

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

## TABLE OF CONTENTS

<b>ARTICLE 1</b>	<b>GENERAL PROVISIONS</b>	<b>PAGE NO.</b>
Section 1-1	Purpose .....	1
Section 1-2	Short Title .....	1
Section 1-3	Severability .....	2
Section 1-4	Conflict with other Laws .....	2
Section 1-5	Relationship to the Comprehensive Plan. ....	2
Section 1-6	Application and Exceptions .....	3
Section 1-7	Effective Date .....	3
Section 1-8	Violations and Penalties .....	3
Section 1-9	Interpretation .....	3
<b>ARTICLE 2</b>	<b>DEFINITIONS</b>	
Section 2-1	Definition of Words and Terms .....	4
<b>ARTICLE 3</b>	<b>PROCEDURES</b>	
Section 3-1	Procedures .....	19
Section 3-2	Annexation and Temporary Zoning .....	20
Section 3-3	Compliance Required .....	20
Section 3-4	Classification of New and Unlisted Uses .....	21
Section 3-5	Completion of Building Under Construction .....	22
Section 3-6	Amendments .....	22
<b>ARTICLE 4</b>	<b>DEVELOPMENT STANDARDS</b>	
Section 4-1	Front Yard Regulations .....	23
Section 4-2	Special Front Yard Regulations .....	23
Section 4-3	Side Yard Regulations .....	24
Section 4-4	Special Side Yard Regulations .....	24
Section 4-5	Rear Yard Regulations .....	25
Section 4-6	Area Regulations for Accessory Buildings and Structures in Residential Districts .....	26
Section 4-7	Height Regulations .....	27
Section 4-8	Special Height Regulations .....	28
Section 4-9	Vehicle Parking Regulations .....	28
Section 4-10	Special Off-Street Parking Regulations .....	31
Section 4-11	Handicapped Parking .....	32
Section 4-12	Parking for New and Unlisted Uses .....	32
Section 4-13	Off-Street Loading Regulations .....	32
Section 4-14	Special Area and Use Regulations .....	33
Section 4-15	Creation of Building Site .....	34

Section 4-16	Platting of Property Not Permanently Zoned .....	34
<b>ARTICLE 5                   NONCONFORMITIES</b>		
Section 5-1	Nonconforming Uses of Lots, Structures, Land and ..... Premises	35
Section 5-2	Board of Adjustment .....	37
<b>ARTICLE 6                   DISTRICT REGULATIONS</b>		
Section 6-1	Zoning Districts Established .....	41
Section 6-2	Surface Drainage .....	41
Section 6-3	Zoning District Map .....	42
Section 6-4	General Description of Districts .....	43
Section 6-5	Zoning District Boundaries .....	44
Section 6-6	Districts and Permitted Use .....	46
	Agricultural District .....	46
	Single-Family Dwelling District - SF 1.....	47
	Single-Family Dwelling District - SF 2.....	48
	Single-Family Dwelling District - SF 3.....	49
	Two-Family Dwelling District .....	50
	General Residential District .....	51
	Multiple-Family Dwelling District.....	53
	Office District .....	54
	Neighborhood Service District .....	56
	Retail District .....	57
	Light Commercial District .....	59
	Heavy Commercial District .....	61
	Central Area District .....	63
	Light Industrial District .....	66
	Heavy Industrial District .....	68
<b>ARTICLE 7                   SPECIAL APPLICATIONS</b>		
Section 7-1	Planned Developments .....	71
Section 7-2	Specific Use Permits .....	71
Section 7-3	Certificate of Occupancy and Compliance .....	76
<b>ARTICLE 8                   SUPPLEMENTAL USE STANDARDS</b>		
Section 8-1	Accessory uses	77
Section 8-2	Zoning Designation of Vacated Streets and Alleys .....	77
Section 8-3	Railroad Right-of-Way and Tracks .....	77
Section 8-4	Water Areas .....	77

Section 8-5	Temporary Uses .....	78
Section 8-6	Temporary Uses Permits for Mobile/Manufactured Homes .....	79
 <b>ARTICLE 9 SIGN REGULATIONS</b>		
Section 9-1	Permitted Use of Signs .....	80
Section 9-2	Signs Requiring Permits .....	81
Section 9-3	Sign Area Measurement .....	83
Section 9-4	Frontage on More Than one Street .....	84
Section 9-5	Symbols .....	84
Section 9-6	Traffic Control Conflicts .....	84
Section 9-7	Residential Area Nuisance .....	85
Section 9-8	Signs In or Over ROW Prohibited .....	85
Section 9-9	Maintenance .....	85
Section 9-10	Enforcement .....	85
 <b>Table 9.1 PERMITTED USE OF SIGNS</b>		
		86
 <b>ARTICLE 10 LANDSCAPING STANDARDS</b>		
Section 10-1	Purpose .....	88
Section 10-2	Applicability .....	88
Section 10-3	Landscaping .....	88
Section 10-4	Irrigation .....	89
Section 10-5	Plant Materials Required .....	89
Section 10-6	Landscaping Plan .....	90
Section 10-7	Exceptions .....	90
 <b>ARTICLE 11 WIRELESS COMMUNICATION</b>		
Section 11-1	Wireless Communication System Regulations .....	91
 <b>APPENDIX A Illustrations</b>		
		96
 <b>APPENDIX B District Use Regulations</b>		
		100
 <b>APPENDIX C Area Regulations</b>		
		110
 <b>APPENDIX D #13 Landscaping Illustrations</b>		
		125

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING IN ITS ENTIRETY THE ZONING ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 23<sup>RD</sup> DAY OF SEPTEMBER, 1969, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A REVISED ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, SIZE OF YARDS, COURTS AND OPEN SPACES, THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND; PROVIDING FOR SPECIFIC USE PERMITS, SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF VEHICLES; MINIMUM ACCESS STANDARDS; REGULATING THE DENSITY OF DWELLING AND OTHER STRUCTURES; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE TOGETHER WITH ALL SYMBOLS, MARKINGS AND TALES APPEARING ON SAID MAP OR IN THE ORDINANCE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD FOR DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING A METHOD FOR AMENDING THE ORDINANCE AND CONTAINING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE.

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Big Spring to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end so that congestion may be lessened in the public streets, the public health, safety, convenience and general welfare promoted; and

WHEREAS, the Planning and Zoning Commission after several months study and after holding numerous hearings to which the public was invited and encouraged to comment, did recommend approval of revisions to the Zoning Ordinance; and

WHEREAS, pursuant to such recommendations, the City Council held a meeting to discuss the Planning and Zoning Commission recommendations to receive additional comments; and

WHEREAS, the Planning and Zoning Commission after a public hearing on April 3, 2001, reviewed all testimony and requests, and did present to the City Council the revised Zoning Ordinance in final form recommending its adoption; and

WHEREAS, any and all testimony was heard and considered, the City Council of the City of Big Spring did consider the proposed zoning code amendment on May 22, 2001:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS:

That the proposed amendments, attached hereto as Exhibit A, to the City of Big Spring Zoning Ordinance shall be adopted on first reading on May 22, 2001 and shall take effect following a second reading on June 12, 2001.

The Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Big Spring, Texas on this 22<sup>nd</sup> day of May, 2001.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council of the City of Big Spring, Texas on this 12<sup>th</sup> day of June, 2001.

APPROVED AS TO FORM:

\_\_\_\_\_  
Jean Shotts, City Attorney

\_\_\_\_\_  
Russ McEwen, Mayor

ATTEST:

\_\_\_\_\_  
Thomas D. Ferguson, City Secretary

# **City of Big Spring Zoning Regulations**

## **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

1. **ABUTTING** - Lying adjacent or contiguous along a common border.
2. **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 or garden shelter, but not involving the conduct of a business. This definition does not include carports in accordance with Article 8-1.
3. **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.
4. **ACCESSORY USE** - A use subordinate to and incidental to the primary use of the main building or to the primary use on the premise.
5. **ALLEY** - A public space or thoroughfare which affords only secondary means of access to property abutting thereon. (See Appendix A, # 3)
6. **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.
7. **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.
8. **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.

9. ANIMAL POUND (PUBLIC OR PRIVATE) - A place for the temporary keeping of animals awaiting adoption, destruction or owner pick up.
10. ANTIQUE 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.
11. APARTMENT - See dwelling, multi-family.
12. 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)
13. 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.
14. ASPHALT OR CONCRETE BATCHING PLANT - A light manufacturing use wherein asphalt or concrete construction materials are made, stored and distributed.
15. 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

16. BAKERY - A place for preparing, baking and selling baked goods and products prepared on the premises. May be wholesale or retail.
17. BASEMENT - A building story which may be partly or wholly underground. A basement shall not be counted as a story in computing building height.
18. 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.
19. BINGO HALL - See Commercial Amusements, Indoor.
20. 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)
21. BOARD - The Zoning Board of Adjustment.
22. BOARDING OR ROOMING HOUSE - A building other than a hotel, where lodging and meals for three or more persons are served for compensation.

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

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

25. 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.

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

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

## C

28. CABINET OR UPHOLSTERY SHOP - Construction of cabinets or upholstery and reupholstery of furniture.

29. 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. A carport is not an accessory building as listed in this Article (#2).

30. 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.

31. CHURCH OR RECTORY - A place of worship and religious training including the on site housing of ministers, rabbis, priests, nuns, and similar staff personnel.

32. CITY COUNCIL - The governing body of the City of Big Spring, Texas,

33 CITY MANAGER - The chief City Administrator.

34. 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.

35. CLEANING AND DYING PLANT - A commercial service utilizing special equipment to clean and/or dye fabric or other materials.

36. 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.

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

38. 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.

39. 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.

40. 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.

41. 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**

42. 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.

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

44. 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.

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

46. DRY CLEANING SHOP - A retail service providing dry cleaning of clothes.

47. DUPLEX - See dwelling, two-family.

48. 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.

49. 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.

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

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

52. 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**

53. 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.

54. 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**

55. 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.

56. 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.

57. 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.

58. 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.

59. 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

60. GREENHOUSE OR PLANT NURSERY - A structure or building for the display of plants offered for retail sale located behind the front yard line established in the district in which the nursery or greenhouse is located. A plant nursery may or may not be contained inside a structure.

61. 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 homes are limited to facilities which require a license issued by the Texas Department of Health or its successor as a personal care facility.

62. 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.

63. 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

64. 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

65. 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.

66. 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.

67. 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 .

68. 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

69. 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.

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

## L

71. 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 printing 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).

72. 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)

73. 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.

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

75. 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.

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

## M

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

78. 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.

79. 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.

80. 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.

81. MOBILE/MANUFACTURED HOME PARK - A development 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.

## N

82. 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.

83. 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.

84. 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

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

86. 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

87. **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.

88. **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.

89. **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.

90. **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.

91. **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.

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

93. **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.

94. **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.

95. **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**

96. 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.

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

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

99. 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.

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

101. 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).

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

103. RIGHT-OF-WAY 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**

104. 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.

105. 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.

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

107. 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.

108. SHOOTING RANGE - An area used for the discharge of firearms using live ammunition, including but not limited to target, silhouette, skeet, trap, black powder, self-defense or similar recreational and/or professional shooting activities.

109. 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.)

110. 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.

111. 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).

112. 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.

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

114. 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

115. 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.

116. 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.

117. TRAILER PARK - See Mobile/Manufactured Home Park.

118. 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

## U

119. 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

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

121. 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

122. 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.

123. 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)

124. 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)

125. 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**

126. 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 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.

F. No application requesting a zoning district classification change on any property, any part of which has been the subject of a previous request for rezoning that was denied by the Planning and Zoning Commission and/or City Council, shall be considered by the Planning and Zoning Commission before the expiration of 180 days from the date of final action of the Planning and Zoning Commission or the City Council on a previous application, whichever is later, unless a vote of not less than 75 percent of the entire membership of the Commission determines that the proposed application may be worthy of consideration before the end of said 180 day period based on a finding that:

- i) The zone change request set forth in the application is more restrictive and offers more assurance of compatibility with the area zoning pattern than the request which was denied, and, in the case of a request for a planned

development, the application is not a request for the same or a substantially similar planned development requested in the prior application on all or part of the same property; or

ii) Since the final action on the previous application, the character of the district or surrounding area involved has so changed that the public health, safety, morals, or general welfare warrants or justifies an earlier hearing on said requested or another zone or use classification change.

### **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 ordinance 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 legally under construction (i.e. permitted by the City) 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**

### **SECTION 4-1. Front Yard Regulations**

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

### **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 ten (10) feet 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) and in Section 4-4 (h).

### **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 thirty-five (35) feet 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 proposed to exceed three (3) stories in height in the MF, O, NS and R Districts 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 non-residential use abuts upon a district boundary line dividing such districts from a residential district in which event a minimum ten (10) foot 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 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 such 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 in 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 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. A special carport exception 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 side walls 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. Side yard setback for carports 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 or 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::

SQUARE FEET OF GROSS  
FLOOR AREA IN STRUCTURE

MINIMUM REQUIRED  
SPACES OR BERTHS

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 space

**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 or two-family use with permitted accessory buildings or any building otherwise permitted by approval of a specific use permit may be located upon a single lot or platted tract in the MF District. Location of more than one multiple family dwelling is permitted on a single lot or platted tract. In the case of one-family or two-family dwellings, 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 non-residential 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. Residential uses will be considered as ancillary uses to a primary non-residential use when more than one (1) main building is constructed. 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. 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 unplatted plot or land parcel faces upon a dedicated street and was separately owned prior to annexation into the City of Big Spring, in which event a single Building Permit for only one main building may be issued on each such plot or parcel without first complying with 1 above. Such unplatted plot or parcel must not have been subdivided from the original parcel since the time of annexation

#### **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 THROUGH 4-19. 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; and
- (c) Uses of land and structures.

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, subject to an appeal which may be made with the Board of Adjustment. 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 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 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. Board of Adjustment**

1. ORGANIZATION. There is hereby created a Board of Adjustment consisting of seven (7) 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 for a full term of three (3) years unless removed as herein provided. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. Each member shall be a qualified voter in the corporate city limits of Big Spring.

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 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 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 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 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 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 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 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 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 fifteen (15) 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
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.

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

### 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.

### ***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 and C for Use 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 the combined area of the main buildings and accessory buildings when used for residential purpose cover more than 45 percent of the total lot area.

*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.
- (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.

### ***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) 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 rental, auto sales (with or without repair), auto sales - new or used (outdoor), 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 rental, auto sales (with or without repair), auto sales - new or used (outdoor), 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, 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 rental, auto sales (with or without repair), auto sales - new or used (outdoor), 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.

### ***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 rental, auto sales (with or without repair), auto sales - new or used (outdoor), 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 rental, auto sales (with or without repair), auto sales - new or used (outdoor), 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 through 6-10. Reserved**

## **ARTICLE 7 - SPECIAL APPLICATIONS**

### **SECTION 7-1. Planned Developments**

(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.

(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.

### **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. Auto rental facility in the R District.
9. Bed and breakfast in the SF-2, SF-3, 2F, MF, O, NS, R, LC, and CA Districts.
10. Bingo hall in the R through HI Districts
11. Brick kiln in the A district.
12. Building material sales in the LC district.
13. Cement or hydrated lime manufacture in the A district.
14. Cemetery or mausoleum in the A through R districts.
15. College or university in the A through MF districts.
16. Community center (private) in the A through MF districts.
17. Country Club (private with golf course) in the SF-1 through MF districts.
18. Dump or sanitary fill area in the A, HC and LI districts.
19. Electric generating plant in the A district.
20. Electric substation in the SF-1 through MF districts.
21. Explosives interchange lot involving temporary storage of explosive materials in the LI district.
22. Fairground or exhibit area in the A and R districts.
23. Fraternal organization, lodge or civic club in the A and O district.
24. Golf course (commercial) in the A district.
25. Grain processing and storage in the LI or HI Districts.
26. Green house or plant nursery in the NS district.
27. Home or treatment center for the care of alcoholic, narcotic or psychiatric patients in the A and O districts.
28. Hospital in the A, and SF-3 through MF districts.
29. Hotel or motel in the A district.
30. Institutions of a religious or philanthropic nature in the SF-1 through MF districts.
31. Library in the MF district.
32. Livestock auction in the A district.
33. 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.
34. Mining or storage of mining waste in the A and LI districts.
35. Mobile home park or manufactured home park or travel trailer or recreational vehicle park in the A 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.

36. Monastery or convent in the SF-1 through MF districts.
37. Mortuary or funeral parlor in the O and NS districts.
38. Nursing home in the A through MF districts.
39. Parking lot (commercial - autos only) in the O district.
40. Pet Shop in the A, and R through HI Districts.
41. Petroleum or gas well in any district.
42. Petroleum collecting or storage facilities in any district.
43. Radio and television (commercial only) microwave towers and transmitting stations in the A through NS districts.
44. Recycling facility in the LI or HI District.
45. Restaurant with drive-in service in the NS district.
46. Restaurant (offering no drive-in or drive-through service) as a part of an office or retail center in the O or NS Districts.
47. Rodeo ground the A and LC districts.
48. Roller or ice skating rink (indoor) in the A district.
49. School, business or trade in the A district.
50. School, private elementary or secondary in the A through MF districts.
51. Scientific and research laboratory in the A and O districts.
52. Slaughter house or meat packing plant in the A, HC and LI districts.
53. Swim or tennis club in the A through MF districts.
54. Theater (outdoor) in the A, R and LC districts.
55. Utility shop or storage (private) in the A, LC, and CA districts.
56. Wastewater treatment plant in the A, HC and LI districts.
57. Water treatment plant in the SF-1 through NS districts.
58. Wireless communication towers in the R, LC and HC Districts.
59. 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:

60. Auto sales - new or used (outdoor) in the R District
61. Barbershops and beauty salons of four or more operators in the O, Office District.
62. Cafeteria in the O and NS districts.
63. Dance hall or night club in the R district.
64. Day camp in the A through MF districts.
65. Day care center or day nursery in the A, and SF-2 through GR Districts.
66. Extraction and storage of sand, caliche, stone and gravel in the A, LC and HC districts.
67. Group care home in the A through MF districts.
68. Group medical care home in the 2F through MF districts.

69. 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.

70. 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.

71. 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 by certified mail 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.

(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.

### **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 judgement 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 through 7-6. Reserved**

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

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

(a) 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 or garden shelter, but not involving the conduct of a business and excluding living and sleeping quarters except as permitted by specific use permit.

(b) In other than residential districts, or for nonresidential uses permitted in residential districts, a 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) 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.

### **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 sixty (60) days.

(B) Any equipment related to an approved temporary use shall not be permitted nearer than one hundred (100) feet from any 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-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.

## **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 the land owner is not 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 pursuant to paragraph 5 below for a permit not to exceed one (1) year. The temporary permit may be renewed for additional one (1) year periods pursuant to paragraph 5 below. 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.

### **5. Public Hearing Required**

Any application for a temporary use permit under this section shall be considered in the same manner as a zone change.

## **SECTION 8-7 THROUGH 8-9. Reserved**

## **ARTICLE 9 - SIGN REGULATIONS**

### **SECTION 9-1. Permitted Use of Signs**

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

(a) Real Estate Sales Signs:

(i) One temporary sign announcing the offering for sale rental of individually platted residential or commercial property on which it is placed shall be allowed in any district and may be placed in any yard. Such sign shall not exceed eight (8) square feet in area; it shall be removed within one week following the close of sale or lease.

(ii) 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 be allowed flat against any wall of the business building. Such sign shall be no taller than the wall and shall have an area no larger than 100 square feet. Such sign shall be removed within one week following the close of sale or lease.

(iii) On undeveloped property, temporary unlighted signs offering the same for sale shall be allowed. Such signs shall be located at least twenty (20) feet behind any curb or ten (10) feet behind any property line, whichever is greater; and shall not exceed fifteen (15) feet in height. The total area of one sign message surface shall not exceed one square foot per lineal foot of street frontage of the property for sale or 100 square feet on each street fronting such property, whichever is smaller.

(b) Political Signs: Temporary, unlighted political signs supporting an announced candidate, a party, or an issue shall be allowed in any district and placed in any yard for a period of thirty (30) days prior to any election, and 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. No sign shall be erected without permission of the owner. No such sign shall have a height of more than three (3) feet above grade, and the combined area of all political signs on a property shall not exceed four (4) square feet for every forty (40) lineal feet of property frontage or fraction thereof.

(c) Garage Sale Signs: Temporary, unlighted signs announcing the holding of a sale of household possessions displayed for not more than thirty (30) days in any one year, shall be allowed in any district and may be placed in any yard. Total sign area shall not exceed eight (8) square feet. Signs may be posted for a period of five (5) days prior to the first day of sale, and shall be removed within twenty four (24) hours following the last day of the sale.

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

shall be allowed in any district and may be placed in any yard. It may be posted for a period of twelve (12) days prior to the first day of the event, and shall 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.

## **SECTION 9-2. 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 set forth below:

(a) Classes of Signs; general restrictions: Signs are hereby classified by general types for ease of administration and interpretation with general restrictions as follows:

(i) Type A Sign: These are signs attached against building fronts, or parallel to the face of the building or atop a canopy. No such sign shall extend more than 24 inches from any building surface to which it is attached and shall not project beyond the corner formed by the front and any other wall; nor above the highest point of either the roof or the parapet. Signs atop canopies shall not extend beyond the canopy, and shall be parallel to the wall from which the canopy extends. Not more than 75% of building frontage length shall be occupied by sign.

(ii) Type B Sign: These are signs designed to be used alone or as a supplement to Type A signs, where allowed, but subject to height and location restrictions in all districts where allowed. Such signs shall not exceed seven feet in height above grade, except where otherwise allowed and shall be located at least fifteen feet behind the curb of any street. The lowest part of the sign shall not be higher than three (3) feet above grade. Such signs shall not be located any in visibility triangle and shall not obstruct the view of driveways or parking areas. Such signs shall be limited to identification of a building or advertising message. This section shall include portable signs, either lighted or unlighted, which shall not require a permit.

(iii) 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 toward a street, but excluding other types enumerated specifically in other paragraphs, such as Type D and Type E signs. Type C signs where allowed shall be located no closer to any street than fifteen (15) feet behind the curb line separating the street from the business property and at least 10 feet from any adjacent common private property line. Such signs shall be at least eight and no more than thirty (30) feet above grade, except for those uses allowed additional height. Such signs shall be subject to size limitations as set forth in the zoning districts where such signs are allowed. Such signs shall only identify the business conducted on the premises, the name of the building or tenant. No more than one pole sign on any street shall be allowed for any single building whether it contains multiple uses or not. The frontage for multiple occupancy buildings is the street frontage of the business use or uses to be served by the sign. No sign shall be erected on a lot within forty (40) feet of any existing Type C sign on such lot.

(iv) Type D Sign. These signs are used for identification of multiple use occupancies under centralized site management, such as a shopping center. Type D signs may be thirty five (35) feet in height above grade. A Type D sign shall have no more than two upright standards and may be located on any street on which the multiple occupancy fronts. The total area of such sign shall be 20 square feet per business up to a maximum of 1000 square feet; provided, however, for less than ten businesses, the maximum total area of such sign shall be one square foot per linear foot of street frontage up to 200 square feet. Type D signs shall not be allowed if there are also Type B or Type C signs on the property; provided, however, if there is more than one building on the site to be served, single occupancy buildings thereon shall be entitled to Type C signs. Type D 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 purpose. Such sign shall be located at least fifteen (15) feet behind any curb, at least 300 feet from any property zoned for residential use and at least 50 feet from any other property.

(v) Type E Sign: Type E signs are those signs commonly referred to as billboards or poster boards which are designed to deliver an advertising message, which message may, but not necessarily, be changed or removed and which may, but not necessarily, advertise products or services not available upon the premises where the sign is located. Such signs shall be located in the LC, HC, CA, LI, and HI Districts. Such signs shall not be located closer to any street than twenty (20) feet behind the property line. Such a sign shall not exceed the height of any building upon which it is mounted or forty (40) feet, whichever is greater. Such signs may be unlighted or have shielded lighting. Type E signs shall not be closer than 500 feet on the same side of street. Maximum size allowed is 300 square feet. No free standing Type E sign shall be within 20 feet of any building on property under different ownership.

(vi) 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. Such signs may be located on any property within the same zoning district or a 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. In no event shall there be more than one on-site and one off-site Type F sign for a project and such signs shall be removed at the end of three years, completion of the project or occupancy of seventy-five (75) percent of the project, whichever comes first. Type F signs shall not exceed 20 feet in height and shall be located at least 20 feet behind the curb of any street, outside any visibility triangle, and not within any parking area. Off-site Type F signs shall not exceed 300 square feet in area. On-site signs shall not exceed the total area of all other types of signs allowed.

### **SECTION 9-3. Sign Area Measurement**

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 combination of signs.

(a) Type A and B signs when used alone or in combination with each other: 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, then 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. 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 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 area for Type A signs when used with the 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 of the base district, or in which the permit is granted or which is combined therewith, unless 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.

### **SECTION 9- 4. 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:

(i) In the case of a sign erected on a building, the frontage of the building on the street which the sign faces;

(ii) In the case of a free standing sign, more than 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 such frontage.

(iii) In the case of a free standing sign, less than 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 8-1 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 shall apply.

#### **SECTION 9-5. 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.

#### **SECTION 9-6. 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 street. Specifically prohibited are:

(i) 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;

(ii) Signs duplicating 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;

(iii) Signs or equipment which produce noises simulating sirens, bells, or whistles which may be confused with the warning devices of emergency vehicles traveling with the public streets; and

(iv) This section shall exclude public service signs or message center signs, such as time and temperature displays.

#### **SECTION 9-7. 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 his property. Specifically:

- (i) The source of lighting shall not be directly visible from the adjacent residential property and light shall be shielded to prevent such exposure;
- (ii) 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 air conditioning and kitchen refrigerators.

#### **SECTION 9-8. Signs In or Over Right-of-Way Prohibited**

No sign, whether requiring a permit or not, shall be located within or project over any public right-of-way. This provision shall not be applicable to official traffic control signs, or entrance and exit signs less than 30 inches above grade placed with permission of the City.

#### **SECTION 9-9. Maintenance**

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 that is not maintained in accordance with this section. Such removal shall be accomplished at the expense of the owner or person in charge of the premises. Failure to comply with such order shall constitute a misdemeanor.

#### **SECTION 9-10. Enforcement**

All signs in existence on and in compliance with the zoning regulations as of June 12, 2001 shall be exempt from the provisions of Article 9; provided, however, that all alterations to such existing signs must be made in accordance with, and are subject to, the provisions herein contained. Any nonconforming sign which is damaged or is deteriorated to a point where its restoration costs exceeds 50% of its replacement value shall be removed.

**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  SF- 2	Not Allowed	Not Allowed	Not Allowed	Churches, colleges, public buildings and institut./educational uses allowed Type A and B signs with a maximum area of 50sq. ft. and Type B signs shall not exceed 7 feet in height for such uses	50 sq. ft.
SF-3  2F  GR  MF	80 sq. ft. area maximum	50 sq. ft. maximum area. Height maximum: 7 feet to highest point of sign or support.	Not Allowed	Churches, colleges public buildings and institut./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 frontage up maximum: 7 to 100 sq. ft	50 sq. ft. maximum area; height 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 institut./educational uses allowed Type B signs with a maximum area of 50 sq. ft. with no maximum width. Same restrictions otherwise.	180 sq. ft.

<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>
R CA LC	2 sq. ft. area per lineal foot of building frontage up grade to 200 sq. ft. (Type A sign measurement changes where used with type C or D signs)	Maximum height: 10 feet from 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, univer., schools and public buildings may be up to 10 feet high. Filling stations, motels, and eating establishments with frontage on FM 700 to Interstate 20 or any access road of such freeways shall be permitted.	300 sq. ft. exclusive of Type D and E. Double the maximum sign area allowed subject to sign type. Type E allowed in CI and LC.
HC LI HI	2 sq. ft. area per lineal foot of building frontage up to 300 sq. ft.	Maximum height: 10 feet from 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 up to 300 sq. ft.	Type D signs permitted. Type E permitted with maximum area of 300 sq. ft. regardless of street frontage. Maximum area for Type B signs for churches, public buildings, and institut/educational uses: 50 sq. ft. with no maximum width.	

**SECTION 9-11 through 9-13. 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 an underground sprinkler system. All sprinkler systems 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.

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 100 spaces; one per forty spaces thereafter

There may be circumstances in which the placement of trees in a new or expanded parking

facility 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 CA, LI and HI Districts and by specific use permit in the R, LC and HC 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 a minimum of two hundred (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 fifty five (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 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 one hundred ten (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 one hundred ten (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 twelve (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 twelve (12) feet above the peak of the roof and any ground-mounted antenna or antenna support structure over twenty five (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 seven hundred fifty (750) square feet of gross floor area per building and shall not exceed twelve (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.

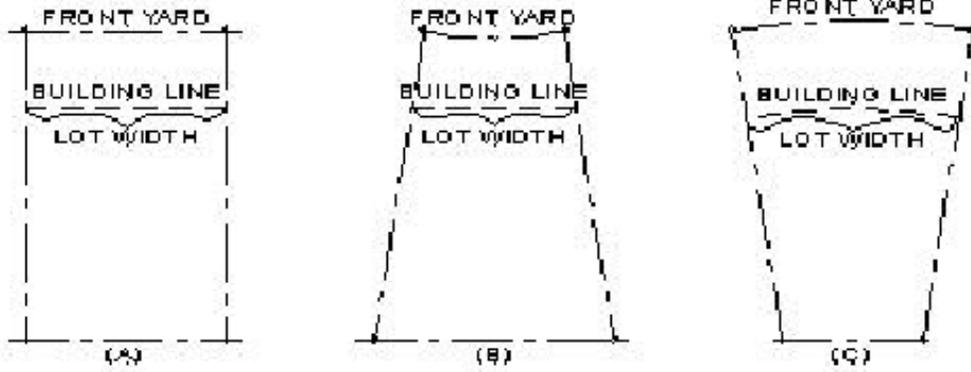
8. *Landscaping for wireless communication systems.* Landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the antenna support structure, and any other ground level features (such as a building). A combination of existing/native vegetation, 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.

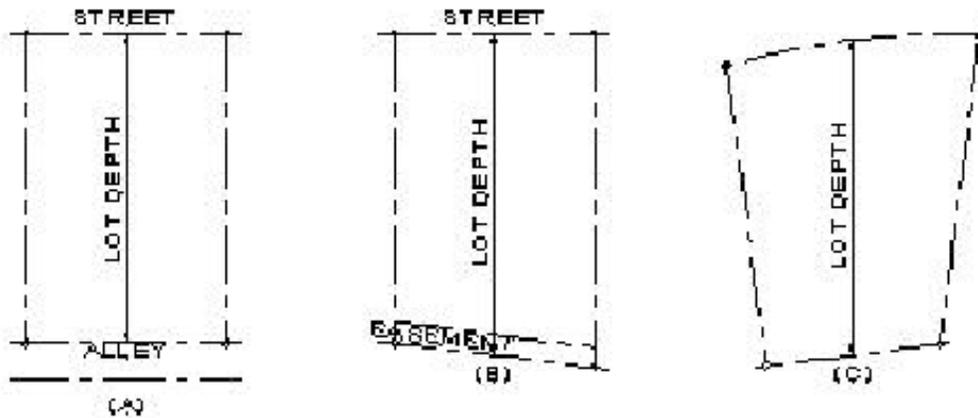
10. *Abandonment.* In the event the use of any wireless communication system, which would include any antenna support structure, has been discontinued for a period of one hundred eighty (180) consecutive days, the antenna support structure shall be deemed to be abandoned. Determination of the date of 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 ninety (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**

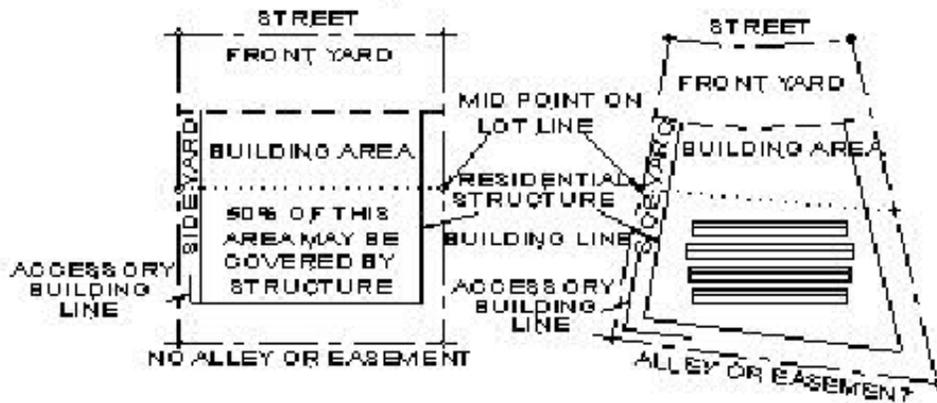
### 1. LOT WIDTH

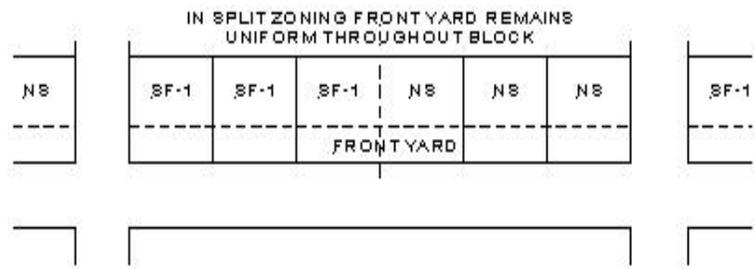
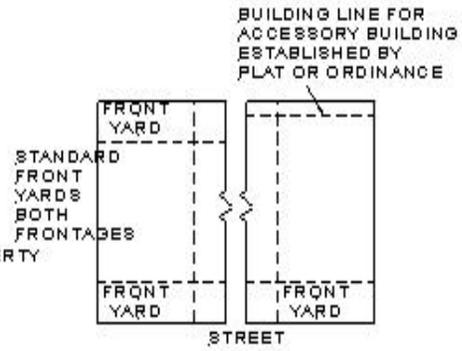
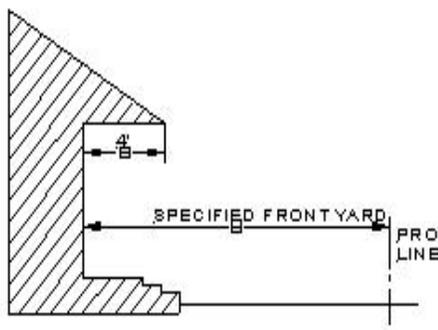
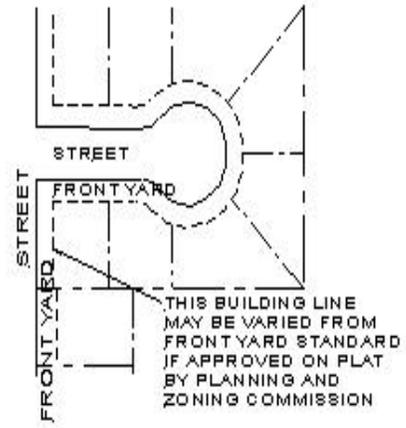
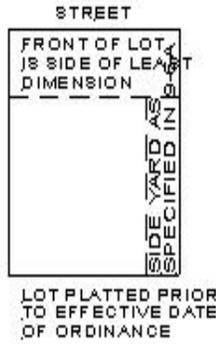


### 2. LOT DEPTH



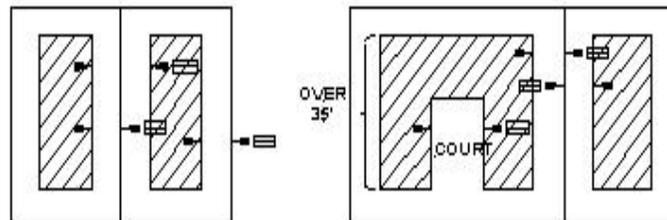
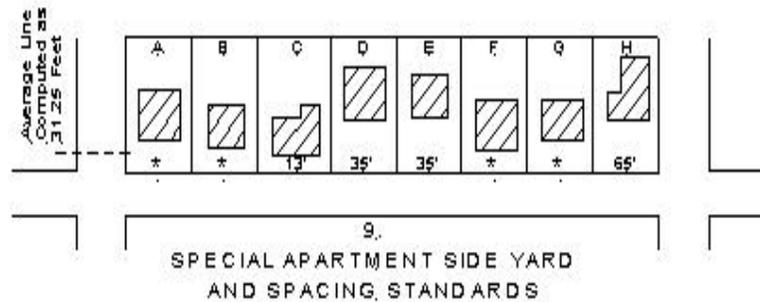
### 3. YARDS



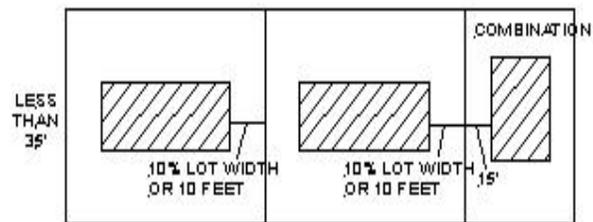


INTERPRETATION, AVERAGE FRONT  
YARD WHERE YARD DEPTH VARIES

Basis of Computation		Computed Minimum Set Backs	
Existing Buildings		A 31.25' average	
Lots	Set Back	B	25' need nto set back over 10' from C
C	15'	C	15' existing
D	35'	D	35' existing
E	35'	E	35' existing
H	65'	F	31.25' average
Other lots by 9-5C (5), 4-25'		G	41.25' need not set back over 10' from F
Average line = 31.25'		H	65' existing

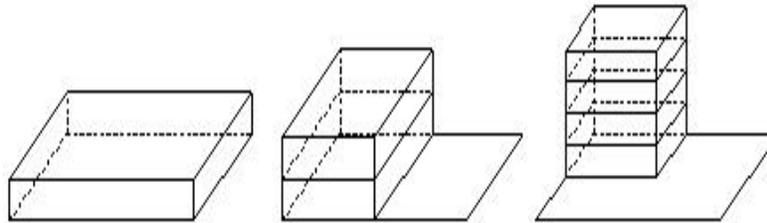


WHERE LONG DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD



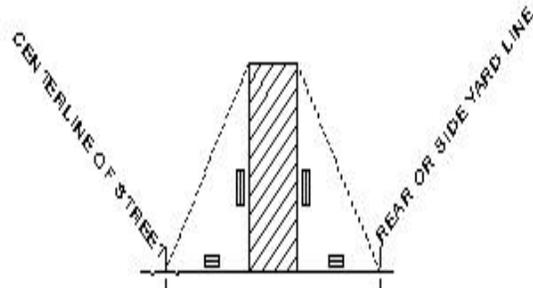
WHERE END OR NARROW DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD

10.  
FLOOR AREA RATIO



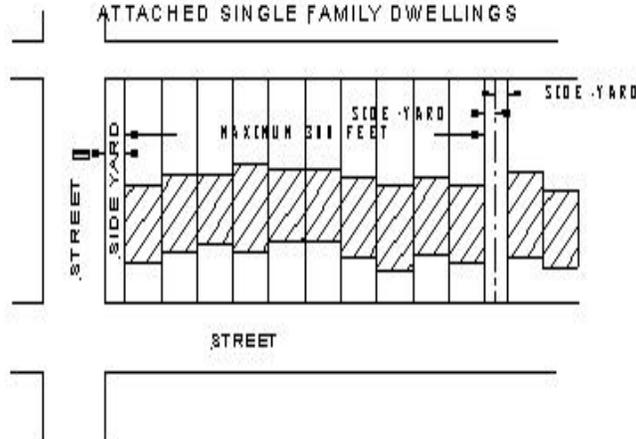
EACH DRAWING ILLUSTRATES FLOOR AREA RATIO OF 1:1

11.  
SETBACK STANDARDS HIGH RISE  
APARTMENT & SIMILAR STRUCTURES



WHEN HEIGHT EQUALS 2(a) FRONT YARD MEASURED FROM STREET CENTERLINE MUST BE MINIMUM OF (c). SIDE AND REAR YARDS WITH OPENINGS FOR LIGHT OR AIR, SHALL BE MINIMUM DIMENSION OF (c) WHEN HEIGHT IS 2(a). IN NO CASE NEED (a) EXCEED FIFTY (50) FEET (SEE 9-5 C (6)).

12.  
SIDE YARD STANDARDS  
ATTACHED SINGLE FAMILY DWELLINGS



## APPENDIX B DISTRICT USE REGULATIONS

### 1. USE OF LAND AND BUILDINGS

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

### 2. LEGEND FOR INTERPRETING SCHEDULE OF USE

 Designates use permitted in district indicated.

 Designates use prohibited in district indicated.

 Designates use may be approved with a Specific Use Permit as S1, or as a Specific Use Permit with Term as S2 pursuant to Section 7-2.

Note: For "SD" prefix on District Classification see Section 6-2

TYPE USE	A	SF-1	SF-2	SF-3	2F	GR	MF	O	NS	R	LC	HC	CA	LI	HI
TYPE USE (*) Definition Number	AGRICULTURAL	SINGLE FAMILY DWELLING	SINGLE FAMILY DWELLING	SINGLE FAMILY DWELLING	TWO FAMILY DWELLING	GENERAL RESIDENTIAL	MULTIPLE FAMILY DWELLING	OFFICE	NEIGHBORHOOD SERVICE	RETAIL	LIGHT COMMERCIAL	HEAVY COMMERCIAL	CENTRAL AREA	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL
ACCESSORY BLDG FOR LIVING OR SLEEPING QUARTERS (3)	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	
ACCESSORY BUILDING (2)	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1	C1
AIRPORT LANDING FIELD OR HELIPORT	S1							S1		S1	C1	C1	C1	C1	C1
AMUSEMENT, COMMERCIAL (OUTDOOR) (7)	S1										C1	C1	C1	C1	C1
AMUSEMENT, COMMERCIAL (INDOOR) (6)									C1	C1	C1	C1	C1	C1	C1
ANIMAL CLINIC OR HOSPITAL (NO OUTSIDE RUNS OR PENS) (8)	S1							C1		C1	C1	C1	C1	C1	C1
ANIMAL CLINIC, HOSPITAL OR KENNEL (WITH OUTSIDE RUNS OR PENS) (8)	S1										C1				C1
ANIMAL POUND (PUBLIC OR PRIVATE) (9)	S1										C1			C1	C1
ANTIQUE SHOP (10)									S1	C1	C1	C1	C1	C1	C1
ART GALLERY OR MUSEUM (13)								C1	C1	C1	C1	C1	C1	C1	C1
ASPHALT OR CONCRETE BATCHING PLANT (14)	TEMPORARY PLANT BY RESOLUTION OF CITY COUNCIL												S1	C1	
AUTO REPAIR (MINOR) (15)										C1	C1	C1	C1	C1	C1
AUTO PAINTING AND BODY REPAIR											C1	C1	C1	C1	C1
AUTO PARTS SALES - USED (OUTDOOR)											C1			C1	C1
AUTO PARTS SALES (NEW)										C1	C1	C1	C1	C1	C1
AUTO SALES (NEW OR USED)										S2	C1	C1	C1	C1	C1

<b>TYPE USE</b>	<b>A</b>	<b>SF-1</b>	<b>SF-2</b>	<b>SF-3</b>	<b>2F</b>	<b>GR</b>	<b>MF</b>	<b>O</b>	<b>NS</b>	<b>R</b>	<b>LC</b>	<b>HC</b>	<b>CA</b>	<b>LI</b>	<b>HI</b>
AUTO RENTAL (NEW OR USED)										S1	☒	☒	☒	☒	☒
BAKERY (RETAIL)									☒	☒	☒	☒	☒	☒	☒
BAKERY (WHOLESALE) (16)											☒	☒	☒	☒	☒
BARBER SHOP OR BEAUTY SALON (THREE OR MORE OPERATORS)								S2	☒	☒	☒	☒	☒	☒	☒
BED AND BREAKFAST (18)			S1	S1	S1		S1	S1	S1	S1	S1		S1		
BINGO HALL										S1	S1	S1	S1	S1	S1
BOARDING OR ROOMING HOUSE (22)						☒	☒	☒	☒	☒	☒	☒	☒	☒	
BRICK KILN OR TILE PLANT (23)	S1														☒
BUILDING MATERIAL SALES (25)											S1	☒	☒	☒	☒
BUS STATION OR TERMINAL											☒	☒	☒	☒	☒
BUSINESS OFFICES, PROFESSIONAL AND ADMINISTRATIVE								☒	☒	☒	☒	☒	☒	☒	☒
CABINET OR UPHOLSTERY SHOP (28)											☒	☒	☒	☒	☒
CAFETERIA								S2	S2	☒	☒	☒	☒	☒	☒
CARPORT (29)				☒		☒									
CAR WASH										☒	☒	☒	☒	☒	☒
CEMENT OR HYDRATED LIME MANUFACTURE	S1														☒
CEMETERY OR MAUSOLEUM	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	☒	☒		☒	☒
CHURCH OR RECTORY (31)	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
CLEANING AND DYEING PLANT (35)											☒	☒	☒	☒	☒
CLEANING PLANT, RAGS OR CARPETS												☒		☒	☒
CLOTHING MANUFACTURE OR LIGHT COMPOUNDING OR FABRICATION												☒	☒	☒	☒

TYPE USE	A	SF-1	SF-2	SF-3	2F	GR	MF	O	NS	R	LC	HC	CA	LI	HI	
COLLEGE OR UNIVERSITY (37)	S1	S1	S1	S1	S1	S1	S1	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
COMMUNITY CENTER (PRIVATE) (38)	S1						Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
CONTRACTORS SHOP OR STORAGE YARD (39)											Ⓢ			Ⓢ	Ⓢ	
COUNTRY CLUB (PRIVATE) WITH GOLF COURSE (40)	Ⓢ	S1	S1	S1	S1	S1	S1	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
CUSTOM PERSONAL SERVICE (41)									Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
DANCE HALL OR NIGHT CLUB(42)										S2	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
DAY CAMP (43)	S2	S2	S2	S2	S2	S2	S2				Ⓢ	Ⓢ				
DAY NURSERY OR DAY CARE CENTER (44)	S2		S2	S2	S2	S2	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ			
DRY CLEANING SHOP (46)									Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
DUMP OR SANITARY FILL AREA	S1											S1		S1	Ⓢ	
DWELLING, MULTIPLE-FAMILY (THREE STORIES OR LESS) (48)						Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ		
DWELLING, MULTIPLE-FAMILY (OVER THREE STORIES) (48)																THROUGH APPROVAL OF A PLANNED DEVELOPEMENT ONLY
DWELLING, SINGLE- FAMILY (ATTACHED) (49)					Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ			
DWELLING, SINGLE- FAMILY (DETACHED) (50)	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ			
DWELLING, TWO-FAMILY (51)					Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ			
ELECTRICAL TRANSMISSION LINE	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
ELECTRICAL GENERATING PLANT	S1											Ⓢ	Ⓢ	Ⓢ	Ⓢ	
ELECTRICAL SUBSTATION	Ⓢ	S1	S1	S1	S1	S1	S1	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
ENGINE AND MOTOR REPAIR											Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	
EXPLOSIVES INTERCHANGE LOT (54)														S1		
EXTRACTION AND STORAGE OF SAND, CALICHE, STONE OR GRAVEL	S2										S2	S2		Ⓢ	Ⓢ	

TYPE USE	A	SF-1	SF-2	SF-3	2F	GR	MF	O	NS	R	LC	HC	CA	LI	HI
FAIRGROUND OR EXHIBIT AREA (55)	S1									S1					
FARM OR RANCH (57)															
FEED STORE															
FLEA MARKET, FARMERS MARKET, ARTS & CRAFT SALES (OUTDOOR)															
FLORIST OR GARDEN SHOP															
FRATERNAL ORGANIZATION, LODGE OR CIVIC CLUB	S1								S1						
GAS TRANSMISSION LINE AND METERING STATION															
GASOLINE SERVICE STATION															
GOLF COURSE (COMMERCIAL)	S1														
GOLF COURSE (PUBLIC)															
GRAIN PROCESSING AND STORAGE														S1	S1
GREENHOUSE OR PLANT NURSERY (RETAIL) (60)	S1														
GROUP CARE HOME (61)	S2	S2	S2	S2	S2	S2	S2								
GROUP MEDICAL CARE HOME (62)					S2	S2	S2								
GROUP SECURE CARE HOME (63)						S2									
HANDICRAFT SHOP															
HAULING OR STORAGE COMPANY															
HEAVY MACHINERY SALES AND STORAGE															
HEAVY FAB/ASSY USES NOT PROHIBITED BY LAW & EXCEPTING THOSE SPECIFICALLY LISTED AS REQUIRING SPECIFIC USE PERMITS IN SECTION 7-2 (64)															
HOME OCCUPATION (66)															

TYPE USE	A	SF-1	SF-2	SF-3	2F	GR	MF	O	NS	R	LC	HC	CA	LI	HI
HOME OR TREATMENT CENTER FOR CARE OF ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS	S1							S1		☞	☞	☞	☞	☞	
HOSPITAL (67)	S1			S1	S1	S1	S1	☞	☞	☞	☞	☞	☞	☞	☞
HOTEL OR MOTEL (68)	S1							☞		☞	☞	☞	☞	☞	☞
HOUSEHOLD APPLIANCE SERVICE AND REPAIR										☞	☞	☞	☞	☞	☞
INSTITUTIONS OF RELIGIOUS OR PHILANTHROPIC NATURE (69)	☞	S1	S1	S1	S1	S1	S1	☞	☞	☞	☞	☞	☞	☞	
LAUNDRY OR CLEANING - SELF SERVICE									☞	☞	☞	☞	☞	☞	☞
LAUNDRY PLANT (COMMERCIAL)											☞	☞	☞	☞	☞
LIBRARY (PUBLIC)							S1	☞	☞	☞	☞	☞	☞	☞	☞
LIGHT FABRICATION AND ASSEMBLY (71)														☞	☞
LIVESTOCK AUCTION	S1														☞
MILK, DAIRY OR ICE CREAM PLANT												☞		☞	☞
MINI STORAGE WAREHOUSE (79)									S1	S1	☞	☞	☞	☞	☞
MINING OR STORAGE OF MINING WASTE	S1													S1	☞
MOBILE/MANUF HOME AS CARETAKER'S RESIDENCE												S1		S1	S2
MOBILE/MANUF HOME				☞		☞									
MOBILE/MANUF. HOME PARK (81)						S1									
MONASTERY OR CONVENT	☞	S1	S1	S1	S1	S1	S1	☞	☞	☞	☞	☞	☞	☞	
MORTUARY OR FUNERAL PARLOR								S1	S1	☞	☞	☞	☞	☞	☞
MOTOR FREIGHT TERMINAL												☞	☞	☞	☞
NEWSPAPER PRINTING											☞	☞	☞	☞	☞
NURSING HOME OR RESIDENCE HOME FOR AGED (84)	S1	S1	S1	S1	S1	S1	S1	☞	☞	☞	☞	☞	☞	☞	

TYPE USE	A	SF-1	SF-2	SF-3	2F	GR	MF	O	NS	R	LC	HC	CA	LI	HI
OFFICE SUPPLY SALES										☒	☒	☒	☒	☒	☒
OFF-STREET PARKING INCIDENTAL TO MAIN USE	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
PAINT SHOP												☒	☒	☒	☒
PARK, PLAYGROUND OR PUBLIC COMMUNITY CENTER	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
PARKING LOT COMMERCIAL (AUTO) (87)								S1		☒	☒	☒	☒	☒	☒
PARKING LOT, COMMERCIAL (AUTOS AND TRUCKS)												☒	☒	☒	☒
PAWN SHOP										☒	☒	☒	☒	☒	☒
PET SHOP (90)	S1									S1	S1	S1	S1	S1	S1
PETROLEUM COLLECTING OR STORAGE FACILITIES	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1
PETROLEUM OR GAS WELL	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1
PETROLEUM PRODUCTS STORAGE												☒		☒	☒
PHARMACY (91)									☒	☒	☒	☒	☒	☒	☒
PLACES OF ENTERTAINMENT OR EATING SERVING ALCOHOLIC BEVERAGES (92)										☒	☒	☒	☒	☒	☒
PLUMBING SHOP											☒	☒	☒	☒	☒
PRINT SHOP										☒	☒	☒	☒	☒	☒
RADIO / MICROWAVE AND TELEVISION TOWER (96)	S1	S1	S1	S1	S1	S1	S1	S1	S1	☒	☒	☒	☒	☒	☒
RAILROAD FREIGHT TERMINAL												☒	☒	☒	☒
RAILROAD PASSENGER STATION												☒	☒	☒	☒
RAILROAD TEAM TRACK												☒	☒	☒	☒
RAILROAD TRACK OR RIGHT- OF-WAY (97)	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
RECYCLING FACILITY (98)														S1	S1

TYPE USE	A	SF-1	SF-2	SF-3	2F	GR	MF	O	NS	R	LC	HC	CA	LI	HI
RESTAURANT WITH DRIVE-IN SERVICE									S1	☺	☺	☺	☺	☺	☺
RESTAURANT WITHOUT DRIVE-IN SERVICE								S1	S1	☺	☺	☺	☺	☺	☺
RETAIL SALE OF ALCOHOLIC BEVERAGES (OFF PREMISE CONSUMPTION) (101)									☺	☺	☺	☺	☺	☺	☺
RETAIL STORES AND SHOPS OTHER THAN LISTED (102)									☺	☺	☺	☺	☺	☺	☺
RODEO GROUND	S1										S1	☺		☺	☺
ROLLER OR ICE SKATING RINK	S1									☺	☺	☺	☺	☺	☺
SCHOOL, BUSINESS OR TRADE (104)	S1							☺	☺	☺	☺	☺	☺	☺	☺
SCHOOL, PRIVATE (PRIMARY OR SECONDARY)	S1	S1	S1	S1	S1	S1	S1	☺	☺	☺	☺	☺	☺	☺	
SCHOOL, PUBLIC	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	
SCIENTIFIC OR RESEARCH LABORATORY	S1							S1			☺	☺	☺	☺	☺
SECONDHAND STORE, USED FURNITURE AND CLOTHING											☺	☺	☺	☺	☺
SEXUALLY ORIENTED BUSINESS (107)												S2		S2	S2
SHOOTING RANGE (108)														☺	☺
SHOP OR YARD FOR LOCAL, STATE OR FEDERAL GOVERNMENT											☺	☺	☺	☺	☺
SLAUGHTER HOUSE OR MEAT PACKING PLANT	S1											S1		S1	☺
SMELTER OR REFINERY															☺
STORAGE AND SALE OF FURNITURE OR APPLIANCES (OUTDOOR)												☺		☺	☺
STORAGE WAREHOUSE (110)												☺	☺	☺	☺
STUDIO FOR PHOTOGRAPHER, MUSICIAN, ARTIST OR HEALTH SERVICE								☺	☺	☺	☺	☺	☺	☺	☺
SWIM OR TENNIS CLUB (114)	S1	S1	S1	S1	S1	S1	S1	☺	☺	☺	☺	☺	☺	☺	☺
TELEPHONE LINE AND EXCHANGE SWITCHING OR RELAY STATION	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺	☺

TYPE USE	A	SF-1	SF-2	SF-3	2F	GR	MF	O	NS	R	LC	HC	CA	LI	HI
TEMPORARY FIELD OFFICE (115)	SUBJECT TO APPROVAL AND CONTROL BY BUILDING OFFICIAL														
THEATER (OUTDOOR)	S1									S1	S1	Ⓢ		Ⓢ	
THEATER (INDOOR)										Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
TIRE RETREADING OR CAPPING												Ⓢ	Ⓢ	Ⓢ	Ⓢ
TOOL OR TRAILER SALES AND RENTAL											Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
TOWING OR WRECKED VEHICLE STORAGE (116)														Ⓢ	Ⓢ
TRANSFER, STORAGE AND BAGGAGE TERMINAL												Ⓢ	Ⓢ	Ⓢ	Ⓢ
TYPE A SIGN See Art. 9								Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
TYPE B SIGN See Art. 9							Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ		Ⓢ	Ⓢ
TYPE C SIGN See Art. 9								Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
TYPE D SIGN See Art. 9										Ⓢ	Ⓢ	Ⓢ		Ⓢ	Ⓢ
TYPE E SIGN See Art. 9											Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
TYPE F SIGN See Art. 9		Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
UTILITY DISTRIBUTION LINES (119)	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
UTILITY SHOP OR STORAGE (PRIVATE)	S1										S1	Ⓢ	S1	Ⓢ	Ⓢ
WASTEWATER PUMPING STATION	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
WASTEWATER TREATMENT PLANT	S1											S1		S1	Ⓢ
WATER RESERVOIR, WATER PUMPING STATION OR WELL	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
WATER TREATMENT PLANT	Ⓢ	S1	S1	S1	S1	S1	S1	S1	S1	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ
WELDING OR MACHINE SHOP													Ⓢ	Ⓢ	Ⓢ
WHOLESALE OFFICE AND SAMPLE ROOM											Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ

<b>TYPE USE</b>	<b>A</b>	<b>SF-1</b>	<b>SF-2</b>	<b>SF-3</b>	<b>2F</b>	<b>GR</b>	<b>MF</b>	<b>O</b>	<b>NS</b>	<b>R</b>	<b>LC</b>	<b>HC</b>	<b>CA</b>	<b>LI</b>	<b>HI</b>
WIRELESS COMMUNICATION TOWER (120)										<b>S1</b>	<b>S1</b>	<b>S1</b>	<b>S</b>	<b>S</b>	<b>S</b>
WRECKING OR SALVAGE YARD (121)															<b>S1</b>

**APPENDIX C  
AREA REGULATIONS**

*Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformity with all minimum regulations herein specified for lot area, lot width, lot depth, lot coverage and front, side and rear yards:*

**LOT AREA**

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

IN THE FOLLOWING ZONING DISTRICTS, THE MINIMUM LOT AREA FOR RESIDENTIAL USE SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

A. **SCHEDULE MINIMUM LOT AREA - RESIDENTIAL DISTRICTS  
(IN SQUARE FEET)**

**DISTRICTS**

	A	SF-1	SF-2	SF-3	2-F	GR	MF
<b>TYPE USE</b>	AGRICULTURAL	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	TWO - FAMILY DWELLING	GENERAL RESIDENTIAL	MULTIPLE FAMILY DWELLING
SINGLE - FAMILY DWELLING DETACHED	1 ACRE	13,000	7,000	5,000	6,000	5,000	6,000
SINGLE - FAMILY DWELLING ATTACHED						2,000	2,000
TWO FAMILY DWELLING					6,000	6,000	6,000
MULTIPLE FAMILY DWELLING ONE TO THREE STORIES						7,500 NOT FOR UNIT MINIMUM AND LESS THAN 1,200 EACH DWELLING	
MULTIPLE FAMILY DWELLING OVER THREE STORIES							THROUGH APPROVAL OF A PLANNED DEVELOPMENT ONLY

MINIMUM AREA (IN SQUARE FEET)

**B. SCHEDULE MINIMUM LOT AREAS - NON - RESIDENTIAL DISTRICTS (IN SQUARE FEET)**

**DISTRICTS**

	O	NS	R	LC	HC	CA	LI	HI
<b>TYPE USE</b>	OFFICE	NEIGHBORHOOD SERVICE	RETAIL	LIGHT COMMERCIAL	HEAVY COMMERCIAL	CENTRAL AREA	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL
SINGLE - FAMILY DWELLING DETACHED	6,000	6,000	5,000	5,000	5,000	5,000	5,000	RESIDENTIAL USE IS NOT PERMITTED
SINGLE - FAMILY DWELLING ATTACHED	2,000	2,000	2,000	2,000	2,000	2,000	2,000	
TWO FAMILY DWELLING	6,000	6,000	6,000	6,000	6,000	6,000		
MULTIPLE FAMILY DWELLING ONE TO THREE STORIES	7,500 MINIMUM AND NOT LESS THAN 1,200 FOR EACH DWELLING UNIT							
MULTIPLE FAMILY DWELLING OVER THREE STORIES	THROUGH APPROVAL OF A PLANNED DEVELOPMENT ONLY							

MINIMUM AREA IN SQUARE FEET

## LOT WIDTH

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

IN THE FOLLOWING ZONING DISTRICTS, THE MINIMUM LOT WIDTH FOR RESIDENTIAL USE SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

### A. SCHEDULE MINIMUM LOT WIDTHS - RESIDENTIAL DISTRICTS

#### DISTRICTS

	A	SF-1	SF-2	SF-3	2F	GR	MF
TYPE USE	AGRICULTURAL	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	TWO - FAMILY DWELLING	GENERAL RESIDENTIAL	MULTIPLE FAMILY DWELLING
SINGLE - FAMILY DWELLING DETACHED	150	80	60	50	50	50	50
SINGLE - FAMILY DWELLING ATTACHED						20	20
TWO FAMILY DWELLING					60	60	60
MULTIPLE FAMILY DWELLING						60	60

MINIMUM WIDTH OF LOT IN FEET

B. SCHEDULE MINIMUM LOT WIDTH - NON - RESIDENTIAL DISTRICTS

DISTRICTS

	O	NS	R	LC	HC	CA	LI	HI
TYPE USE	OFFICE	NEIGHBORHOOD SERVICE	RETAIL	LIGHT COMMERCIAL	HEAVY COMMERCIAL	CENTRAL AREA	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL
SINGLE - FAMILY DWELLING DETACHED	60	60	50	50	50	50		NONE SPECIFIED
SINGLE - FAMILY DWELLING ATTACHED	20	20	20	20	20	20	20	
TWO FAMILY DWELLING	60	60	60	60	60	60		
MULTIPLE FAMILY DWELLING	60	60	60	60	60	60	60	

MINIMUM WIDTH OF LOT IN FEET

**LOT DEPTH**

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

**IN THE FOLLOWING ZONING DISTRICTS, THE MINIMUM LOT DEPTH FOR RESIDENTIAL USE SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:**

**A. SCHEDULE MINIMUM LOT DEPTH - RESIDENTIAL DISTRICTS**

**DISTRICTS**

	A	SF-1	SF-2	SF-3	2F	GR	MF
<b>TYPE USE</b>	AGRICULTURAL	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	TWO - FAMILY DWELLING	GENERAL RESIDENTIAL	MULTIPLE FAMILY DWELLING
MINIMUM DEPTH OF LOT FOR SINGLE AND TWO- FAMILY RESIDENTIAL USES	150	120	100	100	100	100	100
MINIMUM DEPTH OF LOT FOR MULTIPLE-FAMILY USE							120

MINIMUM DEPTH OF LOT IN FEET

B. SCHEDULE MINIMUM LOT DEPTH - NON - RESIDENTIAL DISTRICTS

DISTRICTS

	O	NS	R	LC	HC	CA	LI	HI
TYPE USE	OFFICE	NEIGHBORHOOD SERVICE	RETAIL	LIGHT COMMERCIAL	HEAVY COMMERCIAL	CENTRAL AREA	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL
MINIMUM DEPTH OF LOT FOR SINGLE AND TWO - FAMILY RESIDENTIAL USES	100	100	100	100	100	100	100	NONE
MINIMUM DEPTH OF LOT FOR MULTIPLE - FAMILY USE		120		120	120	120	120	NONE

MINIMUM DEPTH OF LOT IN FEET

4. LOT COVERAGE AND FLOOR AREA RATIO

The maximum percentage of any lot area which may hereinafter be covered by the main building and all accessory buildings and the maximum ratio of floor area to the total area of the lot or tract on which a building is located shall not exceed the following schedule, except where an existing building at the effective date of this chapter may have greater percentage of lot covered or greater floor area ratio than herein prescribed, such building shall be considered a conforming use:

IN THE FOLLOWING ZONING DISTRICTS, THE MAXIMUM BUILDING LOT COVERAGE AND FLOOR AREA RATIO SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

A. SCHEDULE MAXIMUM BUILDING COVERAGES - RESIDENTIAL DISTRICTS

DISTRICTS

	A	SF-1	SF-2	SF-3	2F	GR	MF
TYPE USE	AGRICULTURAL	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	TWO - FAMILY DWELLING	GENERAL RESIDENTIAL	MULTIPLE FAMILY DWELLING
MAXIMUM PERCENT OF LOT AREA WHICH MAY BE COVERED BY BUILDING IN RESIDENTIAL USE	20	35	35	35	40*	45*	45*

\*Not including detached accessory structures.

B. SCHEDULE MAXIMUM COVERAGE AND F.A.R. - NON - RESIDENTIAL DISTRICTS

DISTRICTS

	O	NS	R	LC	HC	CA	LI	HI
TYPE USE	OFFICE	NEIGHBORHOOD SERVICE	RETAIL	LIGHT COMMERCIAL	HEAVY COMMERCIAL	CENTRAL AREA	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL
MAXIMUM PERCENT OF LOT AREA WHICH MAY BE COVERED BY BUILDING IN RESIDENTIAL USE	45*	45*	45*	45*	45*	45*	45*	
MAXIMUM FLOOR AREA LOT AREA RATIO NON - RESIDENTIAL USES				2:1	10:1	15:1	2:1	1:1

\* Not including detached accessory structures

4. FRONT Yards

No building, structure or use shall here after be located, erected or altered so as to have a smaller front yard than hereafter required.

IN THE FOLLOWING ZONING DISTRICTS, THE MINIMUM REQUIRED FRONT YARD SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE AND NO BUILDING STRUCTURE OR USE SHALL HEREAFTER BE LOCATED, ERECTED, OR ALTERED SO AS TO HAVE A SMALLER FRONT YARD THAN HEREINAFTER REQUIRED:

A. SCHEDULE MINIMUM FRONT YARDS - RESIDENTIAL DISTRICTS

DISTRICTS

TYPE USE	AGRICULTURAL	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	SINGLE - FAMILY DWELLING	TWO - FAMILY DWELLING	GENERAL RESIDENTIAL	MULTIPLE FAMILY DWELLING
MINIMUM FRONT YARD IN FEET <u>EXCEPT AS HEREINAFTER PROVIDED IN SECTION 4-2</u>	35	35	25	25	25	25	25

B. SCHEDULE MINIMUM FRONT YARDS - NON - RESIDENTIAL DISTRICTS

DISTRICTS

TYPE USE	OFFICE	NEIGHBORHOOD SERVICE	RETAIL	LIGHT COMMERCIAL	HEAVY COMMERCIAL	CENTRAL AREA	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL
MINIMUM FRONT YARD IN FEET <u>EXCEPT AS</u> <u>HEREINAFTER PROVIDED IN SECTION 4-2.</u>	25	25	25	25	NONE	NONE	NONE	NONE

5. SIDE YARD

No building, structure or use shall hereafter be located, erected or altered so as to have a smaller side yard than hereafter required.

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, ERECTED, OR ALTERED SO AS TO HAVE A SMALLER SIDE YARD THAN HEREINAFTER REQUIRED:

A. SCHEDULE MINIMUM SIDE YARDS - RESIDENTIAL DISTRICTS

TYPE USE	AGRICULTURAL	SINGLE-FAMILY DWELLING	SINGLE-FAMILY DWELLING	SINGLE-FAMILY DWELLING	TWO-FAMILY DWELLING	GENERAL RESIDENTIAL	MULTI-FAMILY DWELLING
MINIMUM SIDE YARD EXCEPT AS PROVIDED IN SECTION 4-4	15	10	5	5	5	5	10

B. SCHEDULE MINIMUM SIDE YARDS - NON - RESIDENTIAL DISTRICTS

DISTRICTS

TYPE USE	OFFICE	NEIGHBORHOOD SERVICE	RETAIL	LIGHT COMMERCIAL	HEAVY COMMERCIAL	CENTRAL AREA	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL
MINIMUM SIDE YARD EXCEPT AS PROVIDED IN SECTION 4-4.	0	0	0	0	0	0	0	0

6. REAR YARD

No building, structure or use shall hereafter be located, erected or altered so as to have a smaller rear yard than hereafter required.

IN THE FOLLOWING ZONING DISTRICTS, THE MINIMUM REQUIRED REAR YARD SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE AND NO BUILDING STRUCTURE OR USE SHALL HEREAFTER BE LOCATED, ERRECTED, OR ALTERED SO AS TO HAVE A SMALLER REAR YARD THAN HEREINAFTER REQUIRED:

A. SCHEDULE MINIMUM REAR YARDS - RESIDENTIAL DISTRICTS

	A	SF-1	SF-2	SF-3	2F	GR	MF
<b>TYPE USE</b>	AGRICULTURAL	SINGLE-FAMILY DWELLING	SINGLE-FAMILY DWELLING	SINGLE-FAMILY DWELLING	TWO-FAMILY DWELLING	GENERAL RESIDENTIAL	MULTI-FAMILY DWELLING
MINIMUM REAR YARD IN FEET EXCEPT AS PROVIDED IN SECTION 4-5	10	10	10	10	10	10	10

B. SCHEDULE MINIMUM REAR YARD - NON - RESIDENTIAL DISTRICTS

DISTRICTS

	O	NS	R	LC	HC	CA	LI	HI
<b>TYPE USE</b>	OFFICE	NEIGHBORHOOD SERVICE	RETAIL	LIGHT COMMERCIAL	HEAVY COMMERCIAL	CENTRAL AREA	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL
MINIMUM REAR YARD EXCEPT AS PROVIDED IN SECTION 4-5.								

