

**CITY OF BIG SPRING**  
**PUBLIC WORKS DIVISION**  
**ZONING ORDINANCE**

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# **ARTICLE 1 - GENERAL PROVISIONS**

## **SECTION 1-1. Purpose**

This chapter is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the City of Big Spring. It is adopted in accordance with and is intended to complement the city's comprehensive plan, as adopted in 1996 (Resolution 2-96). More specifically, this chapter is intended to fulfill one or more of the following purposes:

1. Preserve and enhance the integrity, stability and livability of residential neighborhoods;
2. Maintain property values by stabilizing expectations and ensuring predictability in development;
3. Prevent or minimize land use incompatibilities and conflicts;
4. Prevent overcrowding of buildings and over development of sites and excessive concentrations of population or commercial activities;
5. Encourage commercial revitalization;
6. Preserve and enhance the city's natural environment and avoid natural hazards in the development of the city;
7. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;
8. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas; and
9. Establish a process that effectively and fairly applies the regulations and standards of this chapter and respects the rights of property owners and the interests of citizens.

## **SECTION 1-2. Short Title**

The provisions of this chapter may be referred to or cited as the "zoning regulations" or as "these regulations", or as "this Ordinance", or as "this chapter".

### **SECTION 1-3. Severability**

In the event that any section, subsection, sentence, clause or phrase of this ordinance shall be declared or judged invalid or unconstitutional, such adjudication shall in no means affect any other section, subsection, sentence, clause or phrase of this ordinance, but the remainder hereof shall be in full force and effect just as though the section, subsection, sentence, clause or phrase as declared or adjudged invalid or unconstitutional was not originally a part hereof.

### **SECTION 1-4. Conflict with other Laws**

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be void and the same are hereby repealed, except that nothing in this ordinance shall be construed as repealing any existing ordinance regulating nuisances or as permitting or requiring uses that are now prohibited by law, and ordinances imposing a greater restriction than is imposed herein shall govern.

No building, structure or use which was not lawfully existing at the time of adoption of this ordinance shall become or be made legal solely by adoption of this ordinance. By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offences, liabilities, penalties or forfeitures may be instituted or causes pending be proceeded with in all respects as if such prior ordinances had not been repealed.

### **SECTION 1-5. Relationship to the Comprehensive Plan**

The regulations contained herein have been modified in accordance with a comprehensive land use planning program for the orderly growth and development of the City of Big Spring. The major modifications are herein undertaken to streamline the existing ordinance by eliminating or updating obsolete or ineffective portions of the previous zoning ordinance. Necessary changes have been identified by:

- Citizens during the Comprehensive Plan effort
- Planning and Zoning Commission members
- Staff members of the City of Big Spring

## **SECTION 1-6. Application and Exceptions**

These zoning regulations apply to all land located within the City's corporate limits, except as follows:

(a) These regulations do not apply to a building, structure, or land owned or leased by the City, the State of Texas, or the United States, or an agency thereof.

(b) Except as otherwise specifically provided for herein, this chapter does not apply to the erection, construction, alteration, or maintenance of cables, conduits, lines, wires or vaults, or similar equipment lawfully installed and maintained by a public utility. This exemption does not apply to buildings, structures, or communication towers constructed by, owned, leased or controlled by a public utility.

## **SECTION 1-7. Effective Date**

The effective date of this Chapter and revision of the zoning ordinances of the City of Big Spring shall be effective on June 12, 2001.

## **SECTION 1-8. Violations and Penalties**

It is unlawful for any person to violate, or cause to allow any other person under his or her control or authority to violate, any provision or requirement of these zoning regulations. The violation of any of these zoning regulations is unlawful and may be punished by a fine not to exceed \$2,000 for each offense. Each day a violation occurs is a separate offense.

## **SECTION 1-9. Interpretation**

If any provision of these zoning regulations imposes a higher standard than that required by any other City regulation not contained in these zoning regulations, the provisions of these zoning regulations control. If any provision of any City regulation not contained in these zoning regulations imposes a higher standard, that regulation controls.

## **SECTION 1-10 to 1-15. Reserved**

## ARTICLE 2 - DEFINITIONS

### SECTION 2-1. Definition of Words and Terms

*General Definitions.* Certain words in this ordinance are defined as follows: Words used in the present tense include the future; words in the singular include the plural; and the words in the plural include the singular; the word “building” means the same as the word “structure”; the word “lot” means the same as the word “plot” or “tract”; the word “shall” is mandatory and not discretionary. Any terms not defined within this document shall be considered to have the most commonly acceptable meaning as can be identified in a standard dictionary.

#### A

**ABUTTING:** Lying adjacent or contiguous along a common border.

**ACCESSORY BUILDING:** In a residential district, a detached building used for a purpose customarily incidental to the main structure including, but not limited to a private garage for automobile storage, tool house, greenhouse as a hobby, home workshop, children's playhouse, storage house, including freight and portable storage containers, or garden shelter, but not involving the conduct of a business. This definition does not include carports in accordance with Article 8-1. (*Ord. of 02-24-09*)

**ACCESSORY BUILDING FOR LIVING OR SLEEPING QUARTERS:** A secondary residential use including living and sleeping quarters but having no separate driveway or access and being no larger than 40% of the main building or 600 square feet, whichever is larger.

**ACCESSORY USE:** A use subordinate to and incidental to the primary use of the main building or to the primary use on the premise.

**ALLEY:** A public space or thoroughfare which affords only secondary means of access to property abutting thereon. (See Appendix A, # 3)

**AMUSEMENTS, COMMERCIAL (INDOOR):** An amusement enterprise wholly enclosed in a building which generates no noise beyond the property line including, but not limited to, a bowling alley, bingo hall or billiard parlor.

**AMUSEMENTS, COMMERCIAL (OUTDOOR):** Activities such as golf driving range, pitch and putt course, archery, miniature golf, carnivals and similar outdoor activities but not including go-cart racing, drag strips or auto racing.



**ANIMAL CLINIC OR HOSPITAL (WITH OR WITHOUT OUTSIDE RUNS OR PENS):** A clinic for the short term care of animals including veterinary services, grooming, preventative care, or emergency care.

**ANIMAL POUND (PUBLIC OR PRIVATE):** A place for the temporary keeping of animals awaiting adoption, destruction or owner pick up.

**ANTIQUÉ SHOP:** An establishment offering for sale within a building articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.

**APARTMENT:** See dwelling, multi-family.

**AREA OF THE LOT:** The area of the lot shall be the net area of the lot including easements, but shall not include portions of streets and alleys. (See Appendix A, # 3)

**ART GALLERY OR MUSEUM:** An institution for the collection, display and distribution of objects of art and science, and which is sponsored by a public or quasi-public agency and which is open to the general public.

**ASPHALT OR CONCRETE BATCHING PLANT:** A light manufacturing use wherein asphalt or concrete construction materials are made, stored and distributed.

**AUTO REPAIR (minor):** Includes the installation of seat covers, shock absorbers, U joints, front end alignment and repairs, engine repairs that do not require the removal of heads and oil pan and repairs that may be required for state inspection.

## **B**

**BAKERY:** A place for preparing, baking and selling baked goods and products prepared on the premises. May be wholesale or retail.

**BASEMENT:** A building story which may be partly or wholly underground. A basement shall not be counted as a story in computing building height.

**BED AND BREAKFAST:** An owner occupied private home (or in districts other than SF or 2F, a manager occupied home) which offers lodging for paying guests and which serves breakfast only to those guests.

**BINGO HALL:** See Commercial Amusements, Indoor.

**BLOCK:** An area enclosed by streets and occupied by or intended for buildings; or if it is used as a term of measurement, it shall mean the distance along side of a street between the nearest two streets which intersect said street on the said side. (See Appendix A, # 7)

**BOARD:** The Zoning Board of Adjustment.

**BOARDING OR ROOMING HOUSE:** A building other than a hotel, where lodging and meals for three or more persons are served for compensation.

**BRICK KILN OR TILE PLANT:** A heavy industrial use where brick or tile is manufactured.

**BUILDING:** Any structure built for the support, shelter and enclosure of persons, animals, chattels or moveable property of any kind.

**BUILDING MATERIAL SALES:** A retail business, generally large in scale offering all types of home improvement and building materials including lumber, fixtures, roofing and flooring materials, tools, and similar goods.

**BUILDING SETBACK LINE:** A line parallel or approximately parallel to the street line at a specified distance therefrom marking the minimum distance from the street line that a building may be erected. (See Appendix A, # 1)

**BULK STORAGE:** The unpackaged, unbundled, unbound or loose storage, in mass quantities, of materials.

## **C**

**CABINET OR UPHOLSTERY SHOP:** Construction of cabinets or upholstery and reupholstery of furniture.

**CARPORT:** An accessory structure which is not fully enclosed but is designed or used for the storage of motor vehicles for the occupants of the building to which it is an accessory. A carport is not an accessory building as listed in this Article (#2).

**CERTIFICATE OF OCCUPANCY OR COMPLIANCE:** An official certificate issued by the City through the Building Official which indicates a conformance with or approved conditional waiver from the zoning regulations and authorizes a legal use of the premises for which it is issued.

**CHURCH OR RECTORY:** A place of worship and religious training including the onsite housing of ministers, rabbis, priests, nuns, and similar staff personnel.

**CITY COUNCIL:** The governing body of the City of Big Spring, Texas,

**CITY MANAGER:** The chief City Administrator.

**CIVIC OR COMMUNITY CENTER (public or private):** A building and grounds owned and

operated by a governmental body or a private agent for the social, recreational, health or welfare of the community served, including senior citizens.

**CLEANING AND DYEING PLANT:** A commercial service utilizing special equipment to clean and/or dye fabric or other materials.

**CLINIC:** A group of offices of one or more physicians, surgeons or dentists to treat sick or injured out-patients who do not remain overnight and including treatment of alcoholic, narcotic or psychiatric patients.

**COLLEGE OR UNIVERSITY:** An institution established for educational purposes serving individuals beyond the secondary school level, but excluding trade and commercial schools.

**COMMUNITY CENTER (private):** A building designed for private use and generally including areas for indoor activities that may include sports, reading, social events, and similar activities.

**CONTRACTOR SHOP OR STORAGE YARD:** A commercial use where a contractor may have a shop or a storage yard to store materials to be used at a work site.

**COUNTRY CLUB:** An area of twenty-five (25) acres or more containing a private golf course and/or clubhouse which is available to a specific membership. Such a club may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for its members.

**CUSTOM PERSONAL SERVICE:** Establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Services include, but not limited to, a tailor shop, shoe repair, health studio or travel consultant.

## **D**

**DANCE HALL OR NIGHTCLUB:** An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City of Big Spring.

**DAY CAMP:** A facility arranged and conducted for the instruction and organized outdoor recreation of children on a daytime basis.

**DAY NURSERY OR DAY CARE CENTER:** An establishment where more than six (6) children or adults are left for care or training during the day or portion thereof. Six (6) or fewer children or adults may be left for care or training during the day or a portion thereof in any residential district only if the residential structure maintains a completely residential appearance and a security fence is maintained in the rear yard of the property to keep children on the premises; and no sign advertising the service is placed on the residential premises.

**DEPTH OF LOT:** The mean horizontal distance between the front and rear lot lines. (See Appendix A, # 2)

**DRY CLEANING SHOP:** A retail service providing dry cleaning of clothes.

**DUPLEX:** See dwelling, two-family.

**DWELLING, MULTIPLE FAMILY:** Any building or portion thereof, designed, built, or rented to be occupied as three or more dwelling units or apartments or which is occupied as a residence of three or more families living in independent dwelling units.

**DWELLING, SINGLE FAMILY (attached):** 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 and which is capable of being conveyed as a separate dwelling unit on a separate lot or tract.

**DWELLING, SINGLE FAMILY (detached):** A detached building having accommodations for and occupied by not more than one family or by one family and not more than three (3) boarders and lodgers located on a lot or separate tract having no physical connection to a building located on any other lot or tract.

**DWELLING, TWO FAMILY:** A residential use where a common wall separates only two single family dwellings.

**DWELLING UNIT:** A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

## **E**

**EASEMENT:** A right given by the owner of a parcel of land to another person, public agency, or corporation for a specific and limited use.

**EXPLOSIVES INTERCHANGE LOT:** A lot or portion of a lot used for the storage of hazardous or explosive materials on a temporary basis prior to distribution.

## F

**FAIRGROUND OR EXHIBIT AREA:** A building or series of buildings or open space designed for use as a fairground or as an exhibit area including such uses as carnivals, community fairs, or convention type events.

**FAMILY:** Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage or adoption.

**FARM OR RANCH :** An area of five (5) acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain, and for the raising thereon of the usual farm animals such as horses, cattle and sheep, including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including any poultry or the commercial feeding of offal or garbage to swine or other animals, not including any type of agriculture or husbandry specifically prohibited by ordinance or law, and not including those types or operations generally considered as feedlots.

**FLOOR AREA:** The total square feet of floor space within the outer dimensions of a building including each floor, but excluding cellars, carports or garages.

**FLOOR AREA RATIO:** An indicated ratio between the number of square feet of total floor area in the main buildings on a lot and the total square footage of land in the lot; the number resulting from dividing the main building floor area by the lot area. (See Appendix A, # 10)

## G

**GREENHOUSE OR PLANT NURSERY:** The display of plants offered for retail sale must be behind the front yard line established in the district in which the nursery or greenhouse is located.

**GROUP CARE HOME:** A type of dwelling unit in which food, shelter and minor medical treatment under the direction and supervision of a physician, or services which meet some need beyond boarding or lodging, are provided to four (4) or more residents of that dwelling unit, including care provided to more than four unrelated foster children, but not including such care provided to any family member, residing with his family in a one-family dwelling. Residents in these facilities depend on staff to provide them with various degrees of assistance in everyday living, but are not considered dangerous to themselves or others and require only occasional or temporary services by professional medical or nursing personnel which are provided through individual arrangement with the residents. Group care home includes any facility which requires a license issued by the Texas Department of Health or its successor as a personal care facility.

**GROUP MEDICAL CARE HOME:** A type of dwelling unit in which a continuum of nursing or medical care services is provided to four (4) or more persons with terminal or incapacitating illness, or with conditions which require regular nursing services or attending physician services, regardless of whether people who may also be cared for without reliance on nursing or medical services also reside in that dwelling unit. A group medical care home includes any facility which requires a license issued by the Texas Department of Health or its successor as a special care facility.

**GROUP SECURE CARE HOME:** A secure care home for persons for which supervision or security is required to ensure that they do not leave the facility, or because the residents are considered dangerous to themselves or to others, except for prisons or correctional facilities.

## **H**

**HEAVY FABRICATION AND ASSEMBLY PROCESSES** (in HI District) - Any manufacturing, industrial servicing or storage process not prohibited by law except the following uses may be located in the "HI" District:

- a. Acid manufacture
- b. Ammonia manufacture
- c. Carbon black manufacture
- d. Cement, lime, manufacture 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 farm
- k. Petrochemical plant
- l. Rendering plant

**HEIGHT** - The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the mid-point of the roofs surface, (2) to the deck line of-mansard roofs, or to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

**HOME OCCUPATION** - A home occupation is an occupation customarily carried on in the home by a member of the occupant's family, without the employment of additional persons,

without the use of a sign to advertise the occupation, without offering any goods for sale on the premises and which does not create obnoxious noise or other obnoxious conditions to abutting residential property, such as odor, increased traffic congestion, light or smoke. A home occupation specifically excludes the operation of a repair garage, antique shop, beauty shop, plumbing shop or similar sales and service activity.

**HOSPITAL** - An institution licensed by the State of Texas where sick or injured patients are given medical or surgical treatment either on a short term or long term basis and where such service is intended to restore them to health and an active life .

**HOTEL OR MOTEL** - A building or group of buildings designed and occupied as a temporary abiding place for 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.

## I

**INDUSTRIALIZED HOUSING** - A residential structure constructed in one or more modules or using one or more modular components built at a location other than the permanent residential site and designed to be transported to the permanent residential site and erected on a permanent foundation.

**INTERMODAL SHIPPING CONTAINER:** A metal standardized re-sealable transportation box used for utilized freight handling with standardized equipment that are commonly referred to as a “sea container,” and that does not have a stamp of approval as an industrialized housing structure from the Texas Department of Licensing and Regulation. (*Ord. of 07-23-13*) (*Ord. of 08-14-13*)

**INSTITUTION OF A RELIGIOUS OR PHILANTHROPIC NATURE** - A non-profit institution existing for the benefit of humans or animals on a regular basis.

## L

**LIGHT FABRICATION AND ASSEMBLY PROCESSES ( in LI District)** - Including the manufacture of jewelry, trimming decorations, and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

Such processes which do not emit detectable dust, odor, smoke, gas or fumes beyond the abutting property lines and which do not generate noise or vibration at the boundary of the District which are generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas and including, but not limited to such uses which are permitted in the LI, Light Industrial District:

- a. Woodworking and planing mill with dust and noise control

- b. Textile manufacture with dust and odor control
- c. Ceramic and pottery manufacture with dust, odor and fume control
- d. Plastic products manufacture with dust and fume control
- e. Paint, oil, shellac and lacquer manufacture when hoods and fume destructors are used in the cooking process
- f. Grain processing with hoods, dust and odor controls
- g. Electroplating or battery making with acid, and odor controls
- h. Manufacturing or industrial operations of any type which meet the general conditions set forth above and which are not offensive by the reason of the emission of noise, odor, smoke, gas, fumes, dust, glare or the creation of a hazard, but specifically excluding the uses listed in definition (64).

LOT - Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as required under this ordinance, and having its principal frontage upon a public street. (See Appendix A, #1,2)

LOT COVERAGE - The percentage of the total area of a lot occupied by the first story or floor of buildings located on the lot and including any impervious surfaces such as asphalt or concrete.

LOT LINES - The lines bounding a lot as defined herein. (See Appendix A, # 3)

LOT OF RECORD - A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Clerk of Howard County or a parcel of land, the deed for which is recorded in the Office of the County Clerk of Howard County prior to the adoption of this ordinance.

LOT WIDTH - The width of a lot at the front building line. (See Appendix A, #1)

## M

MAIN BUILDING - The building or buildings on a lot which are occupied by the primary use.

MANUFACTURED HOME- A dwelling unit made on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code.

MINI-STORAGE WAREHOUSE, Individual Units - An establishment offering for rent or lease within a confined area, individual storage units that shall not exceed 3100 cubic feet in any one unit or a unit ten (10) feet by twenty-four (24) feet which ever is smaller.



**MOBILE HOME** - A structure for primary purposes of dwelling occupancy and so equipped as to be transportable as constructed. Similar to a manufactured home but made prior to June 15, 1976.

**MOBILE/MANUFACTURED HOME PARK** - A lot used for the placement of mobile homes, manufactured homes or travel trailers where more than two spaces are provided including an improved pad site for each unit, not less than 5 acres of total land area and 4,000 square feet of area for each unit.

**MODULAR HOUSING** - See definition for Industrialized Housing. (*Ord. of 07-23-13*)

## **N**

**NOISE, AMBIENT LEVEL** - The general frequency level of noise in the vicinity of the premises on which a use is located including traffic noise from nearby streets.

**NON-CONFORMING USE** - A building, structure or use of land lawfully occupied at the time of the effective date of these regulations or amendments thereto, which does not conform to the use regulations of the district in which it is situated and has been occupied continuously without interruption or intent of discontinuation.

**NURSING HOME** - Any structure used for, or customarily occupied by, twelve (12) or more persons recovering from illness or suffering from infirmities of age.

## **O**

**OCCUPANCY** - The use or intended use of the land or buildings by proprietors or tenants.

**OPEN SPACE** - Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves and porches.

## **P**

**PARKING LOT, COMMERCIAL (auto)** - An area or structure devoted to the parking or storage of automobiles for a fee. May include, in the case of a parking structure only, a facility for servicing of automobiles providing such facility is primarily an internal function for use only by automobiles occupying the structure.

**PARKING LOT, COMMERCIAL (trucks)** - An area or structure devoted to the parking or storage of trucks for a fee. May include, in the case of a parking structure only, a facility for servicing of trucks providing such facility is primarily an internal function for use only by trucks occupying the structure.

**PARKING SPACE** - An area on a lot sufficient in size to store an automobile not less than nine (9) feet wide and twenty (20) feet long connected to a public street or alley by a driveway no less than ten (10) feet wide and so arranged as to permit ingress and egress of the automobile at all times without moving any other automobile. The parking spaces and connecting driveways for all businesses and residential uses shall be of asphalt or concrete surface.

**PET SHOP** - A retail use located inside a building where goods and services offered for pets including birds, dogs, domestic cats, reptiles, fish and other small animals are provided. The main use must be for retail sales and not veterinary or other pet services.

**PHARMACY** - A retail establishment having at least one licensed pharmacist which fills prescriptions on the premises for sale, and additionally sells non-prescription drugs, medicines and medical supplies.

**PLACES OF ENTERTAINMENT OR EATING SERVING ALCOHOLIC BEVERAGES** - Includes restaurants, bars, lounges and nightclubs and other indoor amusement facilities where alcoholic beverages are offered.

**PLANNING AND ZONING COMMISSION** - The agency appointed by the City Council as an advisory body authorized to recommend changes in the zoning of the City.

**PLAZA** - A public or privately owned open area adjacent to a building and accessible at the level of the sidewalk is adjoins, unobstructed to the sky except for seating and other permitted amenities, and that occupies no smaller area than two-thousand square feet (2,000 ft<sup>2</sup>). Minor changes in elevation, not to exceed two feet (2 ft.) above the level of the adjacent sidewalk, are permitted. (*Ord. of 05-10-16*)

**PORTABLE BUILDING** - A structure that was built off site and moved to a lot, tract, or a piece of land for use as storage or commercial use, and/or that does not have a concrete slab or a perimeter beam with footings, and is not habitable according to the Building Code. All portable buildings shall be anchored and shall be considered as accessory buildings.

**PRIVATE GARAGE** - An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

## **R**

**RADIO OR TELEVISION MICROWAVE TOWER (commercial only)** - A structure supporting antennae for transmitting or receiving any portion of the radio or television spectrum, but excluding noncommercial installations for home use.

**RAILROAD TRACK OR RIGHT-OF-WAY** - But not including railroad stations, sidings, team tracks, loading facilities, docks, yard or maintenance areas.

RECYCLING FACILITY - A business which collects, packages, and stores recyclable materials.

RESIDENTIAL ZONE - Any lot or tract zoned with the designation of A, SF-1, SF-2, SF-3, 2F, MH, GR, or MF primarily intended for residential living in single family homes, duplexes, multi-unit residences, townhouses, condominiums, or mobile/manufactured homes.

RESTAURANT - Any place where food is prepared and intended for individual portions to be sold.

RETAIL SALES OF ALCOHOLIC BEVERAGES - A package store, bottle shop or similar retail outlet for the sale of wine, beer, spirits and liquor, approved by the Texas Alcoholic Beverage Commission (TABC).

RETAIL STORE AND SHOP - Service offering all types of goods for sale from within a building.

RIGHT-OF-WAY LINE - (also known as property line and street line.) A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line. (See Appendix A, # 3)

## S

SCHOOL, BUSINESS OR TRADE - A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college or commercial art school.

SCHOOL, PRIVATE - A school under the sponsorship of a private or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

SETBACK - Distance between the lot line and the outermost building wall or post, also called setback line. (See Appendix A, # 1)

SEXUALLY ORIENTED BUSINESS - Includes the following definitions:

*Adult Bookstore* - An establishment which is one of the primary business purpose offers for sale, rental or trade for any form of consideration books, magazines, periodicals or other printed materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual reproductions which are distinguished or characterized by an emphasis on matters depicting, describing or related to “specified sexual activities” or “specified anatomical areas”, or

instruments, devices or paraphernalia which is designed for use in connection with “specified sexual activities” or which depict “specified anatomical areas”.

*Adult Motion Picture Theaters* - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on “specified sexual activities” or the exposure of “specified anatomical areas”.

*Specified Sexual Activities* - Includes 1) human genitals in a state of sexual stimulation or arousal; 2) sex acts, normal or perverted, actual or simulated, including intercourse, masturbation, oral copulation, sodomy; 3) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts; 4) excretory functions as part of or in conjunction with any of the activities set forth in 1 through 3 above.

*Specified Anatomical Areas* - 1) less than completely and opaquely covered: a) human genitals, b) buttocks, and c) female breasts below a point immediately above the top of the areola, and 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Semi-Nude* - A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices.

*Adult Arcades* - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

*Adult Motels* - A motel, hotel or similar establishment which: 1) offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” and which has a sign visible from a public right-of-way which advertises the availability of this type of photo graphics; or 2) offers a sleeping room for rent for a period of time that is less than ten (10) hours, or; 3) allows a tenant or an occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

*Adult Theaters* - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or the exposure of “specified anatomical areas”.

*Escort* - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who, for consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.

*Escort Agency* - A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

**SHOOTING RANGE** - An area used for the discharge of firearms using live ammunition, including target, silhouette, skeet, trap, black powder, self-defense or similar recreational and/or professional shooting activities.

**SIGN** - An outdoor advertising that is a structure or that is attached to or painted on a building or that is leaned against a structure for display on a premise. (See detailed definitions in Article 9, Signs.)

**STORAGE WAREHOUSE** - A building primarily for the use or storage of goods and/or provisions not including hazardous chemicals or dangerous materials such as dynamite, etc.

**STORY** - The height between the successive floors of a building or from the top floor to the roof being 11.5 feet (or ten (10) feet if no physical floors are established such as in the case of a cellular tower).

**STREET** - Any thoroughfare or public driveway, other than an alley, thirty (30) feet or more in width, which has been dedicated or deeded to the public for public use.

**STRUCTURE** - Includes fences, storage tanks, gazebos, art work or sculpture, and other man made features other than buildings.

**SWIM OR TENNIS CLUB** - A private residential club with restricted membership, usually of less area than a Country Club, but including a clubhouse and swimming pool, tennis courts and similar recreational facilities, none of which are available to the general public.

## **T**

**TEMPORARY FIELD OFFICE** - Portable building or temporary building used as field office for a real estate development or construction project and subject to removal at direction of Building Official.

TEMPORARY WORKFORCE HOUSING - A site used exclusively or primarily for the temporary housing of construction, industrial, oil and/or gas field workers and related support jobs in one or more standard constructed structures and/or modular or industrialized housing units. Subject to any and all special conditions and/or safeguards as may be imposed by the Council and/or incorporated in the approval. *(Ord. of 07-23-13)*

TOWING OR WRECKED VEHICLE STORAGE - A service to tow motor vehicles which cannot be moved under their own power, such business shall include a vehicle storage lot to store motor vehicles involved in accidents which cannot otherwise move under their own power. No wrecking, salvage dismantling or sales of used auto parts shall be conducted from towing or wrecker service premises, or from the premises on which such vehicles are stored. Additionally, no such vehicles may remain on the lot for a period in excess of ninety (90) days.

TOWNHOME - A single-family residential dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof. A yard or public way shall lie on at least two sides of the end units. *(Ord. of 10-14-14)*

TRAILER PARK - See Mobile/Manufactured Home Park.

TRAVEL TRAILER OR RECREATIONAL VEHICLE - A trailer equipped to be transported or towed and used for temporary occupancy, which does not exceed eight (8) feet in width or forty (40) feet in length. Recreational vehicles are motorized.

TWINHOME - Two single-family residential dwelling units sharing a common wall. Such wall shall be constructed to meet the latest international Building Codes. *(Ord. of 10-14-14)*

ZERO LOT LINE – A single-family residential dwelling unit with one side located on the side lot line whereas the other side maintains a minimum 10 foot building setback. *(Ord. of 10-14-14)*

## U

URBAN DESIGN REVIEW – The process in which overall design features of large-scale development is analyzed by staff to ensure the compatibility of large-scale buildings with neighboring uses, other buildings, and the public realm. *(Ord. of 11-18-14)*

UTILITY LINE - The facilities provided by the City of Big Spring or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage,

electric power or telephone service.

## **W**

**WIRELESS COMMUNICATION TOWER/EQUIPMENT** - See Article 11 for definitions related to this industry.

**WRECKING OR SALVAGE YARD** - A facility generally working with metal materials including wrecking of automobiles or other vehicles and often including the storage and sale of used vehicle parts.

## **Y**

**YARD** - An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point thirty (30) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features.

**YARD, FRONT** - An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main building to the front lot or street line and the main building as specified for the district in which it is located. (See Appendix A, #3)

**YARD, REAR** - An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and rear lot line as specified in the district in which the lot is situated. (See Appendix A, # 3)

**YARD, SIDE** - An open, unoccupied space or spaces on one 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 lot line shall be deemed a side yard. (See Appendix A, # 3)

## **Z**

**ZONING MAP, CITY OF BIG SPRING** - The official certified map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.

## **ARTICLE 3 - PROCEDURES**

### **SECTION 3-1. Procedure**

A. The City Council may from time to time, amend, supplement, or change by Ordinance the boundaries of the districts or the regulations herein established as provided by the Statutes of the State of Texas.

B. Before taking action on any proposed amendment, supplement or change, the governing body shall receive a recommendation and report from the Planning and Zoning Commission.

C. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage-paid to each taxpayer as the ownership appears on the last approved City tax roll.

D. A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in the local newspaper stating the time and place of such hearing and by properly addressed and postage-paid notice to all owners within two hundred (200) feet, which time shall not be earlier than fifteen (15) days from the date of publication.

E. If a proposed amendment or change has been recommended for disapproval by the Planning and Zoning Commission, or if a protest against such proposed amendment or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of the land area contained in the two hundred (200) foot notification boundary, then such amendment shall not become effective except by a three-fourths vote of the governing body.

### **SECTION 3-2. Annexation and Temporary Zoning**

All land hereafter annexed into the City shall be temporarily zoned as "A", Agricultural District, until permanent zoning is established by the City Council, unless the Council determines that the public interest is better served by imposing a zoning classification other than "A" Agricultural District on all or part of newly annexed land. The procedure for establishing permanent zoning on annexed land shall conform to the procedure established by law for the adoption of zoning of land located within the City.



In an area temporarily classified as “A”, Agricultural District:

(a) No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or add to any building or structure or cause the same to be done on any newly annexed land without first applying for and obtaining a building permit or certificate of occupancy from the Building Official.

(b) No permit for the construction of a building or the use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the “A”, Agricultural District, until such land has been classified in a zoning district other than “A”, Agricultural District, in a manner provided by law.

### **SECTION 3-3. Compliance Required**

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each kind of structure on land, except as herein provided:

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

(b) No building or other structure shall hereafter be erected or altered to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller front yard, rear yard, side yard, or other open space, in any manner contrary to the provisions of this ordinance.

(c) No part of a lot area, yard or other open space, or off street parking or loading space required in connection with any building or structure for the purpose of complying with this ordinance, shall be included as part of a lot area, yard, open space, or off street parking or loading space similarly required for any other building or structure.

(d) No lot or yard existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this ordinance shall meet the minimum requirements established herein.

### **SECTION 3-4. 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 of Big Spring. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted land use shall be made as follows:

(a) The Building Official shall refer the question concerning any new or unlisted land 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 the facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

(b) The Planning and Zoning Commission 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 zoning districts within which such use shall be permitted.

(c) 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 based upon its findings.

### **SECTION 3-5. 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 this ordinance and which entire building shall be completed within one (1) year from the date of the passage of this ordinance.

### **SECTION 3-6. Amendments**

Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Ordinance or the Planning and Zoning Commission may on its own motion or on request from the City Council initiate study and proposal for changes and amendments in the public interest.

### **SECTIONS 3-7 through 3-9. Reserved**

## **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**



## ARTICLE 5 - NONCONFORMITIES

### SECTION 5-1. Nonconforming Uses of Lots, Structures, Land and Premises, and Characteristics of Use.

(A) *Intent.* Within the districts established by this ordinance or amendments thereto that may exist:

- (a) Lots;
- (b) Structures;
- (c) Uses of land and structures, and;
- (d) Characteristics of use

which were lawful before this ordinance was passed or amended, but uses which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit those nonconforming uses to continue until they are removed, but not to encourage their survival. Any nonconforming use which is discontinued or remains vacant with an intent to be discontinued for a period of six (6) months shall be considered to have been abandoned and all nonconforming rights shall cease. The determination of discontinued use or vacancy shall be by the Building Official. It is further the intent of this ordinance that nonconforming uses shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses shall be defined herein as the use of the lots, land, structures and premises, as well as characteristics of use, which do not conform to this ordinance or future amendments either as to permitted uses, lot dimension(s), setbacks, or other supplementary regulation contained herein. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, or of land, or of structure and land in combination shall not be extended or enlarged after passage of this ordinance without the approval of the Zoning Board of Adjustment.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun or construction plans were approved prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction had been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Construction plans will continue to be deemed approved for a six month period following passage of this ordinance. In order to remain approved, actual construction must be completed within one (1) year.

(B) *Nonconforming lots of record.* In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area, width, or depth, any or all, that are generally applicable in such district, provided that yard dimensions and requirements, other than those applying to area, width, or depth, any or all, of the lot shall conform to the regulations of GR district. Variance from yard requirements shall be obtained only through action of the Zoning Board of Adjustment.

If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot area and width, the land involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot area and width requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with area or width below the requirements established herein.

(C) *Nonconforming uses of land or of land with minor structures only.* Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued as long as it remains otherwise lawful, provided:

- (i) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this ordinance;
- (ii) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the effective date of adoption or amendment of this ordinance;
- (iii) If any such nonconforming use of land ceases, then any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which the land is located;
- (iv) No additional structure not conforming to the requirements of this ordinance shall be constructed in connection with such nonconforming use of land.

(D) *Nonconforming use of structures.* Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms hereof by reason of restrictions, area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

(i) No such nonconforming structure may be enlarged or altered in a manner which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(ii) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of such destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(iii) Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. Notwithstanding the foregoing, existing multi-family dwelling developments may be rebuilt in the event of any such damage or destruction, at the same unit per acre density that existed prior to such damage or destruction.

(E) *Nonconforming uses of structures or of structures and premises in combination.* If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

(i) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(ii) Any nonconforming use may be extended throughout any parts of a building where arranged or designed for such use at the time of the adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside a building.

(F) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations of the district, and the nonconforming use may not thereafter be resumed.

## **SECTION 5-2. Zoning Board of Adjustments**

1. ORGANIZATION. There is hereby created a Zoning Board of Adjustments consisting of five (5) members, each to be appointed by a majority vote of the City Council for a staggered term of three (3) years and removable for cause by the appointing authority upon written charges and after public hearing. Each term shall expire on October 31 in staggered three (3) year intervals. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. Each member reappointed or each new appointee shall serve a full term of three (3) years unless removed as herein provided. All cases to be heard by the Zoning Board of Adjustments will always be heard by a minimum number of three (3) members. Each member shall be a qualified voter living in the corporate city limits of Big Spring. *(Ord of 11-09-10)*
  
2. PROCEDURE. The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this Ordinance or Statutes of the State of Texas. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
  
3. APPEALS
  - (a) Appeals to the Zoning Board of Adjustment can be taken by any person aggrieved, or by an officer, department or board of the municipality affected by the decision of the Building Official. Such appeal shall be taken within Ten (10) days after the decision has been rendered by the Building Official, by filing with the officer from whom the appeal is taken and with the Zoning Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
  
  - (b) An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order which may be granted by the Zoning Board of Adjustment or by court of record on application on notice to the officer from whom the appeal is taken and due cause shown.

(c) The Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in regular USPS mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made and by publishing notice of such hearing in a newspaper of general circulation in the City of Big Spring. Both the posted and published notice shall be given at least ten (10) days prior to the date set for the hearing. Upon the hearing, any party may appear in person or by attorney or by agent. If a protest against any proposed appeal has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of the land area contained in the two hundred (200) foot notification boundary, then such appeal shall not become effective except by a three-fourths (3/4ths) majority vote of the Zoning Board of Adjustment.

4. JURISDICTION. When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Zoning Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards authorize the following special exceptions to the regulations herein established.

(a) Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use and permit the expansion of off-street parking or off-street loading for a nonconforming use.

(b) Permit such modifications of the height, yards area, coverage, minimum access and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.

(c) Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the City.

5. ACTIONS OF THE BOARD.

(a) In exercising its powers, the Board may, in conformity with the provisions of the Civil Statutes of Texas, as amended; revised or reformed, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.

(b) The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision or determination of any such Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variance in said Ordinance.

(c) Any person or persons, jointly or severally, aggrieved by any decision of the Zoning Board of Adjustment or any taxpayer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

6. FEE. There shall be a nonreturnable fee as established by City policy, payable at the time of filing of an appeal with the Board Secretary.

**SECTION 5-3 THROUGH 5-5. Reserved**

# ARTICLE 6 - DISTRICT REGULATIONS

## SECTION 6-1. Zoning Districts Established

The City of Big Spring is hereby divided into sixteen (16) zoning districts. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
A	Agricultural District
SF-1	Single-Family Dwelling District
SF-2	Single-Family Dwelling District
SF-3	Single-Family Dwelling District
SF-4	Single-Family Dwelling District
2F	Two-Family Dwelling District
GR	General Residential District
MF	Multiple-Family Dwelling District
O	Office District
NS	Neighborhood Service District
R	Retail District
LC	Light Commercial District
HC	Heavy Commercial District
CA	Central Area District
LI	Light Industrial District
HI	Heavy Industrial District

Note: SD - Prefixed to any district designation as it appears on the Zoning District Map, designates a surface drainage area subject to the provision of Section 6-2.

## SECTION 6-2. Surface Drainage (SD) Prefix to District Designation.

To provide for the appropriate use of land which has a history of inundation or is otherwise determined to be subject to flood hazard, and to promote the general welfare and to provide protection from flooding portions of certain districts are designated with a Surface Drainage Prefix (“SD”). “SD” areas designated on the zoning district map by an “SD” Prefix shall be subject to the following provisions:

- (a) Uses permitted

The permitted uses in that portion of any district having a Surface Drainage, “SD”, Prefix

shall be limited to the following:

- (1) Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry.
  - (2) Off-street parking incidental to any adjacent main use permitted in the district.
  - (3) Electrical substation.
  - (4) All types of local utilities.
  - (5) Parks, community centers, playgrounds, public golf courses.
  - (6) Private commercial open area amusements such as golf courses, driving ranges, archery ranges and similar uses.
  - (7) Private open space as part of a Planned Development.
  - (8) Heliport when approved by Specific Use Permit as provided in Section 7-2.
- (b) No building or structure shall be erected in that portion of any district designated with a Surface Drainage, “SD” Prefix until, and unless, such building or structure has been approved by the Director of Public Works, who will ascertain that such building or structure is not subject to damage by flooding and would not constitute an encroachment hazard or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or the public health and welfare.
- (c) Any dump, excavation, storage, filling or mining operation within that portion of a district having a Surface Drainage, “SD”, Prefix shall be approved in writing by the Director of Public Works before such operation is begun.
- (d) An area may be removed from the Surface Drainage “SD” Prefix designation when by the provision of drainage works, grading, flood protection or specific drainage study, it is determined by the Director of Public Works that the flood hazard has been alleviated. Removal of the Surface Drainage, “SD” Prefix shall be accomplished by resolution of the City Council after written notification from the Director of Public Works advising of the removal of the flood hazard.

### **SECTION 6-3. Zoning District Map**

The boundaries of the zoning districts contained herein are delineated upon the official zoning district map of the City of Big Spring, said map being a part of this ordinance as fully



as if the same were set forth here in detail.

Four (4) original, official and identical copies of the Zoning District Maps are hereby adopted bearing the signature of the Mayor and the attestation of the City Secretary and shall be filed and maintained as follows:

(a) One copy shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.

(b) One copy shall be filed with the County Clerk and retained as the original record and shall not be changed in any manner.

(c) One copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing Building Permits, Certificates of Occupancy and Compliance and for enforcing the Zoning Ordinance.

(d) One copy shall be filed with the Director of Public Works for reference purposes and shall be maintained up-to-date by posting thereon all changes and subsequent amendments.

(e) Reproductions for information purposes may, from time to time, be made of the official Zoning District Maps.

#### **SECTION 6-4. General Description of Districts**

The following descriptions are general in nature and are not designed to serve as an indication or list of allowed uses in the each district.

##### ***Residential Districts***

A, Agricultural District. A zone designed to accommodate single-family residences and agricultural uses on lots that are a minimum of 1 acre in area.

SF-1, Single Family Dwelling District. A zone designed to accommodate single-family residences on lots that are a minimum of 13,000 square feet in area.

SF-2, Single Family Dwelling District. A zone designed to accommodate single-family development on lots that are a minimum of 7,000 square feet in area.

SF-3, Single Family Dwelling District. A zone designed to accommodate single-family development on lots that are not less than 5,000 square feet in area.

SF-4, Single Family Dwelling District. A zone designed to accommodate single-family development on lots not less than 2,610 square feet in area for zero lot line and twinhome units, and on lots not less than 1,875 square feet in area for townhouse units. (*Ord. of 10-14-14*)

2F, Two-Family Dwelling District. A zone designed to accommodate development with residential buildings containing two dwelling units in each building.

GR, General Residential District. A zone designed to accommodate development with residential buildings including many types of residential dwelling.

MF, Multiple-Family Dwelling District. A zone designed to accommodate multiple-family residential development at a density of not more than one dwelling units per 1,200 square feet on tracts no smaller than 7,500 square feet.

### ***Non-Residential Districts***

O, Office District. A zone designed to accommodate office development.

NS, Neighborhood Service District. A zone designed for small sites to accommodate neighborhood convenience retail shopping facilities and professional and business offices that are primarily engaged in providing services to residents of the immediate neighborhood.

R, Retail District. A zone designed to provide locations for retail development to serve local neighborhood shopping, community shopping and regional shopping needs.

LC, Light Commercial District. A zone designed to accommodate the types of business and commercial uses that involve storage and commercial industries.

HC, Heavy Commercial District. A zone designed to accommodate business and commercial uses that include more intense commercial industries.

CA, Central Area District. A special zone designed to address the downtown area.

LI, Light Industrial District. A zone designed to accommodate industrial development in accordance with performance standards designed to ensure that such uses will have little or no impact on the surrounding area.

HI, Heavy Industrial District. A zone designed to accommodate warehousing, manufacturing and related businesses and that may need special motor freight terminals, that will generate significant volumes of truck traffic.

### ***Special applications***

PD, Planned Development Districts. A zoning designation but not a district designed to accommodate development with a variety of types of residential and non-residential uses in accordance with a development plan and subject to the requirements of one or more of the zoning districts listed above.

Specific Use Permits. A zoning designation but not a district designed to accommodate development or land use in accordance with a specific list of permits contained herein and subject to the requirements of one of the zoning districts listed above. Such permits may be with or without term limitation.

Temporary Land Uses. These are not zoning designations but are special uses approved in accordance with the list contained herein and are not permanent uses.

## **SECTION 6-5. Zoning District Boundaries**

The boundaries of the zoning districts set forth herein are delineated upon the official zoning district map of the City of Big Spring, said map being a part of this ordinance as if it were shown here in detail.

(a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.

(c) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(d) 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.

(e) Boundaries indicated as following shore lines 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 or other bodies of water shall be construed to follow such centerlines.

(f) Boundaries indicated as parallel to or extensions of features indicated in subsection (a) through (e) above shall be so construed. Distances not specifically indicated on the original Zoning Maps shall be determined by the scale of the map or from specific distances found in a city zoning ordinance, whichever is appropriate.

(g) Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or other public way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts unless it may be beneficial to the public to utilize other zoning classifications.

(h) Where physical features of the ground are at variance with information shown on the official Zoning District map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections (a) through (g), the property shall be considered as classified 'A', Agricultural 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 provisions for temporarily zoned areas.

## **SECTION 6-6. Districts and Permitted Uses**

### **SEE APPENDIX B & C FOR USES TABLES AND AREA TABLES**

#### **RESIDENTIAL DISTRICTS**

##### ***A, Agricultural District.***

- (A) Use. A building or premise shall be used only for the following purposes:
- (1) Single-family dwelling detached, country club (private with golf course).
  - (2) Church or rectory, monastery or convent, or other religious worship facilities, institutions of religious or philanthropic nature.
  - (3) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines, electrical substation and structures, water treatment plant.
  - (4) Railroad tracks and rights-of-way.
  - (5) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (6) Farm or ranch (with retail business conducted on the premises).
  - (7) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (8) Schools, public, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school.
  - (9) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (10) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (11) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* No building shall exceed 35 feet.

- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 1 acre. Side yard setback shall be a minimum of fifteen (15) feet except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than 150 feet at the required front and rear building setback lines. The minimum width at the front property line shall be 120 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 150 feet.
- (F) *Lot coverage.* In no case shall more than 20 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

***SF-1, Single Family Dwelling District.***

- (A) Use. A building or premise shall be used only for the following purposes:
  - (1) Single-family dwelling detached.
  - (2) Church or rectory, or other religious worship facilities.
  - (3) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures.
  - (4) Railroad tracks and rights-of-way.
  - (5) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (6) Farm or ranch.
  - (7) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (8) Schools, public, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school.
  - (9) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (10) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (11) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on

a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.

- (B) *Height.* No building shall exceed 30 feet.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 13,000 square feet. Side yard setback shall be a minimum of ten (10) feet except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than 80 feet at the required front and rear building setback lines. The minimum width at the front property line shall be 60 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 120 feet.
- (F) *Lot coverage.* In no case shall more than 35 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

***SF-2, Single-Family Dwelling District.***

- (A) *Use.* A building or premise shall be used only for the following uses:
  - (1) Single-family dwelling detached.
  - (2) Church or rectory, or other religious worship facilities.
  - (3) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures.
  - (4) Railroad tracks and rights-of-way.
  - (5) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (6) Farm or ranch.
  - (7) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (8) Schools, public, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school.
  - (9) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.

- (10) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
- (11) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
  
- (B) *Height.* No building shall exceed 30 feet.
  
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 7,000 square feet. Side yard setback shall be a minimum of five (5) feet except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
  
- (D) *Lot width.* The minimum lot width shall not be less than 60 feet at the required front and rear building setback lines. The minimum width at the front property line shall be 45 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet.
  
- (F) *Lot coverage.* In no case shall more than 35 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

***SF-3, Single-Family Dwelling District.***

- (A) *Use.* A building or premise shall be used only for the following uses:
  - (1) Single-family dwelling detached, mobile/manufactured home.
  - (2) Church or rectory, or other religious worship facilities.
  - (3) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures.
  - (4) Railroad tracks and rights-of-way.
  - (5) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (6) Farm or ranch.

- (7) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (8) Schools, public, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school.
  - (9) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (10) Accessory buildings and uses including carports, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (11) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* No building shall exceed 30 feet.
  - (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 5,000 square feet. Side yard setback shall be a minimum of five (5) feet except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
  - (D) *Lot width.* The minimum lot width shall not be less than 50 feet at the required front and rear building setback lines. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet.
- (F) *Lot coverage.* In no case shall more than 35 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

***SF-4, Single-Family Dwelling District.***

- (A) *Use.* A building or premise shall be used only for the following uses:
  - (1) Single-family dwelling attached or detached, with a limit of one such dwelling per



- legally platted and recorded lot.
- (2) Church or rectory, or other religious worship facilities.
  - (3) Building or uses owned or operated by public governmental agencies, parks, playgrounds and public community center, and public utility lines and structures.
  - (4) Railroad tracks and right-of-way.
  - (5) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon completion or abandonment of construction work.
  - (6) Accessory buildings and uses including carports, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business.
- (B) *Height.* No building shall exceed 35 feet in height, or 2 ½ stories in height.
- (C) *Lot area, side and rear yard setbacks.* (Additional requirements outlined in Section 6-6.G below). Zero Lot Line or Twinhome Unit: 2610 square feet; Townhouse Unit: 1,875. One side yard (minimum). Zero lot line units generally one side yard of at least two (2) feet, and the other side yard may be reduced to zero (0) feet, but not more than one (1) foot. Minimum rear building setback is ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than 45 feet at the required front and rear building setback lines for a Zero Lot Line or Townhouse unit. A Townhouse Unit lot shall not be less than 25 feet in width.
- (E) *Lot Depth.* The minimum depth of the lot for a Zero Lot Line or Twinhome Unit shall not be less than fifty-eight (58) feet in depth. The minimum depth of the lot for a Townhouse Unit shall not be less than seventy-five (75) feet in depth.
- (F) *Lot coverage (or Floor Area Ratio).* In no case shall more than 0.62 (62%) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (G) *Additional Standards for Zero Lot Line Dwellings.*
- (1) Development of a zero lot line dwelling shall occur only on a lot that has been specifically platted in accordance with the provisions of the City of Big Spring Subdivision Ordinance to accommodate such a use.
  - (2) Side yards on lots with a zero lot line dwelling shall meet the following requirements:
    - (a) One side yard must be a minimum of ten (10) feet.
    - (b) The remaining side yard may range from zero (0) feet, up to a maximum of one (1) foot, except for lots where minimum setbacks required from side streets or from adjoining lots in other zoning districts necessitate this remaining side yard to be a minimum of five (5) feet. In no circumstance shall the separation between a zero lot line home and any dwelling on an adjoining

lot be less than ten (10) feet.

- (c) Any side yard abutting a street right-of-way must be a minimum of five (5) feet.
  - (d) Any side yard abutting a lot in a different zoning district must be a minimum of 5 feet.
  - (e) A maximum two-foot eave overhang is allowed within these required side yards.
- (3) A perpetual easement with a minimum width of five feet shall be provided on the adjacent lot, for the maintenance of the wall of the dwelling with the zero lot line. This required easement shall be in favor of the lot on which a zero lot line is planned at or near the boundary to which this easement is adjacent. This required easement shall extend along the entire length of the side boundary to which the easement is adjacent.
- (4) Except as permitted by subparagraphs (a) and (b) below, no doors or window opening of any kind (and no air conditioning units, utility meters and electric panel boxes) shall be allowed on the wall of a dwelling or accessory building that lies on or faces a zero lot line.
- (a) Any portion of an exterior wall which lies less than three (3) feet from and substantially parallel to the zero lot line side boundary shall also not be considered on the zero lot line. Doors and windows shall generally be permitted on such walls, subject to the following limitation(s) and requirements:
    - (1) If a door and/or window opens onto a courtyard substantially framed by a dwelling's exterior walls on at least three sides, and such door or window would offer the only practical means of exterior access to and from a bedroom, then such door or window shall not be permitted.
    - (2) If a door and/or window opens onto a courtyard which is substantially framed by a dwelling's exterior walls on at least three sides, and the remaining side(s) of such courtyard open(s) onto a zero line side boundary, then the remaining side(s) of such courtyard shall be enclosed by a privacy wall extending along that zero lot line side boundary. Said privacy fence shall be at least eight (8) feet in height and, furthermore, shall be composed of solidly opaque material which is substantially the same as those comprising the adjoining exterior walls on the residence.
  - (b) One or more translucent window (as approved by the Building Official) shall be allowed on the zero lot line side of the lot on which a dwelling or accessory building is located.
    - (1) The cumulative area of such translucent window(s) shall not exceed 16 square feet in size.
- (5) The roof of each unit must be designed to prevent stormwater runoff from draining onto the adjacent lot.
- (6) Required easements shall be shown on the final plat. If required easements are

not shown on the final plat of lots for zero lot line homes, then such easements shall be created by means of a replat or other separate legal instrument filed with the Clerk of Howard County, before permits for building are granted by the City.

- (7) In no case shall the owner of any zero lot line dwelling be granted an easement on the adjoining property for the use of enjoyment of any portion of that property, except for a 5 foot maintenance easement referenced in number 3, above.

(H) Additional Standards for Twinhomes

- (1) Only one twinhome dwelling shall be allowed on a single lot.
- (2) Any lot occupied by a twinhome dwelling shall have a minimum side yard of 10 feet along any side boundary not adjacent to another twinhome structure.

(I) Additional Standards for Townhouses

- (1) Only one townhouse dwelling shall be allowed on a single lot.
- (2) For the purposes of this subsection, a cluster of attached townhouse dwelling shall be referred to as a townhouse structure. The minimum space required between townhouse structures shall be as follows:
  - (a) If the end walls are 4-hour rated firewalls (or better) as defined by the City's building code, no minimum space shall be required.
  - (b) In all other cases, a minimum spacing of 10 feet shall be required. A maximum 2-foot eave overhang is allowed within this required separation area.
- (3) A minimum space of 10 feet shall be required between a townhouse structure and any other residential structure (other than a townhouse) or the side boundary of any lot in a nonresidential zoning district. A maximum 2-foot eave overhang is allowed within this required separation area.
- (4) Walls between individual townhouse dwelling units in a townhouse structure shall be at least 1-hour rated firewalls, as defined by the City's building code, including adjoining walls and ceiling where a garage or carport is adjacent to or connected with any living area.
- (5) The number of individual townhouse dwelling units in a townhouse structure shall be no more than 8 units, nor less than 3 units. The Building Official or designee shall grant no certificates of occupancy for less than 3 attached dwellings in a townhouse structure.

*(Ord. of 10-14-14)*

***2F, Two-Family Dwelling District.***

- (A) *Use.* A building or premise shall be used only for the following uses:

- (1) Single-family dwelling attached or detached, two-family dwelling.
  - (2) Church or rectory, or other religious worship facilities.
  - (3) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures.
  - (4) Railroad tracks and rights-of-way.
  - (5) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (6) Farm or ranch.
  - (7) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (8) Schools, public, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school.
  - (9) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (10) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (11) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* No building shall exceed 30 feet.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet . Side yard setback shall be a minimum of five (5) feet except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than fifty (50) feet at the required front and rear building setback lines for single family detached structures and not less than sixty (60) for two family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet.
- (F) *Lot coverage.* In no case shall more than 40 percent of the total lot area be covered by

the combined area of the main buildings and accessory buildings.

***GR, General Residential District.***

- (A) *Use.* A building or premise shall be used only for the following uses:
- (1) Single-family dwelling attached or detached, two-family dwelling, mobile/manufactured home, multi-family dwelling, boarding or rooming house.
  - (2) Church or rectory, or other religious worship facilities.
  - (3) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures.
  - (4) Railroad tracks and rights-of-way.
  - (5) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (6) Farm or ranch.
  - (7) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (8) Schools, public, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school.
  - (9) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (10) Accessory buildings and uses including carports, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (11) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* No building shall exceed 30 feet, except for multi-family buildings which may be three (3) stories in height.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet for single-family detached dwellings; not less than 2,000 square feet for single-family attached dwellings; not less than 6,000 square feet for two-family dwellings and not less than 7,500 square feet for multi-family dwellings having one to three stories in height. In the case of multi-family dwellings, available area shall not be less than 1,200 square feet for each dwelling unit. Side yard setback shall be a minimum of five (5) feet except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of

ten (10) feet.

- (D) *Lot width.* The minimum lot width shall not be less than fifty (50) feet at the required front and rear building setback lines for single-family detached dwellings; not less than twenty (20) feet for single-family attached dwellings and not less than sixty (60) for two-family dwellings and multi-family dwellings. Minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet.

- (F) *Lot coverage.* In no case shall more than 45 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

***MF, Multiple-Family Dwelling District.***

- (A) *Use.* A building or premise shall be used only for the following uses:

- (1) Single-family dwelling attached or detached, two-family dwelling, multi-family dwelling, boarding or rooming house, community center (private), day nursery.
- (2) Church or rectory, or other religious worship facilities.
- (3) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures.
- (4) Railroad tracks and rights-of-way.
- (5) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (6) Farm or ranch.
- (7) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
- (8) Schools, public, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school.
- (9) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
- (10) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
- (11) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on

a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.

- (B) *Height.* No building shall exceed 35 feet.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet for single-family detached dwellings; not less than 2,000 square feet for single-family attached dwellings; not less than 6,000 square feet for two-family dwellings; not less than 7,500 square feet for multi-family dwellings having one to three stories in height. In the case of multi-family dwellings, available area shall not be less than 1,200 square feet for each dwelling unit for buildings three (3) stories or less. Side yard setback shall be a minimum of ten (10) feet except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than fifty (50) feet at the required front and rear building setback lines for single-family detached dwellings; not less than twenty (20) feet for single-family attached dwellings and not less than sixty (60) for two-family dwellings and multi-family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet for single-family and two-family buildings and not less than 120 feet for multiple-family use.
- (F) *Lot coverage.* In no case shall more than 45 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

## **NON-RESIDENTIAL DISTRICTS**

### **SEE APPENDIX B & C FOR USES TABLES AND AREA TABLES**

#### ***O, Office District.***

- (A) *Use.* A building or premise shall be used only for the following uses:
  - (1) Single-family dwelling attached or detached, two-family dwelling, multi-family

dwelling, animal clinic or hospital (no outside runs or pens), art gallery or museum, boarding or rooming house, business office professional and administrative, college or university, community center (private), day nursery, group care or group medical care home, hospital, institutions of a philanthropic nature, library (public), nursing home, private country club.

- (2) Studio for photographer, musician, artist or health service, swim or tennis club.
  - (3) Church or rectory, monastery or convent, or other religious worship facilities.
  - (4) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures including electrical substation.
  - (5) Railroad tracks and rights-of-way.
  - (6) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (7) Farm or ranch.
  - (8) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (9) Schools, public, private, or denominational, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school, school (business or trade).
  - (10) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (11) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (12) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* Building height shall not exceed 30 feet.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet for single-family detached dwellings; not less than 2,000 square feet for single-family attached dwellings; not less than 6,000 square feet for two-family dwellings; not less than 7,500 square feet for multi-family dwellings having one to three stories in height with not less than 1,200 square feet of available area for each dwelling unit. No side yard setback is required except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.



- (D) *Lot width.* The minimum lot width shall not be less than sixty (60) feet at the required front and rear building setback lines for single-family detached dwellings; not less than twenty (20) feet for single-family attached dwellings and not less than sixty (60) for two-family dwellings and multi-family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet for single-family and two-family buildings and not less than 120 feet for multiple-family use.
- (F) *Lot coverage.* In no case shall more than 45 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings when used for residential purpose.

***NS, Neighborhood Service District***

- (A) *Use.* A building or premise shall be used only for the following uses:
- (1) Single-family dwelling attached or detached, two-family dwelling, multi-family dwelling, art gallery or museum, barbershop or beauty salon, boarding or rooming house, business office professional and administrative, college or university, day nursery, group care or group medical care home, hospital, institutions of a philanthropic nature, library (public), nursing home, private community center or private country club, studio for photographer, musician, artist or health service, swim or tennis club.
  - (2) Amusements (commercial indoor), bakery (retail), custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, handicraft shop, home or treatment center for care of alcoholic, narcotic, or psychiatric patients.
  - (3) Laundry or cleaning self-service, parking lot (commercial - autos only), pharmacy, retail sale of alcoholic beverages for off-premise consumption, retail stores and shops (other).
  - (4) Church or rectory, monastery or convent, or other religious worship facilities.
  - (5) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures including electrical substation.
  - (6) Railroad tracks and rights-of-way.
  - (7) Public golf course, but not including miniature golf courses, driving ranges or similar

forms of commercial amusement.

- (8) Farm or ranch.
  - (9) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (10) Schools, public, private, or denominational, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school, school (business or trade).
  - (11) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (12) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (13) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* Building height shall not exceed two (2) stories in this district except that multi-family buildings may be up to three (3) stories in height.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet for single-family detached dwellings; not less than 2,000 square feet for single-family attached dwellings; not less than 6,000 square feet for two-family dwellings; not less than 7,500 square feet for multi-family dwellings having one to three stories in height with not less than 1,200 square feet of available area for each dwelling unit. No side yard setback is required except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than sixty (60) feet at the required front and rear building setback lines for single-family detached dwellings; not less than twenty (20) feet for single-family attached dwellings and not less than sixty (60) for two-family dwellings and multi-family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet for

single-family and two-family buildings and not less than 120 feet for multiple-family use.

- (E) *Lot coverage.* In no case shall more than 45 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings when used for residential purpose.

***R, Retail District***

- (A) *Use.* A building or premise shall be used only for the following uses:

- (1) Single-family dwelling attached or detached, two-family dwelling, multi-family dwelling, art gallery or museum, barbershop or beauty salon, boarding or rooming house, business office professional and administrative, college or university, day nursery, group care or group medical care home, hospital, institutions of a philanthropic nature, library (public), nursing home, private community center or private country club, studio for photographer, musician, artist or health service, swim or tennis club.
- (2) Amusements (commercial indoor), animal clinic or hospital (no outdoor use), antique shop, auto repair (minor), auto parts sales (new), bakery (retail), cafeteria, carwash, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, mortuary or funeral parlor, office supply sales, parking lot (commercial - autos only), pawn shop, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premise consumption, retail stores and shops (other).
- (3) Auto sales (without repair), roller or ice-skating rink, shop or yard for local, state or federal government, theater (indoor).
- (4) Church or rectory, monastery or convent, or other religious worship facilities.
- (5) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures including electrical substation and water treatment plant.
- (6) Railroad tracks and rights-of-way.
- (7) Public golf course, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (8) Farm or ranch, greenhouse or plant nursery (with retail business conducted on the premises).
- (9) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.

- (10) Schools, public, private, or denominational, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school, school (business or trade).
  - (11) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (12) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (13) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* Building height shall not exceed 30 feet except that multi-family buildings may be no higher than 35 feet.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet for single-family detached dwellings; not less than 2,000 square feet for single-family attached dwellings; not less than 6,000 square feet for two-family dwellings; not less than 7,500 square feet for multi-family dwellings having one to three stories in height with not less than 1,200 square feet of available area for each dwelling unit. No side yard setback is required except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than fifty (50) feet at the required front and rear building setback lines for single-family detached dwellings; not less than twenty (20) feet for single-family attached dwellings and not less than sixty (60) for two-family dwellings and multi-family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet for single-family and two-family buildings and not less than 120 feet for multiple-family use.
- (F) *Lot coverage.* In no case shall more than 45 percent of the total lot area be covered by

the combined area of the main buildings and accessory buildings when used for residential purpose.

***LC, Light Commercial District***

- (A) *Use.* A building or premise shall be used only for the following uses:
- (1) Single-family dwelling attached or detached, two-family dwelling, multi-family dwelling, art gallery or museum, barbershop or beauty salon, boarding or rooming house, business office professional and administrative, college or university, day nursery, group care or group medical care home, hospital, institutions of a philanthropic nature, library (public), nursing home, private community center or private country club, studio for photographer, musician, artist or health service, swim or tennis club.
  - (2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (without outside runs or pens), antique shop, auto repair (minor), auto parts sales (new),bakery (retail or wholesale), cafeteria, carwash, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, mortuary or funeral parlor, office supply sales, parking lot (commercial - autos only), pawn shop, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premise consumption, retail stores and shops (other).
  - (3) Auto sales (with or without repair), auto painting and body repair, bus station or terminal, cabinet or upholstery shop, cemetery or mausoleum, cleaning/dyeing plant, dance hall or nightclub, day camp, engine and motor repair, fairground or exhibit area, feed store, flea market (outdoor), laundry plant (commercial), mini-storage warehouse, newspaper printing, plumbing shop, roller or ice-skating rink, scientific or research lab, secondhand goods store including used furniture and clothing, shop or yard for local, state or federal government, theater (indoor), tool or trailer sales and rental, wholesale office and sample room.
  - (4) Church or rectory, monastery or convent, or other religious worship facilities.
  - (5) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures including electrical substation and water treatment plant.
  - (6) Railroad tracks and rights-of-way.
  - (7) Public golf course or golf course (commercial), but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (8) Farm or ranch, greenhouse or plant nursery (with retail business conducted on the

- premises).
- (9) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (10) Schools, public, private, or denominational, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school, school (business or trade).
  - (11) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (12) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (13) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 25 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* Building height shall not exceed twenty (20) stories in this district except that special setback provisions apply to all buildings above three (3) stories as provided in Section 4-7.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet for single-family detached dwellings; not less than 2,000 square feet for single-family attached dwellings; not less than 6,000 square feet for two-family dwellings; not less than 7,500 square feet for multi-family dwellings having one to three stories in height with not less than 1,200 square feet of available area for each dwelling unit. No side yard setback is required except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than fifty (50) feet at the required front and rear building setback lines for single-family detached dwellings; not less than twenty (20) feet for single-family attached dwellings and not less than sixty (60) for two-family dwellings and multi-family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet for

single-family and two-family buildings and not less than 120 feet for multiple-family use.

- (F) *Lot coverage.* In no case shall more than 45 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings when used for residential purpose. If used for commercial purpose total lot coverage shall not exceed a floor area ratio of 2:1.

***HC, Heavy Commercial District***

- (A) *Use.* A building or premise shall be used only for the following uses:

- (1) Single-family dwelling attached or detached, two-family dwelling, multi-family dwelling, art gallery or museum, barbershop or beauty salon, boarding or rooming house, business office professional and administrative, college or university, day nursery, group care or group medical care home, hospital, institutions of a philanthropic nature, library (public), nursing home, private community center or private country club, studio for photographer, musician, artist or health service, swim or tennis club.
- (2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (with or without outside runs or pens), animal pound (public or private), antique shop, auto repair (minor), auto parts sales (new or used, indoor or outdoor), bakery (retail or wholesale), building material sales, cafeteria, carwash, cleaning plant - rag or carpet (special equipment), clothing manufacturer or light compounding or fabrication, contractors shop or storage yard, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, milk, dairy or ice cream plant, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial - autos only), parking lot (commercial - autos and trucks), pawn shop, petroleum products storage, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premise consumption, retail stores and shops (other), rodeo ground.
- (3) Auto sales (with or without repair), auto painting and body repair, bus station or terminal, cabinet or upholstery shop, cemetery or mausoleum, cleaning/dyeing plant, dance hall or nightclub, day camp, engine and motor repair, fairground or exhibit area, feed store, flea market (outdoor), laundry plant (commercial), mini-storage

warehouse, newspaper printing, plumbing shop, roller or ice-skating rink, scientific or research lab, secondhand goods store including used furniture and clothing, shop or yard for local, state or federal government, storage and sale of furniture or appliances (outdoor), storage warehouse, theater (indoor or outdoor), tire retreading or capping, transfer, storage transfer and baggage terminal, tool or trailer sales and rental, utility shop or storage (private), wholesale office and sample room.

- (4) Church or rectory, monastery or convent, or other religious worship facilities.
  - (5) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures including electrical generating plant, electrical substation, and water treatment plant.
  - (6) Railroad tracks and rights-of-way.
  - (7) Public golf course or golf course (commercial), but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (8) Farm or ranch, greenhouse or plant nursery (with retail business conducted on the premises).
  - (9) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (10) Schools, public, private, or denominational, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school, school (business or trade).
  - (11) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (12) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (13) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 20 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (B) *Height.* Building height shall not exceed twenty (20) stories in this district except that special setback provisions apply to all buildings above three (3) stories as provided in Section 4-8.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet for single-family detached dwellings; not less than 2,000 square feet for single-family attached dwellings; not less than 6,000 square feet for two-family dwellings; not less than 7,500 square feet for multi-family dwellings having one to three stories in height with not less than 1,200 square feet of available area for each dwelling unit. No side yard setback is



required except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.

- (D) *Lot width.* The minimum lot width shall not be less than fifty (50) feet at the required front and rear building setback lines for single-family detached dwellings; not less than twenty (20) feet for single-family attached dwellings and not less than sixty (60) for two-family dwellings and multi-family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet for single-family and two-family buildings and not less than 120 feet for multiple-family use.
- (F) *Lot coverage.* In no case shall more than 45 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings when used for residential purpose. If used for commercial purpose total lot coverage shall not exceed a floor area ratio of 10:1.

***CA, Central Area District***

- (A) *Use.* A building or premise shall be used only for the following uses:
- (1) Single-family dwelling attached or detached, two-family dwelling, multi-family dwelling, art gallery or museum, barbershop or beauty salon, boarding or rooming house, business office professional and administrative, college or university, day nursery, group care or group medical care home, hospital, institutions of a philanthropic nature, library (public), nursing home, private community center or private country club, studio for photographer, musician, artist or health service, swim or tennis club.
  - (2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (without outside runs or pens), antique shop, auto repair (minor), auto parts sales (new), bakery (retail or wholesale), building material sales, cafeteria, carwash, clothing manufacturer or light compounding or fabrication, custom personal service, dry cleaning, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, mortuary or

- funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial - autos only), parking lot (commercial - autos and trucks), pawn shop, pharmacy, places of entertainment or eating serving alcoholic beverages, plaza, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premise consumption, retail stores and shops (other), wireless communication tower.
- (3) Auto sales (with or without repair), auto painting and body repair, bus station or terminal, cabinet or upholstery shop, cleaning/dyeing plant, dance hall or nightclub, engine and motor repair, fairground or exhibit area, feed store, flea market (outdoor), laundry plant (commercial), mini-storage warehouse, newspaper printing, plumbing shop, roller or ice-skating rink, scientific or research lab, secondhand goods store including used furniture and clothing, shop or yard for local, state or federal government, storage warehouse, theater (indoor), tire retreading or capping, transfer, storage transfer and baggage terminal, tool or trailer sales and rental, welding or machine shop, wholesale office and sample room.
  - (4) Church or rectory, monastery or convent, or other religious worship facilities.
  - (5) Buildings and uses owned or operated by public governmental agencies, parks, playgrounds and public community centers, and public utility lines and structures including electrical generating plant, electrical substation, and water treatment plant.
  - (6) Railroad tracks and rights-of-way.
  - (7) Public golf course or golf course (commercial), but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
  - (8) Farm or ranch, greenhouse or plant nursery (with retail business conducted on the premises).
  - (9) Real estate sales offices during the development of residential subdivisions, but not to exceed two years.
  - (10) Schools, public, private, or denominational, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school, school (business or trade).
  - (11) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (12) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (13) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 20 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.

- (B) *Height.* Building height is unlimited unless prohibited by other laws or ordinances.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 6,000 square feet for single-family detached dwellings; not less than 2,000 square feet for single-family attached dwellings; not less than 6,000 square feet for two-family dwellings; not less than 7,500 square feet for multi-family dwellings having one to three stories in height with not less than 1,200 square feet of available area for each dwelling unit. Multi-family dwellings having more than three (3) stories in height shall not be located on a lot with less than 12,000 square feet with not less than 300 square feet of available area for each dwelling unit. No side yard setback is required except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than fifty (50) feet at the required front and rear building setback lines for single-family detached dwellings; not less than twenty (20) feet for single-family attached dwellings and not less than sixty (60) for two-family dwellings and multi-family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet for single-family and two-family buildings and not less than 120 feet for multiple-family use.
- (F) *Lot coverage.* In no case shall more than forty five (45) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings when used for residential purpose. If used for commercial purpose total lot coverage shall not exceed a floor area ratio of 15:1.

(Ord. of 05-10-16)

### ***LI, Light Industrial District***

- (A) *Use.* A building or premise shall be used only for the following uses:
  - (1) Multi-family dwelling, art gallery or museum, barbershop or beauty salon, boarding or rooming house, business office professional and administrative, college or university, group care or group medical care home, hospital, institutions of a philanthropic nature, library (public), nursing home, private community center or private country club, studio for photographer, musician, artist or health service, swim

- or tennis club.
- (2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (without outside runs or pens), animal pound (public or private), antique shop, auto repair (minor), auto parts sales (new or used, indoor or outdoor), bakery (retail or wholesale), building material sales, cafeteria, carwash, cleaning plant - rag or carpet (special equipment), clothing manufacturer or light compounding or fabrication, contractors shop or storage yard, custom personal service, dry cleaning, extraction and storage of sand, caliche, stone or gravel, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, home or treatment center for care of alcoholic, narcotic, or psychiatric patients, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, milk, dairy or ice cream plant, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial - autos only), parking lot (commercial - autos and trucks), pawn shop, petroleum products storage, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premise consumption, retail stores and shops (other), rodeo ground, shooting range.
  - (3) Auto sales (with or without repair), auto painting and body repair, bus station or terminal, cabinet or upholstery shop, cemetery or mausoleum, cleaning/dyeing plant, dance hall or nightclub, engine and motor repair, fairground or exhibit area, feed store, flea market (outdoor), laundry plant (commercial), mini-storage warehouse, newspaper printing, plumbing shop, roller or ice-skating rink, scientific or research lab, secondhand goods store including used furniture and clothing, shop or yard for local, state or federal government, storage and sale of furniture or appliances (outdoor), storage warehouse, theater (indoor or outdoor), tire retreading or capping, transfer, storage transfer and baggage terminal, tool or trailer sales and rental, towing or wrecked vehicle storage, utility shop or storage (private), welding or machine shop, wholesale office and sample room.
  - (4) Church or rectory, monastery or convent, or other religious worship facilities.
  - (5) Buildings and uses owned or operated by public governmental agencies including a water treatment plant, electric generating plant, parks, playgrounds and public community centers, and public utility lines and structures, private utility shop or storage.
  - (6) Railroad tracks and rights-of-way, railroad freight terminal, railroad passenger station, railroad team track.
  - (7) Public golf course, rodeo ground, roller or ice skating rink.
  - (8) Farm or ranch, greenhouse or plant nursery (with retail business conducted on the premises). Extraction and storage of sand, caliche, stone or gravel.
  - (9) Real estate sales offices during the development of residential subdivisions, but not

to exceed two years.

- (10) Schools, public, private, or denominational, with full curriculum accredited by the state, where appropriate, and equivalent to that of a public elementary or high school, school (business or trade).
  - (11) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (12) Accessory buildings and uses, customarily incident to the above uses and located on the same lot and not involving the conduct of a retail business and for home occupations as defined by this chapter.
  - (13) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than 20 feet from the front lot line and, in the case of corner lots having two sides on a public or private street when both streets shall be treated as front yards. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
  - (14) Light fabrication pursuant to definition #71.
- (B) *Height.* Building height shall not be limited except as provided for by law.
- (C) *Lot area, side and rear yard setbacks.* No building shall be constructed on any lot or tract less than the required minimum 7,500 square feet for multi-family dwellings having one to three stories in height with not less than 1,200 square feet of available area for each dwelling unit. No side yard setback is required except as provided in Section 4-4; rear yard setback of main buildings shall be a minimum of ten (10) feet.
- (D) *Lot width.* The minimum lot width shall not be less than sixty (60) feet at the required front and rear building setback lines for multi-family dwellings. The minimum width at the front property line shall be 40 feet.

[Exception.] Where a platted lot having less area or width than herein required existed in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit use of the property as hereby allowed.

- (E) *Lot Depth.* The minimum depth of the lot shall not average less than 100 feet and not less than 120 feet for multiple-family use.
- (F) *Lot coverage.* In no case shall more than 45 percent of the total lot area be covered by the combined area of the main buildings and accessory buildings when used for residential purpose. If used for commercial purpose total lot coverage shall not exceed a floor area ratio of 2:1.

### ***HI, Heavy Industrial District***

- (A) *Use.* A building or premise shall be used only for the following uses:
- (1) Art gallery or museum, barbershop or beauty salon, business office professional and administrative, college or university, group care or group medical care home, hospital, library (public), private community center or private country club, studio for photographer, musician, artist or health service, swim or tennis club.
  - (2) Airport landing field or heliport, amusements (commercial indoor or outdoor), animal clinic or hospital (with or without outside runs or pens), animal pound (public or private), antique shop, auto repair (minor), auto parts sales (new or used, indoor or outdoor), bakery (retail or wholesale), building material sales, cafeteria, carwash, cleaning plant - rag or carpet (special equipment), clothing manufacturer or light compounding or fabrication, contractors shop or storage yard, custom personal service, dry cleaning, extraction and storage of sand, caliche, stone or gravel, florist, fraternal organization, lodge or civic club, gasoline/service center, greenhouse or plant nursery, handicraft shop, hauling or storage company, heavy machinery sales and storage, hotel or motel, household appliance sales, service and repair, laundry or cleaning self-service, milk, dairy or ice cream plant, mortuary or funeral parlor, office supply sales, motor freight terminal, paint shop, parking lot (commercial - autos only), parking lot (commercial - autos and trucks), pawn shop, petroleum products storage, pharmacy, places of entertainment or eating serving alcoholic beverages, print shop, radio and television tower (monopole only), railroad freight terminal, railroad passenger station, railroad team track, restaurant with or without drive-in service, retail sale of alcoholic beverages for off-premise consumption, retail stores and shops (other), rodeo ground, shooting range.
  - (3) Auto sales (with or without repair), auto painting and body repair, asphalt or concrete batching plant, brick kiln or tile plant, bus station or terminal, cabinet or upholstery shop, cement or hydrated lime manufacture, cemetery or mausoleum, cleaning/dyeing plant, dance hall or nightclub, dump or sanitary fill area, engine and motor repair, fairground or exhibit area, feed store, flea market (outdoor), laundry plant (commercial), livestock auction, mini-storage warehouse, mining or storage of mining waste, newspaper printing, plumbing shop, roller or ice-skating rink, scientific or research lab, secondhand goods store including used furniture and clothing, shop or yard for local, state or federal government, slaughter house or meat packing plant, smelter or refinery, storage and sale of furniture or appliances (outdoor), storage warehouse, theater (indoor), tire retreading or capping, transfer, storage transfer and baggage terminal, tool or trailer sales and rental, towing or wrecked vehicle storage, utility shop or storage (private), welding or machine shop, wholesale office and sample room.
  - (4) Church or rectory, or other religious worship facilities.
  - (5) Buildings and uses owned or operated by public governmental agencies including a water or wastewater treatment plant, electric generating plant, parks, playgrounds and

- public community centers, and public utility lines and structures, private utility shop or storage.
- (6) Railroad tracks and rights-of-way, railroad freight terminal, railroad passenger station, railroad team track.
  - (7) Public golf course, rodeo ground, roller or ice skating rink.
  - (8) Farm or ranch, greenhouse or plant nursery (with retail business conducted on the premises). Extraction and storage of sand, caliche, stone or gravel.
  - (9) Temporary buildings for uses incidental to construction work on the premises, which shall be removed upon the completion or abandonment of construction work.
  - (10) Accessory buildings and uses, customarily incident to the above uses and located on the same lot.
  - (11) School (business or trade).
  - (12) Light or heavy fabrication pursuant to definition #71 and definition #64.
- (B) *Height.* Building height shall not be limited except as provided for by law.
- (C) *Lot area, side and rear yard setbacks.* No setbacks apply to this district.
- (D) *Lot width.* No minimum applies to this district.
- (E) *Lot Depth.* No minimum applies to this district.
- (F) *Lot coverage.* There is no maximum lot coverage in this district. If used for industrial purposes, total lot coverage shall not exceed a floor area ratio of 1:1.

### **SECTION 6-7. Fences**

- (A) *Required Privacy Fences*
- (1) A privacy fences shall be required for all new building construction where the side or rear lot line of a nonresidential use is adjacent to either of the following:
    - a. A nonresidential district boundary other than a Zoning District; or
    - b. An existing residential use.
  - (2) This requirement shall not apply when an equivalent fence already exists;
  - (3) Properties immediately across a body of water, transportation, drainage or utility right-of-way, street or alley shall be considered adjacent if the intervening body of water, transportation, drainage or utility right-of-way, street or alley, is less than eighty feet (80 ft.) wide.

(B) *Height Standards for New Privacy Fences*

- (1) All new privacy fences shall meet the visual clearance requirements of Section 6-8, below.
- (2) For separation between new non-residential and residential uses in areas which require a privacy fence
- (3) Maximum Fence Height in Residential Districts
  - (a) No portion of any new privacy fence or enclosure in any residential district, excluding the A District, shall exceed a height of eight feet (8 ft.), unless it is determined by the Building Official that the existing topography requires a fence in excess of eight feet (8 ft.). (*Example: where a property is situated below a property located on a substantially higher elevation*).
  - (b) A substantially open fence with a ratio of solid portion to open portion equal to or less than one (1) (solid) to four (4) (open) may be constructed up to a height of ten feet (10 ft.).
- (4) Maximum Height in Required Front Yards
  - (a) Any new fence or enclosure extending into a required front yard shall not exceed a height of three feet (3 ft.) unless it is a substantially open in nature.
  - (b) *Exceptions:* The following are exempt from the requirement in (a) above:
    - (1) New construction of fences in the O, NS, R, LC, HC, CA, LI and HI Districts (non-residential use only);
    - (2) Fences for screening of Mobile/Manufactured Home Park in SF-3 and GR; and
    - (3) Fencing that serves to screen property in any District for which a Special Permit for Campground/RV Park has been approved and is actively in use.
  - (c) In the A Zoning District, a substantially open fence with a ratio of solid portion to the open portion equal to or less than one (1) (solid) to four (4) (open) may be constructed up to a height of six feet (6 ft.).

*(Ord. of 05-10-16)*



### **SECTION 6-8. Visual Clearance on Corner Lots**

Except for freestanding signs with appropriate visual clearance below the display area which include official traffic control devices or approved public utilities, and with exception to corner lots in the Central Area (CA) District, any new fence, structure, sign, single trees with single trunks trimmed so that no vegetation on the tree hangs lower than either feet (8 ft.) above the street elevation or landscaping on a corner lot and situated within thirty feet (30 ft.) of the intersection of the two street property lines, shrubbery, fencing, trees other than those herein described, shall not exceed a height of two and on-half feet (2.5 ft.) above the street elevation located on a corner lot at a street intersection. For this purpose, the restricted area for visual clearance shall be considered a triangle rather than an area bounded by an arc. This triangle shall be formed by the corner formed by the intersection of the back of curb lines or an imaginary extension of said lines (or if there is no curb, the corner where the back of curb lines would intersect if there were a curb) nearest the street intersection and the point on each said back of curb line which is thirty feet (30 ft.) from said corner as shown on Appendix D #14, provided however, this subsection (2) shall not apply.

*(Ord. of 05-10-16)*

### **SECTION 6-9 through 6-12. Reserved**

# ARTICLE 7 - SPECIAL APPLICATIONS

## SECTION 7-1. Planned Development

(a) After a public hearing following proper notice as prescribed by law to all parties affected, and pursuant to a recommendation from the Planning and Zoning Commission, the following types of Planned Developments may be created:

1. Civic center and community center.
2. Housing development including multi-family buildings greater than three (3) stories in height.
3. Industrial district on tracts of ten acres or more.
4. Medical center and/or hospital.
5. Office center.
6. Recreation center.
7. Shopping center on tracts of three acres or more.
8. Transition district as an extension of an existing district whereby the provision of off-street parking, screening walls, open space and planting would create a protective transition between a lesser and a more restrictive district.
9. Temporary Workforce Housing, as defined, may request development of modular or industrialized housing units in the HC (Heavy Commercial) and LI (Light Industrial) districts and if constructed on-site, stick-built on-site, in the MF (Multi-Family Residential), GR (General Residential), HC (Heavy Commercial), and LI (Light Industrial) districts, subject to the general provisions and development standards as follows:

- Prior to the submittal of an application, applicants are **REQUIRED** to schedule a pre-application conference with the designated city staff,
- Tract/Site Size: Minimum five (5) acres under single ownership,
- Separation from other uses/districts (for developments using modular or industrialized housing units): A minimum of 1000 feet from the boundary of land zoned or used as A-2F and CA,
- Density: Maximum density is 36 units per acre,
- Setbacks:     Front: 25 feet  
                  Interior Side and Rear: 10 feet  
                  Exterior Side: 15 feet
- Height: Maximum height: 30 feet,
- Lot Coverage: Maximum lot coverage (structures only) 45%,
- Leasing Office: A professional on-site manager and staffed leasing office shall be required with each development. It shall be the responsibility of the manager:

1. To keep a register of all persons staying in the workforce housing development, which register shall be at all times open to inspection by City, State and Federal officers and kept in the manager's office;
  2. To maintain the site in a clean, orderly and sanitary condition at all times including but not limited to maintenance of structures, landscaping, fencing and gates;
  3. To see that all required outdoor lighting is kept in working order;
  4. To see that garbage and trash receptacles (dumpsters) are properly maintained and the general free of trash;
  5. Not to permit any animals on site for any reason; and
  6. To report promptly to the proper authorities any violation of law which come to his/her attention.
- Parking: 1 space per bedroom or sleeping area and 1 space for each 25 units for visitors centrally located on site or at the manager/leasing office. The manager/leasing office shall be parked at 1 space per 300 square feet (minimum of 5 spaces). Note: Development parking other than visitor and that required for the office, may be provided on a lot or tract, under the same ownership, immediately contiguous or within 150 feet of the development. This provision does not apply lands zoned and/or used for residential.
  - Landscaping: Landscaping shall be provided as indicated in Article 10 of the City of Big Spring Zoning Ordinance,
  - Recreation Facilities: For developments of more than 25 units, a minimum of 2 of the following recreational facilities must be provided;
    - Swimming Pool
    - Game Courts, i.e., basketball, tennis, horse shoe/washer court
    - BBQ Pavilions with grills and tables
    - Fitness Center – Indoor (maybe located in the manager/leasing office building)
    - Community Room – Indoor (to include a full kitchen, recreation room and tv/movie lounge), maybe located in the manager/leasing office building.
  - Plan for conversion or discontinuance of use, to include a timeline for completion,
  - Provide a code of conduct, i.e., policies on drug and alcohol usage, noise and weapons, as well as visitors,
  - Bond/Letter of Credit for property clean-up or conversion as specified by Council, and
  - A City of Big Spring Zoning Change Application and Planned Development Site Plan with completed checklist.

(b) In establishing a planned development in accordance with this Section, the City Council shall require a comprehensive site plan of the development, said plan becoming part of the ordinance creating the planned development. Such required plan and ordinance shall set forth the requirements for ingress and egress to the property, public or private streets or drives, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary to create a

reasonable transition to and protection of the adjacent property.

(c) Every planned development approved under the provisions of this Section shall be considered as an amendment to the zoning map applicable to the property involved. In approving the planned development the City Council may impose conditions relative to the standard of development and such conditions shall be complied with before a certificate of occupancy is issued for the use of land or any structure which is part of the planned development, 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. (*Ord. of 07-23-13*)

### **SECTION 7-2. Specific Use Permits.**

(a) After a public hearing, following proper notice, as prescribed by law, to all parties affected, and after recommendation by the Planning and Zoning Commission, specific use permits without term and specific use permits with term may be issued.

(b) Specific use permits without term may be issued for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts:

1. Accessory building for living or sleeping quarters in the A through LI districts, not including rental as a separate dwelling.
2. Airport landing field or heliport in the A, O, and R districts.
3. Amusement (commercial outdoor) in the A district.
4. Animal clinic or hospital (with or without runs or pens) in the A district.
5. Animal pound in the A district.
6. Antique shop in the NS district.
7. Asphalt or concrete batching plant in the LI district
8. Bed and breakfast in the SF-2, SF-3, 2F, MF, O, NS, R, LC, and CA Districts.
9. Bingo hall in the R through HI Districts
10. Brick kiln in the A district.
11. Building material sales in the LC district.
12. Cement or hydrated lime manufacture in the A district.
13. Cemetery or mausoleum in the A through R districts.
14. College or university in the A through MF districts.
15. Community center (private) in the A through MF districts.
16. Country Club (private with golf course) in the SF-1 through MF districts.
17. Dump or sanitary fill area in the A, HC and LI districts.
18. Electric generating plant in the A district.
19. Electric substation in the SF-1 through MF districts.
20. Explosives interchange lot involving temporary storage of explosive materials in the LI district.
21. Fairground or exhibit area in the A and R districts.

22. Fraternal organization, lodge or civic club in the A and O district.
23. Golf course (commercial) in the A district.
24. Grain processing and storage in the LI or HI Districts.
25. Green house or plant nursery in the NS district.
26. Home or treatment center for the care of alcoholic, narcotic or psychiatric patients in the A and O districts.
27. Hospital in the A, and SF-3 through MF districts.
28. Hotel or motel in the A district.
29. Institutions of a religious or philanthropic nature in the SF-1 through MF districts.
30. Library in the MF district.
31. Livestock auction in the A district.
32. Mini storage warehouse (consisting of private storage rental units, each unit not to exceed 3100 cubic feet in size and not larger than 24 feet by 10 feet in area) in the NS and R Districts. Permits must include approved site plans and architectural control elements.
33. Mining or storage of mining waste in the A and LI districts.
34. Mobile home park or manufactured home park or travel trailer or recreational vehicle park in the GR through HC districts and containing no less than 5 acres and subject to all of the special requirements, conditions or safeguards that may be imposed by the Council and incorporated in the permit. The minimum area for each mobile home or manufactured home dwelling unit shall be 4,000 square feet.
35. Monastery or convent in the SF-1 through MF districts.
36. Mortuary or funeral parlor in the O and NS districts.
37. Nursing home in the A through MF districts.
38. Parking lot (commercial - autos only) in the O district.
39. Pet Shop in the A, and R through HI Districts.
40. Petroleum or gas well in any district.
41. Petroleum collecting or storage facilities in any district.
42. Radio and television (commercial only) microwave towers and transmitting stations in the A through NS districts.
43. Recycling facility in the LI or HI District.
44. Restaurant with drive-in service in the NS district.
45. Restaurant (offering no drive-in or drive through service) as a part of an office or retail center in the O or NS Districts.
46. Rodeo ground the A and LC districts.
47. Roller or ice skating rink (indoor) in the A district.
48. School, business or trade in the A district.
49. School, private elementary or secondary in the A through MF districts.
50. Scientific and research laboratory in the A and O districts.
51. Slaughter house or meat packing plant in the A, HC and LI districts.
52. Swim or tennis club in the A through MF districts.
53. Theater (outdoor) in the A, R and LC districts.
54. Utility shop or storage (private) in the A, LC, and CA districts.

55. Wastewater treatment plant in the A, HC and LI districts.
56. Water treatment plant in the SF-1 through NS districts.
57. Wireless communication towers in the R, LC and HC Districts.
58. Wrecking or salvage yard in the HI district.

(c) Specific use permits with term may be issued for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts:

59. Barbershops and beauty salons of four or more operators in the O, Office District.
60. Cafeteria in the O and NS districts.
61. Dance hall or night club in the R district.
62. Day camp in the A through MF districts.
63. Day care center or day nursery in the A, and SF-2 through GR Districts.
64. Extraction and storage of sand, caliche, stone and gravel in the A, LC and HC districts.
65. Group care home in the A through MF districts.
66. Group medical care home in the 2F through MF districts.
67. Group secure care home for persons for which supervision or security is required to ensure that they do not leave the facility, or because the residents are considered dangerous to themselves or others, except for prisons or correctional facilities, in the GR through LI districts.
68. Mobile or manufactured home for use as a caretakers, manager's or guard's residence in the HC, LI and HI Districts, provided that such mobile or manufactured home shall be located not less than 30 feet from any other structure or from any lot line of an adjacent lot or parcel of land.
69. Sexually oriented commercial establishments in the HC, LI and HI districts.

(d) A specific use permit without term shall be effective until repealed by the City Council.

(e) A specific use permit with term shall be effective for two years from the date of approval by the City Council, subject to extension in accordance with Section (f) below.

(f) A specific use permit with term may be renewed for an additional two-year term in accordance with the following procedure:

1. The then current owner of the property subject to the permit shall submit to the Department of Public Works an application for a renewal of the permit not later than 60 days prior to the expiration of the then current term, which application shall contain such information as may be required by the Director of Public Works. As part of the application for renewal, the property owner shall certify under oath that the use of the property has been at all times during the term of the permit in compliance with the provisions of the permit.

2. Upon a finding of the City Manager that the use of the property has been and remains in compliance with the provisions of the permits originally issued, the term of the permit shall be extended for an additional two-year term from the date of termination of the prior term.

3. Upon a finding of the City Manager that the use of the property has not been or is not in compliance with the provisions of the permit, the City Manager shall send written notice to the owner of the property at the last known address from the property rolls of the Howard County Appraisal District within ten working days of the City Manager's finding that the permit will not be extended beyond the then current term. Said notification shall contain a summary of the findings by the City Manager citing what provisions of the permit or the City Code have been violated. The owner of the property shall have ten calendar days from receipt of the City Manager's notice to file a written appeal with the City Council with a summary of the property owner's basis for appeal. Unless requested by the property owner, the appeal shall be heard at the next regular City Council meeting which occurs on or after the tenth calendar day following the receipt of the notice of appeal.

4. The appeal to the City Council shall be conducted in accordance with the procedures adopted by the City Council. The decision of the City Council shall be final.

72. Intermodal Shipping Containers when used as living quarters shall be subject to the general provisions and development standards as follows:

- May only be located in approved areas within the Light Commercial (LC), Heavy Commercial (HC), and Light Industrial (LI) districts.
- Prior to the submittal of a specific use permit application, applicants must schedule a pre-application conference with the planning and zoning city staff,
- The Specific Use Permit application must be submitted along with the required fees, a metes and bounds property description, and a concept plan in a form acceptable to the City.
- Written Notice of the public hearings required under Section 3-1 of the City of Big Spring Zoning Ordinance shall be sent to all owners of real property lying within 500 feet of the property to be considered for a specific use permit under this subsection. The applicant shall be required to pay as part of the application fee the postage necessary to notify property owners between 200 and 500 feet.
- Separation from other uses/districts: A minimum of 500 feet of separation is required from the boundary of land zoned or used as A-2F and CA,
- Density: Maximum density is 36 units per acre,
- Setbacks: As required for the designated district.
- Height: Containers (units) shall not be stacked.
- Lot Coverage: Maximum lot coverage (structures only) 45%,

- Parking: The concept plan must show location and dimensions of required paved parking, drive aisles, approved access from a public street, fire lanes and hydrants, if required. Minimum parking for this use is 1 space per bed if used as a multi-family complex.
- Landscaping: Landscaping shall be provided as indicated in Article 10 of the City of Big Spring Zoning Ordinance,
- Screening/Fencing: The property/development shall be fenced on a minimum of three (3) sides by a 6-foot solid fence constructed of masonry or wood whenever it borders zones A-2F and/or CA.
- Inspections: Inspections for all units shall be made on site by City of Big Spring Inspectors and must meet all current City Building and Fire Codes. Containers must be placed on site with all plumbing, electrical and mechanical components exposed for inspection and be anchored to a permanent foundation as approved by the Building Official.
- Exterior Appearance: Units shall have a minimum of two exits as approved by the Fire Marshal pursuant to the current Fire Code adopted by the City of Big Spring. Each unit shall be painted a uniform color that does not allow the previous container logo to show through.
- Property Clean-Up/Unit Removal: The developer and/or owner shall file with the Director of Finance an instrument approved by the City Attorney that guarantees the removal of any unit and property clean-up when the Specific Use Permit expires and is not renewed in accordance with this section. The guarantee shall be in the form of a surety bond, cash escrow or letter of credit in an amount determined by the City Council.

(g) A specific use permit with term shall terminate prior to the expiration of the then current term upon a finding by the City Manager that the property for which the permit was issued has not been used for the purpose for which the permit was issued for a period of more than 120 consecutive days. The City Manager shall within ten days of said finding send written notice of termination pursuant to this Section to the owner of the property at the last known address of the owner as shown by the property rolls of the Howard County Appraisal District.

(h) Every application for a specific use permit of any type shall be accompanied by the following minimum information:

- (1) A detailed description of the intended use of the property.
- (2) The availability and location of off-street parking.
- (3) The projected amount of additional traffic generated in and around the property, the types of vehicles anticipated that will be visiting the property, the likely changes in traffic patterns, and the possible impact such changes in traffic will have on properties within 500 feet of the subject property.
- (4) The proposed number of occupants or users of the property and the proposed hours of



occupancy.

(5) If the use proposed will require deliveries of goods to the property, and the use is proposed to be located in any of the A through MF Districts, inclusive, provide the proposed location of loading/unloading areas.

(6) Whether or not the proposed use requires any type of state or federal license or permit to operate, and what type of license or permit is required.

(i) The City Planning and Zoning Commission, in considering and determining its recommendations, or the City Council, in considering any request for a specific use permit, may require from the applicant plans, information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to assure compliance with this Chapter, establish conditions of operation, location, arrangement, occupancy limits, and construction of any use for which a permit is authorized.

(j) 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 location indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, traffic, explosion, glare, offensive view or other undesirable or hazardous conditions. (*Ord. of 07-23-13*) (*Ord. of 08-14-13*)

### **SECTION 7-3. Certificate of Occupancy and Compliance, Specific Use Permits**

1. No building or land shall be used or occupied for any purpose for which a Specific Use Permit is granted under the provisions of this Ordinance, nor shall use or operator of a Specific Use Permit be changed without first obtaining a Certificate of Occupancy and Compliance from the Building Official.

2. Whenever the use or operator of a Specific Use Permit is proposed to be changed, an application for a new Certificate of Occupancy and Compliance shall be applied for through the Building Official who shall refer such application to the City Council for review. The City Council, after review of the operating requirements of the Specific Use Permit, may refer the Permit to the Planning and Zoning Commission for public hearing or it may, if in its judgment the basic conditions of environment and operation have not changed, authorize the Building Official to issue a new Certificate of Occupancy.

3. A record of all Certificates of Occupancy and Compliance shall be kept on file in the Building Officials office and copies shall be furnished on request to any person requesting such information.

#### SECTION 7-4. Administrative Adjustments

- (A) Purpose. Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be (1) compatible with surrounding land uses; (2) in keeping with the public interest, and (3) consistent with the purposes of this Zoning Ordinance.
- (B) Administrative Adjustments Allowed. The Building Official shall have the authority to grant only the following administrative adjustments:
- (1) Allow an increase in the floor area of a residential accessory building above fifty percent (50%) of the total square footage of the principal structure, or above one-hundred percent (100%) of the total square footage of the principal structure on lots in Agriculture (A) Zoning Districts, as long as the increase does not exceed ten percent (10%) above the applicable maximum.
  - (2) Allow a delay in the provision of all-weather surface for off-street parking spaces required under the terms of this Zoning Ordinance, for a period of time not to exceed ninety (90) days, and provided that only one (1) such delay shall be allowed.
  - (3) Authorize a variance of up to ten percent (10%) from the numerical standard set forth in Article 6.

EXAMPLE: Minimum front yard requirement of twenty feet (20 ft.) may be varied by up to ten percent (10%) to a minimum of eighteen feet (18 ft.).

- (C) *Submission of Application.* A complete application of an Administrative Adjustment shall be submitted to the Building Official, along with the appropriate application fee.
- (D) *Action by the Building Official.* After determining that the application is complete, the Building Official shall review the application and approve, approve with conditions, or deny the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.
- (E) *Administrative Adjustment Criteria.* To approve an application for an Administrative Adjustment, the Building Official shall make an affirmative finding that the following criteria are met:

The Administrative Adjustment will:

- (1) ensure the same general level of land use compatibility as the otherwise applicable standards;

- (2) not material and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other environmental considerations;
- (3) not adversely affect value of nearby property in any material; and
- (4) be generally consistent with the purposes and intent of this Zoning Ordinance.

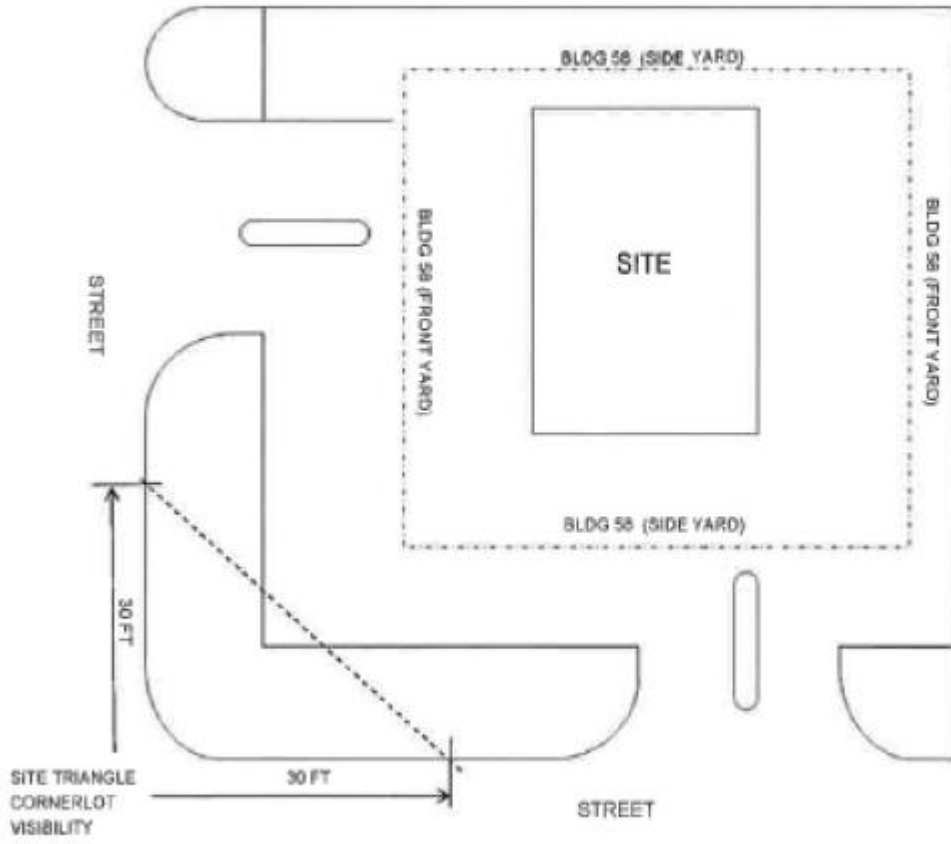
(F) *Appeals.* Appeal of an Administrative Adjustment to the Zoning Board of Adjustment shall be made within thirty (30) days of the mailing of the Building Official's decision in accordance with Section 5-2.

(G) *Conditions.* The Building Official may impose such conditions on approval of an Administrative Adjustment as are necessary to accomplish the purpose of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighboring properties, and to ensure compatibility of the site with its surroundings. These conditions may include but are not limited to limitations on the size, bulk and location of buildings; provisions for landscaping, buffering and screening; limitations on sources of buildings; provisions on sources of artificial lightning; and requirements for adequate vehicle ingress and egress.

*(H) Effect of Administrative Adjustment*

- (1) Administrative approval of an adjustment shall authorize only the particular allowance, variation or exception which is specifically approved by the Building Official. Administrative approval of such an adjustment runs with the land with exception to Article 7, Section 7-4(B)(2).
- (2) Unless otherwise specified in the Building Official's approval of an administrative adjustment, an application to commence construction of improvements that are the subject of the approved adjustment must be applied for an approved within twelve (12) months from the date of the Building Official's written acknowledgement of approval; otherwise, the Administrative Adjustment shall automatically become null and void. Upon written request, two extensions of the twelve (12) month period may be granted by the Building Official, if he/she determines that conditions of the site and immediately surrounding area are substantially unchanged. These permitted time frames do not change with successive owners of the subject property.

APPENDIX D #14



APPENDIX D #14

(Ord. of 05-10-16)

**SECTION 7-5 through 7-7. Reserved**

## **ARTICLE 8 - SUPPLEMENTAL USE STANDARDS**

### **SECTION 8-1. Accessory Uses**

- (a) The following uses which are classified as accessory uses shall be allowed by permit as set forth in the Building Code of the City of Big Spring: For a residential use, a subordinate use customarily incidental to and located on the lot or contiguous tract occupied by the main or principal use, not separated by a street or alley, for a purpose customarily incidental to the use of the main structure, such as a private garage for automobile storage, tool house, greenhouse as a hobby only, home workshop, children's playhouse, storage house, freight or portable storage containers used as an accessory use, garden shelter, but not involving the conduct of a business and excluding living and sleeping quarters except as permitted by specific use permit.
- (b) The above uses shall also be allowed by permit in other than residential districts, or for nonresidential uses permitted in residential districts, as subordinate use which is customarily incidental to and used only in conjunction with the main building, and which is located on the lot or contiguous tract occupied by the main or principal use, not separated by a street or alley (except for parking).
- (c) Freight containers and portable storage containers shall be painted to match the main building or painted tan or beige and may not be stacked. This section shall apply to all accessory uses of such containers including legal non-conforming uses in existence at the time of adoptions of this ordinance.
- (d) A carport is not an accessory use and is subject to front, rear and side yard setback requirements unless construction is otherwise approved pursuant to Section 4-6 (e), Special Carport Exception. (*Ord. of 05-10-16*)

### **SECTION 8-2. Zoning Designation of Vacated Streets and Alleys**

Whenever the street, alley or other public way is vacated by official action of the City Council, the zoning district line adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated street, alley or public way and all areas included in the vacated street, alley or public way shall then and henceforth be subject to all regulations of the extended district.

### **SECTION 8-3. Railroad Rights-of Way and Tracks**

Railroad rights-of-way and tracks shall be permitted in any zoning district established and created by this ordinance except that passenger stations, railroad yards, switching tracks and loading facilities

shall be located only in a district authorized and permitted by this ordinance.

#### **SECTION 8-4. Water Areas**

The water surface and the land under the water surface of all rivers, waterways, ponds, lakes, and other water areas in the City of Big Spring not otherwise zoned are hereby placed in the same zoning district as the land on which such water areas abut, as shown on the Official Zoning Map. Where the zoning districts shown on the Official Zoning Map are different or on opposite sides of the water area, then the zoning district boundary shall be at the center line or midpoint of the water area.

#### **SECTION 8-5. Temporary Uses**

(A) The following uses, which are classified as temporary uses, may be permitted in any district when authorized by the City Manager or designee, subject to the restrictions set out in this section and in compliance with all other ordinances of the City, not to exceed a period of thirty (30) days, unless otherwise stated below:

- (1) Carnivals or circuses for up to ten (10) days
- (2) Fairgrounds
- (3) Concrete mixing or batching plant uses temporarily by contractors during the construction of public improvements or buildings, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such public improvement or building, provided that such use shall not be permitted nearer than two hundred fifty (250) feet from a residence.
- (4) Temporary portable wireless telecommunications facilities, commonly known as a "cell site on wheels" if needed to provide service to special or seasonal events or to construction sites that are likely to cause a substantial but temporary increase in wireless telecommunications traffic. These must be removed not later than 10 days following the above described usage.
- (5) Snow cone or shaved ice stands or trailers or firewood sales for up to one- hundred fifty (150) days.
- (6) Christmas tree or pumpkin sales, for up to forty-five (45) days.
- (7) Freight and portable storage containers when not permitted as an accessory use, for up to one hundred eighty (180) days.

(B) Any equipment related to an approved temporary use shall not be permitted nearer than one hundred (100) feet from the abutting property line of an occupied residence.

(C) A permit for the temporary use of any property for the above listed uses shall be secured from the City Manager or designee prior to such use.

(D) Use of a parcel of property for any of the above listed uses at any time on any day shall

constitute a day's use. Use of a parcel of property for any of the above listed uses for more than the maximum number of days for which a permit may be issued along with any allowed renewal period during any three hundred sixty-five (365) day period shall constitute a permanent use subject to the district regulations of the zoning district in which such parcel of property is located.

(E) Upon application being made, the City Manager or designee may, by special permit, approve the use of any property for the foregoing temporary uses or any other temporary use not to exceed one hundred eighty (180) days, under such conditions and restrictions as the City Manager or designee shall determine.

(F) An applicant for a temporary use permit shall submit written evidence to the City Manager or designee that the owner of the subject property authorizes the proposed use.

*(Ord. of 02-24-16)*

### **SECTION 8-6. Temporary Use Permits for Mobile/Manufactured Homes**

#### **1. Circumstances for Permit Issuance**

Subject to conditions and standards otherwise required by this Ordinance, a temporary use permit may be issued:

(a) to an applicant in the process of building a conventional dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling; such permit shall not be issued until after a building permit for the dwelling has been issued

(b) to an applicant to use a manufactured or mobile home as a construction office at a job site

(c) to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of such care.

2. Length of Permit

A temporary use permit may be issued by the City Council for a permit not to exceed one (1) year. The temporary permit may be renewed for additional one (1) year periods upon showing of good cause, and with permission to do so. However, at the discretion of the City Council, a temporary use permit may be issued to an applicant for a health or age related circumstance for a period coterminous with the health or age related circumstance.

3. Permit Expiration

At the time the temporary permit expires, the manufactured or mobile home and all appurtenances shall be removed from the property within ninety (90) days.

4. Utility Requirements

Manufactured or mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections.

**SECTION 8-7. Temporary Use Permits for Travel Trailer or Recreational Vehicles as Living Quarters**

1. Permitted: Travel trailers and recreational vehicles are permitted by right as living quarters in properly authorized and developed Mobile/Manufactured Home Parks.

2. Emergency Residence: Travel trailers and recreational vehicles may be used as temporary living quarters located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by persons displaced by such disaster during the reconstruction of the permanent residence with approved temporary use permit that has a one (1) year term.

3. Temporary Use of a Travel Trailer or Recreational Vehicle as Living Quarters: A travel trailer or recreational vehicle may be used temporarily for living quarters for no more than five (5) consecutive days in any thirty (30) day period, except as listed above by obtaining a 5-day permit in the Public Works office at no charge. The permit must be displayed in a manner visible to the public. (*Ord. of 07-23-13*)

**SECTION 8-8 THROUGH 8-9. Reserved**



# ARTICLE 9 - SIGN REGULATIONS

## SECTION 9-1. Permitted Use of Signs

- (A) Billboard: An off-premise sign on which the message or copy can be changed periodically through manual means.
- (B) Brightness: The maximum luminous intensity of a sign, which shall not exceed 5,000 nits (candelas per square meter) during the daylight hours and 500 nits between dusk and dawn, as measured from the sign's face.
- (C) Candelas: A unit of luminous intensity, defined as the amount of luminous flux (total luminous power emitted from a source and expressed as lumens) per unit solid angle in a given direction.
- (D) Dissolve/Fade: A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears to dissipate to the point of not being legible and the subsequent message gradually appears or increases intensity to the point of legibility.
- (E) Electronic Billboard – An off-premise sign on which the message or copy can be electronically changed by remote or automatic means.
- (F) Electronic Message Center (EMC): An on-premise sign on which the message or copy can be electronically changed by remote or automatic means.
- (G) Flashing: A sign containing an intermittent or blinking light source, or which gives the illusion of intermittent or blinking light by means of animation, or an eternally-mounted intermittent light source.
- (H) Glare: an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.
- (I) Lumens: The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is one candela.
- (J) Nits: A photometric unit defined as  $\text{cd/m}^2$  (candelas per square meter).
- (K) Snipe or Bandit sign: A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, fences, or other like objects, the advertising matter of which is not

applicable to the present use of the premises on which the sign is located.

(L) Spectacular sign: Any sign that physically rotates, oscillates, contains any moving parts, or contains flashing lights, including lights flashing in sequence.

(M) Transition: A visual effect used on an electronic sign to change from one message to another.

(N) Video display: An electronic sign that displays motion or pictorial imagery, including a display from a “live” source. Video display signs include images or messages with these characteristics projected onto buildings or other objects. (*Ord. of 04-28-09*)

## **SECTION 9-2. Prohibited Signs**

All signs not expressly permitted under this Chapter or exempt from regulation are prohibited in the City. Such signs include, but are not limited to:

(A) Portable signs, inflatable signs, banners, streamers, pennants, and other such temporary signs, except as allowed under Section 9-3(G).

(B) Signs which contain or have attached thereto banners, posters, pennants, ribbons, streamers, balloons, strings or lights, spinners or other similar devices.

(C) Snipe or bandit signs or any advertisement placed on trees, rocks or other natural features.

(D) Off-premise signs in the City limits, except billboards which shall be regulated in conformance with Section 9-5(E), Type E Signs.

(E) Signs which advertise an activity, business, or service no longer conducted on the premises upon which the sign is located. After a period of three months following cessation of the business, activity, or service on the premises, the sign face shall be removed or obscured in accordance with Section 9-12, Maintenance and Removal.

(F) Signs which are located on any public sidewalk, street, alley, or other public property, except as outlined in Section 9-3(A).

(G) Signs or portion of signs which project or extend over any public right-of-way, any public sidewalk, street, alley, or other public property.

(H) Signs which make use of any word, phrase, symbol, character, or illumination, in such manner as to interfere with, mislead, or otherwise constitute a hazard to pedestrian or vehicular traffic.

(I) Signs which resemble official traffic control signs, signals, or devices, which bear words,

“STOP”, “Go”, “Slow”, “Caution”, “Danger”, “Warning”, or similar words.

(J) Signs which contain reflectors or glaring, strobe, or rotating light, beacon, beam or flashing illumination resembling an emergency signal.

(K) Searchlights or any type of beacon used to attract attention to a property. This shall not prohibit the use of a searchlight by authorized personnel for emergency purposes.

(L) Spectacular signs and signs which emit audible sound, odor, or visible matter.

(M) Any sign or advertising device attached to any motor vehicle or trailer or other structure parked on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way, the basic purpose of which sign or advertising device is to provide advertisement of a product or to direct people to a business or activity located on other property or premises, except as allowed under Section 9-3(G).

(N) Video display signs, except for the use on private property where such sign is not visible from any public right of way.

(O) Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such manner as to permit the images projected there to be visible from any public right-of-way. (*Ord. of 04-28-09*)

### **SECTION 9-3. Signs Not Requiring Permits**

No sign shall be erected or altered at any location within the City or its extra territorial jurisdiction, ETJ, without a permit as set forth in this section, subject to the following exceptions:

(A) Traffic or street signs, legal notices, public utilities, railroad crossing signs, danger and such emergency, temporary or non-advertising signs as approved by the City of Big Spring, may be located in the public right-of-way.

(B) Changes made to existing sign faces, when no increase in sign area or height is made, for signs otherwise allowed under this Chapter; not to include however, changes proposed on a non-conforming sign or modifying any sign to an Electronic Message Center.

(C) Real Estate Signs:

(1) One temporary sign announcing the offering for sale rental of individually platted residential or commercial property on which it is placed shall

(a) be allowed in any district and may be placed in any yard;

- (b) such sign shall not exceed eight (8) square feet in area; and
  - (c) shall be removed within one week following the close of sale or lease.
- (2) On non-residential commercial property where there is a business building, a temporary unlighted sign offering all or a portion of the same for sale or rental shall
- (a) be allowed flat against any wall of the business building;
  - (b) such sign shall be no taller than the wall;
  - (c) shall have an area no larger than 100 square feet; and
  - (d) shall be removed within one week following the close of sale or lease.
- (3) On undeveloped property, temporary unlighted signs offering the same for sale shall:
- (a) be located at least twenty (20) feet behind any curb or ten (10) feet behind any property line, whichever is greater;
  - (b) shall not exceed fifteen (15) feet in height; and
  - (c) the total area of the sign surface shall not exceed one square foot per lineal foot of the street frontage of the property for sale or one-hundred (100) square feet on each street fronting property, whichever is smaller.

(D) Political Signs:

- (1) Temporary, unlighted political signs supporting an announced candidate, a party, or an issue shall:
- (a) be allowed in any district and placed in any yard for a period of thirty (30) days prior to any election; and
  - (b) shall be removed within ten (10) days after the election or run-off election to which the sign pertains or after the termination of candidacy, whichever occurs first.
- (2) signs carrying primarily a political message may be located in any district on private real property except as follows:
- (a) no sign shall be erected within any easement or without the permission of the owner of the real property;

(b) no sign shall have a height of more than eight (8) feet above grade; and

(c) the combined area of all political signs on a property shall not exceed thirty six (36) square feet.

(E) Garage Sale Signs: Temporary, unlighted signs announcing the holding of a sale of household possessions shall:

(1) be displayed for not more than twelve (12) days in any one year;

(2) be allowed in any district;

(3) the total sign area shall not exceed four (4) square feet;

(4) be posted no longer than two (2) days prior to the first day of sale;

(5) be removed within twenty-four (24) hours following the last day of the sale;

(6) not be placed on public or private property without permission; and

(7) not be placed on utility poles, in public right-of-ways, or in visibility triangles.

(F) Charity and Civic Event Signs: Temporary signs announcing special events, bazaars, rallies and similar activities of charity, religious, civic and philanthropic associations shall

(1) be allowed in any district; and

(2) be posted no sooner than twelve (12) days prior to the first day of the event and be removed within twenty-four (24) hours following the last day of the event, but no such sign shall be allowed to remain for a period in excess of thirty (30) days.

(G) Portable Signs: Temporary signs that are designed to permit removal and reuse, and which includes but is not limited to A-frame and other such signs mounted on a trailer, wheeled carrier, vehicle, or other portable structure; provided:

1) the placement of such sign shall be in compliance with Section 9-5 (B), Type B Signs of this chapter; and

2) no such sign shall be placed on public or private property without written consent of the owner or person(s) responsible for said property. (*Ord. of 04-28-09*)

#### **SECTION 9-4. License and Engineering Requirements**

(A) Any sign contractor must be licensed and insured in the City of Big Spring.

(B) Any sign requiring a permit incorporating any electrical lighting or wiring shall be installed, repaired, maintained, and removed by an electrical sign contractor licensed in accordance with Texas Electrical Safety and Licensing Act. A separate electrical permit shall be required for each such sign.

(C) All billboards and pole signs that exceed thirty (30) feet in height shall have the foundation plan prepared by a professional engineer. (*Ord. of 04-28-09*)

#### **SECTION 9-5. Signs Requiring Permits**

Upon application to the Inspection Department, permits may be granted for erection and alteration of signs as a matter of right in each district according to the standards set forth for each zoning district and subject to the additional regulations for the types of signs set forth below:

(A) Type A Sign: These are signs attached against building fronts, or parallel to the face of a building or atop a canopy.

(1) No such sign shall extend more than twenty-four (24) inches from any building surface to which it is attached;

(2) shall not project beyond the corner formed by the front and any other wall;

(3) shall not extend above the highest point of either the roof or the parapet;

(4) signs atop canopies shall not extend beyond the canopy and shall be parallel to the wall from which the canopy extends

(5) no sign shall occupy more than fifty percent (50%) of the building frontage.

(6) an Electronic Message Center (EMC) used as a Type A sign shall comply with Section 9-8 of this chapter.

(B) Type B Sign: These are signs designed to be used alone or as a supplement to Type A signs, which are allowed, but subject to height and location restrictions in all districts where allowed.

(1) no such sign shall exceed seven feet above ground, except where otherwise allowed;

(2) the entire sign shall be located at least fifteen (15) feet behind the property line of any

street;

- (3) the lowest part of the sign shall not be higher than three (3) feet above grade;
- (4) such signs shall not be located in any visibility triangle;
- (5) shall not obstruct the view of driveways or parking areas; and
- (6) such signs shall be limited to identification of a building or advertising message.
- (7) The use of an Electronic Message Center (EMC) as a Type B sign is prohibited.

(C) Type C Sign: These are the signs commonly referred to as pole signs and free standing signs and include signs supported by a building and extending towards a street, but excluding other types enumerated specifically in other paragraphs, such as Type D and Type E signs.

- (1) Such signs, where allowed, shall be located no closer to any street than fifteen (15) feet behind the property line;
- (2) at least ten (10) feet from any adjacent common private property line;
- (3) such signs shall be at least eight (8) feet and no more than thirty (30) feet above ground;
- (4) such signs shall be subject to size limitations for the applicable zoning district;
- (5) shall only identify the business conducted on the premises, the name of the building or tenant;
- (6) only one such sign shall be allowed for each street frontage; and
- (7) no sign shall be allowed on a lot within forty (40) feet of any other existing Type C sign on such lot.
- (8) The use of an Electronic Message Center (EMC) as a Type C sign shall comply with Section 9-8 of this chapter.

(D) Type D Sign. These signs are used for identification of multiple use occupancies under centralized site management, such as a shopping center.

- (1) such signs shall not exceed thirty-five (35) feet in height above ground;
- (2) shall have no more than two upright standards;

- (3) may be located facing on any street on which the multiple occupancy fronts;
- (4) the total area of such sign shall be twenty (20) square feet per business up to a maximum of six hundred (600) square feet;
- (5) Such signs shall only identify the multiple use occupancy site by name, the businesses therein and may contain a canopy with changeable letters for theater features or other advertising purposes;
- (6) such signs shall be located at least fifteen (15) feet behind any property line;
- (7) at least three hundred (300) feet from any other property used for residential purposes;
- (8) shall be at least fifty (50) feet from any other property.
- (9) The use of an Electronic Message Center (EMC) as a Type D sign shall comply with Section 9-8 of this chapter.

(E) Type E Sign: Type E signs are those signs commonly referred to as billboards or poster boards (including electronic billboards) that are designed to deliver an advertising message, which message may be changed or removed and which may advertise products or services not available upon premises where the sign is located.

(1) Billboards:

(a) Billboards shall be allowed in LC, HC, LI, and HI Districts except for

(1) those areas located along and adjacent to state Hwy 87 from the city limits on the southern border of the city and extending to the northern most edge of Interstate 20; and

(2) those areas within the Central Area District as such district is defined in the City of Big Spring Zoning Ordinance.

(b) Each sign shall contain a weather proof identification plate located no higher than five (5) feet above ground level which shall provide:

(1) the name and address of the party responsible for the placement, maintenance and removal of the sign.

(2) all signs not identified will become the responsibility of the property owner upon whose property the sign is placed. Said responsibility shall include that of



repair, maintenance or removal, as may be necessary.

(c) The entire sign shall be located at least thirty (30) feet behind the property line.

(d) A billboard may be freestanding or located on a building but shall not exceed the height of the building upon which it is mounted or thirty (30) feet above ground. However, a billboard located on property fronting on Interstate Highway 20 may have a maximum height of forty-two and one half feet (42.5).

(e) A proposed location for a three-hundred (300) square feet in area billboard may not be approved:

(1) on the same side of the street and within one-thousand (1000) feet of an existing billboard; or

(2) on the same side of the street and within one-thousand-five-hundred (1500) feet of an electronic billboard.

(f) A proposed location for a billboard larger than three-hundred (300) square feet in area may not be approved which is located:

(1) within one-thousand-five-hundred (1500) feet of any other billboard.

(g) Maximum sign area:

(1) For property with frontage on Interstate 20, the maximum sign area of a billboard shall not be greater than six-hundred-seventy-two (672) square feet.

(2) For any other property within the city limits the maximum sign area allowed for new construction of a billboard shall be three hundred (300) square feet, the width of which shall not exceed fifteen (15) feet.

(h) No portion of a billboard or its supports shall be closer than three hundred (300) feet from the boundary line of a residential property.

(i) No free standing billboard shall be allowed within twenty (20) feet of any building on property under different ownership.

(j) Signs may be unlighted or shield lighted to prevent glare. No external lighting shall be used to illuminate a nonconforming sign.

(2) Electronic Billboards:

(a) Electronic billboards may be located in LC, HC, LI, and HI Districts except for

(1) those areas located along and adjacent to state Hwy 87 from the city limits on the southern border of the city and extending to the northern most edge of Interstate 20.

Exception: electronic billboards may be used to replace existing billboards within this area so long as the replacement billboards meet all of the requirements of this ordinance except for location within the area and do not cause any other existing sign to violate any provision of this Article 9; and

(2) those areas within the Central Area District as that District is defined in the City of Big Spring Zoning Ordinance.

(b) Each sign shall contain a weather proof identification plate located no higher than five (5) feet above ground level which shall provide:

(1) the name and address of the party responsible for the placement, maintenance and removal of the sign.

(2) all signs not identified will become the responsibility of the property owner upon whose property the sign is placed. Said responsibility shall include that of repair, maintenance or removal, as may be necessary.

(c) The entire sign shall be located at least thirty (30) feet behind the property line;

(d) An electronic billboard may be freestanding or located on a building but shall not exceed the height of the building upon which it is mounted or thirty feet (30) feet above ground. However, an electronic billboard located on property fronting on Interstate Highway 20, may have a maximum height of forty-two and one-half feet (42.5).

(e) No proposed location for an electronic billboard may be approved:

(1) on the same side of the street and within one-thousand-five-hundred (1,500) feet of an existing billboard;

(2) on the same side of the street and within one-thousand-five-hundred (1,500) feet of any other electronic billboard;

(f) Maximum sign area:

(1) For property with frontage on Interstate 20, the maximum sign area of an

electronic billboard shall not be greater than six-hundred-seventy-two (672) square feet.

(2) For any other property within the city limits:

(A) the maximum sign area allowed for new construction of an electronic billboard shall be three-hundred (300) square feet, the width of which shall not exceed fifteen (15) feet.

(B) any legally conforming billboard may be modified to an electronic billboard so long as it does not exceed three-hundred (300) square feet, the width of which shall not exceed fifteen (15) feet.

(g) No portion of an electronic billboard or its supports shall be closer than three-hundred (300) feet from the boundary line of a property used for residential purposes.

(h) No free standing electronic billboard shall be allowed within twenty (20) feet of any building on property under different ownership.

(i) No external lighting shall be used to illuminate an electronic billboard.

(j) An electronic billboard shall not:

(1) contain, display, or be illuminated by flashing, intermittent, or moving lights;

(2) contain or display animated, moving video, or scrolling advertising; or

(3) consist of a static image projected upon a stationary object;

(k) Operational Requirements:

(1) An electronic billboard shall display static messages only.

(A) The dwell or hold time of each message, defined as the interval between each message change, shall be at least eight (8) seconds.

(B) Each message change must be accomplished within two (2) seconds or less and must occur simultaneously on the entire sign surface.

(2) The sign shall not be configured to resemble or simulate a warning or danger signal or any official lights or signs used to control traffic.

(3) The sign may not display light of such intensity to cause glare, impair vision,

or otherwise result in a nuisance to the public.

(A) the maximum luminous intensity of a sign shall not exceed five-thousand (5,000) nits during daylight hours or five-hundred (500) nits between dusk and dawn, as measured from the sign's surface.

(B) the sign must be equipped with both a dimmer control or other such electronic control and a photocell or other such automatic control, which will produce the required illumination change according to natural ambient conditions.

(4) The sign shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

(F) Type F Sign: These signs are used for identification of a new project such as a subdivision, where property is being sold for the first time to a user; new buildings, public projects and the like. These signs are not permanent but may be required for a longer period of time than most temporary signs.

(1) such signs may be located on any property within the same zoning district or zoning district allowing the project being advertised; provided, however, if the project is located on a street with more than two marked traffic lanes such signs shall be located only on the property where the project is located; and

(2) in no event shall there be more than one on-site and one off-site Type F sign for a project; and

(3) such signs shall be removed

(a) at the end of three (3) years, or

(b) completion of the project; or

(c) occupancy of seventy-five (75) percent of the project, whichever comes first; and

(4) shall not exceed twenty (20) feet in height; and

(5) shall be located at least twenty (20) feet behind the curb of any street; and

(6) out of any visibility triangle; and

(7) not within any parking area; and

(8) any off-site Type F sign shall not exceed one hundred fifty (150) square feet in area and shall not exceed the total area of all other types of signs allowed. (*Ord. of 04-28-09*) (*Ord. of 08-14-12*)

### **SECTION 9-6. Sign Area Management**

Because signs displayed apart from a building are deemed to have greater impact than those consisting of symbols attached to a building, a different method of measurement is provided for different types and combinations of signs.

(A) Type A and B signs, when used alone or in combination with each other:

(1) If the sign consists of letters painted on or attached to a building surface or a Type B sign surface without a background distinguished by color or internal lighting or enclosed in some type of painted or designed frame, the allowable sign for Type A or Type B signs shall be the sum of the area of the rectangles necessary to enclose each feature, symbol, letter, and number displayed on all exposed sign message surfaces of the sign.

(2) If the sign lettering is enclosed in a painted or designed frame, or is in an area distinguished from the surface on which it is mounted by color, or if the sign is internally lighted, then the entire area so lighted, colored, or framed shall be deemed to be in the area of the sign.

One exposed sign message surface shall be considered in determining sign area.

(B) Type A signs, when used in conjunction with Type C, D, or E signs: the allowable sign for Type A signs when used with Type C, D, or E signs shall be the area of exposure of one (1) sign message surfaces.

If such sign consists of letters attached to a building, such sign message shall be deemed to have a surface area equal to the smallest square, rectangle or circle which will encompass all symbols, letters and numbers comprising the sign.

(C) Type C, D and F signs the allowable sign area for Type C, D, E and F signs shall be the combined area of exposure on one (1) sign message surface.

Supports shall not be measured, except for Type B signs, where they shall be so measured.

(D) For all types of signs, allowable sign area based on building or property frontages shall apply only to each respective street frontage and sign area for all street frontages shall not be combined along one street frontage.

(E) Signs within PD, Planned Development Districts, shall conform to the regulations

- (1) of the base district; or
- (2) in which the permit is granted; or
- (3) which is combined therewith; unless
- (4) a site plan further restricts the signs.

No sign will be allowed in a district which requires a site plan unless the site plan shows such sign. (*Ord. of 04-28-09*)

### **SECTION 9-7. Frontage on More Than One Street**

(A) If a use has street frontage on a corner, street frontage for the purpose of calculation of sign area shall be either:

- (1) In the case of a sign erected on a building, the frontage of the building on the street which the sign faces;
- (2) In the case of a free standing sign, more than three hundred (300) feet from an intersection of any public street, the frontage of the street closest to the sign, or if equidistant from two or more streets, the longest of such frontage; or
- (3) In the case of a free standing sign, less than three hundred (300) feet from an intersection, the frontage of the street which the largest business building on such lot faces.

(B) If a use has street frontage on more than one street, but not on a corner, such business shall be entitled to signs by formula on each street. Table 9-1 depicts the type, size and other restrictions of signs generally allowed within each zoning districts, except as may be otherwise provided for a particular use by the section governing a particular zoning district or by this Section; and also except as may be otherwise limited by this zoning ordinance.

In case of conflicting provisions, the more restrictive will apply. (*Ord. of 04-28-09*)

### **SECTION 9-8. Electronic Message Centers**

In addition to all permit requirements and other regulations contained in this Chapter, the following regulations shall be applicable to all Electronic Message Center, EMC, signs.

Use of an electronic message center (EMC) sign.

(A) Operational limitations.

(1) The display of a static message or image and the use of scroll/travel to display a message or image shall be permitted.

(2) The use of any other type of sign transition, such as dissolve/fade, and the use of frame effects, such as animation whereby text graphics appear to move or change in size, shall be prohibited except in accordance with the following:

(a) each message or image must be displayed for a minimum of three seconds; and

(b) the change of message or image must be accomplished within two seconds or less and must occur simultaneously on the entire sign face.

(B) Size limitations. In all cases, the use of an electronic message center (EMC) shall count toward the total area of signs allowed on a property.

(1) In the A—MF Districts, a sign permit may be issued for property by a conforming, non-residential use in accordance with the following:

(a) An EMC shall not exceed twenty-four (24) square feet in area;

(b) The EMC may be a single-face or back-to-back sign. The use of a double-faced EMC (side-by-side or stacked) is prohibited.

(c) The maximum height of a freestanding EMC shall be fifteen (15) feet.

(d) For an EMC mounted on a pole, a clearance of not less than seven (7) feet from the bottom of the EMC shall be required.

(2) In the O, Office and less restrictive zoning districts, excluding PD zones:

(a) The area of an EMC shall be limited to fifteen (15%) percent of the total area of signs permitted for the property or forty-two (42) square feet, whichever is less.

(b) The maximum height of a freestanding EMC shall be twenty (20) feet.

(c) For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(3) For a property which (a) has street frontage on Business 20, US Hwy 87 and FM 700, and is located in the R, Retail or less restrictive districts, the following shall apply:

(a) The area of an EMC shall be limited to twenty (20%) percent of the total signs allowed for the property or seventy-five (75) square feet, whichever is less.

(b) The maximum height of a freestanding EMC shall be thirty (30) feet.

(c) For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(4) For property which has street frontage on Interstate Highway 20 and is located in R, Retail and less restrictive zoning district, the following will apply:

(a) The area of an EMC shall be limited to twenty (20%) percent of the total signs allowed for the property or seventy-five (75) square feet, whichever is less.

(b) The maximum height of a freestanding EMC shall be forty (40) feet.

(c) For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(C) Illumination.

Light from any exterior source intended to illuminate a sign:

(1) shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas;

(2) shall not interfere with the effectiveness of any official traffic sign, signal, or device;

(3) shall not contain flashing lights;

(4) shall not exceed five-thousand (5,000) nits during daylight hours or five-hundred (500) nits between dusk and dawn, as measured from the sign's surface; and

(5) shall have an electronic control to produce the required illumination changes defined above. (*Ord. of 04-28-09*)



## **SECTION 9-9. Symbols**

Symbols which are designed as integral part of the building structure, and symbols and signs which are not visible or readable from the public street shall not be limited by the sign regulations of the zoning district. (*Ord. of 04-28-09*)

## **SECTION 9-10. Traffic Control Conflicts**

No sign or lighting permitted under these regulations shall be erected, placed or allowed to remain whereby such sign creates confusion, impairs hearing or vision, or otherwise distracts the automotive driver using any public right-of-way. Specifically prohibited are:

- (A) High intensity bare bulb lighting or any lighting which creates a glare or any sign so placed as to make traffic signs or signals unreadable at the normal viewing range by a driver on the public street;
- (B) Signs duplicated colors, characteristics or symbols of traffic signs or signals, or signs which cause confusion in reading such traffic signs or signal at normal viewing range;
- (C) Signs or equipment which produces noises simulating sirens, bells, or whistles which may be confused with the warning devices of emergency vehicles traveling on public streets;
- (D) This section shall exclude public service signs. (*Ord. of 04-28-09*)

## **SECTION 9-11. Residential Area Nuisance**

No sign or lighting permitted under these regulations shall be authorized whereby such sign or lighting by reason of placement, lack of shielding, noise generation or character of operation would be adverse to the normal sensibilities of a person residing on adjacent property or would interfere with the reasonable use, enjoyment or right of privacy on their property. Specifically:

- (A) the source of lighting shall not be directly visible from the adjacent residential property and light shall be shielded to prevent such exposure;
- (B) the noise level of signs and lighting fixtures, when measured within the adjacent dwelling unit, shall not be greater than the noise levels of equipment customarily in operation in the home including the air conditioning and kitchen refrigerators. (*Ord. of 04-28-09*)

## **SECTION 9-12. Maintenance and Notice of Removal**

- (A) All signs for which a permit is required, together with all supports, braces, guys and anchors shall be kept in repair. The Enforcement Officer may order the removal of any sign not in

accordance with this section, including, but not limited to:

(1) signs that are dilapidated or in deteriorated condition; any sign where:

(a) the message or wording can no longer be clearly read;

(b) the structural supports or frame members are visibly bent, broken, dented, or torn;

(c) the sign face is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;

(d) the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or

(e) the sign or its elements are not in compliance with the requirements of the current electrical code and/or the building code of the city.

(2) signs no longer used; such signs shall be:

(a) removed; or

(b) obscured by means of:

(1) paint which is neutral in color; or

(2) securely covered as not to tear or be compromised by weather conditions.

(3) For any sign so designated as dilapidated, deteriorated, or otherwise unsafe, written notice shall be given to remove the sign or bring the sign into compliance with this chapter, as follows:

(a) any written notice to alter or to remove a sign shall be given by the building official, or his designee, by certified mail, return receipt requested, or written notice served personally upon the owner, lessee, or person responsible for the sign, or the owner's agent.

(b) if such order is not complied with within 15 working days after the written notice is sent, the building official may initiate proceedings to revoke the permit and remove the sign at the expense of the owner, lessee, or person responsible for such sign.

(B) Such removal shall be accomplished at the expense of the owner or person in charge of the sign and/or premises. Failure to comply with such order shall constitute a misdemeanor. (*Ord. of 04-28-09*)

**SECTION 9-13. Penalty**

It is unlawful for any person to violate, or cause to allow any other person under his or her control or authority to violate, any provision or requirement of these zoning regulations. The violation of any of these zoning regulations is unlawful and may be punished by a fine not to exceed two-thousand (\$2,000) dollars for each offense. Each day a violation occurs is a separate offense. (*Ord. of 04-28-09*)

**SECTION 9-14. Enforcement**

All signs in existence on and in compliance with the zoning regulations as of April 28, 2009, shall be exempt from the provisions of Article 9, except for the maintenance provisions in Section 9-12; provided, however, that all alterations to such existing signs be made in accordance with, and are subject to, the provisions herein contained. Any non-conforming sign which is or becomes damaged or deteriorated to a point where its restoration costs exceeds fifty percent (50%) of its replacement value shall be removed or replaced with a conforming sign.

**TABLE 9.1 PERMITTED USE OF SIGNS**

<u>ZONE</u>	<u>TYPE A Building Sign</u>	<u>TYPE B Ground Sign</u>	<u>TYPE C Pole Sign</u>	<u>SPECIAL PROVISIONS</u>	<u>LIMITATION OF SIGNS</u>
SF-1	Not Allowed	Not Allowed	Not Allowed	Churches, colleges, public buildings and institutions/ed ucational uses allowed Type A and B signs with a maximum area of 50 sq. ft. and Type B signs shall not exceed 7 feet in height for	50 sq. ft.
SF-2					

				such	
SF-3 2F GR MF	80 sq. ft. area or 50% of building frontage, whichever is less.	50 sq. ft. maximum area. Height maximum: 7 feet to highest point of sign support	Not Allowed	Churches, colleges, public buildings and institutions/educational uses allowed Type A and B signs with max. area of 50 sq. ft. & Type B signs shall not exceed 10 feet in height for such uses	120 sq. ft.
O NS	2 sq. ft. area per lineal foot of building to 100 sq. ft or 50% of building frontage, whichever is less.	50 sq. ft maximum area; height frontage maximum: 7 feet to highest point of sign or support; max. width: 8 feet including support; max. area 50 sq. ft. or 10 sq. ft. per occupant, whichever is greater	Not Allowed	Churches, colleges, public buildings and institutions/educational uses allowed Type B signs with a maximum area of 50 sq. ft. with no maximum width. Same restrictions otherwise.	180 sq. ft.
R CA LC	2 sq. ft area per lineal foot of building to 200 sq. ft or 50% of building frontage, whichever is less. (Type A sign measurement	Maximum height: 10 feet from frontage up grade to highest point of sign or support. Max. area: 1 sq. ft. per lineal ft. of street frontage up to 50 sq. ft.	Maximum total area: 1.5 sq. ft. per lineal foot of street frontage up to 200 sq. ft.	Type D signs permitted. Type B signs for churches, colleges, universities, schools and public buildings may be up to 10 feet high.	150 sq. ft. exclusive of Type D and E. Double the maximum sign area allowed subject to sign type. Type E allowed in LC only.

	changes where used with type C or D signs)			Filling stations, motels, and eating establishments with frontage on FM 700 to Interstate 20 or any access road of such freeways shall be permitted.	
HC LI	2 sq. ft. area per lineal foot of building to 150 sq. ft. or 50% of building frontage, whichever is less.	Maximum height: 10 feet from frontage up grade to highest point of sign or support. Maximum width: 8 ft. including supports. Maximum area: 50 sq. ft.	Maximum total area: 2 sq. ft. per lineal foot of street frontage to 150 sq. ft.	Type D signs permitted. Type E signs permitted with maximum area of 300 sq. ft. regardless of street frontage, except those with street frontage on Interstate 20 which may be 672 sq. ft. Maximum area for Type B signs for churches, public buildings, and institutions /educational uses: 50 sq. ft. with no maximum width.	

(Ord. of 04-28-09)

**SECTION 9-15 through 9-17. Reserved.**

# **ARTICLE 10 - LANDSCAPING STANDARDS**

## **SECTION 10-1. Purpose**

The purpose of the landscaping regulations is to:

- A. Increase street longevity,
- B. Increase ground permeability,
- C. Encourage conservation of trees and vegetation,
- D. Promote energy and resource conservation,
- E. Maintain and increase the value, of land, and
- F. Enhance the aesthetic quality.

## **SECTION 10-2. Applicability**

The provisions of these regulations shall apply to all land within the corporate limits of the City of Big Spring and within the zoning districts specified in this section and shall be applied as follows:

- A. When a building permit for a new structure is required, or when a paving permit for a new parking area is required,
- B. When a building permit for the remodeling, renovation, or expansion of an existing structure that increases the gross floor area by 50% or more or a paving permit that increases the number of off street parking spaces by 50 % or more is required.

As a minimum standard, this landscaping ordinance shall apply to all zoning districts except the A, Agricultural District, the SF-1, SF-2, and SF-3, Single Family Districts, the 2F Two-Family District, and the GR, General Residential Districts. The CA, Central Area District, is also exempt from the provisions of this Article.

- C. Minimum standards for Planned Developments shall be determined at such time as the approval of a Planned Development site plan is requested or a Planned Development ordinance is established.

### **SECTION 10-3. Landscaping Requirements**

- A. Landscaping shall be provided within the front and side yard setbacks as well as adjacent public rights-of-way. A graphic illustration of the required landscape area is provided in Appendix A, #13 as an example. A minimum of all of the adjacent right-of-way or 10' (ten feet) whichever is greater excluding existing and approved future driveways, as well as an additional 8 % (eight percent) of the lot area shall be utilized for landscaping.
- B. Use of low water-using plant materials and landscaping (xeriscaping) is encouraged. An application may be made for variance from the required plant materials contained herein if a xeriscape plan is substituted and approved by the Building Official.

### **SECTION 10-4. Irrigation**

All required landscaping shall be irrigated by either a hose attachment within one hundred (100) feet of all landscaping or an underground sprinkler system. If an underground sprinkler system is utilized, it shall be designed in such a manner as to minimize water runoff into adjoining streets.

### **SECTION 10-5. Plant Materials Required**

- A. Landscaping shall consist of a combination of two or more of the following types of plant materials including but not limited to planted grass, trees, shrubs, ground cover, and/or other forms of plant material.
- B. Trees with a minimum of 2" caliper (measured one-foot above grade) shall be provided and replaced as necessary at the ratio of one (1) tree per fifty (50) linear feet of street frontage, or fraction thereof. However, no tree shall be required where:
  - (i) All street frontage is used for driveway entrance.
- C. All existing trees of 2" caliper or greater will be counted towards satisfying the requirements of this ordinance, as long as such trees do not endanger safety, health and public welfare. No tree or shrub shall be placed in such a manner as to create a hazard to vehicular traffic.

In accordance with Section 10-2, all parking lots with less than 101 parking spaces shall contain a minimum of one tree per ten parking spaces. For new or expanding parking lots where the number of parking spaces exceeds 100, a sliding scale of parking spaces per tree may be applied as follows:

<b><u>Number of Parking Spaces</u></b>	<b><u>Required Tree Ratio</u></b>
> 100 but < 200	one per ten for first 100 spaces; one per twenty five spaces thereafter
> 201 but <300	one per ten for first 100 spaces; one per twenty five spaces thereafter
> 301	one per ten up to 300 spaces; one per forty spaces thereafter

There may be circumstances in which the placement of trees in a new or expanded parking facilities may be difficult or undesirable. In order to provide for a similar landscaping effect, parking lot trees may be waived in lieu of additional trees or larger caliper trees placed in the front and/or side yard setback area. In no case shall an alternative landscape proposal result in a net reduction of the tree requirement as measured in total tree caliper inches. Such a proposal may be submitted as part of the landscaping plan to be administratively approved by the Director of Public Works or his designee. Appeal of any such administrative decision may be made to the Planning and Zoning Commission.

D. All landscaping shall be maintained in a healthy and growing condition.

#### **SECTION 10-6. Landscaping Plan.**

A. Prior to the issuance of a building permit or prior to the issuance of a paving permit, two (2) copies of a Landscaping Plan shall be submitted to the Building Official for review and approval. The Landscaping Plan shall be drawn to scale, including all dimensions, and shall meet each of the following requirements:

- (i) Clearly show the location and size of any buildings or structures;
- (ii) Clearly show the location of all paved off-street parking areas; and
- (iii) Clearly show any fencing and the location, size, and description of all landscaping materials to be utilized.

B. No Certificate of Occupancy and/or paving permit shall be issued unless the landscaping plan required herein complies with this Section.

#### **SECTION 10-7. Exceptions**

A. When seasonal conditions warrant, the Building Official may issue a temporary certificate of occupancy for up to one hundred and eighty (180) days pending completion of landscaping. No final certificate of occupancy shall be issued prior to completion of landscape requirements



- B. Upon application and hearing, the Planning and Zoning Commission may grant waivers from the application of these regulations on the finding of extreme hardship.

**SECTION 10-8 through 10-10. Reserved**

# ARTICLE 11 - WIRELESS COMMUNICATION

## SECTION 11-1. Wireless Communication System Regulations

1. *Definitions.* The following words and phrases when used in this Article shall have the meanings respectively ascribed to them in this Article:

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

(b) *Antenna support structures:*

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

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

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

(c) *Building or other independent support structure:* Buildings or other structures such as water towers, church steeples, utility poles and other creative locations.

(d) *Unmanned equipment building:* An accessory building housing electronic and communication equipment as an associated and permitted part of a wireless communication system.

2. *General requirements.*

(a) Wireless communication systems shall be an allowed use in the HC, CA, LI and HI Districts and by specific use permit in the O, NS, R, and LC Districts. Prior to filing a request

for a building permit and/or a specific use permit, whichever is applicable, the following requirements must be met:

- (i) Antenna support structures shall be 200 feet from all residential zoning districts, measured from the base of the antenna support structure to the nearest residential zoning district boundary.
- (ii) Roof-mounted antennas, including support structure, shall not extend higher than 15 feet above the peak of the roof, except a single vertical pole may extend up to 20 feet above the peak of the roof.
- (iii) Ground-mounted antennas, including support structure, shall not exceed 70 feet in height. The antenna or antenna support structure shall not be located in any required front yard setback or anywhere in the front yard between the principal building and the front setback.

### 3. *Additional Requirements.*

(a) *Tower Illumination.* Towers shall not be illuminated except as required by the Federal Aviation Administration (FAA) or other applicable federal or state agencies.

4. *Shared sites.* The shared use of existing antenna support structures sites shall be preferred to the construction of new such facilities. The antenna support structures must be constructed to support a minimum of two antenna arrays from two separate wireless communication system providers or users. Annually, the Building Official shall secure a list of known communication system providers by advertisement in a newspaper of general circulation. The Building Official may add known wireless communication system providers to this list. The list shall remain valid for one calendar year. Prior to submission of any application, all applicants for antenna support structures shall comply with the following procedures:

(a) All wireless communication system applicants shall provide notice by mail to providers on the wireless communication system providers list with the following information: specifications of the proposed antenna support structure, its general location, its proposed height, and a phone number to locate the owner of the antenna support structure. A copy of the notice shall be mailed to the Building Official's office. The notices shall invite potential wireless communication system providers to apply for space on the proposed antenna support structure.

(b) The applicant shall submit a report inventorying existing antenna support structures and antenna sites within a one-mile distance from the proposed site outlining opportunities for shared use as an alternative to the proposed one. In the case of co-location, the pro rata reimbursement to the initial applicant from the future provider shall not exceed 55 percent of the original cost for construction of the antenna support structure.

5. Wireless communication systems shall be a use permitted by right in all zoning districts if

the land or structure is owned by the City of Big Spring.

(a) All antenna support structures or buildings or other independent support structures where antennas are proposed to be attached shall require a building permit. Antenna support structures located in residential zoning districts shall be monopole design. The height of a monopole antenna support structure including antenna shall not exceed one-hundred and fifty (150) feet. Wireless communication systems shall not be allowed in City of Big Spring parks which contain five (5) acres or less.

(b) Antenna support structures shall be spaced from all residential zoning districts at a minimum of 110 percent of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential zoning districts, except for antenna support structures located on land owned by the City of Big Spring within residential zoning districts, which shall be spaced a minimum of 110 percent of the height of the antenna support structure, measured from the base of the antenna support structure to all applicable property lines. This spacing requirement does not apply to antennas attached to buildings or independent support structures.

(c) The antenna array may be attached to buildings or independent support structures if:

(i) The pole replaced or modified is a functioning utility pole utility pole or light standard within a utility easement or public right-of-way, recreational facility light pole, or antenna support structure; and

(ii) The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreational facility light pole by more than 12 feet, or the height of the original telecommunication tower and antenna array; and

(iii) The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other right-of-way, and the pole appearance and function, except for the antenna, are not significantly altered; and

(iv) The existing support structure is engineered to support the proposed antenna.

6. Radio and television antennas, limited to those used by the federal licensed amateur radio operators, unlicensed citizen band radio operators, and private citizens receiving television signals, including satellite dish antennas, shall be considered as permissible accessory uses in all zoning districts and shall be permitted in accordance with the regulations for detached accessory structures. Antenna support structures within nonresidential zoning districts shall comply with the height and setback requirements for the particular district.

(a) The height of the antenna support structure shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade adjacent to the antenna or antenna support structure if ground mounted or from the peak of the roof if roof mounted.

(b) A building permit from the Building Official of the City of Big Spring shall be required

for the installation of any roof-mounted antenna or antenna support structure over 12 feet above the peak of the roof and any ground-mounted antenna or antenna support structure over 25 feet in height. A permit shall be issued only when there is full compliance with this Section and the applicable provisions of the City of Big Spring building code. Applications for a permit shall be accompanied by the following in duplicate:

- (i) A complete set of construction documents showing the proposed method of installation.
- (ii) A copy of the manufacturers recommended installation instructions, if any.
- (iii) A diagram to scale showing the location of the antenna, property and setback lines, easements, power lines and all structures.
- (iv) Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural requirements of the City of Big Spring building code.
- (v) All antennas and antenna support structures shall comply with the height and illumination restrictions established by the FAA (Federal Aviation Administration) or any other federal or state agencies.

*7. Radio and Television.* In addition to the previously stated regulations, the following shall apply to radio and television antennas in residential districts:

- (a) Antennas or attached support structures may be roof or ground mounted, freestanding or supported by guy wires, buildings or other structures in compliance with the manufacturer's structural specifications. A ground-mounted antenna shall be any antenna with its support structure mounted directly in the ground, even if such an antenna is supported by or attached to the wall of a building.
- (b) The unmanned equipment buildings shall not exceed 750 square feet of gross floor area per building and shall not exceed 12 feet in height.
- (c) A building permit from the Building Official of the City of Big Spring shall be required for the installation of any antenna support structures, antennas attached to buildings or other independent support structures and unmanned equipment buildings developed for a wireless communication system.

*8. Landscaping for wireless communication systems.* Landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the antenna support structure, and any other ground level features (such as a building). A combination of existing/native vegetation, natural topography, manmade features such as berms, walls, decorative fences and any other features can be used instead of landscaping if those features achieve the same degree of screening as the required landscaping.

*9. Setbacks for wireless communication systems.* Antenna support structures and unmanned equipment buildings shall meet the minimum building setback requirements for the zoning

district in which they are located. Setbacks shall be measured from the base of the antenna support structure to all applicable property lines.

10. *Abandonment.* In the event the use of any wireless communication system, which would include any antenna support structure, has been discontinued for a period of 180 consecutive days, the antenna support structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official, who shall have the right to request documentation and/or affidavits from the antenna support structure owner/operator regarding the issue of usage. Upon determination of abandonment, the owner/operator of the antenna support structure shall remove the antenna support structure within 90 days of receipt of notice from the Building Official notifying the owner/operator of such abandonment. If such antenna support structure is not removed within said 90 days, the Building Official may cause such antenna support structure to be removed at the owner's expense. If there are two or more users of an antenna support structure, then this provision shall not become effective until all users cease using the antenna support structure.

**SECTION 11-2 through 11-4. Reserved**