

ARTICLE 4 - DEVELOPMENT STANDARDS

SEE APPENDIX C FOR AREA TABLES

SECTION 4-1. Front Yard Regulations

Minimum front yard regulations are specific to each zoning district and are found in the Tables in Appendix C.

SECTION 4-2. Special Front Yard Regulations

(a) Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard setback shall comply with the requirements of the most restrictive district for the entire frontage. (See Appendix A, # 7)

(b) Where a building line has been established by plat or ordinance approved by the Planning and Zoning Commission or enacted by the City Council and such line requires a greater front yard setback than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat.

(c) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet. (See Appendix A, #5)

(d) Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed. (See Appendix A, #6)

(e) In the MF District, a minimum front yard of twenty-five (25) feet shall be required provided, however, that in no case shall the distance from the centerline of the street on which a building fronts to the front face of the building be less than one-half (1/2) the height of the building provided that this provision shall not be interpreted as requiring a front yard setback of more than fifty (50) feet from the property line. (See Appendix A, #11)

(f) Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front or side property lines.

(g) Gasoline service station storage tanks shall be NFPA approved. Any tanks installed above

ground or underground shall not be located within 10' of any property line. Above ground tanks shall comply with NFPA standards.

(h) In the HC, CA, LI and HI Districts, no front yard is required except that no structure may be erected nearer than thirty (30) feet to the centerline of any street upon which such structure faces, nor may any building be erected closer to the street than any building setback line otherwise established by ordinance.

SECTION 4-3. Side Yard Regulations

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.

(a) No side yard is specified for non-residential uses except as indicated above in Section 4-2 (f) and (g).

SECTION 4-4 Special Side Yard Regulations

(a) Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein, and the ordinary projections of window sills, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed twenty-four (24) inches into the required side yard.

(b) Multiple family dwellings not exceeding 35' in height shall provide a minimum side yard of fifteen (15) feet between all building walls and any side lot line, except that any such building face or wall not exceeding thirty-five (35) feet in width may provide a minimum side yard of ten (10) feet. (See Appendix A, # 9)

(c) Where apartment buildings or structures are constructed to exceed three (3) stories in height through approval of a Planned Development (PD) zoning, a side yard equal to one (1) foot for each two (2) feet of building height for all building faces or walls having openings for light, air or access shall be provided, except that such side yard need not exceed fifty (50) feet. In all districts permitting the construction of apartment buildings exceeding three (3) stories in height, a minimum side yard of ten (10) feet shall be required for any building face or wall which contains no opening for windows, light or air. (See Appendix A, # 11)

(d) On a corner lot a side yard adjacent to a street for a multiple-family dwelling not exceeding three (3) stories in height shall not be less than fifteen (15) feet and no balcony or porch, or any portion of the building may extend into such required side yard, except that a roof may overhang such side yard not to exceed four (4) feet.

(e) On a corner lot used for one-family or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after the effective date of this Ordinance, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission containing a side yard of ten (10) feet or more the building line provisions on the plat shall be observed. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall be ten (10) feet. (See Appendix A, # 4)

(f) A one-family attached dwelling shall provide a minimum required side yard adjacent to a side street of ten (10) feet and no complex of attached one-family dwellings shall exceed two hundred (200) feet in length. A minimum required side yard setback of five (5) feet shall be provided at the end of each one-family attached dwelling complex so that the end of any two adjacent building complexes shall be at least ten (10) feet apart. (See Appendix A, # 12)

(g) The minimum side yard requirements in a Planned Development (PD) shall be established on the site plan which shall be made a part of the amending ordinance.

(h) No side yard is specified for non-residential use in the O, NS, R, LC, CA, HC, LI and HI Districts except where a commercial, retail or industrial or other non-residential use abuts upon a district boundary line dividing such districts from a residential district in which event a minimum of ten (10) feet side yard setback shall be provided on the side adjacent to such residential district.

SECTION 4-5. Rear Yard Regulations

No building or structure shall hereafter be located, constructed or altered to have a rear yard setback less than herein required.

(a) In the A, SF-1, SF-2, SF-3, 2F, GR, MF, O, NS, R, LC, HC, CA or LI Districts, no main residential building may be constructed nearer than ten (10) feet to the rear property line. The residential building and all accessory buildings shall not cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite side lot line.

(b) In the O, NS, R and LC Districts, a rear yard of ten (10) feet shall be provided and in the CA, HC, LI and HI Districts, no rear yard is specified for non-residential use except where retail, commercial or industrial uses back upon a common district line, whether separated by an alley or not, dividing the district from any of the residential districts listed herein, a minimum rear yard of ten (10) feet shall be provided.

(c) The minimum rear yard in a Planned Development (PD) shall be established on the site

plan. Where multiple-family dwellings exceed three (3) stories in height, a rear yard equal to one (1) foot for each two (2) feet of building height shall be provided except that no such rear yard need exceed fifty (50) feet to comply with this provision and except further that in the CA District, no rear yard exceeding ten (10) feet shall be required for buildings where the rear wall contains no openings or windows for light or air.

SECTION 4-6. Area Regulations for Accessory Buildings and Structures in Residential Districts

(a) *Front Yard.* Attached accessory buildings shall have a front yard not less than the main building, except for carport structures as described below. Detached accessory buildings shall be located in the rear or side yard.

(b) *Side Yard.* There shall be a side yard for any detached accessory building of not less than three (3) feet from any side lot line when such detached accessory building is located in the rear of the lot. When a detached accessory building is located in the front of the building line connecting the two midpoints of the opposite side lot lines as herein described such accessory building shall observe the same side yard as specified for the main building.

(c) *Rear Yard.* Detached accessory buildings when located on the rear 30 percent of the lot may be erected on the property line.

(d) *Air Conditioning or Similar Accessory Structures.* Air conditioning compressors, cooling towers and similar accessory structures shall observe all front, side or rear yards specified for accessory buildings. When such accessory structures are located in the side yard of that portion of a lot herein designated as the rear of the lot, the minimum side yard shall be three (3) feet. When such accessory structures are located forward of the line dividing the rear of the lot, the accessory structures shall observe the same side yard as required for the main structure.

(e) *Special Carport Exception.* Carport construction may be permitted in the front yard portion of a lot outside of the required front yard setback if an application for such construction is made to the Zoning Board of Adjustment. No carport may be constructed in the first five (5) feet of the front yard setback. The first ten (10) feet of the front yard setback may be landscaped but no plant(s) or other landscaping material may be higher than three (3) feet. Such application shall include a detailed site plan indicating the proposed carport location and specifying the distance that the structure may be located outside of the required front yard setback. No exception shall be made to any required side yard setback, except as provided below. Maximum eave height for a carport exception shall not exceed one story (11.5'). No sides shall be constructed on any carport, this includes lattice work and other screening materials. The GR and SF-3 Districts shall be exempt from this carport exception and carport construction shall be a permitted use; side yard setback shall be two

and one-half (2 1/2) feet and shall be required on each property to ensure a minimum five (5) foot separation of carport structures. Sideyard setback in the A, SF-1, SF-2, and 2F Districts shall be a minimum of five (5) feet.

SECTION 4-7. Height Regulations

No building or structure shall be located, constructed or altered so as to exceed the height limit hereinafter specified for the district in which the building or structure is located:

A, Agricultural District	35' except as noted in Section 4.8 below.
SF-1, Single-Family Dwelling District	30' except as noted in Section 4.8 below.
SF-2, Single-Family Dwelling District	30' except as noted in Section 4.8 below.
SF-3, Single-Family Dwelling District	30' except as noted in Section 4.8 below.
2F, Two-Family Dwelling District	30' except as noted in Section 4.8 below.
GR, General Residential District	30' except as noted in Section 4.8 below.
MF, Multiple-Family Dwelling District	35' except as noted in Section 4.8 below.
O, Office District	35' except as noted in Section 4.8 below.
NS, Neighborhood Service District	35' except as noted in Section 4.8 below.
R, Retail District	35' except as noted in Section 4.8 below.
LC, Light Commercial District	Twenty (20) stories except special setback required for all structures above three (3) stories except as noted in Section 4.8 below.
HC, Heavy Commercial District	Twenty (20) stories except special setback required for all structures above three (3) stories except as noted in Section 4.8 below.
CA, Central Area District	To any legal height not otherwise prohibited.
LI, Light Industrial District	To any legal height not otherwise prohibited.
HI, Heavy Industrial District	To any legal height not otherwise prohibited.

SECTION 4-8. Special Height Regulations

In the different districts where the height of buildings is restricted to 30 or 35 feet, cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed a total height of forty (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 (3) stories in height in residential districts restricted to 30 or 35 feet in height, or in non-residential zoning districts provided that one (1) additional foot shall be added to the width and depth of side and rear yards for each foot that such structures exceed 35 feet in height.

SECTION 4-9. Vehicle Parking Regulations

Except as hereinafter provided, no building or structure or part thereof shall be constructed, altered, or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract, on an immediately contiguous lot or tract or within 150 feet of such building or structure but not in a residential zoning district, vehicle parking in the following ratio of vehicle spaces for the uses specified in the designated districts, except that an established use lawfully existing at the effective date of this ordinance need not provide vehicle parking as hereinafter set forth and that no existing vehicle parking in connection with said use may be reduced below the minimum number of spaces hereinafter required. Vehicle parking may not be a primary use on any land zoned for residential purpose.

PARKING REGULATIONS FOR RESIDENTIAL USES

(a) Minimum off-street parking spaces for residential uses shall be:

A, Agricultural District	Two (2) spaces for each dwelling unit
SF-1, Single-Family Dwelling	Two (2) spaces for each dwelling unit
SF-2, Single-Family Dwelling District	Two (2) spaces for each dwelling unit
SF-3, Single-Family Dwelling District	Two (2) spaces for each dwelling unit
2F, Two Family Dwelling District	One and one-half (1 1/2) spaces for each dwelling unit
GR, General Residential District	One (1) space for each dwelling unit
MF, Multiple-Family Dwelling District	One (1) space for each dwelling unit for single-family residence and one and one-half

	(1 1/2) spaces for each dwelling in two-family or apartment unit
O, Office District	One (1) space for each dwelling unit for single-family residence and one and one-half (1 1/2) spaces for each dwelling in two-family or apartment unit
NS, Neighborhood Service District	One (1) space for each dwelling unit for single-family residence and one and one-half (1 1/2) spaces for each dwelling in two-family or apartment unit
R, Retail District	One (1) space for each dwelling unit for single-family residence and one and one-half (1 1/2) spaces for each dwelling in two-family or apartment unit
LC, Light Commercial District	One (1) space for each dwelling unit for single-family residence and one and one-half (1 1/2) spaces for each dwelling in two-family or apartment unit
HC, Heavy Commercial District	One (1) space for each dwelling unit for single-family residence and one and one-half (1 1/2) spaces for each dwelling in two-family or apartment unit
CA, Central Area District	One (1) space for each dwelling unit for single-family residence and one and one-half (1 1/2) spaces for each dwelling in two-family or apartment unit
LI, Light Industrial District	One and one-half (1 1/2) spaces for each dwelling unit
HI, Heavy Industrial District	No requirement
PD, Planned Development District	As may be specified by the amending ordinance.

PARKING REGULATIONS FOR NON-RESIDENTIAL USES

(b) Minimum parking spaces required for non-residential uses are applicable to all districts except the CA, Central Area District.

A. Bank, or similar financial establishment - One (1) space for each three hundred (300) square feet of floor area.

B. Bar/Lounge, Dance Hall or Nightclub - One (1) space for each four (4) seats.

C. Bingo Hall - One (1) space for each four (4) seats.

D. Bowling Alley - Six (6) spaces for each lane.

E. Clinics, Doctors' Offices, Institutions or Treatment Center for Alcoholics, Psychiatric or Narcotic Patients - One (1) space for each three hundred (300) square feet of floor area (minimum of five (5) spaces).

F. Commercial Outdoor Amusement - Twenty (20) spaces plus one (1) space for each one hundred (100) square feet of floor area over one thousand (1,000) square feet.

G. Gasoline Service Station - Minimum of six (6) spaces.

H. Golf Course - Minimum of thirty (30) spaces.

I. Group Care Home or Group Medical Care Home - One (1) space for each two residents and one (1) space for each staff member.

J. Group Secure Care Home - One (1) space for each four residents and one (1) space for each staff member.

K. High School, College or University - One (1) space for each classroom, laboratory or instruction area plus one (1) space for each four (4) students accommodated in the institution.

L. Hospitals - One (1) space for every three (3) beds.

M. Hotel or Motel - One (1) space for each room, unit or guest accommodation.

N. Institutions of a religious or philanthropic nature - Ten (10) spaces plus one (1) space for each employee.

O. Library or Museum - Ten (10) spaces plus one (1) for each three hundred (300)

square feet of floor area.

P. Manufacturing, processing or repairing - One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.

Q. Nursing Home - One (1) space for each six (6) rooms or beds.

R. Offices, general - One (1) space for each three hundred (300) square feet of floor area (minimum five (5) spaces).

S. Places of public assembly not listed - one (1) space for each three (3) seats provided.

T. Recreational, private or commercial area or building (other than listed) - One (1) space for every three (3) persons to be normally accommodated in the establishment.

U. Restaurant or Cafeteria - One (1) space for every three (3) seats under maximum seating arrangement (minimum of five (5) spaces).

V. Retail or personal service - One (1) space for each two hundred (200) square feet of floor area (minimum of five (5) spaces).

W. Schools, Elementary or Junior High - One (1) space for each classroom plus one (1) space for each four (4) seats in any auditorium, gymnasium, or other place of assembly.

X. Storage or warehousing - One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.

Y. Theaters, meeting rooms and places of public assembly - One (1) space for every three (3) seats.

SECTION 4-10. 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 use included in the building for development.

(b) In the SF-1, SF-2, SF-3, 2F, GR, MF, 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 or truck trailer, except vans, panel and pickup trucks not exceeding one and one-half (1

1/2) tons capacity. No parking of such vans or pick up trucks may be used for the purpose of providing off-premise signage or advertizing.

(c) Floor area of any structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements.

SECTION 4-11. Handicapped Parking

There shall be provided handicapped parking spaces in accordance with The Architectural Barriers Act, Article 9102, Texas Civil Statutes as amended.

SECTION 4-12. Parking Requirements for New and 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 listed use.

(b) Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to (a) above or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in Section 3-4 for classifying new and unlisted uses.

SECTION 4-13. Off-Street Loading Regulations

Off street loading regulations except in the CA, Central Area 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 (10) by forty-five (45) feet, and such spaces or berths shall be provided in accordance with the following schedule:

(a) For retail, commercial sales and/or service or industrial use buildings and establishments, off-street loading facilities shall be provided as follows:

<u>SQUARE FEET OF GROSS FLOOR AREA IN STRUCTURE</u>	<u>MINIMUM REQUIRED SPACES OR BERTHS</u>
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

Ea. Additional 50,000

1 Additional

(b) For hotels, office buildings, restaurants and similar establishments, off-street loading facilities shall be provided as follows::

<u>SQUARE FEET OF GROSS FLOOR AREA IN STRUCTURE</u>	<u>MINIMUM REQUIRED SPACES OR BERTHS</u>
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

SECTION 4-14. Special Area and Use Regulations

1. Courts - Where an apartment building or buildings are erected so as to create enclosed inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.

2. Location of Dwellings and Buildings - Only one main building for one-family, two-family or multiple-family use with permitted accessory buildings may be located upon a lot or platted tract. Every dwelling shall face or front upon a public street, other than an alley, which means of access shall have a minimum width of thirty (30) feet. Where a lot is used for retail, commercial, industrial purposes, or a combination of same, or for a combination of retail and dwelling purposes, more than one (1) main building may be located upon the lot, but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and districts and when all such main buildings face upon a public street, other than an alley. Whenever two or more main buildings, or portions thereof, are desired to be placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the Planning and Zoning Commission so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard or area requirements for any other dwelling or other use.

3. Temporary Construction Buildings - Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for a special period of time in accordance with a permit issued by the Building Official and subject to periodic renewal by the Building Official for cause shown. Upon completion or

abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the Building Official.

SECTION 4-15. Creation of Building Site

No permit for the construction of a building or buildings upon any tract shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

1. 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 Howard County.
2. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the City of Big Spring, 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 1 above.

SECTION 4-16. Platting Property Not Permanently Zoned

1. The Planning and Zoning Commission shall not approve any plat of any subdivision within the city limits of the City of Big Spring until the area covered by the proposed plat shall have been permanently zoned by the City Council of the City of Big Spring.
2. The Planning and Zoning Commission shall not approve any plat of any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City of Big Spring is pending before the City Council unless and until such plat shall have been approved by resolution by the City Council.

SECTION 4-17. Urban Design Review

(a) Purpose – Large-scale buildings often have an extraordinary impact on the character of an urban neighborhood, as well as the practical functioning of features within the public realm. The usefulness and value of nearby property is often impacted by such larger buildings in ways that require closer examination and evaluation of such impacts. To this end, site plans for certain proposed buildings are subject to an urban design review in order to ensure the compatibility of large-scale buildings with neighboring uses, other buildings, and the public realm.

(b) Applicability

1. A review of urban design considerations shall be required in any of the following situations:
 - (A) Proposed construction comprising 10,000 square feet or more of gross floor

area in a new building, or any expansion of an existing building resulting in a total gross floor area of 10,000 square feet or more.

(B) Proposed construction of more than one principal building for multi-family use on a single lot or tract of land.

(C) Proposed construction of more than one principal building for single-family or two-family residential use on one lot in a Multi-Family Dwelling District (MF) or where allowed in a commercial zoning district.

2. No permit for construction or expansion of such a building shall be issued by the Building Official until an urban design review has been completed in accordance with this Section. All modifications and conditions required as a result of urban design review shall be incorporated in the construction of the proposed building and improvement of the surrounding site.

(c) Submission of Application - A complete application for examination of site plans for all buildings subject to urban design review shall be submitted to the City Planner, along with the appropriate application fee.

(d) Review and Action by City Planner - After determining that the application is complete, the City Planner or his/her designee shall determine whether the plan meets the requirements of this Zoning Ordinance and the criteria set forth in Subsection (e) below. The City Planner shall approve, approve with conditions, or deny the application based on these criteria. A written decision, including affirmative findings on these criteria, shall be mailed to the applicant.

(e) Urban Design Review Criteria - Urban design review by the City Planner shall be based upon the following:

1. *Basic Compliance.* The proposed building and site improvements comply with the dimensional standards required by Article 4, any specific use regulations set forth in Article 6, and all other applicable provisions of this Zoning Ordinance.

2. *Impacts Minimized.* Whether the extent to which the proposed construction and site improvements minimize adverse effects on adjacent properties. The maintenance of views and sight lines are valid consideration of Urban Design Review as is traffic flow on and off the property.

3. *Development Patterns.* Whether the extent to which the proposed construction and site improvements would result in a logical and orderly pattern of urban development.

(f) Appeals - An appeal of a site plan to the Planning and Zoning Commission shall be made in writing within thirty (30) days of the date of notification to the applicant by the City Planner. The appeal shall be reviewed by the Planning and Zoning Commission no more than thirty (30) days following the receipt of written request seeking such an appeal. The Planning and Zoning Commission shall decide on the appealed item no more than sixty (60) days following the receipt of written request seeking such appeal.

The decision rendered by the Planning and Zoning Commission may be appealed to the City Council no more than thirty (30) days from the date in which the Planning and Zoning Commission renders a decision on the matter. This second appeal shall be reviewed and decided by City Council no more than sixty (60) days following receipt of written request for appeal. The affirmative vote of the majority of City Council members shall be necessary to reverse a decision of the Planning and Zoning Commission, on any appeal of a site plan submitted for Urban Design Review in accordance with this section.

(Ord. of 11-18-14)

SECTION 4-18 THROUGH 4-20. Reserved