detailing.
    - (ii) Or at least two of the following elements:
      - A. Overhanging eaves, extending no less than 18 inches past the supporting walls.
      - B. Two or more roof slope planes.
      - C. Sloped roofs shall be finished with tile, 30-year or better deep profile composite shingle, metal shingles, slate shingles or standing seam metal. UPDD site plan approval is required for material color.
      - D. Roof top patios.
  2. Single-family residential buildings shall have sloped roofs.
  3. Brownstone townhomes shall have sloped roofs on 75 percent of the building.

- d. Color. All commercial and multifamily buildings shall comply with the standards in this section.
  - 1. Exterior colors shall be low reflectance, subtle, neutral, earth tone or colors compatible with the surrounding area. Some color recommendations are neutral or earth tones such as beige, brown, white, earthy greens and yellows or colors matching with the university, such as a muted red brick.
  - 2. The use of high intensity, primary or fluorescent colors is prohibited.
  - 3. Established chain restaurants with specific tradedress colors will be allowed with UPDD site plan approval.
- e. Retaining walls; visible.
  - 1. Retaining wall blocks and designs shall consist of the same materials as the building facade. Keystone or gravity stone may also be used in a color palette consistent to the color palette of the facade.
  - 2. Retaining wall blocks and designs are required to be detailed in the site plan approval process.
  - 3. Nonvisible. Alternate materials must be approved by the UPDD.

(3) Site design.

- a. Building placement and site orientation (except Single-Family Residential).
  - 1. Minimum setbacks from property lines adjacent to University Avenue:
    - (i) Fifteen-foot front yard setbacks;
    - (ii) Ten-foot side yard setbacks;
    - (iii) Fifteen-foot rear yard setback.
  - 2. Minimum setbacks from property lines not adjacent to University Avenue:
    - (i) Fifteen-foot front yard setbacks;
    - (ii) Five-foot side yard setbacks;
    - (iii) Five-foot rear yard setback.
  - 3. Minimum setbacks from property lines adjacent to Bringle Lake:
    - (i) Fifteen-foot front yard setbacks (facing university);
    - (ii) Ten-foot side yard setbacks;
    - (iii) Zero-foot rear setback for deck (lake side);
    - (iv) Twenty-foot rear setback for building (lake side).
  - 4. Minimum setbacks from property lines for Brownstone townhome/condominium:
    - (i) Fifteen-foot front yard setbacks (facing university).
    - (ii) Ten-foot side yard setback from end of building cluster. No side yard setback is required between attached buildings.
    - (iii) Five-foot rear yard setback.
    - (iv) A brownstone condominium shall not contain more than eight dwelling units and shall not exceed 200 feet in length.
  - 5. Buildings not adjacent to the lake should be located as close as possible to the front property line to improve the overall appearance from adjacent streets and provide a strong building wall on either side of street.

6. Site layouts on individual lots shall be developed in such a manner that pedestrian connections between buildings both on that lot and between lots within the overall district can be achieved.
  7. Residential parking areas shall be placed at the side or rear of buildings adjacent to University Avenue to improve the overall appearance from the streets.
- b. Single-family residential building placement and site orientation.
1. Minimum setbacks from property lines adjacent to University Avenue:
    - (i) Twenty-five foot front yard setbacks;
    - (ii) Eight-foot side yard setbacks;
    - (iii) Ten-foot rear yard setback.
  2. New driveways for Residential Use must provide an on-site turn-around to prevent backing out onto University Avenue.
- c. Accessory uses.
1. Residential accessory buildings are structures allowed only within a residential dwelling unit. These structures shall be of consistent material and color to the primary structure and located in the rear yard only. Accessory buildings shall not exceed 50 percent of the rear yard. Only one of each type listed below is allowed per lot:
    - (i) Storage building or shed;
    - (ii) Free standing garage;
    - (iii) Workshops;
    - (iv) Gazebos; and
    - (v) Pool house.
  2. Commercial accessory buildings shall be of the same material and color of the primary structure.
- d. Lot regulations. The following table provides information on lot regulations:

Dwelling Type	Minimum Lot Area Per Dwelling Unit (S.F.)	Minimum Lot Width (Feet)	Minimum Lot Depth (Feet)	Lot Coverage
Single-family	12,000	90	100	40%
Duplex	5,000	70	100	40%
Triplex	3,000	70	100	40%
Fourplex	2,500	70	100	50%
Townhouses	1,600	16	100	60%
Apartments/condominiums	1,800	60	100	60%

Mixed use lofts	1,000	n/a	n/a	60%
Dorms	550	n/a	n/a	60%
Nonresidential	n/a	n/a	n/a	50%

e. Parking regulations.

1. Parking space requirements. It is the intent of the district to be a pedestrian friendly community. In the event of a UPDD parking garage, parking minimums may be decreased. Credit can be given for bike racks. The following table provides parking requirements per building use:

Building Use	Parking Requirements
Hotel	One space per guestroom, one space per employee per shift, one space per three seats in meeting room, (plus restaurant requirements)
Restaurant	One space per three seats, one space per employee per shift
Retail	One space per 200 square feet
Single-Family Residential	Two spaces per unit
Multiple-Family Residential	One space per bedroom, one designated visitor space per four units
Brownstone Townhome/ Condominium	Two spaces per unit, one designated visitor space per six units
QSR-Quick Service Restaurants	One space per 100 square feet

2. Parking layout and access requirements.
  - (i) No on-street parking will be allowed on University Avenue.
  - (ii) No parking in grass, yard or landscaped areas.

- (iii) No parking spaces shall be located in front of multiple-family residential units.
  - (iv) Parking space sizes shall be 180 square feet. Two-foot overhangs are allowed where a minimum five-foot sidewalk is provided or additional green space.
  - (v) Compact car off-street parking spaces may account for up to ten percent of the required parking spaces, provided the spaces are permanently designated by signs as being for use by compact cars only. All compact car parking spaces shall be a minimum eight feet in width and a minimum of 16 feet in depth.
  - (vi) All parking areas shall provide a drive aisle connection to adjoining properties for cross access. Pedestrian connections shall also connect to adjoining properties.
  - (vii) Three public pedestrian access points will be required from University Avenue to the lakefront boardwalk. These points are subject to development location and access shall be required. Maintenance of these boardwalk connections located off of private property will be the city's responsibility.
  - (viii) Required stacking space for drive-through aisles shall be a minimum of three vehicles and shall not block parking drive aisles or passageways. Stacking space shall not impair the streetscape of University Avenue.
  - (ix) Parking areas and driveways shall be concrete with curb and gutter. However, the utilization of other paving materials not immediately adjacent to University Avenue is allowable with UPDD approval.
  - (x) In areas where sidewalk is not provided adjacent to University Avenue, continuous ten-foot wide concrete sidewalks shall be placed along the entire property frontage.
  - (xi) Installation of bicycle racks and seating benches are encouraged to accommodate pedestrian and bicycle traffic. Installation of bicycle racks and seating benches will offset parking space 1:1 for bicycle racks and 2:1 for seating benches up to a total of two parking spaces.
3. Parking garage requirement.
- (i) Parking spaces for restaurants and businesses may meet requirements by using assigned parking garage spaces.
  - (ii) Parking deck shall conform to architectural style requirements of the UPDD.
  - (iii) UPDD lighting requirements must be followed, including LED interior lighting or approved equivalent for parking areas.
  - (iv) It is encouraged that the structure be mixed use with retail space available on the ground level.
- f. Site drainage.
- 1. All parking lot runoff shall be directed to sanitary sewer. Any collection of drainage shall be filtered of hydrocarbons before leaving the site. Proper maintenance of the filtration is the responsibility of the property owner.
  - 2. Lakefront properties may be allowed to direct runoff towards Bringle Lake. Any discharge towards the lake shall be filtered of hydrocarbons, debris and harmful chemicals to fish and wildlife. Proper maintenance of the filtration is the responsibility of the property owner.
  - 3. All drainage calculations, sizing and reporting to city engineers shall follow the city drainage ordinance with exceptions as noted in the UPDD.
  - 4. All stormwater pollution prevention shall be in accordance with the city MS4 permit.
- (4) Landscaping, fencing and screening requirements.

- a. A landscaping plan, including planting and irrigation details, shall be submitted in conjunction with the site plan review process. The landscape plan can either be a separate print or be included on the required site plan print. Minimum information required on the landscape plan shall include:
  1. Locations of existing boundary lines, dimensions of the lot or property, proposed and existing utility easements on or adjacent to the lot and location of overhead power lines and any underground utilities.
  2. The location of the proposed water faucets or a note indicating the installation of the irrigation system covering the entire lot.
  3. A plant schedule listing the botanical and/or common names of all plants and the size of plant material, date, scale, north arrow, name and phone number.
- b. Landscaping shall be required on all developments (except Single-Family Residential) and shall be completed prior to the issuance of the certificate of occupancy.
- c. Tree preservation.
  1. The preservation of existing trees is encouraged throughout the district. No tree over 12 inches caliper shall be removed in the district without a UPDD approved site plan.
  2. All site plans shall be submitted with a tree survey showing location, size, and type of all trees greater than 12 inches in diameter. Additionally, it shall be indicated on all site plans if these trees are to be retained or removed.
  3. Preservation of trees over 12 inches caliper shall be given landscaping credits:
    - (i) Twelve inches to 18 inches equals ten points.
    - (ii) Eighteen inches to 24 inches equals 15 points.
    - (iii) Twenty-four inches and larger equals 20 points.
- d. Every site adjacent to University Avenue shall include a 15 foot buffer strip, landscaped and irrigated. The landscape buffer shall consist of trees, shrubs, groundcover, berms and related elements as specified below. All sidewalks shall be a minimum of four feet in width.
  1. One three-inch caliper or greater deciduous shade tree per 75 feet of linear frontage along University Avenue. Large shade trees:
    - (i) Red maple (not silver maple);
    - (ii) White oak;
    - (iii) Red oak;
    - (iv) Shumard oak;
    - (v) Pin oak;
    - (vi) Additional selections must have UPDD approval.
  2. A landscape screen with a minimum height of 18 inches and a maximum height of 36 inches (as measured from the finished grade of the parking area) shall be provided in locations where the landscape buffer separates a surface parking area from University Avenue. Landscape screens can be achieved through a combination of the following methods:
    - (i) Shrubbery hedges forming a continuous living screen not to exceed 36 inches in height. Shrubs shall be one or a combination of the following:
      - A. Yaupons;
      - B. Boxwoods;

- C. Roses;
  - D. Yews;
  - E. Additional selections must have UPDD approval.
- (ii) Earthen berms not to exceed 24 inches in height shall be allowed in conjunction with small planting on top of the berm.
  - (iii) Any landscaping shall conform to the required visibility triangles.
- e. Every site adjacent to the Bringle Lake Wilderness Area, regardless of zoning use shall include a 15-foot buffer strip, landscaped and irrigated. The landscape buffer shall consist of trees, shrubs, groundcover, berms and related elements as specified in subsection (e)d. of this section.
  - f. A ten-foot tree landscape buffer and fencing as noted in subsection (e)5e. of this section. Screening and fencing requirements is required covering 70 percent of the buffer area with trees along the property line between area 5 and area 7 as shown on the UPDD map and shall also include the southern boundary of zone 8 and the southwestern boundary of zone 8 along the Briarwood Circle neighborhood through Parcel 6005.
  - g. Parking lot landscaping. Landscaped areas in a parking lot shall be contained within the parking area, based on the standards below:
    - 1. One two-inch caliper tree and six shrubs shall be planted for each 12 parking spaces.
    - 2. All new trees within a parking lot shall be planted in a landscaped island of at least 150 square feet and have a minimum dimension of 8½ feet, (e.g., 8.5 feet by 18 feet). However, up to 20 percent of the required trees may be planted in islands of at least 25 square feet and have a minimum dimension of five feet.
  - h. Remaining site landscaping. (Points will be allowed for landscaping in the ROW.)
    - 1. In addition to the above requirements, landscape plans must earn a minimum of 100 points by using some or all of the required electives listed below in a project:
      - (i) Irrigation system—20 points.
      - (ii) Drought tolerant vegetation (50 square feet/minimum)—Ten points (maximum 20 points).
      - (iii) Grass/groundcover (50 square feet/minimum)—Ten points (maximum 20 points).
      - (iv) Small tree (each, see plant list)—Five points.
      - (v) Large tree (each, see plant list)—Ten points.
      - (vi) Planter box (each)—Five points (maximum ten points).
      - (vii) Landscape entry/exit (annuals)—Ten points (maximum 20 points).
      - (viii) Landscape around signage—Ten points.
      - (ix) Foundation planting—Ten points/facade side (maximum 20 points).
  - i. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning or trimming, fertilizing, weeding, watering and other such activities common to the maintenance of landscaping. Plant materials which die shall be replaced with plant material of similar variety and size within 30 days, weather permitting.
  - j. No permits shall be issued for building, paving, grading or construction until a qualifying landscape plan is submitted. In the event that the proposed project is in a planned development district, a landscape plan is required as part of the site plan approval process by the city council.

- k. Prior to the issuance of a certificate of occupancy for any building or structure all landscaping requirements shall be in place. If the building official determines that it would be impractical to plant trees, shrubs, grass or to lay turf, due to the season of the year, a temporary certificate of occupancy may be issued. All landscaping required by the landscaping plan must be installed within six months of the date of the issuance of the certificate of occupancy or penalties shall be applied.
- l. Plant list. (Suggested, but other plants can be approved if plant zone requirements are met according to the temperature ranges of the Texarkana area):

Large Trees — 30 - 60 feet	
Oaks-Pin, Shumard, Red, White, Post, Live, Black, etc.	Quercus species
Pine-Loblolly	Pinus taeda
Ash	Fraxinus species
Maple Red (No Silver Maples)	Acer species
Bald Cypress	Taxodium distichum
Birches-River, Paper	Betula species
Elms-American, Cedar, Lacey, Winged	Ulmus species
Southern Magnolia	Magnolia grandiflora
Pistache	Pistacia chinensis
Small (Accent) Trees — 10 - 20 feet	
Redbud	Ceris canadensis
Crape Myrtle (any species)	Lagerstroemia indica
Crab Apple	Malus angustifloia
Hollies-Foster, Nellie R. Stevens, Savannah	Ilex species
Loquat	Eriobotrya japonica
Magnolias-Jane, Little Gem, Saucer, Star, Sweet Bay, Tulip	Magnolia species

Redbuds-Chinese, Eastern, Mexican, Oklahoma, Texas	Cercis species
Vitex	Vitex agnus-castus
Wax Myrtle	Myrica cerifera
Japanese Maple	Acer palmatum
Dogwood	Cornus Florida
(Bradford Pears not recommended for this district)	
Shrubs — 3 - 8 feet	
Dwarf Crape Myrtle	Lagerstroemia indica nana
Yaupon Holly	Ilex vomitoria
Dwarf Yaupon Holly	Ilex vomitoria "Nana"
Foster Holly	Ilex fosteri
Elaeagnus	Elaeagnus species
Fraser's Photinia	Photinia Fraseri
Abelia	Abelia grandiflora
Azaleas	Rhododendron species
Barberries-Crimson, Pigmy, Golden, Rose Glow, Wintergreen	Berberis species
Boxwoods-Harland, Japanese Wintergreen	Buxus species
Cleyera	Ternstroemia gymnanthera
Hollies-Dwarf Burford, Dwarf Chinese Carissa, Helleri	Ilex species
Nandinas-Dwarf, Fire Power, Gulf Stream, Harbour Dwarf	Nandina domestica species

Pittosporum	Pittosporum tobira
Sasanquas	Camelia sasanqua species
Spiraea	Spiraea japonica
Yews	Taxus species
Loropetalum Ruby	Loropetalum Chinese var. rubrum

(5) Screening and fencing requirements (excludes Single-Family Residential).

a. Screening of mechanical equipment.

1. Properties that may be viewed from residential uses, streets, lakefront or public park areas shall screen all roof, ground and wall-mounted mechanical equipment (compressors, duct work, transformers, meters, elevator equipment, etc.) from view at ground level on adjacent properties or public streets or parks.
2. Roof-mounted mechanical equipment shall be shielded from view on four sides; use of dog-house screening is prohibited. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers that are painted to blend with the primary building.
3. Screening shall result in the mechanical equipment blending in with the primary building, and not appearing separate from the building,
4. Wall or ground-mounted equipment screening shall be constructed of:
  - (i) Planting screens.
  - (ii) Brick, stone or other similar masonry materials.
  - (iii) Redwood or cedar pressure treated wood.
  - (iv) All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.
  - (v) A combination of the above.

b. Screening of outside storage.

1. Outside storage shall be located on the side or rear of the primary building and shall be screened from public view on streets, lakefront or park areas.
2. Outside storage shall be screened with a minimum seven foot tall screen or a screen that is a minimum of one foot above the top of the storage materials, whichever is taller. Screening shall be:
  - (i) A masonry wall or other material that is similar to the primary structure.
  - (ii) A berm.
  - (iii) A planting enclosure of large evergreen shrubs planted a maximum of four feet apart that shall create a solid screen to a minimum height of seven feet within two

years as determined by a registered landscape architect, certified nurseryman or master gardener.

- (iv) A combination of the above.
  - 3. Outside storage for a landscape maintenance business shall be screened with an eight-foot fence with construction materials of brick or stone columns (maximum of 20 feet between columns) and a wooden fence stained or painted to compliment the business. Gates for access to the area will match fence materials.
- c. Screening of waste containers.
- 1. Waste containers shall consist of the following:
    - (i) Dumpsters.
    - (ii) Compactors.
    - (iii) Grease storage.
    - (iv) Recycling containers.
    - (v) Composting areas.
    - (vi) Cardboard storage.
    - (vii) Crates/pallets.
  - 2. Waste containers shall be located on the side or rear of the building and screened from public view on streets, lakefront or public park areas.
  - 3. Waste containers shall be located outside of the required building setback areas:
    - (i) When adjacent to residentially zoned property, the waste container must be located at least 50 feet away from residential property lines.
    - (ii) When adjacent to the lakefront, the waste container must be located at least 50 feet away from the northern property line.
  - 4. Waste containers shall be screened on four sides, using an enclosure that is seven feet tall or of a height that is a minimum of one foot above the top of the dumpster, whichever is taller.
    - (i) Screening materials shall match the primary masonry structure exterior.
    - (ii) Gates shall be solid and painted to match the primary structure. Gate materials shall consist of metal, redwood or cedar pressure treated wood. All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.
  - 5. Any drainage runoff occurring from dumpster shall be incorporated with overall drainage plan and filtered of pollutants.
- d. Screening of loading and service areas.
- 1. Loading and service areas shall be located at the side or rear of buildings. Exception: Lakefront developments shall not have loading docks adjacent to the lake.
  - 2. Loading areas shall be screened from view of any residential uses, streets, lakefront or public park areas.
  - 3. Loading areas shall be enclosed on three sides by a wall not less than eight feet in height.
  - 4. Loading areas shall not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.

5. Screening materials shall be comprised of a wall that has a similar finish and material to the primary structure.
- e. Fencing.
1. Fencing shall be required whenever a nonresidential development abuts to a single-family and multiple-family residential area. Multiple-family residential areas shall be fenced if adjacent to a single-family residential area. Fencing shall be required when the property is developed and shall be maintained by the property owner.
  2. Fencing shall create a solid visual barrier.
  3. Fencing materials shall be limited to the following or a combination of the following: stone, brick, decorative spit faced block masonry, decorative concrete or other masonry materials.
  4. To create a consistent fence line, fencing along that line, shall be similar in material, pattern and design.
  5. Fences shall be a minimum of seven feet in height, measured from ground level.
  6. Fencing shall not block drainage and shall leave a two-inch space between the ground and the fence. Should drainage require additional spacing, sufficient drainage plans and fence elevations must be provided with UPDD site plan approval.
- f. Retaining walls. See subsection (e)(2) of this section, architectural style requirements.
- (6) Sign regulations (excludes Single-Family Residential).
- a. Monument signage. A permanent ground sign fully supported by the base without the use of poles as the primary support that is constructed out of brick, stone, concrete or similar materials that complement the architecture of the primary structure, across the entire base of the structure.

Building Use	Maximum Height (Feet)	Maximum Copy Area (square feet)	Maximum Total Area (including copy area square feet)	Number of Signs	Minimum Spacing (feet)
Commercial, Restaurant, Office or Retail	6	60	90	One per street frontage	60
Apartments or High-Density Residential	6	30	45	One per street frontage	60
Multitenant Mixed Use Development, three tenants or less	8	80	110	One per street frontage	60
Multitenant Mixed Use Development, four tenants or more	10	120	150	One per street frontage	100

Directional	2.5	8	n/a	One per drive	n/a
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b. Lighting.

1. Sign shall be internally lit or lit by the use of ground lighting incorporated with landscaping (no flood lighting);
2. No neon lighting;
3. No electronic or changeable messaging; and
4. Exception: each entrance into the UPDD will be allowed one electronic or changeable message sign. This sign will have joint use of the district for advertising purposes.

c. Location.

1. Signs must be located within 30 feet of ROW;
2. Signs shall not block sight distances;
3. Signs shall not be inside a ROW; and
4. Signs can be located within a city utility easement, but any repairs or damage occurred to signage due to utilities will be at owner's expense.

d. Business name. Name of business and main address must be located on a single tenant sign.

1. Wall signage. Signs should be located and attached to the exterior of a building.
  - (i) Attached signs shall not extend above the roof or parapet wall;
  - (ii) Wall signs shall not exceed 150 square feet per wall facade. An additional ten square feet of signage will be allowed per 20 feet in building height over 35 feet in height;
  - (iii) Lake front signage shall be limited to 30 square feet in area; and
  - (iv) Individual letter height shall not exceed six feet.
2. Prohibited signs. The following are signs not allowed in district:
  - (i) Off-premises advertising signs;
  - (ii) Banners;
  - (iii) Flags (does not include TAMU-T flags, state or United States of America flags);
  - (iv) Inflatable objects;
  - (v) 3-D imaging;
  - (vi) Streamers or balloons;
  - (vii) Coroplast, stake or placards;
  - (viii) Flashing or arrow signs;
  - (ix) A-frame or sandwich boards;
  - (x) Writing on windows;
  - (xi) Exception: on-campus signage is not regulated.

- (7) Lighting (excludes Single-Family Residential). The intent of the lighting is to enhance amenities, promote safety and encourage dark skies. In an effort to promote dark skies, excess lighting can be limited by the UPDD.
- a. The following standards shall apply to all outdoor lighting:
1. The use of LIED lighting or approved equivalent is required for all outside fixtures in the UPDD;
  2. Structures of pole lighting shall match or complement the street light pole design;
  3. Lighting for parking light poles shall have a maximum of 20 feet;
  4. No flood lighting will be allowed;
  5. Ground lighting or up lighting can be used along parking lots, screening and landscaping areas;
  6. Christmas outdoor lighting will be consistent for the overall UPDD with the same signage restrictions as section 6;
  7. Outdoor lighting shall be hooded, shielded, and aimed downward as shown in the images below, including doorway lighting;
  8. The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to ensure that the illumination is only pointing downward onto the ground surface;
  9. All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property;
  10. Ground mounted accent lighting for buildings, directed onto the building.
    - (i) Direct light emissions shall not be visible above the roofline or beyond the building edge.
    - (ii) All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs and all fixtures shall be located as close to the building being illuminated as possible.
    - (iii) All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.
  11. Pedestrian walkway lighting 12 feet or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.
- (8) Site plan approval process.
- a. The site plan approval process will be a review to assure compliance, by a five-member panel consisting of the director of city planning or zoning, or their designee, the planning and zoning chairperson, the city engineer, or their designee, and two citizens of Ward 5 who reside in the city limits as shown by the member committee zone map (exhibit "D"). The citizen members shall serve no more than one consecutive three-year term. The initial term of one citizen member shall be two years, which citizen member to be determined by lot or chance. Appointment of the citizen members shall be by nomination from the Ward 5 city councilmember then sitting with confirmation by a vote of the city council.
- b. Site plan submittal requirements for UPDD.
1. The site plan shall be clearly defined and drawn to an appropriate scale to permit accurate review for compliance with UPDD standards.

2. Two copies of the site plan shall be given not to exceed 24 inches by 36 inches. The site plan shall be drawn on dimensionally stable reproducible sheets and shall be appropriately drafted at an engineering scale of one inch equals 30 inches or larger.
  3. The following features, as a minimum, shall be required on all site plans before they will be accepted for review:
    - (i) Legal description, address, property lines and dimensions;
    - (ii) Location, sizes and names of adjacent or included streets, alleys, easements and cross connectivity agreements;
    - (iii) Location, setbacks, dimensions and square footage of existing/proposed buildings, existing/proposed elevations with finished floor elevation;
    - (iv) Signage location and detail;
    - (v) Location of buildings on adjoining property within 20 feet of the subject property;
    - (vi) Location and dimensions of existing/proposed parking spaces, driveways, vehicle maneuvering areas, curb cuts, loading facilities and sight visibility triangle areas;
    - (vii) Parking calculation table;
    - (viii) Existing/proposed surfacing, landscape/buffer areas and screening or fencing;
    - (ix) Location of facilities for refuse disposal with appropriate screening;
    - (x) Landscape and irrigation plan;
    - (xi) Lighting plan, including foot candles and areas affected by the lighting;
    - (xii) Drainage direction and outfall, filtration device, location type and size of drainage facilities (calculations when necessary);
    - (xiii) Proposed uses, north arrow, graphic scale and date of plan preparation;
    - (xiv) Floodplain limits, if applicable.
  4. Where not stated in the UPDD, all building codes, drainage ordinances, subdivision platting and stormwater MS4 will still apply.
  5. If denied, the appeal process for the site plan approval will go to the planning and zoning commission for recommendation to the city council. The city council will make the final decision. If the planning and zoning commission recommends for denial, a percent vote of the city council will be required.
  6. To amend this district, a request will be filed with the planning and zoning commission. If the request is recommended by the planning and zoning commission, it will be sent to the city council.
- (f) Penalty. Any person violating or failing to comply with any of the provisions of this article shall be fined upon conviction not less than \$500.00 or more than \$2,000.00, and each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- (g) Applicability of other city ordinances. This article shall take precedence over any other city ordinance governing the matters contained herein. However, any matter not specifically controlled by this article shall continue to be governed by any other city ordinance that may be applicable.
- (h) Definitions.

Accessory use means a use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

Apartment means a room or suite of rooms in a multifamily dwelling or apartment house arranged, designed or occupied as a place of residence by a single-family, individual or group of individuals.

Building means any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

City council means the governing body of the city.

Coverage means the percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of three feet from the walls of a building shall be excluded from coverage computations.

District means a section of the city for which the regulations governing the area, height or use of the land and buildings are uniform.

Dwelling, brownstone townhome condominium, means a specific type of family development consisting of single-family attached units, typically with two to four floors per unit. The exterior facade shall comply with all architectural style requirements of the UPDD.

Dwelling, multiple-family, means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

Dwelling, one-family, means a detached building having accommodations for and occupied by not more than one family or by one family and not more than three boarders and lodgers.

Dwelling, two-family, means a detached building having separate accommodations for and occupied by not more than two families or by two families and not more than three boarders and lodgers.

Dwelling unit means 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.

Family means any number of individuals living together as a single housekeeping unit in which not more than three individuals are unrelated by blood, marriage or adoption.

Height means the vertical distance of a building measured from the finished floor of the front door, to:

- (1) The highest point of the roofs surface if a flat surface;
- (2) To the deck line of mansard roofs; or
- (3) To the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

LED lighting approved equivalent means a metal halide, high pressure sodium or other fixture with the same color temperature range as existing LED street lighting.

Legal height means the maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.

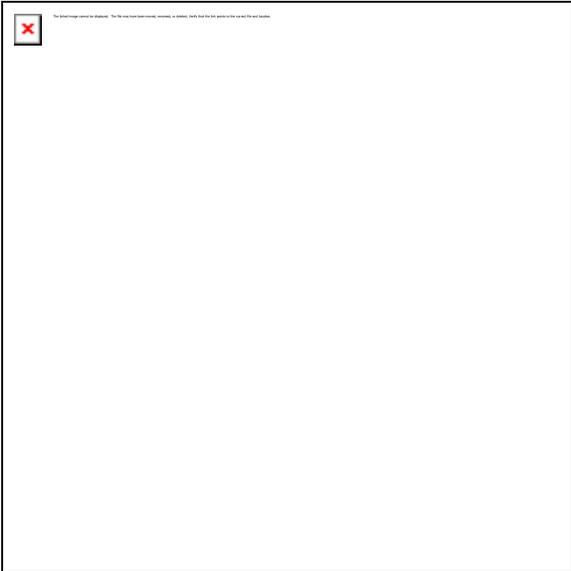
Living unit means the room, or rooms, occupied by a family and must include cooking facilities.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross sectional area of a building's story. The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is 11 feet, six inches.

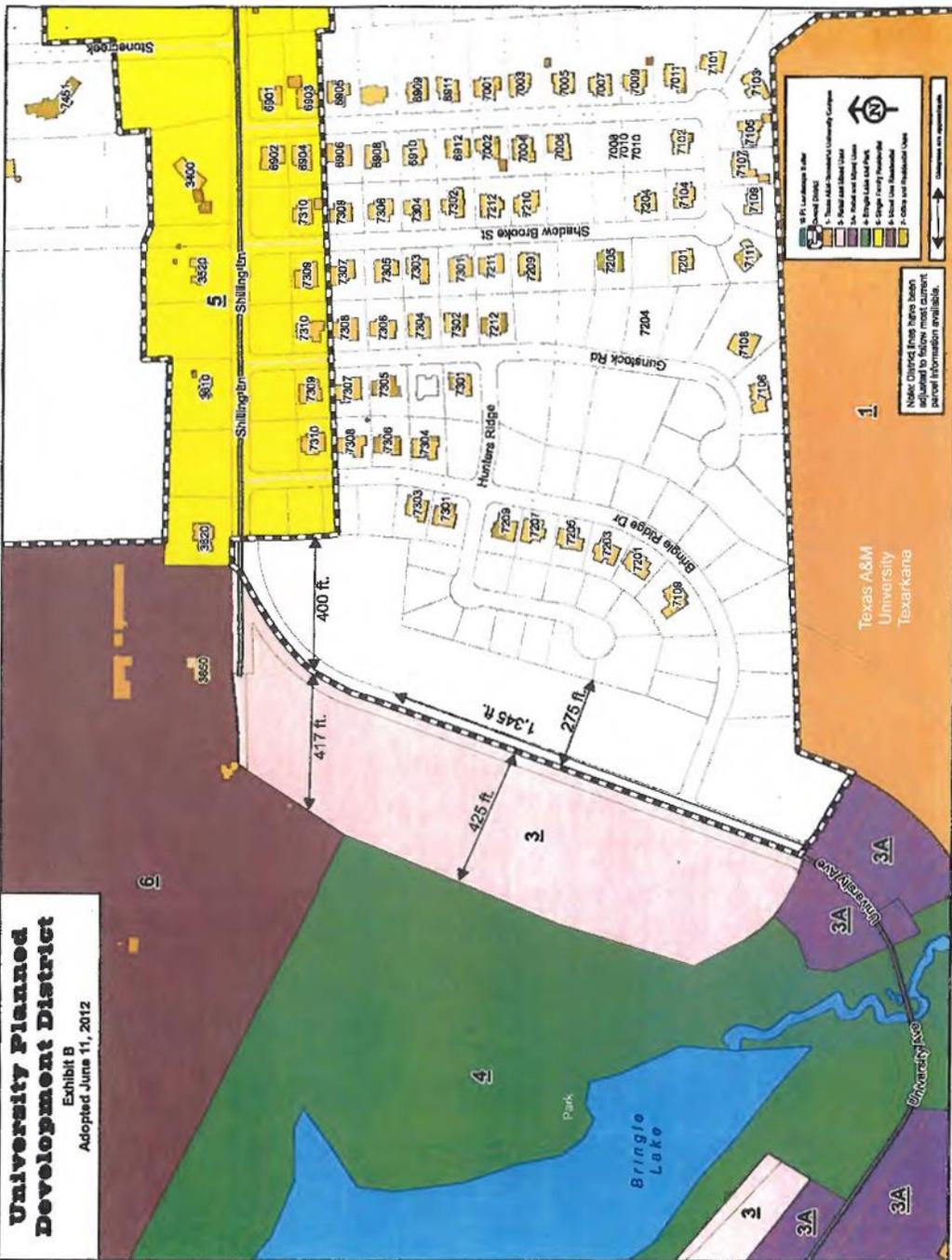
Planning and zoning commission means the agency appointed by the city council as an advisory body to it and which is authorized to recommend changes in the zoning.

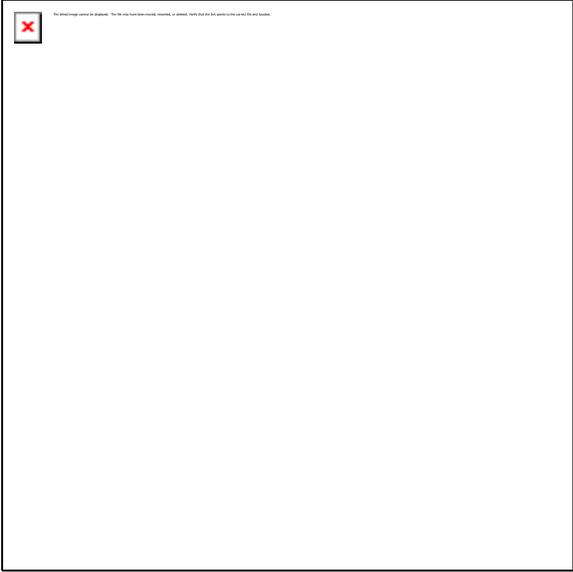
For additional definitions refer to article II of this chapter.

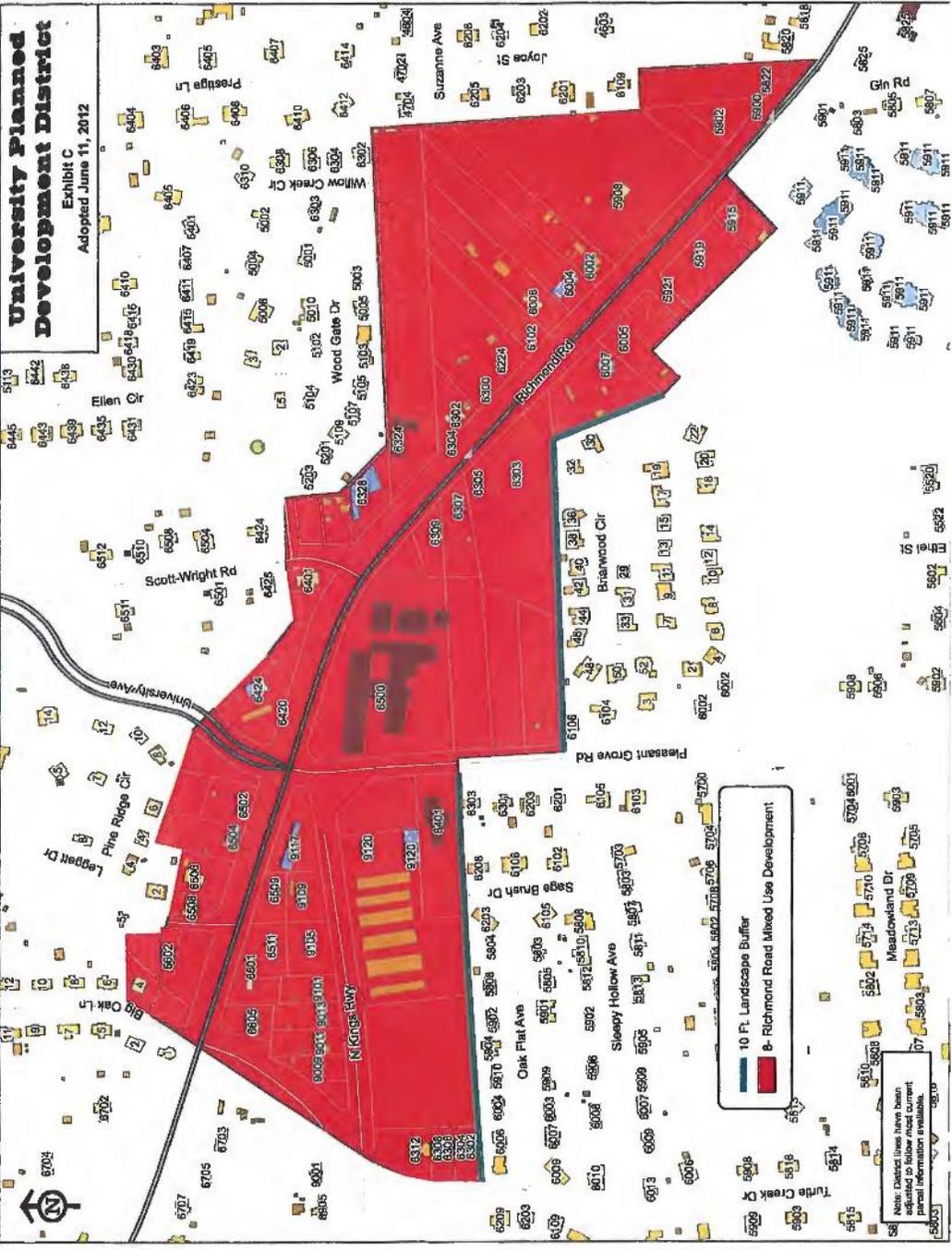
- (i) Review. The UPDD will be reviewed by the planning and zoning commission and the city council for amendments no sooner than one year from the date of adoption and every five years thereafter.

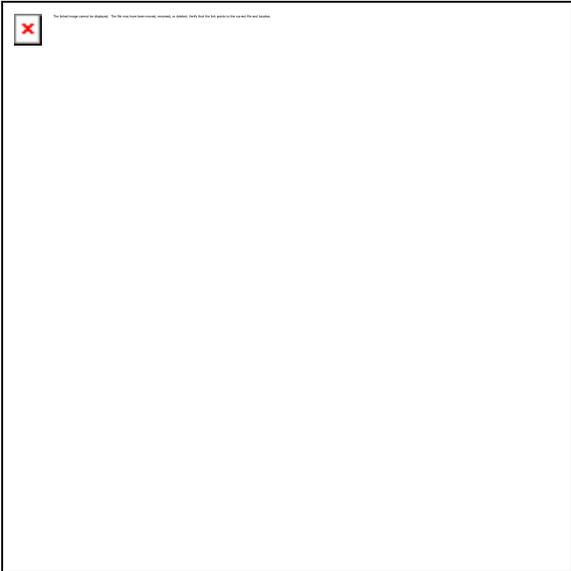


**University Planned  
Development District**  
Exhibit B  
Adopted June 11, 2012

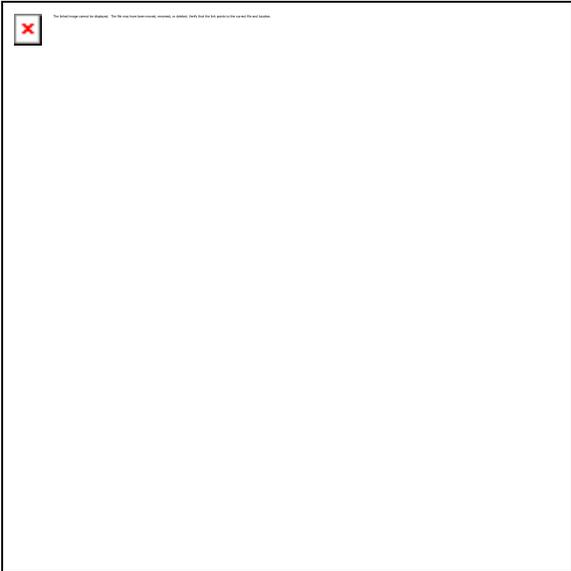














Sec. 140-136. - Area regulations.

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 it is in conformity with all the minimum regulations herein specified for lot area, lot width, lot depth, lot coverage and front, side and rear yards.

(Ord. of 9-7-1970, § 9-100)

Sec. 140-137. - Lot area.

The minimum residential lot area for the various districts shall be in accordance with the following schedule except that a lot having less area than herein required, which was an official lot of record prior to the adoption of the ordinance from which this article is derived may be used for a one-family dwelling and no lot existing at the time of passage of the ordinance from which this article is derived shall be reduced in area below the minimum requirements set forth herein.

- (1) In the following zoning districts the minimum lot area for each residential dwelling unit shall be in accordance with the following schedule:

Schedule of Minimum Required Lot Areas Per Family Unit																			
Types of Uses	Zoning Districts																		
	Agriculture	Single Family Dwelling-1	Single Family Dwelling-2	Single Family Dwelling-3	Two-Family Dwelling-1	Two-Family Dwelling-2	Townhouse Dwelling	Multifamily Dwelling-1	Multifamily Dwelling-2	Parking	Office	Neighborhood Service	General Retail	Limited Commercial	Central Business	Commercial	Industrial-1	Industrial-2	Planned Development
One-Family Dwelling Detached	one acre	12000	7200	5000	6000	5000	6000	6000	5000	6000	6000	6000	5000	5000	5000	5000			6000
Two-Family					5000	3000	3000	3000	3000		3000	3000	3000	3000	3000	3000			3000

Dwelling										00								
Townhouses and Single-Family Dwelling Attached						2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000
Multiple-Family Dwelling one to three stories							1800	1600		1600	1600	1600	1600	1600	1600	1600	1600	1600
Multiple-Family Dwelling over three stories							600			600	600	600	600	600	600	600	600	600

HUD Code Man ufact ured Hom e as a fixed dwell ing	500 0			50 00														
HUD Code Man ufact ured Hom e as a trans ient dwell ing	200 0																	
Mod ular or Prefa brica ted Singl e- Famil y Dwel ling	one acre	12 00 0	72 00	50 00	50 00	50 00	500 0	50 00	50 00	6 0 0 0	6000	50 00	500 0		500 0			5000

- (2) Minimum required lot area in square feet for each dwelling unit. Note: Indicates area; does not apply for type of housing.
- (3) The maximum number of dwelling units for townhouses and single-family attached dwellings in the Townhouse Dwelling District shall be 14½ dwelling units per acre.

(Ord. of 9-7-1970, § 9-101)

Sec. 140-138. - Lot width.

The minimum lot width for lots in the various districts used for residential purposes shall be in accordance with the following schedule, except that a lot having less width than herein required which was an official lot of record prior to the adoption of this article may be used as a one-family dwelling and no lot existing at the time of passage of this article shall be reduced in width below the minimum set forth herein:

- (1) In the following zoning districts the minimum lot width for residential uses shall be in accordance with the following schedule:

Schedule of Minimum Required Lot Widths																			
Types of Uses	Zoning Districts																		
	Agriculture	Single Family Dwelling-1	Single Family Dwelling-2	Single Family Dwelling-3	Two-Family Dwelling-1	Two-Family Dwelling-2	Townhouse Dwelling	Multifamily Dwelling-1	Multifamily Dwelling-2	Parking	Office	Neighborhood Service	General Retail	Limited Commercial	Central Business	Commercial	Industrial-1	Industrial-2	Planned Development
Single-Family Dwelling Detached	150	80	60	50	50	60	60	60	60	50	50	50	50	50	50	50			60
Two-Family					70	60	60	60	60	60	60	60	60	60	60	60			60

Dwelling																		
Townhouses and Single-Family Dwelling Attached							16	16	16	16	16	16	16	16	16	16	16	16
Multiple-Family Dwelling							60	60	60	60	60	60	60	60	60	60	60	60
HUD Code Manufactured Home as a Fixed Dwelling	50		50															
HUD Code Manufactured Home	40		40															

e as a Tran sient Dwel ling																			
Mod ular or Prefa brica ted Singl e- Famil y Dwel ling	150	80	60	50	50	60	60	60	60	50	50	50		50				50	

Note: Minimum required lot width specified in feet.

- (2) The width of the lot as specified in subsection (1) of this section shall be measured at the specified setback or front building line, but in no case shall the lot width at the front street line be less than 30 feet. In the case of townhouses located on public streets or on private streets established by a subdivision plat, the minimum width of the lot shall be 16 feet.

Note: Indicates width not applicable. See appendix illustration 1 for method of measuring lot width.

(Ord. of 9-7-1970, § 9-102)

Sec. 140-139. - Lot depth.

- (a) The minimum residential lot depth for the various districts shall be in accordance with this schedule except that a lot having less depth than herein required which was an official lot of record prior to the adoption of the ordinance from which this article is derived may be used for a one-family dwelling and no lot existing at the time of passage of the ordinance from which this article is derived shall be reduced below the minimum requirements as follows:

Schedule of Minimum Required Lot Depths	
	Zoning Districts

Types of Uses	Agri culture	Single - Family Dwelling-1	Single - Family Dwelling-2	Single - Family Dwelling-3	Two-Family Dwelling-1	Two-Family Dwelling-2	Townhouse Dwelling	Multip le-Family Dwelling-1	Multip le-Family Dwelling-2	Pa rking	O ffi ce	Neigh borhood Service	Ge ne ral Retail	Limi ted Commercial	Ce ntral Business	Co mmercial	Ind ustrial -1	Ind ustrial -2	Plan ned Deve lopment
One Family Dwelling Detached	150	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
Two-Family Dwelling					100	100	100	100	100		100	100	100	100	100	100			
Townhouses and Single-Family Dwelling Attached							100	100	100		100	100	100	100	100	100			

Multi- Family Dwelling One								120	120		120	120	120	120	120			
HUD Code Manufactured Home as a Fixed Dwelling	100		100															
Modular or Prefabricated Single- Family Dwelling	150	100	100	100	100	100	100	100	100	100	100			100				

Note: Minimum required lot depth specified in feet.

- (b) The depth of the lot as specified in subsection (a) of this section shall be measured from the front property line to the rear property line along a line midway between the side property lines.
- (c) The minimum lot depth may have to be increased above the minimum lot depth specified in subsection (a) of this section in order to meet the minimum lot area requirements specified in section 140-137(1).

(Ord. of 9-7-1970, § 9-103)

Sec. 140-140. - Front yard.

- (a) No building shall hereinafter be located, erected, or altered to have a front yard less than required by this section, and no front yard existing at the time of passage of the ordinance from which this article is derived shall be reduced below the minimum set forth by this section.
- (b) The minimum required front yard in the Agricultural, SF-1, SF-2, SF-3, 2F-1, 2F-2, TH, MF-1 and MF-2 districts shall be 25 feet.
- (c) The minimum required front yard in the Parking, Office, Neighborhood Service, General Retail, Limited Commercial, Commercial, Industrial-1 and Industrial-2 districts shall be 15 feet.
- (d) No front yard is required in the Central Business District.
- (e) The front yard setback as required by this section shall be measured from the front property line unless the front property line is along a street right-of-way and that front property line is less than 25 feet from the centerline of a residential or residential-collector street, 30 feet from the centerline of a collector street, or 40 feet from the centerline of an arterial street. If the front property line is less than the above specified distance from the centerline of the street, the front yard setback shall then be measured from the above specified distance from the centerline of the street.
- (f) The front yard shall be measured to the front face of the building, covered porch, covered terrace or attached accessory building. Stairs, uncovered porches, eaves and roof extensions may project into the required front yard for a distance not to exceed four feet. Where no front yard is required, all stairs, eaves, roofs and similar building extensions shall be located behind the front street right-of-way line or property line.
- (g) Where a building line has been established by a subdivision plat or other ordinance which requires a front yard setback greater or lesser than required by this section, the required front yard shall comply with the building line established by such plat or ordinance.
- (h) Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets, unless a building line has been established along only one frontage by a subdivision plat or by another ordinance.
- (i) Except in the CB district, where buildings exceed three stories in height, the front yard shall be increased one foot for each two feet the building exceeds three stories but no front yard need exceed 50 feet.

(Ord. of 9-7-1970, § 9-104)

Sec. 140-141. - Side yard.

In the following zoning districts, the minimum required side yard shall be in accordance with the following schedule and no building, structure or use shall hereafter be located so as to have a smaller side yard on each side of such building than herein required, and no side yard existing at the time of passage of the ordinance from which this article is derived shall be reduced below the minimum set forth herein:

- (1) Schedule of minimum and maximum required side yards:

Minimum Required Side Yard Specified in Feet	
	Zoning Districts

Types of Uses	Agri culture	Single - Family Dwelling-1	Single - Family Dwelling-2	Single - Family Dwelling-3	Two-Family Dwelling-1	Two-Family Dwelling-2	Townhouse Dwelling	Multip le-Family Dwelling-1	Multip le-Family Dwelling-2	Pa rking	O ffi ce	Neig hbor hood Servi ce	Ge ne ral Re tai l	Limi ted Co mmerci al	Ce ntr al Bu sin ess	Co mmerci al	Ind ust rial -1	Ind ust rial -2	Plan ned Deve lop ment	
Mini mum requi red side yard Singl e-Famil y and Two-Famil y Dwel ling Deta ched	15	10 % of width 8' min.	10 % of width 6' min.	10% of width of lot—5' minimum			5	10% of width of lot—5' minimum												10% of width 5' min.
Maxi mum requi red side yard Singl e-Famil y and Two-Famil	20	12	10	8	8	6		6	6	6	5	5	5	5	5	5			10	

y Dwelling																			
Minimum required side yard for Multiple-Family Dwelling							See (2)b.	See side yard regulations for multiple dwellings (2)b.											
Minimum required side yard Single-Family Attached Dwelling							See (2)e.	See side yard regulations for single-family attached dwelling (2)e.							See (2)e.				
HUD Code Manufactured Home as a	10		10																

Fixed Dwelling																		
HUD Code Manufactured Home as a Transient Dwelling	10																	
Modular or Prefabricated Single-Family Dwelling	15	8' Min.	6' Min.	5' Min.	5	5	5	5	5	5	5	5	5	5	5			5
Nonresidential uses schools and churches in resid	Minimum of 20 feet										10	10	10	10	10	10	10	10



- g. The minimum side yard requirements in a Planned Development District shall be established on the site plan or in the amending ordinance in accordance with section 140-108.
- h. In the O and NS districts, a minimum five-foot side yard shall be provided for nonresidential uses.

(Ord. of 9-7-1970, § 9-105)

Sec. 140-142. - Rear yard.

- (a) No building or structure shall be located, erected, or altered to have a rear yard smaller than required in this section.
- (b) When a rear yard abuts a street, the rear yard shall be the same as would be required for a front yard under section 140-140.
- (c) In any zoning district, the main residential building may not be constructed nearer than ten feet to the rear property line. Any nonresidential uses permitted in residential districts shall not be constructed nearer than ten feet to the rear property line. In any residential district, a detached accessory building shall have a rear yard of not less than three feet from the rear property line. A garage or carport entered from an alley shall have a rear yard of not less than 15 feet.
- (d) In the P, O, NS, GR, LC, C, I-I and I-2 districts, a rear yard is not required for any nonresidential use, except a rear yard of not less than ten feet is required when such business zoning district abuts a residential zoning district.
- (e) No rear yard is required in the CB Central Business District.
- (f) Except in the CB district, where building exceed three stories in height, the rear yard shall be increased one foot for each two feet the building exceeds three stories, but no rear yard need exceed 50 feet.
- (g) The ordinary projections of window sills, belt courses, cornices, roof overhangs and architectural features shall not project more than two feet into the required rear yard.

(Ord. of 9-7-1970, § 9-106)

Sec. 140-143. - Lot coverage.

The maximum percentage of any lot area which may hereafter be covered by all buildings shall not exceed the following:

- (1) Forty percent in the Agriculture, SF-1, SF-2, SF-3, 2F-1, 2F-2, MF-1, MF-2, P, O, NS and GR districts.
- (2) Fifty percent in the LC, C, I-I and I-2 districts.
- (3) Sixty percent in the TH district.
- (4) One hundred percent in the CB district.

(Ord. of 9-7-1970, § 9-107)

Sec. 140-144. - Height regulations.

- (a) No building or structure shall be located, erected or altered so as to exceed the height limit hereinafter specified for the district in which the building is located.

In the Zoning Districts:	The Maximum Height of Buildings and Structures Shall be:
1. A, Agricultural District	Three stories, except as noted in section 104-145
2. SF-1, Single-Family Dwelling District	Two and one-half stories, except as noted in section 104-145
3. SF-2, Single-Family Dwelling District	Two and one-half stories except as noted in section 104-145
4. SF-3, Single-Family Dwelling District	Two and one-half stories except as noted in section 104-145
5. 2F-1, Two-Family Dwelling District	Two stories except as noted in section 104-145
6. 2F-2, Two-Family Dwelling District	Two stories except as noted in section 104-145
7. TH, Townhouse Dwelling District	Two and one-half stories except as noted in section 104-145
8. MF-1, Multiple-Family Dwelling District	Three stories except as noted in section 104-145
9. MF-2, Multiple-Family Dwelling District	To any legal limit except apartment buildings over three stories require additional yards
10. P, Parking District	Three stories except as noted in section 104-145g
11. O, Office District	To any legal limit except as noted in section 104-145
12. NS, Neighborhood Service District	Two stories except as noted in section 104-145
13. GR, General Retail District	Three stories except as noted in section 104-145
14. LC, Limited Commercial District	Three stories except as noted in section 104-145

15. CB, Central Business District	To any legal height not prohibited by other laws or ordinances
16. C, Commercial District	To any legal height not prohibited by other laws or ordinances
17. I-1, Light Industrial District	To any legal height not prohibited by other laws or ordinances
18. 1-2, Heavy Industrial District	To any legal height not prohibited by other laws or ordinances
19. PD, Planned Development District	To any legal height, provided that the total floor area does not exceed the total site area and coverage of the site by the first floor does not exceed 40 percent of the total site area.

(b) The zoning board of adjustment (ZBA) board will not be allowed to increase sign heights.

Sign Heights in Business Districts	
A, Agricultural District	Three stories
P, Parking District	Three stories except as noted in section 140-145
O, Office District	Sign height: Maximum size is six foot height and eight feet length. Type: Monument, planter or low profile signage
NS, Neighborhood Service District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
GR, General Retail District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
LC, Limited Commercial District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
CB, Central Business District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway

C, Commercial District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
1-1, Light Industrial District	Sign height limited to 35 feet measured form the grade level of the closest adjacent roadway
1-2, Heavy Industrial District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
PD, Planned Development District	Sign height limited by the city council with site plan approval

(Ord. of 9-7-1970, §§ 10-100, 10-101)

Sec. 140-145. - Special height regulations.

In the districts where the height of the buildings is restricted to two or three stories, cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed 40 feet above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires and school buildings and institutional buildings may be erected to exceed three stories in height in residential areas restricted to two or three stories in height, provided that one additional foot shall be added to the width and depth of side and rear yards for each foot that such structures exceed three stories in height.

(Ord. of 9-7-1970, § 10-102)

Sec. 140-146. - Floor area ratio.

Except as hereinafter provided, no building or structure shall be erected, added to or altered to exceed the maximum floor area ratio standards in the various zoning districts as set forth herein.

(Ord. of 9-7-1970, § 11-100)

Sec. 140-147. - Maximum floor area ratio.

In the following zoning districts, the maximum floor area ratio (FAR) for any building or structure shall be as follows:

District	Maximum Floor Area Ratio
MF-2, Multiple-Family District	4:1

O, Office District	4:1
CB, Central Business District	10:1
C, Commercial District	4:1
I-1, Light Industrial District	2:1
1-2, Heavy Industrial District	2:1
Note: Structure used for off-street parking of vehicles shall not be computed as area subject to floor area ratio standards.	

(Ord. of 9-7-1970, § 11-101)

Sec. 140-148. - Fence and wall regulations.

In any residential district or along the common boundary between any residential or nonresidential district where a wall fence or screening separation is erected, the standards for height and design in this article shall be observed.

(Ord. of 9-7-1970, § 15-100)

Sec. 140-149. - Height of fence or wall.

- (a) Any fence or wall erected on the property line and located to the rear of the minimum required front yard line as determined by the provisions of section 140-140 shall not exceed eight feet in height above the adjacent grade.
- (b) No fence, screen, wall or other visual barrier shall be so located or placed so that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. At all street intersections clear vision shall be maintained across the lot for a distance of 15 feet back from the property corner along both streets.

(Ord. of 9-7-1970, § 15-101)

Sec. 140-150. - Screening walls or visual barriers and open storage.

- (a) Any screening wall or fence required under the provisions of the Planned Development District shall be constructed of masonry or with a concrete or metal frame supporting a permanent type wall or fence

material which does not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

- (b) No open storage of commodities, materials or equipment for sale or display shall be permitted in any residential or office district. All commodities and materials offered for sale and displayed in the open in the NS, GR, LC, C or I-1 district shall be located back of the minimum required front yard line. In the I-1 and PD district, no open storage operation shall be permitted, except as an accessory use and all such open storage operations shall be located behind the main building and screened with a visual barrier as herein prescribed.

(Ord. of 9-7-1970, § 15-102)

Sec. 140-151. - Creation of building site.

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one of the conditions in sections 140-152, 140-153 or 140-154.

(Ord. of 9-7-1970, § 16-100)

Sec. 140-152. - Lots or tract part of plat record.

The lot or tract is part of a plat of record, properly approved by the planning and zoning commission and filed in the plat records of the county.

(Ord. of 9-7-1970, § 16-101)

Sec. 140-153. - Site plan.

The site, plot or tract is all or part of a site plan officially approved by the city council in a Planned Development District after recommendation by the planning and zoning commission, which site plan provides all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting, including the designation of building areas and such easements, alleys and streets have been required and properly dedicated and the necessary public improvements provided.

(Ord. of 9-7-1970, § 16-102)

Sec. 140-154. - Plot, tract or lot face on a dedicated street.

The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of the ordinance from which this article is derived or prior to annexation to the city, whichever is applicable, in which event a building permit for only one main building may be issued on each such original separately owned parcel without first complying with section 140-152 or section 140-153.

(Ord. of 9-7-1970, § 16-103)

Secs. 140-155—140-176. - Reserved.

ARTICLE VII. - SUPPLEMENTAL REGULATIONS

Sec. 140-177. - Specific use permits.

The city council, after public hearing and proper notice to all parties affected and after recommendations by the planning and zoning commission, may authorize the issuance of specific use permits for the uses indicated by "S" in the use schedule in section 140-81.

- (1) The planning and zoning commission in considering and determining its recommendations to the city council on any request for a specific use permit may require from the applicant, plans, information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed. The city council may, in the interest of the public welfare and to ensure compliance with this article, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the city council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions.
- (2) All specific use permits approved in accordance with the provisions of this article in its original form or as hereafter amended shall be referenced on the zoning district map and a list of such permits shall be maintained by the city council.

(Ord. of 9-7-1970, § 8-500)

Sec. 140-178. - Garage/yard sales and estate sales in a residential zoning district.

- (a) Sales prohibited; exceptions. The sale of merchandise directly to a customer on the premises shall be prohibited provided, however, this provision shall not be construed to prohibit the following:
  - (1) Garage/yard sales. The sale of merchandise belonging to the resident may be conducted as a home occupation provided that no such sale may be held on any lot or premises more often than twice in each calendar year at the same address, and not to exceed three consecutive days during each sale. A permit must be obtained from the city for the conduct of any garage/yard sale. A fee, in an amount as established by the city from time to time and on file in the city secretary's office or city website, shall be charged for the issuance of a permit for conducting such garage sale. Customers must obtain a permit prior to the event of a sale and display the permit on the premises for the entire duration of the sale.
  - (2) Estate sales. The sale of merchandise belonging to the resident may be conducted by the resident and/or a person/business. If such sale is conducted by an outside person or business, each address would be considered a separate estate sale. Each such estate sale shall not exceed three consecutive days during each sale. A permit must be obtained from the city for the conduct of any estate sale. A fee, in an amount as established by the city from time to time and on file in the city secretary's office or city website, shall be charged for conducting each estate sale. Customers must obtain a permit prior to the event of a sale and display the permit on the premises for the entire duration of the sale.
- (b) Signage for garage/yard sales and estate sales.
  - (1) Garage sale/yard sale and estate sale signs do not require the issuance of a sign permit.
  - (2) Signs may not exceed 5½ square feet in size, which includes a 22-inch by 28-inch poster board size, with a limit of three signs for each garage/yard sale and five signs for each estate sale.
  - (3) Garage/yard sale and estate sale signs may be placed on your private property or on your neighbor's private property with their permission. Such signs must not block driver's visibility. (Guideline: Your private property is not the strip of grass between the curb and sidewalk. This is

the city's right-of-way. As a guideline: In the front yard of a home, rights-of-way normally extend ten to 15 feet from the back of the street curb.)

- (4) Signs are not allowed in or on the following places/areas:
- a. Rights-of-way or medians of public streets;
  - b. Corners of public streets;
  - c. On fences, trees, utility poles, street light poles or public signs;
  - d. On the grass next to the curb of a public street; or
  - e. In subdivision entrances.

(Ord. of 9-7-1970, § 8-600)

Sec. 140-179. - Special definitions and explanations noted in use regulations.

The following definitions and explanatory notes supplement, restrict and define the meaning and intent of the use regulations as set forth in the use schedule in section 140-81 inclusive:

Accessory building means in a residential district, a subordinate building, attached or detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, lath house or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business.

Advertising signs (also see sections 140-239 and 140-245(a)) means and includes the following:

- (1) Off-premises sign means a sign identifying a business, profession, product, service, or facility available at a location other than the premises where the sign is located.
- (2) On-premises sign means a sign identifying or advertising a business, person, activity, product or organization available on the premises where the sign is located.

Airport or landing field means an area improved for the landing or take-off of aircraft approved by the city for operation as an aircraft landing facility.

Amusement, commercial (indoor), means an amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

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

Antique shop means an establishment offering for sale, within a building, articles such as glass, China, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

Art gallery or museum means an institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Birthing center means a center to provide counseling and education regarding childbirth and also a place where birthing can occur if a state license is obtained.

Boardinghouse or roominghouse means a building other than a hotel, where lodging and meals for three or more persons are served for compensation.

Caretaker's quarters means a secondary dwelling unit located on a lot with a main residential structure and used as living quarters for persons employed on the premises only and not for rent or use as a separate domicile by persons other than those employed on the premises or their immediate family.

Changeable electronic variable message sign (CEVMS) or changeable copy sign or device means a sign with the capability of displaying words, symbols, figures or images controlled by electronic communications or mechanical processes.

- (1) For off-premises CEVMSs, refer to section 140-245 for height, size and setback requirements applicable thereto.
- (2) For off-premises CEVMSs, the message or image on the CEVMS must remain static for a minimum of eight seconds or more and a change of message shall be accomplished simultaneously on the entire sign face. For on-premises CEVMSs, the message or image must remain static for a minimum of four seconds and change of message shall be accomplished within two seconds.
- (3) A CEVMS must contain a default mechanism that freezes the sign in one position if a malfunction occurs.
- (4) No CEVMS shall be erected without a light detector/photocell (dimmer switch) by which the sign's brightness shall be dimmed when ambient conditions darken so that signs are not unreasonably bright for the safety of the motoring public. The maximum brightness during the day shall be 5,000 nitis and at night 1,000 nitis. The term "nitis" are a measure of brightness—Candela per meter squared.
- (5) A CEVMS shall not:
  - a. Be illuminated by flashing lights, strobe lights, lights resembling emergency vehicles or moving lights;
  - b. Contain or display moving video or streamed video advertising;
  - c. Consist of a static image projected upon a stationary object;
  - d. Be a mobile sign located on a truck, trailer or any moving vehicle; or
  - e. Be attached to any wall, window or any type exterior facade of any building.
- (6) The owner of a CEVMS shall coordinate with local authorities to display public service announcements (PSAs), and when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according the protocols of the agency that issues the information.
- (7) An exception for an on-premises CEVMS will be allowed without the approval of a SUP in the GR, LC, CB, C, I-1, and I-2 zoning districts under the following terms and conditions:
  - a. The on-premises sign is limited to a maximum size of 50 square feet with a maximum height of 20 feet; and
  - b. All other restrictions pertaining to CEVMSs shall apply.

Church or rectory means a place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.

Cleaning or laundry self-service shop means to be of the customer self-service type and not a commercial laundry or cleaning plant.

Cleaning shop or laundry means a retail custom cleaning shop whose primary business is cleaning service to individual customers and not providing contractual laundry or cleaning services to other businesses such as motels, hotels, etc.

College or university means an academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study.

Community center (public) means a building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.

Community unit development means an area of three acres or more of unsubdivided land or the frontage on one side street between two intersecting streets planned as a single integral residential development, which may contain variable types of housing with yard setback and open space standards differing from the district in which it is located, but which observes the overall density standards set forth in such district. A mobile home subdivision may be approved as a community unit development if the overall density is in compliance with the district standards in which the development is located. Where the overall density standards are proposed to vary from those of the district in which the community unit development is located, the development should be handled as a Planned Development District.

Conference or training seminar center means a facility at which individuals or groups of individuals attend seminars or training sessions for a specific period of time, not to exceed 60 days, and which has the capacity to accommodate the meal and lodging needs of the training staff and trainees.

Country club (private) means an area of 20 acres or more containing a golf course and a club house 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.

Custom personal service means tailor, dressmaker, shoe shop or similar shop offering custom service.

Dance hall or night club means an establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the city.

Day camp means a facility arranged and conducted for the organized recreation and instruction of children, including outdoor activities on a daytime basis.

Delivery service means an establishment designed and constructed for the delivery of packages not to exceed 200 pounds in weight. Local delivery of packages to and from such establishment shall be by vehicles not to exceed 1½ tons rated capacity.

Farm accessory building means a structure, other than a dwelling, on a farm as herein defined, for the housing, protection or storage of the usual farm equipment, animal and crops.

Farm, ranch, garden or orchard means an area of three acres or more which is used for the growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Golf course (commercial) means a golf course, privately owned but open to the public for a fee and operated as a commercial venture.

Heavy equipment and machinery sales, rental or repair means a place where the primary service being offered at the site is the sales, rental or repair of heavy equipment including, but not limited to, construction equipment such as bulldozers, cranes, gradalls, and semi-tractor trucks. (Commercial, Industrial-1 and Industrial-2 Districts.)

Heliport means a landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft and subject to approval by the city.

Helistop means a landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds and not for regularly scheduled stops and subject to approval by the city.

Home occupation means a home occupation is an occupation carried on in the home by a member of the occupant's family, without the employment of additional persons, without the use a sign to advertise the occupation, without offering any commodity or service for sale on the premises and which does not create obnoxious noise or other obnoxious conditions to abutting residential property such as emission of odor, increased traffic or generation of light or smoke, and where the use is carried on in the main structure only. A home occupation shall specifically exclude the operation of a repair garage, beauty shop, plumbing shop or similar activity.

Hospital (acute care) means an institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the state. An acute care hospital may contain an out-patient psychiatric unit or a major psychiatric section.

Hospital (chronic care) means an institution where those persons suffering from illness, injury, deformity, deficiency or age, are given care and treatment on a prolonged or permanent bases and which is licensed by the state.

Hotel or motel means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of six individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone use and upkeep of furniture.

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

Institution for the care of alcoholic, psychiatric or narcotic patients means an institution offering resident or out-patient treatment to alcoholic, psychiatric or narcotic patients.

Kindergarten, nursery or private school means an establishment where more than three children are housed for care or training during the day or portion thereof.

Light fabrication and assembly processes means and includes the manufacture of clothing, jewelry, trimming decorations and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

Livestock auction means and includes barns, pens and sheds for the temporary holding and sale of livestock.

Local utility line means the facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water surface drainage water, sewage, electric power or telephone service.

Miniwarehouse means a series of buildings which is used for storage and where each building is no larger than 10,000 square feet with separate compartments that do not exceed 500 square feet each.

Minor vehicle and engine repair shop means business includes all minor repairs of vehicles and engines, including, but not limited to, the replacement of mufflers, brakes, air conditioning and shock absorbers and for providing tune-ups, lubrication, transmission service, front-end alignment and tire sales and servicing, and other associated servicing, but not including the rebuilding of vehicles or engines or body repairs or major painting or repainting.

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.

Modular, factory fabricated or industrialized dwelling means a dwelling prefabricated or constructed in one or more modules or modular components built at a location other than the permanent site (off-site), which are transported to the permanent site and are erected, assembled or installed on a permanent foundation or concrete slab as a fixed dwelling unit on a lot or tract of land. The following regulations shall also apply requiring this type of dwelling to:

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

- (2) Have exterior siding, roofing, roofing pitch, foundation fascia and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
- (3) Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage and other site requirements applicable to single-family dwellings; or
- (4) Be securely fixed to a permanent foundation.

Multiple-family dwelling (apartment) means a building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Name plate means an accessory sign showing only the name and address of the owner or occupant of the premises on which it is erected or placed.

Neighborhood health center means a local center for health service care to specific areas including prenatal clinic, psychiatric service and similar health services.

Nursing home or assisted living means a home where ill or elderly people are provided with lodging and meals with or without nursing care.

Office/warehouse (no outside storage) means a place for the regular transaction of business or performance of a particular service in conjunction with the receiving and storage of goods and merchandise. The office and warehouse portions shall be enclosed under the same roof. The office shall occupy at least 500 square foot or ten percent of the total floor space of the building, whichever is greater. (Limited Commercial (LC), Central Business, Commercial, Industrial-1 and Industrial-2 Districts.)

Off-street parking incidental to main use means off-street parking spaces provided in accordance with the requirements specified by this article and located on the lot or tract occupied by the main use or within 300 feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district. No motor vehicle which is not licensed for the current year or which is inoperative for a period of five days or longer shall be stored or parked in the open on any drive, parking area or in any yard in the SF-1, SF-2, SF-3, PUR, 2F-1, 2F-2, TH, MF-1, MF-2, P, O or NS districts.

One-family dwelling (attached) means a dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

One-family dwelling (detached) means a dwelling designed and constructed as a freestanding structure for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

Park or playground (public) means an open recreation facility or park owned and operated by a public agency such as the city or school board and available to the general public.

Parking lot or structure, commercial (auto), means an area or structure devoted to the parking or storage of automobiles for a fee. The term "parking lot or structure" includes, in the case of a parking structure only, a facility for servicing of automobiles, provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

Pistol and rifle range (indoor) means such establishment shall be wholly enclosed in a building, and such range shall be treated acoustically so that noise generated by the range is not perceptible at the bounding property line.

Playfield or stadium (public) means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.

Plumbing shop means a place where the primary work being performed by the business is the installation and/or repair of plumbing, heating and air conditioning systems for residential as well as commercial applications. (Special Use Permit in Limited Commercial (LC), allowed in Commercial, Industrial-1 and Industrial-2 Districts.)

Public building, shop or yard of local, state or federal government means facilities such as office buildings, maintenance yards and shops required by branches of local, state or federal government for service to an area such as the highway department yard, city service center or experiment station.

Radio, television or microwave towers means structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennas installations for home use of radio or television, telephone exchange, switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

Railroad team track means a siding for spotting and unloading or loading box cars or other railroad cars and which area is connected to a public street by a drive for access.

Real estate model home means a permanent resident, constructed in a residential development of at least ten lots, which is used as a model home for the types of homes to be built in the development. Such a model home can be used by a real estate agency as a temporary office to sell homes within the development, but cannot be the sole office of the real estate agency. The model home shall be closed whenever 90 percent of the lots in the development are developed with residences or after the model home has been in existence for five years, whichever comes first.

Restaurant or cafeteria (not of drive-in type) means an establishment designed and constructed to serve food and beverage for consumption on the premises to the general public in specific dining areas and not involving the service of food to automobiles or for off-premises consumption.

Restaurant or eating establishment (drive-in service) means an establishment designed and constructed to serve food for consumption on the premises in automobiles or for carry out, off-premises consumption and which establishment may or may not have an on-premises dining room.

Riding club means a paddock, club house and stable for quartering, training and riding horses, the facilities of which are restricted to a specific membership and not available to the general public.

School, business, means a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

School, commercial trade, means a business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

School, public or denominational, means a school under the sponsorship of a public or religious agency or nonprofit corporation having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

Screening device means a screening device shall be defined as a barrier of stone, brick, pierced brick, uniformly colored wood or other permanent material of equal character, density and design, of a height necessary to provide a sight barrier at least seven feet above the adjacent property and at least 80 percent solid, provided any such structure in excess of eight feet in height shall be deemed a wall subject to the provisions of the building code of the city. Chainlink fences, whether with or without battens, slats or coverings or block fences shall not be considered a screening device under this definition.

- (1) A screening device, as herein defined, shall be erected before any other use, other than uses permitted in the MA, SF-1, SF-2, SF-3, 2F-1, 2F-2, TH, MF-1 or MF-2 districts, is made of property in P, O or a less restrictive district when such property abuts residentially zoned property. Such screening devices shall be erected along the entire length of the common line between such business property and the abutting residentially zoned property.
- (2) When a screening device is required under the terms of subsection (1) of this definition, it shall be in the responsibility of the user of the commercial or industrial property to erect the required screening device, and the same shall be precedent to the issuance of a certificate of occupancy for the premises on which said device is located.
- (3) All screening devices required by this article or action of the board of adjustment shall be perpetually maintained by the user of the property on which said device is located.

Self-contained aluminum recycling machine means an automated, self-contained, commercially designed and manufactured recycling machine designed to crush beverage cans and to automatically dispense cash to the user of the machine. Such machine is to have a maximum size of ten feet in width, 15 feet in length and ten feet in height. Such machine is to have a minimum storage capacity of 3,000 pounds, and be equipped with an internal sorting system, and be equipped with a semi-automatic unloading system.

- (1) Any manufacturing, industrial servicing or storage process not prohibited by law, except the following uses, may be located in the I-2 district upon approval by the city council in accordance with the procedure established under the provisions of the specific use permit section 140-177:
  - a. Acid manufacture;
  - b. Ammonia manufacture;
  - c. Carbon black manufacture;
  - d. Cement, lime, gypsum or plaster of Paris manufacture;
  - e. Chlorine manufacture;
  - f. Cotton gin or compress;
  - g. Explosives storage or manufacture;
  - h. Glue and fertilizer manufacture;
  - i. Petroleum and petroleum products refining and manufacture;
  - j. Petroleum tank firm;
  - k. Petrochemical plant;
  - l. Rendering plant;
  - m. Tanning, curing, treating or storage of skins or hides;
  - n. Wrecking yard or salvage yard.
- (2) Any use which, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor or vibration or danger of explosion or fire, is presently or in the future determined a hazard and subject to special control or which is determined under the provisions of section 140-106 to involve the possibility of hazard or adverse influence on the use development and enjoyment of adjacent or nearby land.

Sign, agricultural, means an accessory sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

Sign, apartment name, means an accessory sign for the identification of an apartment building or complex of apartment buildings.

Sign, construction, means a temporary accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

Sign, directional, means an on-premises sign giving directions or instructions, e.g., enter or exit, in or out, an arrow symbol.

Sign, general business, means an accessory sign or graphic device which advertises only commodities or service offered on the premises where such signs are located and not of the billboard, poster panel or painted bulletin type.

Sign, incidental, means a small sign, emblem or decal informing the public of goods, facilities or services available on the premises. Examples: Credit card sign or a sign indicating hours of business.

Sign, institutional, means an accessory sign for the identity of a school, church, hospital or similar public or quasi-public institution.

Sign, political or campaign, means political or campaign signs on behalf of candidates for public office or measures on election ballots. Signs must follow these guidelines:

- (1) No sign shall be located within or over the public right-of-way;
- (2) Sign must be removed within five days following said election.

Sign, portable, means a sign which is not permanently fixed to the ground, a structure or a building and is designed to be moved easily, such as, but not limited to: flashing arrow signs, sandwich board signs or sidewalk signs.

- (1) No later than 180 days after passage of the ordinance from which this article is derived, all portable signs must be:
  - a. Converted to permanent installation in compliance with all city codes and specifications; or
  - b. Permitted by the city's building official at the amount determined by the ordinance.
- (2) Other requirements include:
  - a. Only one portable sign per business.
  - b. Must withstand a 70-mile-per-hour wind.
  - c. Electrical code must be met; no extension cords will be allowed. Receptacle adjacent to sign must be GFCI protected.
  - d. Maximum size of 32 square feet.
  - e. Permit is required at a cost in an amount as established by the city council from time and on file in the city secretary's office and issued by the building official's office.
  - f. Subsequent annual permits will be renewed at a cost in an amount as established by the city council from time and on file in the city secretary's office. Upon permanent installation of the sign, all directional arrows must be removed and parking requirements will be reviewed based on individual cases.
- (3) Banner or promotional signs. The term "banner or promotional sign" means a sign identifying or advertising a business, person, activity, products or services which can be acquired on the property where the sign is located.
  - a. A banner or promotional sign is a sign made of fabric or any non-rigid material with no enclosing framework. Exception: Flags, streamers or pennants are not considered banners or promotional signs.
  - b. Requirements:
    1. Maximum size of 64 square feet.
    2. No more than two signs allowed per freestanding business.
    3. No more than one sign per business inside a shopping center. It must be attached to the building and not extend below any awning.
  - c. A banner or promotional sign permit shall be required at a cost in an amount as established by the city council from time and on file in the city secretary's office per sign or an annual fee as established by the city from time to time and on file in the city secretary's office or city website that covers all signage in this section and issued by the building official's office. If an annual fee is in effect, a new diagram for each new sign must still be submitted to the building official's office.
  - d. A minimum distance of 15 feet shall be between banners and/or promotional signs. Back-to-back banners or promotional signs shall be counted as one sign.
  - e. T-posts must be used and angled outward in order to ensure the banner will be hung straight. PVC piping over t-posts will be required.

- f. The maximum allowable time for display is for 30 calendar days per banner or promotional sign. At the end of the allowed time any banner or promotional sign must be removed or replaced with a different sign with different verbiage and a new permit. If an annual fee is in effect, a new diagram for each new sign must still be submitted to the building official's office.
- g. Special business promotions will allow banners or promotional signs to be displayed for a longer period of time and shall be good for only one banner or promotional sign for a maximum 90 calendar days, to be held no more than two times annually. Permit fees shall be in an amount as established by the city from time to time and on file in the city secretary's office or city website, per promotion. Drawings of signage shall be submitted to the building official for approval.

Exception: When a new business opens, a banner may be attached to the existing shopping center sign or existing permanent business sign for 60 days, only as a temporary measure until the permanent business sign is in place. A permit is required.

- h. All temporary (portable or banner or promotional) signs must be maintained and in good condition with no tears, peeling or missing letters, broken or missing sign faces, no deteriorating or damaged structure, properly installed and be clean and legible at all times.

Any violation of the temporary (portable or banner or promotional) sign regulations will be subject to citations to municipal court and issued by the building official office.

Sign, real estate, means a temporary sign pertaining to the sale or rental of property and advertising of property only for use for which it is legally zoned. No real estate sign shall be located within or over the public right-of-way.

Sign, temporary, means a temporary sign related to the promotion or grand opening of a new business. All charitable, nonprofit and any educational uses of temporary signs are exempt from this article, but must be removed within 72 hours after any event. (Refer to section 28-1.)

Sign, wall, means a business sign erected and permanently attached essentially parallel to and extending not more than 24 inches from the exterior wall of a building with no copy on the sides or edges and must not project above the roofline of the building. The term "wall sign" includes painted, individual letter and cabinet signs. A permit from the building official's office will be required.

Stable (private) means an accessory building for quartering horses when the stable building is set back from all adjacent property lines at least 100 feet and when the site contains a minimum area of one acre for each animal quartered.

Swimming pool (commercial) means a swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming pool (private) means a swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwellings and located and fenced in accordance with the regulations of the city. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Tattoo studio means an establishment or facility in which the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment, including the application of permanent cosmetics, is performed.

Temporary field or construction office means a structure or shelter used in connection with a development or building project for housing on the site of a temporary administrative and supervisory function, and for sheltering employees and equipment.

Trailer camp or HUD code manufactured home park means a tract of land designed or being used to accommodate one or more transient portable dwelling units designed to be moved on wheels from location to location by automobile, truck or similar prime mover.

Transmission or muffler shop means a place where the primary work being performed at the business is removal, servicing, rebuilding, or installation and/or replacement of trans-axles and/or transmissions and/or mufflers and tailpipes in automobiles, light trucks and vans whose capacity does not exceed one and one-half tons. (Commercial, Industrial-1 and Industrial-2 Districts.)

Trash transfer stations mean intermediate solid waste processing facilities where local trash collection trucks transfer and load trash into a larger container or truck where the trash may be compacted prior to hauling to the landfill site. Such transfer station shall be operated in compliance with state department of health municipal solid waste, rules, standards and regulations.

Two-family dwelling means a single structure designed and constructed with two living units under a single roof for occupancy by two families.

Wrecking or scrap salvage yard means a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal scrap or other material.

Zoo (private) means a facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

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

(Ord. of 9-7-1970, § 8-700; Ord. No. 082-2001, 4-9-2001; Ord. No. 167-2006, 7-10-2006)

Sec. 140-180. - Special area and accessory building regulations.

(a) Court standards. The minimum dimension and area of outer or inner courts provided in buildings occupied for residential purposes shall be in accordance with the following provisions:

(1) Outer courts, residential structures.

- a. For residential structures, three stories or less in height, any outer court which is used for access of light or air or which may be used for emergency access purposes shall have a minimum width equal to the depth of the court up to 20 feet, but the width of any such outer court need not exceed 20 feet even though the depth of the court may exceed such dimension.
- b. For residential structures exceeding three stories in height, any outer court which is used for access of light or air or which may be used for emergency access purposes shall have a minimum width equal to the depth of the court up to 50 feet, but the width of any such outer court need not exceed 50 feet even though the depth of the court may exceed such dimension.

(2) Inner courts, residential structures.

- a. For residential structures three stories or less in height, any inner court which is used for access of light or air or which may be used for emergency access purposes shall have minimum dimensions in the length and in the width of its base equal to the height of the roof or eave at the top of the wall enclosing such court, but neither the width nor the length of the base of such inner court need exceed 20 feet even though the height of the enclosing walls may exceed such dimension.
- b. For residential structures exceeding three stories in height, any inner court which is used for access of light or air or which may be used for emergency access purposes shall have a minimum dimension in the length and in the width of its base equal to the height of the roof or eave at the top of the wall enclosing such court, but neither the width nor the length of the base of such inner court need exceed 50 feet even though the height of the enclosing walls may exceed such dimension.

- (b) Accessory building and structure regulations. Area regulations for accessory buildings or accessory structures in residential and apartment districts are as follows:
- (1) Front yard. Attached accessory building or structure shall have a front yard not less than the main building. Detached accessory buildings or structures shall be located in the area defined as the rear yard.
  - (2) Side yard. There shall be a side yard for any accessory building or structure located in a residential area of not less than three feet from any side lot line, alley line or easement line, except that adjacent to a side street the side yard shall never be less than ten feet. Where a firewall is provided, no side yard need be provided on one side of a lot only for accessory buildings located in the rear one-half of the lot. (See appendix illustration 3.)
  - (3) Rear yard.
    - a. There shall be a rear yard for accessory buildings or structures not less than three feet from any lot line, alley line or easement line, except that if no alley exists, the rear yard shall not be less than ten feet as measured from the rear lot line. In residential districts, the main building and all accessory buildings shall not cover more than 50 percent of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line. Detached carports, garages or other detached accessory buildings located within the rear portion of the lot as heretofore described shall not be located closer than ten feet to the main building nor nearer than three feet to any side lot line, except where a firewall has been provided which meets the requirements of the building and fire codes of the city, no rear yard for accessory buildings shall be required. (See appendix illustration 3.)
    - b. Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of 15 feet to facilitate access without interference with the use of the street or alley by other vehicles or persons.

(Ord. of 9-7-1970, § 9-108)

Sec. 140-181. - Sign heights in Business Districts.

The zoning board of adjustment (ZBA) board will not be allowed to increase sign height.

A, Agricultural District	Three stories
P, Parking District	Three stories except as noted in section 140-145
O, Office District	Sign height: Maximum size is six feet height and eight feet length. Type: Monument, planter or low profile signage
NS, Neighborhood Service District	Sign height limited to 35 feet, measured from the grade level of the closest adjacent roadway
GR, General Retail District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway

LC, Limited Commercial District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
CB, Central Business District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
C, Commercial District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
1-1, Light Industrial District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
1-2, Heavy Industrial District	Sign height limited to 35 feet measured from the grade level of the closest adjacent roadway
PD, Planned Development District	Sign height limited by the city council with site plan approval

(Ord. No. 082-2001, 4-9-2001)

Secs. 140-182—140-200. - Reserved.

ARTICLE VIII. - PARKING AND LOADING REGULATIONS

Sec. 140-201. - Vehicle parking regulations.

No building or structure shall be erected in the district in which it is located, unless there shall be provided on the lot or tract of land on which the building or structure is located, on an immediately contiguous lot or tract of land, or within 150 feet of the lot or tract of land on which the building or structure is located, vehicle parking for the uses specified in the designated districts. Any established use which was lawfully existing at the effective date of the ordinance from which this article is derived and which in the interim has not been enlarged or converted to any other use need not provide parking as specified in this article. No existing vehicle parking shall be reduced below the minimum number of spaces specified in this article.

(Ord. of 9-7-1970, § 12-100)

Sec. 140-202. - Off-street parking spaces.

Except in the CB Central Business District, a minimum of two off-street parking spaces shall be provided for each residential dwelling unit.

(Ord. of 9-7-1970, § 12-101)

Sec. 140-203. - Parking space schedule.

The following parking space schedule for nonresidential uses is applicable to all districts, except the CB Central Business District.

- (1) Bank, savings and loan or financial establishment—One space for each 600 similar square feet of floor area.
- (2) Bowling alley—Six spaces for each lane.
- (3) Clinics or doctors' offices—One space for each 300 square feet of floor area.
- (4) Churches—One space for each three seats in the main sanctuary.
- (5) Commercial amusement—30 spaces, plus one space for each 100 square feet of floor area over 2,000 square feet.
- (6) Convalescent home or home—One space for each six rooms for the aged or beds.
- (7) Gasoline service station—Minimum of six spaces.
- (8) Golf course—Minimum of 30 spaces.
- (9) High school, college university—One space for each classroom, laboratory or instruction area, plus one space for each three students accommodated in the institution.
- (10) Hospitals—One space for each two beds.
- (11) Hotel or motel—One space for each room, unit or guest accommodation, plus specified requirements for restaurants and related facilities.
- (12) Institutions of a philanthropic nature—Ten spaces, plus one space for each employee.
- (13) Library or museum—Ten spaces, plus one space for each 300 square feet of floor area.
- (14) Manufacturing, processing or repairing—One space for each two employees or one space for each 1,000 square feet of floor area, whichever is greater.
- (15) Offices, general—One space for each 300 square feet of floor area.
- (16) Recreational, private or commercial area or building—One space for each four persons to be normally accommodated in the establishment (other than listed).
- (17) Restaurant or cafeteria—One space for every three seats under maximum seating arrangement.
- (18) Retail or personal service—One space for each 200 square feet of floor area. Furniture stores and appliance stores general area—One space for each 400 square feet of floor area.
- (19) Schools, elementary or junior high—One space for each classroom, plus one space for each four seats in any auditorium, gymnasium or other place of assembly.
- (20) Storage or warehousing—One space for each two employees or one space for each 1,000 square feet of floor area, whichever is greater.
- (21) Theaters, meeting rooms and public assembly—One space for each three places of seats.

(Ord. of 9-7-1970, § 12-102)

Sec. 140-204. - Special off-street parking regulations.

- (a) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development.
- (b) In the SF-1, SF-2, SF-3, PUR, 2F-1, 2F-2, TH, MF-1, MF-2, O and NS districts, no parking space, garage or carport or other automobile storage space or structure shall be used for the storage of any truck, truck trailer or van except a panel or pickup truck not exceeding 1½ tons capacity.
- (c) Floor area of structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.
- (d) Parking requirements for mobile homes, HUD Code manufactured homes, house trailers and modular homes shall be interpreted as being the same as for a one-family dwelling in the SF-2 district. Parking requirements for one-family attached dwellings shall be interpreted as being the same as for multiple-family dwellings in the MF-1 district.
- (e) Access to parking lots or areas which are accessory to or serve nonresidential uses in the O, NS, GR, LC, CB, C, 1-1, 1-2 or nonresidential PD districts shall not be through or from streets in residential districts.

(Ord. of 9-7-1970, § 12-103)

Sec. 140-205. - Parking requirements for new or unlisted uses.

- (a) Where questions arise concerning the minimum off-street parking requirement for any use not specifically listed, the requirements may be interpreted as those of a similar use.
- (b) Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to subsection (a) of this section or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in section 140-79 for classifying new and unlisted uses.

(Ord. of 9-7-1970, § 12-104)

Sec. 140-206. - Off-street loading regulations.

Except in the CB district, all retail, commercial, industrial and service structures shall provide and maintain 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 45 feet and such spaces or berths shall be provided in accordance with the following schedule:

Square feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2

40,000 to 65,000	3
65,000 to 100,000	4
Each additional 50,000	1 additional

(Ord. of 9-7-1970, § 13-100)

Sec. 140-207. - Same—Hotels, office buildings, restaurants, etc.

For hotels, office buildings, restaurants and similar establishments located other than in the CB district, off-street loading facilities shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area Spaces or Berths	Minimum Required in Structure
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 additional

(Ord. of 9-7-1970, § 13-101)

Secs. 140-208—140-237. - Reserved.

ARTICLE IX. - SIGNS

Sec. 140-238. - Sign regulations.

The districts in which the various types of signs are permitted are indicated by the schedule of uses, section 140-80. The following special provisions shall apply to the various types of signs in the districts indicated under the sections of this article.

(Ord. of 9-7-1970, § 14-100)

Sec. 140-239. - Permanent type signs.

See section 140-144, sign heights in each zoning district and section 140-247.

Type Sign	Maximum Area	Zone Permitted	Spacing Standards
Name plate	Two square feet no restriction	All residential districts all districts, except residential	-
Institutional sign	70 square feet no restriction	All residential districts all districts, except residential	-
Apartment sign	70 square feet no restriction	MF-1 and MF-2 districts; O, NS, GR, LC, C, I-1 and PD districts	One per street frontage
Business sign	No restriction, except as hereinafter provided for certain district and type	Permitted in: O, NS, GR, LC, CB, C, I-1, I-2 and PD districts	One per street frontage. See section 140-247. For office see section 140-145 (48 square feet)
Advertising sign (off-premises/billboard)	672 square feet, See section 140-247	Permitted in: GR, CB, LC, C, 1-1, 1-2 districts with a SUP.	See section 140-247
Advertising sign (on premises/with business signage)	-	Permitted in: GR, LC, CB, C, 1-1, 1-2.	-
Agricultural sign	100 square feet	Permitted in: A, NS, GR, LC, CB, C, 1-1, 1-2 and PD districts	200 feet between signs

Changeable electronic variable message sign (CEVMS) (off-premises)	672 square feet	Permitted in: GR, LC, CB, C, 1-1 and 1-2 districts with a SUP	See section 140-247. And see section 140-144.
Changeable Electronic Variable Message Sign (CEVMS) (on-premises)	As approved by SUP. *Exception: See section 140-144. Square feet (20 feet maximum height)	Permitted in: O, NS, GR, LC, CB, C, I-1, I-2 and PD with a SUP. Exception: See section 140-144.	See section 140-144
Temporary Type Signs:			
Real estate	12 square feet	All residential districts.	One for each platted lot or tract and for acreage—One for each 200 feet of street frontage.
	No restriction	In all districts, except residential.	None specified.
Construction sign	60 square feet	In all districts	None
Promotional/banner sign	64 square feet	In all districts	See definition 66
Development sign	400 square feet	In all districts	**See below

\*\*For each development of ten acres or less, a maximum of two signs shall be permitted. Developers with frontage on two or more streets may have signs on any two street frontages. Development with frontage on one street may have two signs where street frontage exceeds 500 feet. Development of more than ten acres may have a maximum of three signs.

(Ord. of 9-7-1970, § 14-101)

Sec. 140-240. - Approval for a proposed site plan or amendment to an existing site plan.

- (a) In a Planned Development District, no sign otherwise permitted shall be erected or placed in position without first receiving approval from the city for a proposed site plan or amendment to an existing site plan, specifying the location, description and physical dimensions of the proposed sign and the applicant shall further be required to meet all permit requirements of the standard building code of the city prior to installation of a sign in a Planned Development District.

- (b) Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction in the municipal court of the city, shall be fined not more than \$500.00. Each day of any such violation shall be deemed to be a separate offense. Nothing herein shall be construed to prohibit the city from instituting injunction proceedings requiring removal of any unauthorized sign erected in a Planned Development District.

(Ord. of 9-7-1970, § 14-102; Ord. No. 082-2001, 4-9-2001)

Sec. 140-241. - Maximum building height.

No sign shall be constructed to exceed the maximum building height permitted in the specific district where the sign is located except in shopping centers or similar commercial or office centers containing six acres or more, pylon or major identification signs not to exceed 75 feet in height may be erected when set back from the side and rear property line a distance equal to the height of the sign and when such high rise signs comply with the building code as to design and construction.

(Ord. of 9-7-1970, § 14-103)

Sec. 140-242. - Interference with traffic on public streets.

No sign shall be located or constructed so as to interfere with or confuse the control of traffic on the public streets and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal.

(Ord. of 9-7-1970, § 14-104)

Sec. 140-243. - Nonconforming signs.

Any nonconforming sign which is damaged or is deteriorated to a point where its restoration costs exceeds 50 percent of its replacement value shall be removed.

(Ord. of 9-7-1970, § 14-105)

Sec. 140-244. - Public right-of-way.

No sign shall be erected so as to project into the public right-of-way of any street or alley, except in the CB Central Business District. In the CB Central Business District, any projecting sign shall not extend outward from any building face to the public right-of-way for a distance of more than ten feet or to within 18 inches of the street curb, whichever is more restrictive.

(Ord. of 9-7-1970, § 14-106)

Sec. 140-245. - Off-premises/billboards.

- (a) No advertising sign structure shall contain more than two sign panels facing in the same direction. The maximum size is 672 square feet or two display signs of 336 square feet including cutouts for sign locations that are along divided four lane highways/interstates; and 378 square feet along any other roadways.
- (b) Spacing. The minimum sign separation shall be 800 feet from any other advertising sign or painted bulletin board or poster panel along the same side of the street.

- (c) Setback means the minimum distance of the sign height from any residential use or district boundary.
- (d) The maximum overall height is 42½ feet, measured from the highest point of the sign to the grade level of the interstate perpendicular to the sign. The lowest point of a projecting sign must be at least 14 feet above grade.
- (e) Off-premises/billboard sign construction.
  - (1) The specific use permit required for the use of an off-premises billboard sign shall be granted only to the property owner of the land.
  - (2) A demolition or building permit must be obtained from the inspection department for the removal of an off-premises sign or for the construction of a new sign.
- (f) Nonconforming billboards.
  - (1) Any abandoned billboard as defined herein shall be removed immediately.
  - (2) Any billboard which becomes damaged or dilapidated and repairs will cost more than 60 percent of the billboard's total economic value will be deemed nonconforming.
  - (3) Permits shall not be issued for any construction or renovation to a nonconforming billboard. Only routine maintenance will be allowed.

(Ord. of 9-7-1970, § 14-109; Ord. No. 082-2001, 4-9-2001; Ord. No. 188-2010, 11-22-2010; Ord. No. 149-2012, 11-26-2012)

Sec. 140-246. - Precedence.

No provision of this article shall supersede or replace any other ordinance of the city having to do with sign standards, materials or construction, except the provisions of this article pertaining to the use of the various types of signs in the various districts shall take precedence over all other ordinances, regulations and standards.

(Ord. of 9-7-1970, § 14-108)

Sec. 140-247. - Signs within 100 feet of an interstate or loop corridor.

Any on-premises sign (for a business) erected within 100 feet of the interstate or loop corridor right-of-way will be allowed to have a sign height of 50 feet measured from the grade level of the interstate or loop. The zoning board of adjustment will not be allowed to grant a height variance for signage height.

(Ord. of 9-7-1970, § 14-109; Ord. No. 082-2001, 4-9-2001)

Sec. 140-248. - Damaged signs.

All signs which are damaged, in need of repair, abandoned or have become obsolete as determined by the building official, or designee, shall be removed or repaired by the owner of the building or premises upon which it is located.

(Ord. of 9-7-1970, § 14-110; Ord. No. 082-2001, 4-9-2001)

Sec. 140-249. - Utility or public easements.

No permanent sign is permitted on any utility or public easement, or any signage or posters of any kind (including hand held) will be allowed for display on any public or utility poles or on rights-of-way. (Refer to section 28-1.)

(Ord. of 9-7-1970, § 14-111; Ord. No. 082-2001, 4-9-2001)

Secs. 140-250—140-276. - Reserved.

#### ARTICLE X. - NONCONFORMING USE AND STRUCTURES

Sec. 140-277. - A nonconforming status shall exist under the following provisions of this article.

- (a) When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the previous zoning ordinance and has been operating since without discontinuance.
- (b) When on the effective date of the ordinance from which this article is derived, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the 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 site use or structure is located.

(Ord. of 9-7-1970, § 17-101)

Sec. 140-278. - Nonconforming use may not be expanded or increased.

No nonconforming use may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of the ordinance from which this article is derived, except to provide off-street loading or off-street parking space upon approval of the board of adjustment.

(Ord. of 9-7-1970, § 17-102)

Sec. 140-279. - Nonconforming use may be changed to conforming use.

Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

(Ord. of 9-7-1970, § 17-103)

Sec. 140-280. - Change of occupancy.

A change of occupancy from one nonconforming use to another nonconforming use may be made by securing a certificate of occupancy from the building official, provided, such change is to a use permitted in a zoning district where the original nonconforming use would be permitted or, provided that such use change is to a use permitted in a more restrictive classification, provided further that such change of use and occupancy will not tend to prolong the life of a nonconforming structure.

(Ord. of 9-7-1970, § 17-104)

Sec. 140-281. - Conforming use in a nonconforming structure.

Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a certificate of occupancy from the building official.

(Ord. of 9-7-1970, § 17-105)

Sec. 140-282. - Abandoned nonconforming use.

Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth be in conformance to this article. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for, or which remains vacant for a period of six months, shall be considered to have been abandoned. Any nonconforming use which is moved from the premises shall be considered to have been abandoned.

(Ord. of 9-7-1970, § 17-106)

Sec. 140-283. - A destroyed nonconforming use.

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt, except to conform to the provisions of this article. In the case of partial destruction of a nonconforming use not exceeding 60 percent of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the board of adjustment, but the size and function of the nonconforming use shall not be expanded.

(Ord. of 9-7-1970, § 17-107)

Secs. 140-284—140-314. - Reserved.

## ARTICLE XI. - ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

### DIVISION 1. - GENERALLY

Sec. 140-315. - Certificate of occupancy.

- (a) No building or land shall be used or occupied for any purpose under the provisions of this article, nor shall the use or operator of a specific use permit be changed without first obtaining a certificate of occupancy from the building official.
- (b) Whenever the use or operator of a specific use permit is proposed to be changed or whenever a change of occupancy from one conforming use to another conforming use is proposed, an application for a certificate of occupancy shall be made to the building official.
- (c) A record of all certificates of occupancy issued shall be kept on file in the building official's office and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land or building covered by a specific use permit or a nonconforming use.
- (d) Whenever a change of occupancy from one nonconforming use to another nonconforming use is proposed, an application for a certificate of occupancy shall be made to the building official.

(Ord. of 9-7-1970, §§ 19-101—19-104)

Sec. 140-316. - Completion of building under construction.

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of the ordinance from which this article is derived and which entire building shall be completed within one year from the date of the passage of the ordinance from which this article is derived.

(Ord. of 9-7-1970, § 20-100)

Sec. 140-317. - Amendments to this chapter or zoning map.

- (a) The city council may, by the adoption of an ordinance, amend, supplement or change the regulations or text of this article or the classification or boundary of a zoning district. The planning and zoning commission may on its own motion or on a request from the city council, propose changes or amendments. Any property owner may petition the city council for a change or amendment in the classification or boundary of the owner's property or for a change or amendment in the regulations or text of this article.
- (b) The planning and zoning commission shall hold a public hearing on any change or amendment prior to making its report and recommendation to the city council. The planning and zoning commission shall submit its report and recommendation on any changes or amendments to the city council before the city council can take any action of those changes or amendments. When a change or amendment relates to a classification or boundary of a zoning district, written notice of such public hearing of the planning and zoning commission shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice shall be given to each owner as shown on the last approved city tax roll by depositing the notice, properly addressed and postage paid, in the city post office not less than ten days before the date of the public hearing. The city shall post a sign on the property to be rezoned as further public notification. When a change or amendment relates to the regulations or text of this article not affecting specific property, notice of the public hearing before the planning and zoning commission shall be given not less than ten days before the hearing by publication in a newspaper of general circulation in the city, without the necessity of notifying property owners by mail. Such notice shall state the date, time and place of the public hearing and the nature of the subject to be considered.
- (c) The city council shall hold a public hearing on any amendment or change to the regulations or text of this article or any amendment or change to the classification or boundary of a zoning district. Notice of such public hearing shall be given by publication of the date, time and place of such hearing and the nature of the subject to be considered in a newspaper of general circulation in the city not less than 15 days before the hearing.
- (d) A majority vote of the city council shall be required to adopt an ordinance approving any amendment or change, except that a three-fourths vote of the city council shall be required when either:
  - (1) The planning and zoning commission has recommended for denial of an amendment or change; or
  - (2) A written protest against an amendment or change has been filed which is signed by the owners of 20 percent or more of the area included in such change or signed by the owners of 20 percent or more of the area within 200 feet of such change. In order to be considered, the petition must be received and filed before or at the planning and zoning commission meeting at which the item is to be heard.
- (e) In the event an amendment or change affecting the classification or boundary of a zoning district, for which application has been made, is not approved, no person shall file a subsequent request for an amendment on the same lot or tract for a period of one year from the date of such action, except that

a subsequent request can be submitted at any time if such request is to a more restrictive zoning classification than was not approved or if the request was denied without prejudice by the city council. The Planned Development designation shall be considered to be a more restrictive zoning classification.

- (f) A person requesting an amendment or change of the regulations or text of this article or the classification or boundary of a zoning district (including rezoning of property, specific use permits, and amendments to Planned Development Districts for approval or modifications of site plans) shall provide a nonrefundable filing fee in an amount as established by the city council from time to time and on file in the city secretary's office or city website.

(Ord. of 9-7-1970, § 21-100; Ord. No. 209-1996, 7-8-1996; Ord. No. 272-2002, 11-25-2002; Ord. No. 116-2011, 7-25-2011)

Sec. 140-318. - Penalty for violations.

- (a) Any person violating or failing to comply with any of the provisions of this article shall be fined upon conviction not less than \$500.00 or more than \$2,000.00, and each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- (b) The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction as provided in Texas Revised Civil Statutes, article 1011h and as may be amended, may be exercised in enforcing this article whether or not there has been a criminal complaint filed.
- (c) In addition to the penalty provided for, the right is hereby conferred and extended to any property owner owning property in any district where such property may be affected by a violation of the terms of this article, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law or in equity for the protection of the rights of such property owners.

(Ord. of 9-7-1970, § 23-100; Ord. No. 082-2001, 4-9-2001)

Sec. 140-319. - Exceptions and exemptions not required to be negative.

In any complaint and in any action or proceedings brought for the enforcement of any provision of this article, it shall not be necessary to negative any exception, excuse, proviso or exemption contained in this article and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant or person charged.

(Ord. of 9-7-1970, § 24-100)

Secs. 140-320—140-341. - Reserved.

DIVISION 2. - BOARD OF ADJUSTMENT

Sec. 140-342. - Appointment of board members.

The board of adjustment consists of five members appointed by the city council for a term of two years. The city council may appoint a maximum of four alternate board members to serve in the absence of one or more regular board members when requested to do so by the mayor or the city manager. A vacancy of a board member or alternate member shall be filled by the city council for the unexpired term. A board member or alternate member who has served for two consecutive two-year terms must vacate the position

as a member or alternate member for at least one year before becoming eligible for reappointment to another term on the board of adjustment. Appointment during any part of a term shall be deemed as service for one of the two consecutive two-year terms. A board member or alternate member may be removed from office by the city council for cause on a written charge after a public hearing.

(Ord. of 9-7-1970, § 18-101)

Sec. 140-343. - Procedures and meetings.

- (a) The board of adjustment shall adopt rules to govern its proceedings, provided such rules are not inconsistent with this chapter or statutes of the state. Meetings of the board shall be held at the call of the chairperson and at such other times as determined by the board. Four members shall constitute a quorum. The chairperson, or when absent, the acting chairperson, may administer oath and compel the attendance of witnesses.
- (b) All meetings of the board shall be open to the public. A public notice shall be posted in the mail addressed to all owners of real property located within 200 feet of the property on which an appeal is made, and a public notice shall be published in a newspaper of general circulation in the city. Such posted notice and published notice shall be given at least ten days prior to the date set for the hearing before the board of adjustment. A notice shall be given to the parties in interest and such parties may appear at the hearing in person or by agent or attorney.
- (c) The board shall keep minutes of its proceedings, showing the vote of each member on each question, or that a member is absent or failed to vote. The board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (d) Any appeal to the board of adjustment shall be accompanied by a filing fee that shall be in an amount as established by the city from time to time and on file in the city secretary's office or city website.

(Ord. of 9-7-1970, § 18-102)

Sec. 140-344. - Authority of the board.

The board of adjustment shall have the authority to act upon the following when approved by a vote of at least four members of the board of adjustment:

- (1) Decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter.
- (2) Permit the reconstruction of a nonconforming structure or a structure occupied by a nonconforming use which is partially destroyed by fire, the elements or other cause, when such destruction does not exceed 60 percent of its reasonable value.
- (3) Permit the addition of off-street parking or off-street loading facilities to a nonconforming use.
- (4) Permit a variance or modification to the height, yard, lot area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which under literal enforcement of the above referenced regulations would result in unnecessary hardship due to special conditions related to the particular property being considered for a variance.

(Ord. of 9-7-1970, § 18-103)

Sec. 140-345. - Appeal to board.

- (a) Any of the following persons may appeal to the board a decision made by an administrative official:

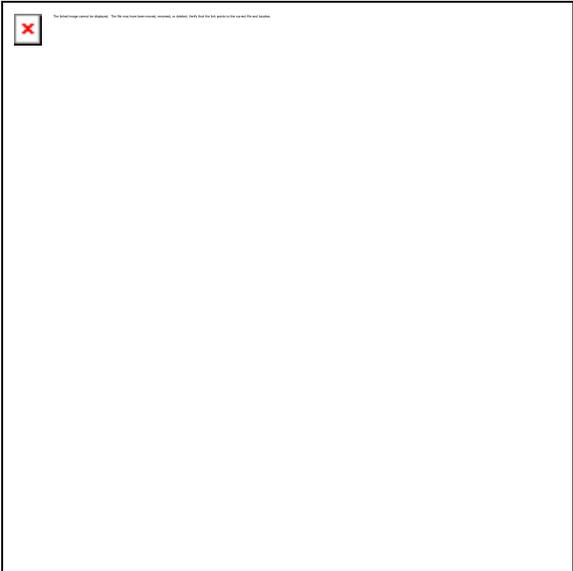
- (1) A person aggrieved by the decision; or
  - (2) Any officer, department, board or bureau of the city affected by the decision.
- (b) Such appeal must be filed with the board of adjustment and with the administrative official within 15 days after the decision being appealed has been rendered by the administrative official. The appeal must specify in writing the grounds for the appeal. On receiving the appeal, the administrative officer shall immediately transmit to the board all the papers constituting the record of the action that is appealed.
- (c) Such appeal stays all proceedings in furtherance of the action that is appealed, unless the administrative official certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or by a court of record on application, after notice to the official, if due cause is shown.

(Ord. of 9-7-1970, § 18-104)

Sec. 140-346. - Judicial review of board decision.

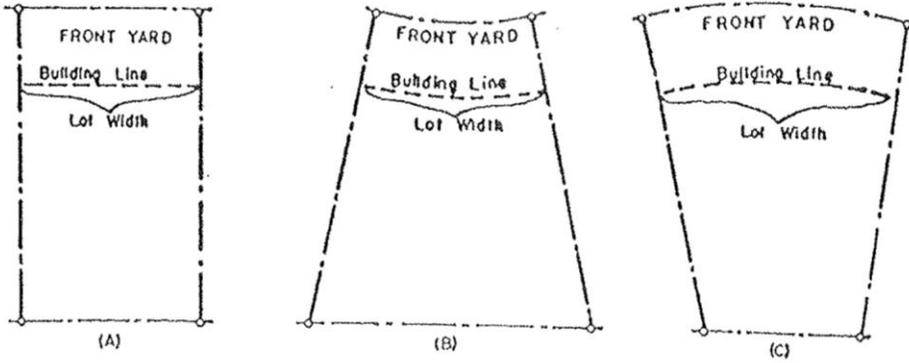
- (a) Any of the following persons may present to a court of record a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:
- (1) A person aggrieved by a decision of the board;
  - (2) A taxpayer; or
  - (3) An officer, department, board or bureau of the city.
- (b) The petition must be presented within ten days after the date the decision is filed in the board's office. On the presentation of the petition, the court may grant a writ of certiorari directed to the board to review the board's decision. The writ must indicate the time by which the board's return must be made and served on the petitioner's attorney, which must be after ten days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the board, the court may grant a restraining order if due cause is shown.
- (c) The board's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision under appeal. The board is not required to return the original documents on which the board acted but may return certified or sworn copies of the documents or parts of the documents as required by the writ.
- (d) If at the hearing the court determines that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law. The referee's report constitutes a part of the proceedings on which the court shall make its decision.
- (e) The court may reverse or affirm, in whole or in part, or modify the decision that is appealed. Costs may not be assessed against the board, unless the court determines that the board acted with gross negligence, in bad faith or with malice in making its decision.

(Ord. of 9-7-1970, § 18-105)

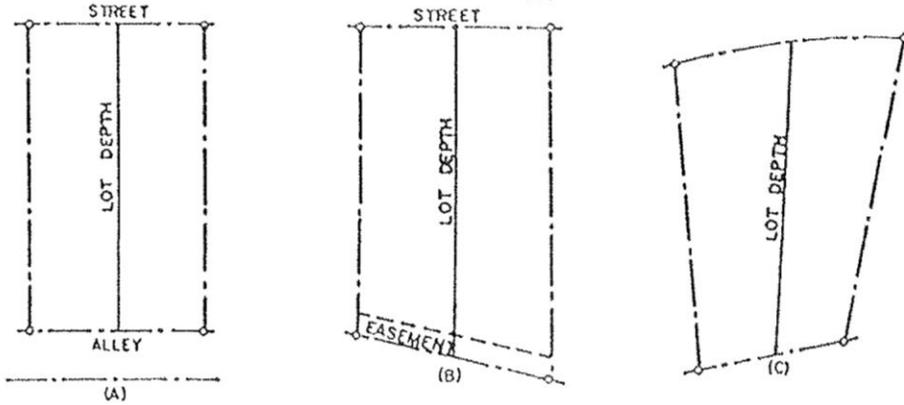


Appendix Illustrations

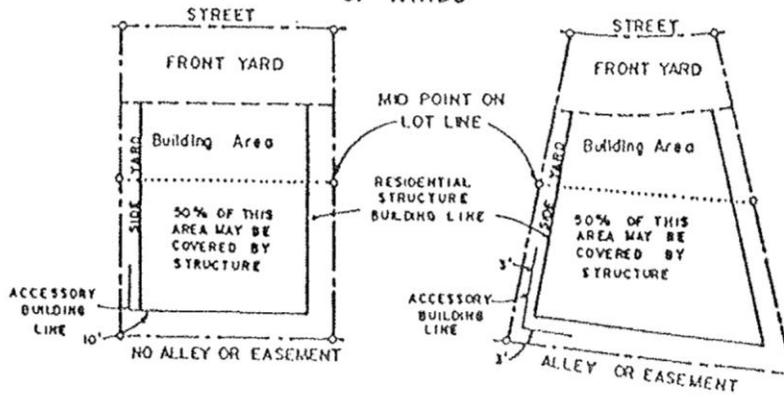
I. LOT WIDTH

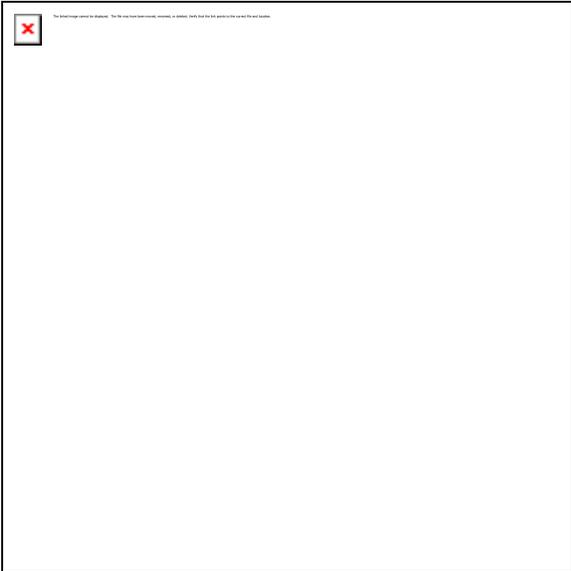


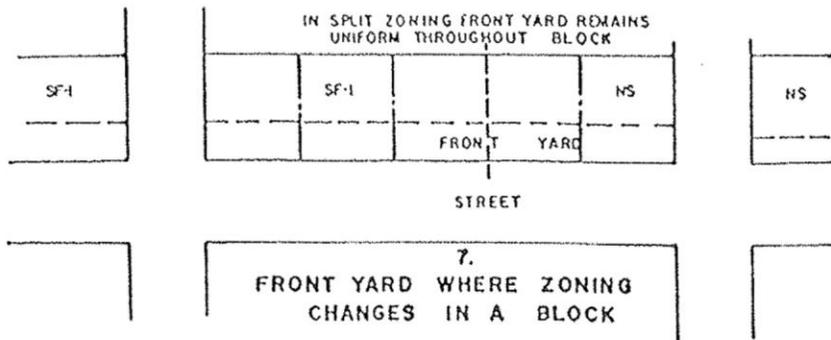
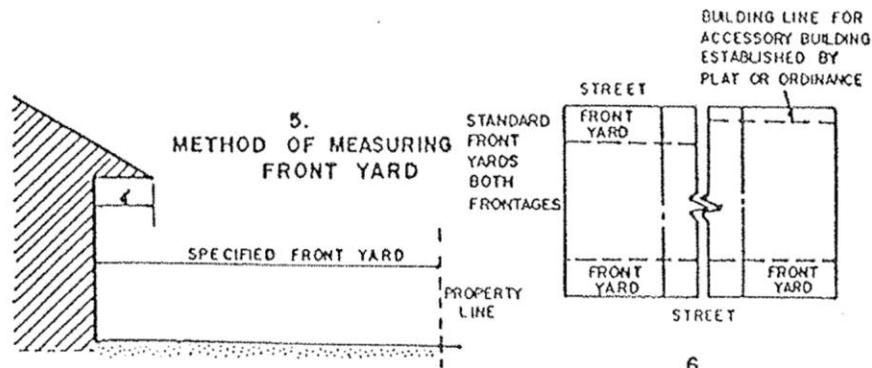
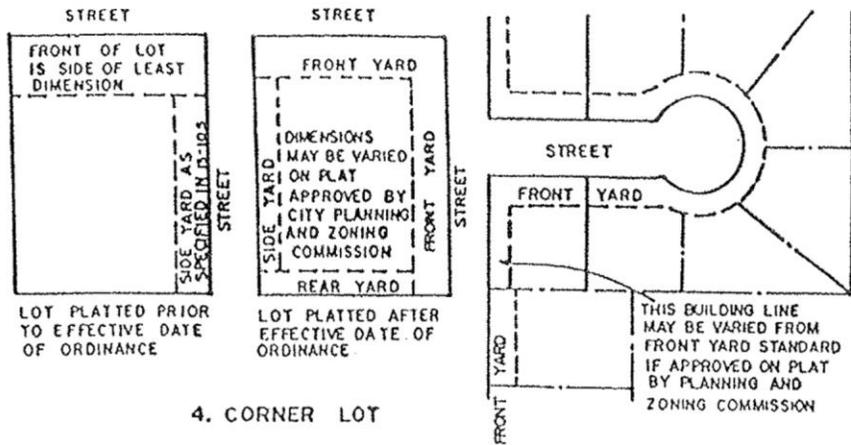
2. LOT DEPTH

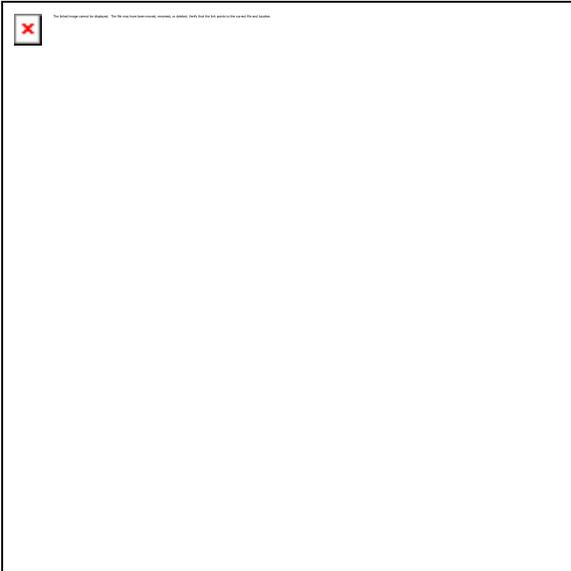


3. YARDS

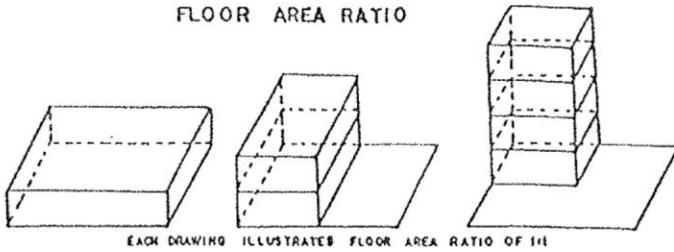




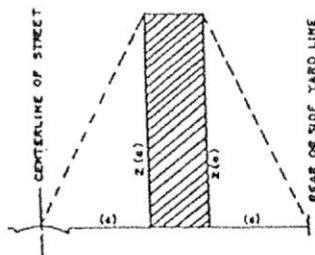




10.  
FLOOR AREA RATIO

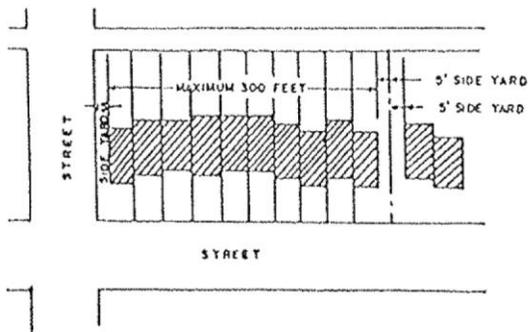


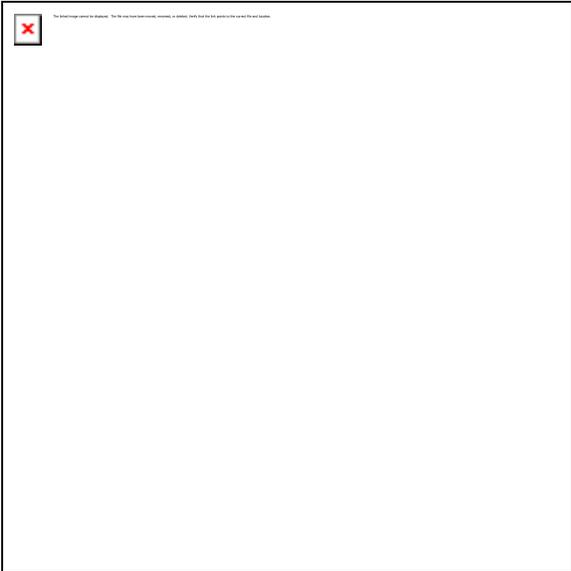
11.  
SET BACK STANDARDS FOR  
HIGH RISE APARTMENT & SIMILAR STRUCTURES



WHEN HEIGHT EQUALS 361 FRONT YARD MEASURED FROM STREET CENTERLINE MUST BE MINIMUM OF 5' SIDE AND REAR YARDS WITH OPENINGS FOR LIGHT OR AIR, SHALL BE MINIMUM DIMENSION OF 10' WHEN HEIGHT IS 26', IN NO CASE HEIGHT EXCEED FIFTY (50) FEET SEE 15-1041

12.  
SIDE YARD STANDARDS  
ATTACHED SINGLE FAMILY DWELLINGS

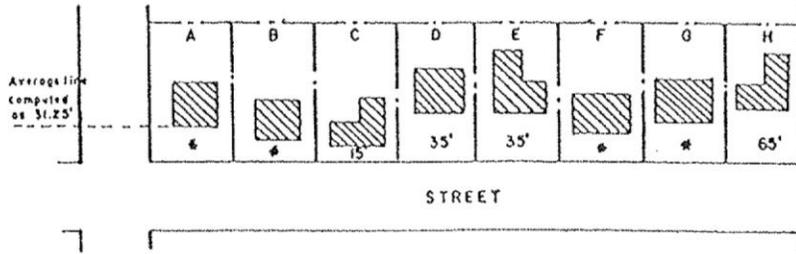




8.

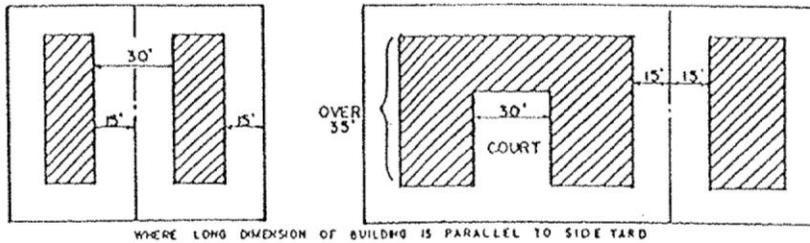
INTERPRETATION OF AVERAGE FRONT YARD  
WHERE YARD DEPTH VARIES

Basis of Computation Existing Buildings		Computed Minimum Set Backs	
Lots	Set Back	A	31.25' average
C	15'	B	25' need not set back over 10' from C
D	35'	C	15' existing
E	35'	D	35' existing
H	65'	E	35' existing
* Other lots by Average Line = 31.25'		F	31.25' average
		G	41.25' need not set back over 10' from F
		H	65' existing

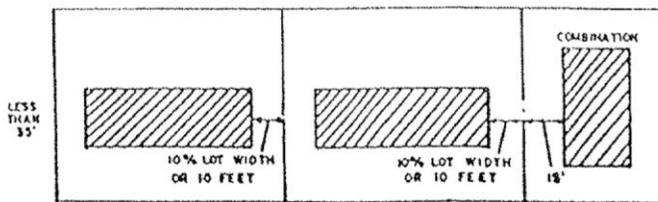


9.

SPECIAL APARTMENT SIDE YARD  
AND SPACING STANDARDS



WHERE LONG DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD



WHERE END OR NARROW DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD