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CITY OF LOWRY CROSSING, TEXAS

ZONING ORDINANCE

ORDINANCE NO. 110

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING THE EXISTING COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 26b AND AMENDMENTS THERETO BY ADOPTING THIS NEW COMPREHENSIVE ZONING ORDINANCE AND ATTACHED ZONING MAP; ESTABLISHING ZONING DISTRICTS; ESTABLISHING REGULATIONS FOR EACH DISTRICT; REGULATING HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS OR OTHER STRUCTURES; REGULATING THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; REGULATING THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; REGULATING POPULATION DENSITY; REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND, FOR BUSINESS, COMMERCIAL, RESIDENTIAL, OR OTHER PURPOSES; REGULATING PARKING, SCREENING, LANDSCAPING, AND OTHER CRITERIA FOR THE USE AND DEVELOPMENT OF LAND, BUILDINGS AND STRUCTURES; PROVIDING FOR CERTAIN NONCONFORMING USES AND STRUCTURES; PROVIDING FOR APPLICATIONS FOR ZONING CHANGES AND FEES; PROVIDING FOR THE CONTINUANCE OF THE EXISTING PLANNING AND ZONING COMMISSION; PROVIDING FOR A BOARD OF ADJUSTMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Lowry Crossing 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 that congestion may be lessened in the public streets and that the public health, safety, convenience and general welfare be promoted; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission after written notice was mailed to all owners of real property as their names appeared on the last approved applicable tax roll in accordance with V.T.C.A. Local Government Code Section 211.007; and

WHEREAS, Planning and Zoning Commission, after said public hearing, recommended adoption of a new Zoning Ordinance; and

WHEREAS, a public hearing was held by the City Council after notice was published in the official newspaper of the City as required by V.T.C.A., Local Government Code 211.006;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

SECTION 1

ENACTING CLAUSE

- 1-1 That the Zoning Ordinance of the City of Lowry Crossing, Texas, as passed and approved as Ordinance 26b, together with all amendments thereto (except as herein continued) is hereby amended in its entirety to read as follows:

SECTION 2

PURPOSE

- 2-1 The Zoning Regulations and Districts as herein established have been made for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate transportation, water, sewage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of adjacent property, buildings and encouraging the most appropriate use of land throughout the City. (Ord. 110)

SECTION 3

ZONING DISTRICTS ESTABLISHED

3-1 The City of Lowry Crossing, Texas, is hereby divided into the zoning districts named below. The use, height and area regulations as set out herein are uniform in each district. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
A	"A" Agricultural District
RE	"RE" Single-Family Residential Estate District
R-1	"R-1" Single-Family Residential District
2F	"2F" Two-Family Residential District
O	"O" Office District
RET	"RET" Retail District
HC	"HC" Highway Commercial District
C	"C" Commercial District
LI	"LI" Light Industrial District
HI	"HI" Heavy Industrial District
SUP	"SUP" Special Use Permit District
PD	"PD" Planned Development District
FP	"FP" Flood Plain District
TR1	"TR1" Temporary R1 District

See Sections 5-9, 5-10, 6 and 18-2

(Ord. 110)

DEFINITION AND PURPOSE OF ZONING DISTRICTS

A - Agricultural District. This district is intended to provide a location for land situated on the fringe of an urban area and used for agricultural purposes which may become an urban area in the future. Generally, Agricultural Districts, will be near development; therefore, the agricultural activities conducted in the Agricultural District, should not be detrimental to urban land uses. The types of uses, and the area and intensity of the uses permitted in this district shall encourage and protect the agricultural uses until urbanization is warranted and the appropriate change in district classification is made. (Ord. 110)

RE Single-Family Residential Estate District - The principal use of land in this district is for single-family detached dwellings of **at least 1800 square feet in size on lots of at least 2 acre**, and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. (Ord. 110)

R-1 Single-Family Residential District - The principal use of land in this district is for single-family detached dwellings of **at least 1600 square feet in size on lots of at least 1 acre**, and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. (Ord. 110)

2F Two Family Residential District. This 2F district is intended to provide the opportunity for development that is two-family (duplex) in character, but which encourages individual ownership of all dwelling units. This is permitted by dividing the typical duplex lot from front to back, thus encouraging the sale of each dwelling unit and the land upon which it sits, to the occupant. The principal use of land in this district is for single-family dwellings of **at least 1600 square feet in size on lots of at least 1 acre** and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. (Ord. 110)

O - Office - This district is intended for a Professional or Administrative Office or Offices serving near residential development with professional or administrative services. No chattels or goods may be offered for sale on the premises and site development regulations and standards are required to ensure that uses will be compatible and complementary in scale and appearance with a residential environment. Professional and Administrative Offices to include, but not be limited to, the offices of doctors, dentists, attorneys, architects, engineers, urban planners, insurance, real estate, banks and similar offices. (Ord. 110)

RET - Retail District - This district provides for areas of convenience shopping and other residential service oriented businesses. (Ord. 110)

HC - Highway Commercial District - This district is intended primarily as a high intensity area permitting a mixed-use for office, commercial-retail, and highway oriented uses, such as hotels, restaurants, and low and mid-rise offices, and should be located generally along high-volume thoroughfares. (Ord. 110)

C - Commercial District. This district concentrates business warehouse and service activities not normally locating within retail service centers. (Ord. 110)

LI - Light Industrial District. This district permits those industries and manufacturing plants that are predominantly light in character, have their operations conducted wholly within buildings, are more compatible than heavy manufacturing uses, and do not emit noxious odors, noises, dust, smoke, and vibrations as do the heavy manufacturing processes. (Ord. 110)

HI - Heavy Industrial District. This district provides for the location of enterprises that tend to emit odors, noises, dust and vibrations and that are least compatible with other uses. (Ord. 110)

SUP - Special Use Permit District - The SUP Special Use Permit District is a specific zoning classification. The uses that normally fall into this specific use category are uses that have unique characteristics that may, depending on the location of the property, require different conditions and regulations not otherwise listed under the basic zoning districts. For this reason, when an applicant seeks a change of zoning for a use listed in the Specific Use Section, the Planning & Zoning Commission may recommend, and the City Council may impose, additional special zoning conditions. The adoptive ordinance may establish requirements by reference to the basic zoning ordinance or may list such specific conditions or requirements in the ordinance or on an attached plan. (Ord. 110)

PD - Planned Development District. This district provides flexibility in planning and development through the combination of uses. (Ord. 110)

FP - Flood Plain - Prefix - When added to any of the above listed districts, the prefix specifies a sub-district subject to the provision of Section 20. (Ord. 110)

TR1 Temporary R1 District - A temporary classification given to a parcel of property is annexed into the city or to certain tracts with a terminated Special use permit (See Subsection 18-2) or given to a parcel of property that is zoned but the correct zoning cannot be resolved by the application of Subsections 5-1 through 5-8 of Section 5 or the zoning of property is invalidated by a final judgment of a Court. Such property shall retain the temporary classification until it has been classified as a zoning district other than the "TR1" by a zoning change which shall be initiated by the Planning & Zoning Commission as soon as practicable. See Subsections 5-9 & 5-10. (Ord. 110)

SECTION 4

ZONING DISTRICT MAP

- 4-1 THE BOUNDARIES OF THE ZONING DISTRICTS SET OUT HEREIN ARE DELINEATED UPON THE ZONING DISTRICT MAP OF THE CITY OF LOWRY CROSSING, TEXAS, SAID MAP BEING HEREBY ADOPTED AS A PART OF THIS ORDINANCE AS FULLY AS IF THE SAME WERE SET FORTH HEREIN IN DETAIL.
- 4-2 Two (2) original, official and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:
- (1) Two copies shall be filed with the City Secretary, one of which shall be retained as the original record and shall not be changed in any manner. It shall be marked "Original Zoning District Map of the City of Lowry Crossing, Texas, adopted by the passage of Ordinance No. 110 on the 3rd day of August, 1999". (Ord. 110)
 - (2) The second map shall be maintained up-to-date by posting thereon all changes and subsequent amendments, shall be marked "Official Zoning District Map of the City of Lowry Crossing, Texas" (Adopted by Ordinance No. 110 on the 3rd day of August, 1999, as amended. (Ord. 110)
 - (3). Reproductions for information purposes may, from time to time, be made of the Official Zoning District Map. The Official Zoning District Map shall be updated as soon as practical after individual zoning requests or other changes are approved. (Ord. 110)
 - (4) The Official Zoning District may herein be referred to as the Zoning District Map. (Ord. 110)

SECTION 5

ZONING DISTRICT BOUNDARIES

- 5-1 THE DISTRICT BOUNDARY LINES SHOWN ON THE ZONING DISTRICT MAP ARE USUALLY ALONG STREETS, ALLEYS, PROPERTY LINES OR EXTENSIONS THEREOF. WHERE UNCERTAINTY EXISTS AS TO THE BOUNDARIES OF DISTRICTS AS SHOWN ON THE OFFICIAL ZONING DISTRICT MAP, THE FOLLOWING RULES SHALL APPLY:
- 5-2 Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the center line of such street, highway or alley. (Ord. 110)
- 5-3 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines. (Ord. 110)
- 5-4 Boundaries indicated as approximately following city limits shall be construed as following city limits. (Ord. 110)
- 5-5 Boundaries indicated as following railroad or utility lines shall be construed to be the center line of the right-of-way or if no center line is established, the boundary shall be interpreted to be midway between the right-of-way lines. (Ord. 110)
- 5-6 Boundaries indicated as approximately following the center lines of streams, drainage-ways or other bodies of water shall be construed to follow such center lines. (Ord. 110)
- 5-7 Boundaries indicated as paralleled to or extensions of features indicated in 5-1 through 5-6 above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined from the graphic scale on the Map. (Ord. 110)
- 5-8 Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever street or alley 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 center line of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts. (Ord. 110)
- 5-9 Where physical features of the ground are at variance with information shown on the official Zoning District Map, or if 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 5-1 through 5-8 or the zoning of property is invalidated by a final judgment of a Court of competent jurisdiction, the property shall be classified "TR1" Temporary Agricultural District. (Ord. 110)

5-10 In an area determined to be temporarily classified as a "TR1" Temporary R1 District under the terms of this section no person shall construct any building or add to or alter any building or structure or cause the same to be done nor shall any new use be located therein or on the land other until such territory has been classified as a zoning district other than the "TR1" Temporary R1 District by zoning change application which shall be initiated by the Planning and Zoning Commission as soon as practicable. (Ord. 110)

SECTION 6

**“TR1” TEMPORARY R1 ZONING DISTRICT
FOR
ANNEXED TERRITORY AND SOME SPECIAL USES**

6-1 There is hereby created a zoning classification known as “TR1” Temporary R1 District.
(Ord. 110)

6-1 **TEMPORARY ZONING FOR ANNEXED TERRITORY**

All territory hereinafter annexed to the city of Lowry Crossing shall be classified as “TR1” TEMPORARY R1 DISTRICT unless another zoning classification is established by a zoning change at the time of annexation and such zoning change is granted by ordinance adopted pursuant the usual procedure for the grant of a zoning change according to law. Provided, however, a zoning change application may be filed inconjunction with the annexation request and in such a case the notice of zoning hearings may be given before adoption of the ordinance annexing the property but the zoning hearings and the adoption of the zoning change ordinance should follow the adoption of the ordinance annexing the property but may be done on the same day. (Ord. 110)

In an area determined to be temporarily classified as a “TR1” Temporary R1 District under the terms of this subsection no new use other than the lawful use in existence at the time of the “TR1” classification shall be permitted until a new permanent zoning classification is granted by ordinance adopted pursuant the usual procedure for the grant of a zoning change. Any such use lawful use in existence at the time of the “TR1” classification, other than a use that would comply with the regulations of an “R-1” district shall be considered nonconforming uses or structures. (Ord. 110)

6-2 **TEMPORARY ZONING AFTER TERMINATION OF SOME SPECIAL USES**

If at the time of the grant of a Special Use Permit pursuant to the provisions of Section 18 of this ordinance, the property is given the “basic” classification of “TR1” Temporary R1 District together with the grant of the special use, and the permitted special use is thereafter terminated or abandoned as provided in said section, no person shall construct any building or add to or alter any building or structure or cause the same to be done nor shall any new use be located therein or on the land until such territory has been classified as a zoning district other than the “TR1” Temporary R1 District. (Ord. 110)

Special Note of Explanation: Pursuant to the Special Use Section of this ordinance property zoned for a special use retains or shall be given a "basic" zoning classification and the special use permit shall be in addition to the authorized uses under the basic zoning of the property. The "basic" land use district regulations are applicable for any of the other permitted uses. The regulations of the "basic" classification shall also apply to the granted "special use" unless changed at the time of the grant of the special use permit zoning. Therefore, any special condition or regulation established by the grant of the special use shall control the special use and supersedes any conflicting basic condition or regulation, however, where the grant of the special use is silent as to a condition or regulation that is imposed by the basic classification of the property, the basic condition or regulation shall control. If the "basic" classification given in connection with a special use permit is the "TR1" district, this temporary zoning classification remain in place if the special use is terminated. (Ord. 110)

6-3 TEMPORARY ZONING AFTER OTHER OCCURRENCES

As stated in Subsection 5-9 above where physical features of the ground are at variance with information shown on the official Zoning District Map, or if 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 5-1 through 5-8 or the zoning of property is invalidated by a final judgment of a Court of competent jurisdiction, the property shall be classified "TR1" Temporary R1 District. Pursuant to subsection 5-10 above no person shall construct any building or add to or alter any building or structure or cause the same to be done nor shall any new use be located therein or on the land other until such territory has been classified as a zoning district other than the "TR1" Temporary R1 District by zoning change application which shall be initiated by the Planning and Zoning Commission as soon as practicable. (Ord. 110)

SECTION 7

COMPLIANCE REQUIRED

7-1 CONFORMANCE WITH THE ZONING REGULATIONS

All land, buildings, structures or appurtenances thereon located within the city which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted, shall be occupied, used erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided. (Ord. 110)

7-2 CONFORMANCE WHEN SITE PLAN REVIEW REQUIRED

The adoptive ordinance granting any zoning may contain a provision that before the issuance of any building permit for construction of any new structure for the use granted, or before the issuance of a certificate of occupancy for the occupancy of any existing structure or tract for the use granted, a the party seeking the permit or certificate shall make application for a Site Plan Review before the Planning & Zoning Commission and the City Council. (Ord. 110)

Site Plan Review Required

- (1) The "Site Plan Review" process shall not impose any new condition, but shall be a review process in an effort to ensure, prior to issuance of building permits or certificates of occupancy, that city requirements have been or will be met upon completion of the construction or the occupancy of he tract, including compliance with zoning regulations, subdivision regulations, building regulations, and the conditions of any Development Plan or Special Use Permit. (Ord. 110)
- (2) Where ordered, the Site Plan Review Process shall not result in the approval of any new plan, but a successful review of the applicant's plan shall be a prerequisite to the issuance of the building permit or as the case may be, the issuance of a certificate of occupancy. A Site Plan may where appropriate or shall when ordered, include a drawing for use in the review process. However, the review may, where appropriate, involve only existing plans and oral representation of the applicant. The review may involve a single tract or structure, or an entire subdivision, or phase thereof. (Ord. 110)

- (3) No building permit or as the case may be, certificate of occupancy, shall be issued until the Planning and Zoning Commission and the City Council have each **concluded the site plan review process with a motion**. A motion, to wit: "that the site plan review is concluded" shall be a prerequisite to the issuance of the building permit or certificate of occupancy, but shall not be considered an approval to take any action not in compliance with law. (Ord. 110)

For example, if a site plan is presented that shows among other things a barn located on the drawing that according to the zoning ordinance is located too close to the adjacent property line, the successful conclusion of the review process shall not be construed to be an approval of the incorrect location, and it shall remain the responsibility of the applicant to place the barn at the proper location even though the incorrect location was not recognized during the review process. (Ord. 110)

- (4) A public hearing shall not be required and the Planning & Zoning Commission and City Council may meet in joint session for such review. (Ord. 110)
- (5) Where the review process requires review by the city consulting engineer, as determined by the city council, the an application fee shall be charged to off-set the charge to the city for such engineering review, otherwise no additional fee shall be charged for such review. The fee shall be calculated in the same manner as a fee for engineering review of subdivision plats. (Ord. 110)
- (6) The City Council may on recommendation of the Planning & Zoning Commission or on its own motion, authorize in writing minor revisions to the plan that do not constitute a zoning change or subdivision amendment. (Ord. 110)
- (7) A site plan drawing may and should where appropriate indicate building elevations; location of separate buildings; the minimum distance between buildings; property lines; access routes; adjacent zoning and structures; streets; alleys; parking plan; landscaping; and provision for off-street parking. (Ord. 110)

SECTION 8.

"A" - AGRICULTURAL DISTRICT

- 8-1 General Purpose and Description of the "A" - Agricultural District: This district is intended to provide a location for land situated on the fringe of an urban area and used for agricultural purposes which may become an urban area in the future. Generally, Agricultural Districts, will be near development; therefore, the agricultural activities conducted in the Agricultural District, should not be detrimental to urban land uses. The types of uses, and the area and intensity of the uses permitted in this district shall encourage and protect the agricultural uses until urbanization is warranted and the appropriate change in district classification is made. (Ord. 110)
- 8-2 USE REGULATIONS: A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings on building lots of three (3) acres or more in areas where said dwellings can be adequately served by water wells and septic tanks located on the building lot. (Ord. 110)
 - (2) All general and special agricultural, farming, ranching, stables, stock and poultry raising, dairy, and other related uses so long as same do not cause a hazard to health by reason of unsanitary conditions; and not offensive by reason of odors, dust, fumes, noise or vibration; and are not otherwise detrimental to the public welfare; and in no case shall poultry, fowl or swine be kept nearer than one hundred (100) feet from any property line. (Ord. 110)
 - (3) Public buildings, including libraries, schools, churches, museums, auditoriums, police and fire stations, and similar public uses or facilities. (Ord. 110)
 - (4) Telephone exchange provided no public business and no repair or outside storage facilities are maintained. (Ord. 110)
 - (5) Greenhouse, green nursery and general gardening activities. (Ord. 110)
 - (6) Riding Academy or other equestrian related activities. (Ord. 110)
 - (7) Sewage treatment plant. (public operated) (Ord. 110)
 - (8) Water Treatment plant. (Ord. 110)
 - (9) Home Occupation. (Ord. 110)
 - (10) Any use permitted as a Special Use Permit Zoning Classification. (Ord. 110)

8-3 Maximum Height Regulations - Thirty-five (35) feet nor more than two and one-half (2-1/2) stories high. (Ord. 110)

8-4 Area Regulations:

(1) Minimum Size of Yards

- a. Front Yard: Fifty (50) feet.
- b. Side Yard: Ten (10) percent of the width of the lot, not to exceed fifty (50) feet.
- c. Rear Yard: Twenty (20) feet.
(Ord. 110)

(2) Minimum Size of Lot:

- a. Lot Area: Three (3) acres.
- b. Lot Width: Two hundred (200) feet.
- c. Lot Depth: Three hundred (300) feet.
(Ord. 110)

(3) Minimum Dwelling Size: Eighteen hundred (1,800) square feet exclusive of garages, breezeways and porches. (Ord. 110)

(4) Maximum Lot Coverage: Ten (10) per cent of the total area of the lot may be covered by the combined area of the main buildings and accessory buildings.
(Ord. 110)

(5) Driveways For Large Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on a lot regardless of size. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract. (Ord. 110)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

- (6) Driveways For Unplatted Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on any unplatted tract. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract. (Ord. 110)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

8-5 Parking Regulations: Two (2) enclosed spaces behind the front yard line. Off-street parking shall be permitted on the driveway but not otherwise in the front or side yard. (Ord. 110)

8-6 Type of Exterior Construction: At least eighty (80%) percent of the exterior walls of the first floor of all structures shall be of masonry construction exclusive of doors, windows, and the area above the top plate line. Each story above the first floor of a straight wall structure shall be at least eighty (80%) percent masonry exclusive of doors, windows and the area above the top plate line. See definition of Masonry in Section 30. (Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

SECTION 9

"RE" SINGLE-FAMILY RESIDENTIAL ESTATE DISTRICT

9-1 General Purpose and Description of the "RE" Single-Family Residential Estate District: The principal use of land in this district is for single-family dwellings of at least 1800 square feet in size on lots of at least 2 acre and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. (Ord. 110)

9-2 USE REGULATIONS: A building, dwelling, structure or premise shall be used only for the following purposes:

- (1) "Single-family Dwelling" with an Attached Garage.

An "Attached Garage" being a private garage for at least two vehicles that is a physical part of the dwelling or one having a substantial physical connection with or under the roof line of the of the Single-family Dwelling. (Ord. 110)

- (2) Additional "Detached Garage" only as an accessory use meeting the requirements of a major accessory building. (Ord. 110)
- (3) Parks, play grounds, community buildings, museums and other public recreational facilities, owned and/or operated by the municipality or other public agency; and privately owned and maintained play grounds and like recreation areas. (Ord. 110)
- (4) Public buildings, including libraries, museums, police and fire stations, and similar public uses or facilities. (Ord. 110)
- (5) Real estate sales offices during the development of residential subdivisions, but not to exceed two years. (Ord. 110)
- (6) Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work. (Ord. 110)
- (7) Churches and Public schools (kindergarten through high school), shall be considered a permitted uses in all districts, however, a special use permit must be applied for and approved pursuant to the Special Use Section in order to provide conditions to protect health, provide safety and regulate traffic as related to these uses. (Ord. 110)
- (8) Such other uses as may be permitted with the granting of a Special Use Permit. (Ord. 110)

- (9) The following Accessory Uses if such uses are conducted in connection with the primary use of a "Single Family Dwelling:
- a. A "customary home occupation" that does not include visits by customers or the general public. (Ord. 110)
 - b. "Servant quarters" for persons in the employ of the family occupying the principal structure. (Ord. 110)
 - c. Private swimming pool. (Ord. 110)
 - d. Upon compliance with all other ordinances and laws, one horse, or equine (horse related animal), may be kept on the first acre on which the primary residence is located. For each additional adjoining half-acre, one additional such animal may be kept. In connection therewith, private "stable or loafing shed" uses may be conducted in a Minor Accessory Building located in the rear yard that meet the requirements of a Minor Accessory Building under this section. (Ord. 110)
 - f. "greenhouse" for non-commercial usage conducted in a Minor Accessory Building meeting the requirements of a Minor Accessory Building under this section. (Ord. 110)
 - g. Parking Regulations: Two (2) enclosed spaces behind the front yard line. Off-street parking, shall be permitted on the driveway but not otherwise in the front or side yard. Storage type off-street parking for one camper, travel trailer, or recreational vehicle, and/or one pleasure boat and boat trailer may be provided only in the rear yard. The driveway from the street to the garage and any off-street parking area, must be concrete. (Ord. 110)

9-3 MINIMUM SIZE OF LOT:

Lot Area: Two acres, (87,120 square feet). (Ord. 110)

Lot Width: 150 feet. (Ord. 110)

Lot Depth: 250 feet. (Ord. 110)

9-4 PRINCIPAL BUILDING (Dwelling or Structure):

Minimum Building Size: 1800 square feet, exclusive of garages, breezeways and porches. (Ord. 110)

Maximum Height: 35 feet or not more than two and one-half (2-1/2) stories. (Ord. 110)

Maximum Lot Coverage: Principal Building Not to exceed 20% of total lot area. (Ord. 110)

Exterior Construction: At least (80%) percent of the exterior walls of the first floor of all structures, including all frame work surrounding all doors and windows, shall be of masonry construction exclusive of doors, windows, the area above the top plate line, gables and roofs. The 80% masonry requirement shall also apply to all additions or modifications to the principal building and to all attached garages and attached accessory buildings. See definition of Masonry in Section 30. (Ord. 110)

Front Yard: Minimum depth from edge of road easement to front of Principal Building - 50 feet. (Ord. 110)

Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 110)

Rear Yard: Setback of at least 20 feet from the property line. (Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

9-5 ACCESSORY BUILDINGS (Detached):

(1) MINOR Accessory Building:

Type: Storage type for tools, lawn care equipment, water well house, etc., and stable or loafing shed type for animals. (Ord. 110)

Maximum Size: Storage type: 600 square feet.
Loafing Shed: 200 square feet.
Stable: 400 square feet. (Ord. 110)

Maximum Number: Storage type: one.
Stable or Loafing shed: one. (Ord. 110)

Maximum Height: One story. (Ord. 110)

Location: Located behind the rear line of the residential building. (Ord. 110)

Side Yard: Storage type: Setback of at least 20 feet from the property line or road easement, whichever is the closest. (Ord. 110)
Stable or Loafing shed: Not permitted in side yard. (Ord. 110)

Rear Yard: Storage type: Setback of at least 20 feet from the property line.

Stable or Loafing shed: Located at least 20 feet from any property line of an adjacent owner, at least 40 feet from any dwelling on any adjacent property, and at least 40 feet from any road. (Ord. 110)

Type of Exterior Construction: The buildings construction materials must complement that of the residential building. (Ord. 110)

(2) **MAJOR Accessory Building:**

Type: Shop or recreation building, swimming pool cabana, enclosed space for additional private vehicle parking (detached garage) or boat storage. (Ord. 110)

Maximum Size: 1000 square feet. (Swimming pool excepted) (Ord. 110)

Maximum Number: 2. (Ord. 110)

Maximum Height: 1 story or 16 feet. (Ord. 110)

Location: Located behind the rear line of residential building. (Ord. 110)

Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 110)

Rear Yard Setback of at least 20 feet from the property line. (Ord. 110)

Type of Exterior Construction: The buildings architecture and construction must complement that of the residential building. Sheet metal siding is expressly prohibited. (Ord. 110)

(3) **EXCEPTION:**

The Board of Adjustment may grant an Exception to the maximum size, maximum number, type of construction or other regulation in regard to permitted accessory buildings where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

9-6. **Driveways For Large Tracts:** Only one main building for single-family use, with permitted accessory buildings, may be located on a lot regardless of size. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract. (Ord. 110)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

9-7. Driveways For Unplatted Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on any unplatted tract. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract. (Ord. 110)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

SECTION 10

"R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

10-1 General Purpose and Description of the "R-1" Single-Family Residential District: The principal use of land in this district is for single-family dwellings of at least 1600 square feet in size on lots of at least 1 acre and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. (Ord. 110)

10-2 USE REGULATIONS: A building, dwelling, structure or premise shall be used only for the following purposes:

- (1) "Single-family Dwelling" with an Attached Garage.

An "Attached Garage" being a private garage for at least two vehicles that is a physical part of the dwelling or one having a substantial physical connection with or under the roof line of the of the Single-family Dwelling. (Ord. 110)

- (2) Additional "Detached Garage" only as an accessory use meeting the requirements of a major accessory building. (Ord. 110)

- (3) Parks, play grounds, community buildings, museums and other public recreational facilities, owned and/or operated by the municipality or other public agency; and privately owned and maintained play grounds and like recreation areas. (Ord. 110)

- (4) Public buildings, including libraries, museums, police and fire stations, and similar public uses or facilities. (Ord. 110)

- (5) Real estate sales offices during the development of residential subdivisions, but not to exceed two years. (Ord. 110)

- (6) Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work. (Ord. 110)

- (7) Churches and Public schools (kindergarten through high school), shall be considered a permitted uses in all districts, however, a special use permit must be applied for and approved pursuant to the Special Use Section in order to provide conditions to protect health, provide safety and regulate traffic as related to these uses. (Ord. 110)

- (8) Such other uses as may be permitted with the granting of a Special Use Permit (Ord. 110)

- (9) The following Accessory Uses if such uses are conducted in connection with the primary use of a "Single Family Dwelling:
- a. A "customary home occupation" that does not include visits by customers or the general public. (Ord. 110)
 - b. "Servant quarters" for persons in the employ of the family occupying the principal structure. (Ord. 110)
 - c. Private swimming pool. (Ord. 110)
 - d. Upon compliance with all other ordinances and laws, one horse, or equine (horse related animal), may be kept on the first acre on which the primary residence is located. For each additional adjoining half-acre, one additional such animal may be kept. In connection therewith, private "stable or loafing shed" uses may be conducted in a Minor Accessory Building located in the rear yard that meet the requirements of a Minor Accessory Building under this section. (Ord. 110)
 - f. "greenhouse" for non-commercial usage conducted in a Minor Accessory Building meeting the requirements of a Minor Accessory Building under this section. (Ord. 110)
 - g. Off Street Parking Regulations: Off-street parking shall be permitted on the driveway but not otherwise in the front or side yard. Storage type off-street parking for one camper, travel trailer, or recreational vehicle, and/or one pleasure boat and boat trailer may be provided only in the rear yard. The driveway from the street to the garage and any off-street parking area, must be concrete. (Ord. 110)

10-3 MINIMUM SIZE OF LOT:

- Lot Area: One acre (43,560 square feet). (Ord. 110)
- Lot Width: 150 feet. (Ord. 110)
- Lot Depth: 250 feet. (Ord. 110)

10-4 PRINCIPAL BUILDING (Dwelling or Structure):

- Minimum Building Size: 1600 square feet, exclusive of garages, breezeways and porches. (Ord. 110)
- Maximum Height: 35 feet or not more than two and one-half (2-1/2) stories. (Ord. 110)
- Maximum Lot Coverage: Principal Building Not to exceed 20% of total lot area. (Ord. 110)
- Exterior Construction: At least (80%) percent of the exterior walls of the first floor of all structures, including all frame work surrounding all doors and windows, shall be of masonry construction exclusive of doors, windows, the area above the top plate line, gables and roofs. The 80% masonry requirement shall also apply to all additions or modifications to the principal building and to all attached garages and attached accessory buildings. See definition of Masonry in Section 30. (Ord. 110)
- Front Yard: Minimum depth from edge of road easement to front of Principal Building - 50 feet. (Ord. 110)
- Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 110)
- Rear Yard: Setback of at least 20 feet from the property line. (Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

10-5 ACCESSORY BUILDINGS (Detached):(1) MINOR Accessory Building:

Type: Storage type for tools, lawn care equipment, water well house, etc., and stable or loafing shed type for animals. (Ord. 110)

Maximum Size: Storage type: 300 square feet.
Loafing Shed: 100 square feet.
Stable: 200 square feet. (Ord. 110)

Maximum Number: Storage type: one.
Stable or Loafing shed: one. (Ord. 110)

Maximum Height: One story. (Ord. 110)

Location: Located behind the rear line of the residential building. (Ord. 110)

Side Yard: Storage type: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 110)
Stable or Loafing shed: Not permitted in side yard. (Ord. 110)

Rear Yard: Storage type: Setback of at least 20 feet from the property line.

Stable or Loafing shed: Located at least 20 feet from any property line of an adjacent owner, at least 40 feet from any dwelling on any adjacent property, and at least 40 feet from any road. (Ord. 110)

Type of Exterior Construction: The buildings construction materials must complement that of the residential building. (Ord. 110)

(2) **MAJOR Accessory Building:**

Type: Shop or recreation building, swimming pool cabana, enclosed space for additional private vehicle parking (detached garage) or boat storage. (Ord. 110)

Maximum Size: 600 square feet. (Swimming pool excepted) (Ord. 110)

Maximum Number: 2. (Ord. 110)

Maximum Height: 1 story or 16 feet. (Ord. 110)

Location: Located behind the rear line of residential building. (Ord. 110)

Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 110)

Rear Yard Setback of at least 20 feet from the property line. (Ord. 110)

Type of Exterior Construction: The buildings architecture and construction must complement that of the residential building. Sheet metal siding is expressly prohibited. (Ord. 110)

(3) **EXCEPTION:**

The Board of Adjustment may grant an Exception to the maximum size, maximum number, type of construction or other regulation in regard to permitted accessory buildings where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

10-6. **Driveways For Large Tracts:** Only one main building for single-family use, with permitted accessory buildings, may be located on a lot regardless of size. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract. (Ord. 110)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

10-7. Driveways For Unplatted Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on any unplatted tract. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract. (Ord. 110)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

SECTION 11.

"2F" TWO-FAMILY RESIDENTIAL DISTRICT

11-1 General Purpose and Description of the "2F"- Two-Family Residential District: This 2F district is intended to provide the opportunity to have developed which is two-family (duplex) in character, but which encourages individual ownership of all dwelling units. This is permitted by dividing the typical duplex lot from front to back, thus encouraging the sale of each dwelling unit and the land upon which it sits, to the occupant. (Ord. 110) principal use of land in this district is for single-family dwellings of at least 1600 square feet in size on lots of at least 1 acre and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. (Ord. 110)

11-2 USE REGULATIONS: A building, dwelling, structure or premise shall be used only for the following purposes:

- (1) Two-Family residence (duplex) with an Attached Garage.

An "Attached Garage" being a private garage for at least two vehicles for each unit that is a physical part of the dwelling or one having a substantial physical connection with or under the roof line of the of the Single-family Dwelling. (Ord. 110)

- (2) Additional "Detached Garage" for each unit only as an accessory use meeting the requirements of a major accessory building. (Ord. 110)
- (3) Parks, play grounds, community buildings, museums and other public recreational facilities, owned and/or operated by the municipality or other public agency; and privately owned and maintained play grounds and like recreation areas. (Ord. 110)
- (4) Public buildings, including libraries, museums, police and fire stations, and similar public uses or facilities. (Ord. 110)
- (5) Real estate sales offices during the development of residential subdivisions, but not to exceed two years. (Ord. 110)
- (6) Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work. (Ord. 110)
- (7) Churches and Public schools (kindergarten through high school), shall be considered a permitted uses in all districts, however, a special use permit must be applied for and

approved pursuant to the Special Use Section in order to provide conditions to protect health, provide safety and regulate traffic as related to these uses. (Ord. 110)

- (8) Such other uses as may be permitted with the granting of a Special Use Permit. (Ord. 110)
- (9) The following Accessory Uses if such uses are conducted in connection with the primary use of a "Duplex Dwelling":
 - a. A "customary home occupation" that does not include visits by customers or the general public. (Ord. 110)
 - b. "Servant quarters" for persons in the employ of the family occupying the principal structure. (Ord. 110)
 - c. Private swimming pool. (Ord. 110)
 - d. "greenhouse" for non-commercial usage conducted in a Minor Accessory Building meeting the requirements of a Minor Accessory Building under this section. (Ord. 110)
 - g. Off Street Parking Regulations: Off-street parking shall be permitted on the driveway but not otherwise in the front or side yard. Storage type off-street parking for one camper, travel trailer, or recreational vehicle, and/or one pleasure boat and boat trailer may be provided in the rear yard. The driveway from the street to the garage and any off-street parking area, must be concrete. (Ord. 110)

11-3 MINIMUM SIZE OF LOT:

Lot Area: Two (2) acres (Ord. 110)

Lot Width: 150 feet. (Ord. 110)

Lot Depth: 250 feet. (Ord. 110)

11-4 PRINCIPAL BUILDING (Dwelling or Structure):

Minimum Building Size: 1600 square feet, exclusive of garages, breezeways and porches. (Ord. 110)

Maximum Height: 35 feet or not more than two and one-half (2-1/2) stories. (Ord. 110)

Maximum Lot Coverage: Principal Building Not to exceed 20% of total lot area. (Ord. 110)

Exterior Construction: At least (80%) percent of the exterior walls of the first floor of all structures, including all frame work surrounding all doors and windows, shall be of masonry construction exclusive of doors, windows, the area above the top plate line, gables and roofs. The 80% masonry requirement shall also apply to all additions or modifications to the principal building and to all attached garages and attached accessory buildings. See definition of Masonry in Section 30. (Ord. 110)

Front Yard: Minimum depth from edge of road easement to front of Principal Building - 50 feet. (Ord. 110)

Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 110)

Rear Yard: Setback of at least 20 feet from the property line. (Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

11-5 ACCESSORY BUILDINGS (Detached):(1) MINOR Accessory Building:

Type: Storage type for tools, lawn care equipment, water well house, etc., and stable or loafing shed type for animals. (Ord. 110)

Maximum Size: Storage type: 300 square feet. (Ord. 110)

Maximum Number: Storage type: one. (Ord. 110)

Maximum Height: One story. (Ord. 110)

Location: Located behind the rear line of the residential building. (Ord. 110)

Side Yard: Storage type: Setback of at least 20 feet from the property line or road easement, whichever is the closest. (Ord. 110)

Rear Yard: Storage type: Setback of at least 20 feet from the property line. (Ord. 110)

Type of Exterior Construction: The buildings construction materials must complement that of the residential building. (Ord. 110)

(2) **MAJOR Accessory Building:**

Type: Shop or recreation building, swimming pool cabana, enclosed space for additional private vehicle parking (detached garage) or boat storage. (Ord. 110)

Maximum Size: 600 square feet. (Swimming pool excepted) (Ord. 110)

Maximum Number: 2. (Ord. 110)

Maximum Height: 1 story or 16 feet. (Ord. 110)

Location: Located behind the rear line of residential building. (Ord. 110)

Side Yard: Setback of at least 20 feet from the property line or road easement, which ever is the closest. (Ord. 110)

Rear Yard Setback of at least 20 feet from the property line. (Ord. 110)

Type of Exterior Construction: The buildings architecture and construction must complement that of the residential building. Sheet metal siding is expressly prohibited. (Ord. 110)

(3) **EXCEPTION:**

The Board of Adjustment may grant an Exception to the maximum size, maximum number, type of construction or other regulation in regard to permitted accessory buildings where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

11-6. **Driveways For Large Tracts:** Only one main building for single-family use, with permitted accessory buildings, may be located on a lot regardless of size. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract. (Ord. 110)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

11-7. Driveways For Unplatted Tracts: Only one main building for single-family use, with permitted accessory buildings, may be located on any unplatted tract. To allow fire and emergency vehicles to reach the main building each such main building shall have its own private concrete driveway 12 feet in width to reach a dedicated public road, and where the driveway is longer than 100 feet in length from the main building to the public street, such driveway shall have an adequate turn around area at the main building to allow fire and emergency vehicles ingress and egress without having to back out of the driveway. The term "private driveway" as used herein shall mean a driveway owned in fee by the owner of the tract. (Ord. 110)

Exception: The Board of Adjustment may grant as an Exception to the use of concrete for such driveway and permit use of another all weather surface where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

SECTION 12

"O" OFFICE DISTRICT

- 12-1 General Purpose and Description: The "O" Office District is intended for This district is intended for a Professional or Administrative Office or Offices serving near residential development with professional or administrative services. No chattels or goods may be offered for sale on the premises and site development regulations and standards are required to ensure that uses will be compatible and complementary in scale and appearance with a residential environment. Professional and Administrative Offices to include, but not be limited to, the offices of doctors, dentists, attorneys, architects, engineers, urban planners, insurance, real estate, banks and similar offices. (Ord. 110)
- 12-2 Permitted Uses: A building or premise shall be used only for the following purposes:
- (1) A Professional or Administrative Office or Offices serving near residential development, including but not be limited to offices of doctors, dentists, attorneys, (Ord. 110)
 - (2) No chattels or goods may be offered for sale on the premises. (Ord. 110)
 - (3) Site development regulations and standards are required to ensure that uses will be compatible and complementary in scale and appearance with a residential environment. (Ord. 110)
 - (4) Such other uses as may be permitted with the granting of a Special Use Permit. (Ord. 110)
 - (5) Temporary buildings for use incidental to construction work on the premises, which said building shall be removed. (Ord. 110)
- 12-3 Height Regulations: Not more than (35) feet and (2-1/2) stories.. (Ord. 110)
- 12-4 Area Regulations: Compatible with R-1 Residential environment with additional area for customer parking. (Ord. 110)
- 12-5 Minimum Size of Yards: Compatible with R-1 Residential environment with additional area for customer parking. (Ord. 110)
- 12-6 Minimum Size of Lot: Compatible with R-1 Residential environment with additional area for customer parking. (Ord. 110)

SECTION 13

"RET" RETAIL DISTRICT

General purpose and description: The "RET" Retail District is intended for neighborhood shopping facilities which provide retail sales and limited business service predominately for the convenience of residents of the community. (Ord. 110)

13-1 Use Regulations: A building or premise shall be used only for the following purposes:

(1) **General:** Uses that provide Personal Services or General Retail Sales to customers or clients including the uses listed below and any use that would be permitted in the "O" Office district.. (Ord. 110)

(2) **Specific Uses**

Antique Shop
Auto, Car Rental Office Only
Drug Stores & Pharmacies
Dry Cleaning and Laundry
Film Developing & Printing
Florist without Outside Storage
Furniture Store
Garden Equipment Sales, retail
Grocery Store, Convenience Type with limited parking
Jeweler, retail
Meat Market, retail
Pet Store, retail
Photography, retail
Print Shop, retail
Television Service & Repair

Unless noted, all above uses were adopted pursuant to (Ord. 110)

(3) If the specific use sought is not listed above the Planning & Zoning Commission may make a finding that the specific use not listed is so like a use that is listed, that it may be included in the list under the general listing above without further public hearings or ordinance amendment. Provided, however if the specific use sought is listed in the Special Use Section of this Ordinance, a special use permit zoning classification must be obtained pursuant to the provisions of that section and subject to the conditions set out below unless specifically modified in the ordinance granting the special use classification.. (Ord. 110)

(4) Such other uses as may be permitted with the granting of a Special Use Permit. (Ord. 110)

13-2

General Conditions:

- (1) Business use must be conducted wholly within an enclosed building. (Ord. 110)
- (2) Required yards may not be used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, or containers for waste material. (Ord. 110)
- (3) All merchandise must be first-hand and be sold at retail on the premises. This provision notwithstanding the merchandise within an antique shop need not be first hand. (Ord. 110)
- (4) That such use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance. (Ord. 110)

13-4

Maximum Height Regulations: Thirty-five (35) feet nor more than two and one-half (2½) stories high. (Ord. 110)

13-5

Area Regulations:

- (1) Minimum Size of Yards:
 - a. Front Yard: Thirty (30) feet, with no front yard parking. If front yard parking is utilized, then sixty (60) feet front yard shall be observed. (Ord. 110)
 - b. Side Yard: (adjacent to a street or property line); thirty (30) feet. (Ord. 110)
 - c. Rear Yard: Ten (10) feet unless adjacent to a residential zoning district in which case twenty (20) feet minimum be observed. (Ord. 110)
2. Minimum Size of Lot:
 - a. Lot Area: None. (Ord. 110)
 - b. Lot Width: None. (Ord. 110)
 - c. Lot Depth: None. (Ord. 110)
- (3) Lot coverage: In no case shall more than forty (40%) percent of the lot area be covered by buildings. (Ord. 110)

13-6 Parking Regulations: One (1) space per two hundred (200) square feet of gross floor area. In addition, no parking area shall be allowed within ten (10) feet of the front property line or within five (5) feet of the rear property line. (Ord. 110)

13-7 Type of Exterior Construction: Exterior wall construction in districts permitting non-residential uses shall be of such material that is required to conform with the City of Lowry Crossing Building Code for the particular non-residential use or occupancy or as approved by City Council. All structures shall be eighty (80%) percent masonry exterior exclusive of doors and windows. Glass may be counted in place of masonry. (Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

13-6 **Parking Regulations:** One (1) space per two hundred (200) square feet of gross floor area. In addition, no parking area shall be allowed within ten (10) feet of the front property line or within five (5) feet of the rear property line. (Ord. 110)

13-7 **Type of Exterior Construction:** Exterior wall construction in districts permitting non-residential uses shall be of such material that is required to conform with the City of Lowry

SECTION 14

"HC" HIGHWAY COMMERCIAL DISTRICT

- 14-1 General purpose and description: The "HC" Highway Commercial District is intended primarily as a high intensity area permitting a mixed use for office, retail, commercial, and highway oriented uses, such as hotels, restaurants, and low and mid-rise offices, and should be located generally along high-volume thoroughfares. The site characteristics for each area should be designed in a manner to create an attractive appearance and an impressive gateway into the Community. Because these areas are designated as major thoroughfare entry points, emphasis has been placed on building arrangement, setbacks, parking, and landscape treatment, which are intended to be elements influencing the character of entrance into the City. It is the intention of the "Highway Commercial" zoning district to create an attractive and unique entrance into the City. (Ord. 110)
- 14-2 USE REGULATIONS: A building or premise shall be used only for the following purposes:
- (1) Mixed use for office, retail, commercial, and highway oriented uses, such as hotels, restaurants, and low and mid-rise offices, individually or grouped together under one Special Use Permit or Planned Development located generally along high-volume thoroughfares. The site characteristics for each area should be designed in a manner to create an attractive appearance and an impressive gateway into the community. Because these areas are designated as major thoroughfare entry points, emphasis should be placed on building arrangement, setbacks, parking, and landscape treatment, which are intended to be elements influencing the character of entrance into the City... (Ord. 110)
 - (2) Site Plan Review shall be required prior to issuance of building permits, or as the case may be the issuance of certificates of occupancy. See Section 7 above. (Ord. 110)
 - (3) Temporary amusement activity (approved by City Council resolution).
- 14-3 NON-PERMITTED USES: For clarity, the following uses, though not limited to the following, are specifically not permitted uses within the "HC" district even with a Special Use Permit. (Ord. 110)
- (1) Airport. (Ord. 110)
 - (2) Crop production. (Ord. 110)

- (3) Kennels. (Ord. 110)
- (4) Any use requiring outside storage. (Ord. 110)
- (5) Pawn shops. (Ord. 110)
- (6) Seed store. (Ord. 110)
- (7) Used automobile sales or display, repair garages, tire and seat cover shops, or auto laundries unless incidental to a service station. (Ord. 110)
- (8) Self-storage or mini-warehouses. (Ord. 110)

14-4. AREA AND HEIGHT REGULATIONS:

(1) Minimum Size of Yards:

- a. Front Yard: As established by the adoptive Special Use Permit or Planned Development. (Ord. 110)
- b. Side Yard: As established by the adoptive Special Use Permit or Planned Development. (Ord. 110)
- c. Rear Yard: As established by the adoptive Special Use Permit or Planned Development. (Ord. 110)

(2) Minimum Size of Lot:

- a. Lot Area: As established by the adoptive Special Use Permit or Planned Development. (Ord. 110)
- b. Lot Width: As established by the adoptive Special Use Permit or Planned Development. (Ord. 110)
- c. Lot Depth: As established by the adoptive Special Use Permit or Planned Development. (Ord. 110)

(3) Lot Coverage: As established by the adoptive Special Use Permit or Planned Development. (Ord. 110)

(4) Height Restrictions: Maximum height of twenty (20) stories, but limited to seventy (70) feet on any portion of the site within three hundred (300) feet of property zoned or used for RE, R-1, or 2F, In addition, no structure may exceed the maximum height limitations established by any Airport Authority. (Ord. 110)

14-5 Parking Requirements: Required off-street parking and on-site parking shall be established by the adoptive Special Use Permit or Planned Development.
(Ord. 110)

14-6 Type of Exterior Construction: All structures shall be eighty percent (80%) masonry exterior exclusive of doors and windows. Glass may be counted in place of masonry. Stucco is permitted by Special Use Permit only. ((Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

14-7 Landscaping Requirements: As established by the adoptive Special Use Permit or Planned Development.(Ord. 110)

SECTION 15

"C" COMMERCIAL DISTRICT REGULATIONS

15-1 General Purpose and Description: The "C" Commercial district is intended predominately for commercial activities of service nature which typically have limited outside or open storage and traffic service requirements generally incompatible with office, retail shopping, and residential environments. (Ord. 110)

15-2 Use Regulations:

(1) Any use permitted in the "O" Office and "RET" Retail District. (Ord. 110)

(2) Permitted Uses:

- Auto Parts, New Inside Retail Sales
- Auto Repair, No Outside Storage of Parts or Vehicles
- Auto, Oil Change & Lub Service
- Automobile, New Sales
- Barber Shop
- Beauty Shop
- Bottling Works
- Building Materials Sales, inside storage
- Bus Terminal
- Carpentry Shop, no outside storage
- Day Nursery
- Exhibit Hall
- Florist with Outside Storage
- Gasoline Service Station, with no major vehicle repair or storage
- Greenhouse & Nursery, Commercial
- Grocery Store, with large parking lot
- Hardware Store, with inside storage
- Heating & Air Conditioner Shop, no outside storage
- Janitor Service
- Laboratory Testing Facility, indoor
- Medical Clinic
- Movie Theater, indoor
- Newspaper Printing
- Parking Garage, Commercial
- Parking Lot, Commercial
- Pawn Shop Licensed by State
- Plumbing Shop, no outside storage
- Restaurant, other than drive-in

Seed Store
Telegraph Office
Telephone Exchange
Tire Dealership
Veterinarian, without outside Kennels or Pens

Unless noted, all above uses were adopted pursuant to (Ord. 110)

- (3) If the use sought will have special traffic service requirements, outside storage, special drainage requirements, or other such requirements, the Planning & Zoning Commission may require any zoning to be by special use permit pursuant to the special use section of this ordinance. (Ord. 110)
- (4) If the specific use sought is not listed above the Planning & Zoning Commission may make a finding that a specific commercial use so like a use listed that it may be included in the list under the general listing above without further public hearings or ordinance amendment. Provided, however if the specific use sought is listed in the Special Use Section of this Ordinance, a special use permit zoning classification must be obtained pursuant to the provisions of that section and subject to the conditions set out below unless specifically modified in the ordinance granting the special use classification. (Ord. 110)
- (5) Such other uses as may be permitted with the granting of a Special Use Permit.

15-2 Height Regulations: Thirty-five (35) feet nor more than two and one-half (2½) stories high. (Ord. 110)

15-3 Area Regulations:

- (1) Minimum Size of Yards:
 - a. Front Yard: Thirty (30) feet, with no front yard parking. If front yard parking is utilized, then the sixty (60) feet front yard setback shall be observed. (Ord. 110)
 - b. Side Yard: (Adjacent to a street or property line): Thirty (30) feet. (Ord. 110)
 - c. Rear Yard: Minimum required, twenty (20) feet. (Ord. 110)
- (2) Minimum Size of Lot:
 - a. Lot Area: One Acre and any additional area required to meet septic tank requirements. (Ord. 110)
 - b. Lot Width: None. (Ord. 110)
 - c. Lot Depth: None. (Ord. 110)
- (3) Lot coverage: No more than forty (40%) percent of the lot area shall be covered by buildings. (Ord. 110)

15-4 Parking Requirements: Off street parking shall be provided as follows:

- (1) One parking space for each 500 square feet of gross floor area. (Ord. 110)
- (2) The Board of Adjustment may grant an Exception based on the particular use where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

In addition, no parking area shall be allowed within 10 feet of the front property line or within five (5) feet of the rear property line. (Ord. 110)

15-5 Type of Exterior Construction: Exterior wall construction shall be of such material that is required to conform with the City of Lowry Crossing Building Code or as approved by City Council. All structures shall be eighty (80%) percent masonry exterior exclusive of doors and windows. Glass may be counted in place of masonry. (Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

SECTION 16

"LI" LIGHT INDUSTRIAL DISTRICT

16-1 General Purpose and Description: The LI Light Industrial District is intended to provide for commercial and light manufacturing uses. (Ord. 110)

16-2 Use Regulations: The following uses are permitted in the "LI" District, provided that such manufacturing or industrial operation shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point and provided that such use does not create fire hazards on surrounding property. (Ord. 110)

(1) Any use permitted in any of the "O" Office, "RET" Retail, and "C" Commercial Districts. (Ord. 110)

(2) Permitted Uses:

- Animal Hotel, without Outside Kennel or Pens
- Apparel Manufacture
- Athletic Equipment Manufacture
- Auto Car Wash
- Auto Parts, with Outside Storage
- Boat Storage
- Butane Storage & Sales Moving and Storage Company
- Candle Manufacture
- Candy Manufacture
- Carpentry Shop, with outside storage
- Cosmetic Manufacture
- Electronic Manufacturing
- Farm Equipment Sales
- Gasoline Service Station, with major vehicle repair and storage
- Hardware Store with outside storage
- Heating & Air Conditioner Shop with outside storage
- Household Appliance Product Assembly
- Instrument Manufacture
- Instrument Testing
- Manufacturing & Industrial Plant, indoor
- Office Warehouse, no self storage
- Painting Shop, no outside storage
- Pharmaceutical Products Manufacture

- Plumbing Shop with outside storage
- Printing Plant
- Trailer Rental
- Truck Rental
- Truck Sales & Storage
- Veterinarian, with outside Kennels or Pens

Unless noted, all above uses were adopted pursuant to (Ord. 110)

- (3) If the use sought will have special traffic service requirements, outside storage, special drainage requirements, or other such requirements the Planning & Zoning Commission may require any zoning to be by special use permit pursuant to the special use section of this ordinance. (Ord. 110)
- (4) If the specific use sought is not listed above the Planning & Zoning Commission may make a finding that a specific light industrial use so like a use listed that it may be included in the list under the general listing above without further public hearings or ordinance amendment. Provided, however if the specific use sought is listed in the Special Use Section of this Ordinance, a special use permit zoning classification must be obtained pursuant to the provisions of that section and subject to the conditions set out below unless specifically modified in the ordinance granting the special use classification.. (Ord. 110)
- (5) Such other uses as may be permitted with the granting of a Special Use Permit.

16-3 Height Regulations: Thirty-five (35) feet nor more than two and one-half (2½) stories high. (Ord. 110)

16-4 Area Regulations:

(1) Minimum Size of Yards:

- a. Front Yard: Thirty (30) feet, with no front yard parking. If front yard parking is utilized, then the sixty (60) feet front yard setback shall be observed. (Ord. 110)
- b. Side Yard: (Adjacent to a street or property line): Thirty (30) feet. Ord. 110)
- c. Rear Yard: Minimum required, twenty (20) feet. (Ord. 110)

(2) Minimum Size of Lot:

- a. Lot Area: One Acre and any additional area required to meet septic tank requirements. (Ord. 110)
- b. Lot Width: None. (Ord. 110)
- c. Lot Depth: None. (Ord. 110)

- (3) Lot coverage: No more than forty (40%) percent of the lot area shall be covered by buildings. (Ord. 110)

16-5 Parking Requirements: Off street parking shall be provided as follows:

- (1) One parking space for each 500 square feet of gross floor area. (Ord. 110)
- (2) The Board of Adjustment may grant an Exception based on the particular use where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

In addition, no parking area shall be allowed within 10 feet of the front property line or within five (5) feet of the rear property line. (Ord. 110)

16-6 Type of Exterior Construction: Exterior wall construction shall be of such material that is required to conform with the City of Lowry Crossing Building Code or as approved by City Council. All structures shall be eighty (80%) percent masonry exterior exclusive of doors and windows. Glass may be counted in place of masonry. (Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

SECTION 17

"HI" HEAVY INDUSTRIAL DISTRICT

17-1 General Purpose and Description: The "HI", Heavy Industrial district is intended to provide for basic and heavier manufacturing uses than may be inappropriate in the LI District. (Ord. 110)

17-2 Use Regulations: Any building or premises may be used for any purpose, including the below enumerated uses unless otherwise prohibited by other ordinance or laws; provided, however, that no building shall be erected, reconstructed, or structurally altered for residential purposes. (Ord. 110)

(1) Any use permitted in the LI District. (Ord. 110)

(2) Permitted Uses:

- Carnival, Temporary Carnival Approved By Council
- Housing Prefabrication
- Manufacturing & Industrial Plant, outdoor storage
- Painting Shop, with outside storage
- Planing Mill
- Plastic Products Manufacture

Unless noted, all above uses were adopted pursuant to (Ord. 110)

- (3) If the use sought will have special traffic service requirements, outside storage, special drainage requirements, or other such requirements the Planning & Zoning Commission may require any zoning to be by special use permit pursuant to the special use section of this ordinance.
- (4) If the specific use sought is not listed above the Planning & Zoning Commission may make a finding that a specific retail use so like a use listed that it may be included in the list under the general listing above without further public hearings or ordinance amendment. Provided, however if the specific use sought is listed in the Special Use Section of this Ordinance, a special use permit zoning classification must be obtained pursuant to the provisions of that section and subject to the conditions set out below unless specifically modified in the ordinance granting the special use classification.. (Ord. 110)
- (5) Such other uses as may be permitted with the granting of a Special Use Permit.

17-3 Height Regulations: Thirty-five (35) feet nor more than two and one-half (2½) stories high.

17-4 Area Regulations:

(1) Minimum Size of Yards:

- a. Front Yard: Thirty (30) feet, with no front yard parking. If front yard parking is utilized, then the sixty (60) feet front yard setback shall be observed. (Ord. 110)
- b. Side Yard: (Adjacent to a street or property line): Thirty (30) feet. (Ord. 110)
- c. Rear Yard: Minimum required, twenty (20) feet. (Ord. 110)

(2) Minimum Size of Lot:

- a. Lot Area: One Acre and any additional area required to meet septic tank requirements. (Ord. 110)
- b. Lot Width: None. (Ord. 110)
- c. Lot Depth: None. (Ord. 110)

- (3) Lot coverage: No more than forty (40%) percent of the lot area shall be covered by buildings. (Ord. 110)

17-5 Parking Requirements: Off street parking shall be provided as follows:

- (1) One parking space for each 500 square feet of gross floor area. (Ord. 110)
- (2) The Board of Adjustment may grant an Exception based on the particular use where the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

In addition, no parking area shall be allowed within 10 feet of the front property line or within five (5) feet of the rear property line. (Ord. 110)

17-6 Type of Exterior Construction: Exterior wall construction shall be of such material that is required to conform with the City of Lowry Crossing Building Code or as approved by City Council. All structures shall be eighty (80%) percent masonry exterior exclusive of doors and windows. Glass may be counted in place of masonry. (Ord. 110)

Exception: The Board of Adjustment may grant an Exception to the masonry construction requirement of this section and permit use of another type of exterior construction where the Board finds that the grant of the exception will not be contrary to the public interest and the spirit of this ordinance will be observed. (Ord. 110)

SECTION 18

SUP SPECIAL USE PERMIT DISTRICT

18-1 **The SUP Special Use Permit District** is a specific zoning classification. The uses that normally fall into this specific use category are **uses that have unique characteristics** that may, depending on the location of the property, require different conditions and regulations not otherwise listed under the basic zoning districts. For this reason, when an applicant seeks a change of zoning for a use listed in the Specific Use Section, the Planning & Zoning Commission may recommend, and the City Council may impose, necessary additional special zoning conditions. The adoptive ordinance may establish requirements by reference to the basic zoning ordinance or may list such specific conditions or requirements in the ordinance or on an attached plan. (Ord. 110)

18-2 Property zoned for a special use retains or shall be given a "basic" zoning classification, so that the special use shall be in addition to the authorized uses under the basic zoning of the property. The Basic Land Use District regulations shall be applicable for any permitted use other than the "special use." Also, the Basic Land Use District regulations shall apply to the "special use" unless changed at the time of the grant of the special use permit zoning. Therefore, any special condition or regulation established by the grant of the special use shall control the special use and supersedes any conflicting basic condition or regulation, however, where the grant of the special use is silent as to a condition or regulation that is imposed by the basic classification of the property, the basic condition or regulation shall control. **UPON THE GRANT OF A SPECIAL USE ZONING CLASSIFICATION THE "BASIC" CLASSIFICATION MAY BE ESTABLISHED AS THE "TR1" DISTRICT.** See Section 6. (Ord. 110)

Where, the "TR1" district has been established as the "basic" classification for a Special Use, and the Special Use has been terminated or abandoned as herein provided, either the property owner or the City Council on its own motion, shall proceed with the establishment of a permanent zoning classification for such property. (Ord. 110)

18-3 Any application for a change of zoning to a Specific Use Permit Classification shall be processed in the same manner as any other request for a zoning change, to-wit: A proper application; public hearing before the Planning and Zoning Commission; public hearing before the City Council; and final adoption of an ordinance amending the Comprehensive Zoning Ordinance and the Zoning Map of the City. (Ord. 110)

18-4 **USE REGULATIONS:**

A building, structure or premises used for any of the following purposes shall be permitted only upon the grant of a Specific Use Permit Zoning District Classification.

Airport, Private
Airport, Public
Amusement & Video Games, indoor
Amusement Facility, outdoor
Amusement, Fairgrounds
Amusement, Rodeo Arena
Amusement, Temporary Amusement Approved By Council
Animal Hotel, with Outside Kennel or Pens
Auto Repair, with Outside Storage
Auto, Car Rental Office & Vehicle Storage Lot
Auto/Vehicle Wrecking & Parts Yard
Automobile, Used Sales
Boarding & Rooming Houses
Broadcasting Facilities & Towers
Building Materials Sales. outside storage
Cemetery
Churches
Golf Courses & Driving Ranges
Gun & Shooting Ranges
Heliport
Hospital
Hotel
Libraries, Public
Lodges & Fraternal Orders
Manufactured Home Park
Mining Activity
Mobile Home Sales
Mortuary
Motel
Motorcycle Sales & Service
Movie Theater, Outdoor
Night Club
Nursing Home
Petroleum or Gas Extraction
Post Office
Private Club
Public Utility Services Uses
Radio, amateur sending or receiving devices
Radio, TV, & Microwave Receiving Dish
Restaurant, drive-in type
Riding Academy
Rodeo Area

Sand & Gravel Extraction
Sand, Gravel, Soil Storage & Sales
Schools, Business & Trade
Schools, Private
Schools, Public
Self-Storage Facility
Stadium
Television Studio
Temporary Batching Plant
Thrift Shop

Unless noted, all above uses were adopted pursuant to (Ord. 110)

18-5 APPLICATION FOR SPECIFIC USE PERMIT ZONING.

In addition to any other provision in this ordinance regulating applications for zoning change, an application for zoning change requesting a Specific Use Permit District Classification shall be accompanied by a site plan containing the following information:

- (1) Date, scale, north point, name of owner, name of person preparing the site plan. (Ord. 110)
- (2) Location of existing boundary lines and dimensions of the tract. (Ord. 110)
- (3) Minimum building setback dimensions adjacent to all property lines. (Ord. 110)
- (4) Drawings and data necessary to show the full scope of the facility. (Ord. 110)
- (5) Designation of the location and size of points of ingress and egress. (Ord. 110)
- (6) The center line of any existing water course, drainage feature or floodway easement. (Ord. 110)
- (7) The location and size of existing and proposed streets and alleys with location of all street intersections adjacent to the area of request. (Ord. 110)
- (8) In addition to the site plan, an area map shall be required indicating the neighborhood in which the property is located and showing the existing zoning of adjacent properties. (Ord. 110)
- (9) Where screening, landscaping or a drainage study may be essential to the granting of the specific use permit, the applicant, to avoid delay or denial in the processing of his request, should provide an adequate screening plan, landscaping plan or drainage study. The screening plan and landscaping plan may be separate plans or a part of applicant's site plan. (Ord. 110)

18-6 APPLICATION FOR A USE NOT SPECIFICALLY NAMED

Any applicant seeking a land use not otherwise authorized by the Comprehensive Zoning Ordinance, as amended, or as listed in this section, may make application to amend this section to include the unlisted use and may at the same time make application for a Specific Use Zoning Change for such use, on a specific property. In such a case both amendments may be heard at the same time by the Planning and Zoning Commission; may be heard at the same time by the City Council; and the adoptive ordinances may be acted upon by the City Council on the same date. (Ord. 110)

18-7 SPECIAL FACTORS FOR CONSIDERATION

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

- (1) Safety of motoring public and of pedestrians using the facility and the area immediately surrounding the site. (Ord. 110)
- (2) Safety from fire hazards, and measures of fire control. (Ord. 110)
- (3) Protecting the property, adjacent property, and other properties within the City from flood or water damage. (Ord. 110)
- (4) Noise producing elements, glare of vehicular and stationary lights and the effect of such noise and lights on the established character of neighboring property. (Ord. 110)
- (5) Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood. (Ord. 110)
- (6) Adequacy of on-site and off-site parking facilities; location of ingress and egress points for parking and off-street loading and the surfacing of all parking areas to control dust and for the protection of public health. (Ord. 110)
- (7) Such other measures as will secure and protect public health, safety, morals and general welfare. (Ord. 110)
- (8) Off-street parking, unless specifically regulated in the ordinance adopting the specific use permit zoning classification, shall be governed by other applicable provisions of the Comprehensive Zoning Ordinance or other applicable ordinances of the City. (Ord. 110)
- (9) The economic and/or environmental impact the use may have on property within the City as a whole, as well as on adjacent property, and whether an economic and/or environmental impact study should be submitted as a part of the application for Specific Use Permit. (Ord. 110)
- (10) The aesthetic appearance of the use, and other sensory effects that the use may have on the established character of the neighborhood, its property and the property within the City as a whole. (Ord. 110)

18-8 COMPLIANCE WITH SITE PLAN

- (1) All improvements to the land and all buildings and construction on the land shall be in accordance with the site plan and/or the development plan which shall be made a part of the adoptive ordinance. After adoption of the ordinance that grants the Special Use zoning change, the City Council, upon finding that a requested site plan change is a minor change that will not adversely impact adjacent or other properties within the City, may authorize by written order, the minor alteration to the site plan, without further notice, public hearings, reports from the Planning and Zoning Commission or amendment to the original ordinance. The Councils Order shall be attached to or filed with the original ordinance. Provided, however, no such amendment to the site plan should be made that would conflict with the final subdivision plat of such property after the final plat has been approved by the City and filed of record. (Ord. 110)
- (2) A special use zoning classification "runs with the land" and a new owner may continue the special use. Provided, however, a new special use zoning change will be required if there is any deviation from the approved plan or change in the manner in which the use is conducted. (Ord. 110)

18-9 DESIGNATION OF ZONING MAP

On the official zoning map of the City, a Special Use Permit District shall bear the prefix designation of the Base Zoning and "SUP" followed by the ordinance number granting the specific use permit classification. (Ord. 110)

For example, a property with a base zoning classification of "O" Office that is granted a special use permit zoning classification for operation of a Television Studio, should be designated in the adoptive ordinance as having a zoning classification of "O" Office with a Special Use Permit to operate a Television Studio and on the zoning map designated as "O" SP followed by the adoptive ordinance number. (Ord. 110)

18-10 SPECIAL FACTORS FOR CONSIDERATION FOR MOBILE HOMES

- (1) **"Mobile home"** means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems. (Ord. 110)
- (2) Mobile Homes, being structures that are not likely to be constructed in accordance with federal standards, are not permitted in the city. Provided, however, the Planning and Zoning Commission may under extraordinary circumstances recommend a special use permit which would be subject to any conditions or restriction imposed by the granting ordinance. (Ord. 110)

18-11 SPECIAL FACTORS FOR CONSIDERATION FOR MANUFACTURED HOMES

- (1) **Manufactured Homes Defined**

"HUD-code manufactured home" means a structure constructed on or after June 15, 1976, according to the rules of the United State Department of Housing and Urban Development or, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. (Ord. 110)

"Federal Manufactured Home" means a structure transportable in one or more sections, constructed according to "Federal Manufactured Home Construction and Safety Standards"(42 USCA Chapter 70, § 5401 to end) which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacture has complied with the above mentioned federal manufactured home construction standards. (Ord. 110)

- (2) Construction and Construction Safety Standards Of Manufactured Homes, Not Considered.

The handling of a special use application for a **HUD-code manufactured home** or a **Federal Manufactured Home** shall be done as in the case of any other special use request, and in granting or denying an application for such a special use permit the Planning and Zoning Commission in its recommendation, and the City Council its final decision, may take into consideration any matter it might consider in regard to any other application for a special use permit. Provided, however in considering such request, construction standards and construction safety standards may not be considered. Therefore, construction or construction safety standards of the city, applicable to houses built using conventional methods, and other standards dealing with the quality of construction of **HUD-code manufactured homes** or **Federal Manufactured Homes**, shall not be imposed as a condition of a special use permit for such a home. Quality of construction and construction safety standards for such homes, having been preempted by federal law and state law, shall not be considered an adequate basis for failure to approve a **HUD-code manufactured home, or a Federal Manufactured Home.** (Ord. 110)

- (3) Size and Design of Manufactured Homes May be Considered.

The City Council finds that **HUD-code manufactured homes** and **Federal Manufactured Homes**, like houses built using conventional methods, vary in size and design. That the terms are so broadly defined that they can include structures ranging from elaborate residential dwellings to structures that in size and design give the appearance of mobile homes which are not permitted within the city except under extraordinary circumstances. That when size and design are unregulated such structures may (i) fail to protect property values of other property within the city; (ii) fail to protect property values of other adjacent **HUD-code manufactured homes** or **Federal Manufactured Homes**; or (iii) fail to protect property values of other adjacent homes built using conventional methods. Therefore, in considering requests for special use permit zoning for **Single-Family-HUD-code manufactured homes** or **Federal Manufactured Homes**, size and design conditions may be imposed for the purpose of protecting property values. (Ord. 110)

- (4) All other requirements of the basic zoning district of such special use permit, including but not limited to, garage requirements, parking regulations, minimum lot size, minimum structure size, exterior masonry, yard size, accessory buildings, and driveways, shall be complied with even though not listed in the ordinance granting the special use classification. (Ord. 110)

SECTION 19

"PD" PLANNED DEVELOPMENT DISTRICT

19-1 General Purpose and Description: The Planned Development District is intended to provide for the combining and **mixing of uses allowed in various districts with appropriate regulations**, and to permit growth flexibility in the use and design of land and buildings in situations where modification of special provisions of this Ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood. A PD District may be used to permit new and innovative concepts in land utilization. The zoning requirements of land having "Planned Development" zoning are detailed in writing in the adoptive ordinance or shown on the "Development Plan" that is attached to and made a part of the adoptive ordinance that grants the zoning change. The adoptive ordinance may establish requirements by reference to the basic zoning ordinance or may list specific conditions or requirements. (Ord. 110)

19-2 Pre-Application Conference

Prior to the filing of a Planned Development Application, the applicant shall consult with a Development Review Committee that will consist of the Mayor, a least one Council Member appointed by the Mayor and the City Attorney, to discuss concerns relating to the suitability of the proposed project for Planned Development Zoning. (Ord. 110)

19-3 Development Requirements:

- (1) Development requirements for each separate PD District shall be set forth in the Ordinance granting the PD District and may include, but not be limited to; uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate. (Ord. 110)
- (2) The Ordinance granting a PD District may include a statement as to the purpose and intent of the PD granted therein.
- (3) The Ordinance and attached Development Plan that grants a Planned Development Zoning District classification to a tract of land will determine the uses permitted but the Planned Development district shall conform to all other sections of this ordinance or other ordinances of the city unless specifically excluded in the granting ordinance. (Ord. 110)

- (4) All applications shall state all requested deviations from the standard requirements set forth throughout this ordinance and must be indicated in written form and on the face of the zoning exhibit. (Ord. 110)

19-4 During the review and public hearing process, the Planning and Zoning Commission and City Council shall require a detail development plan. (Ord. 110)

- (1) Development Plan - This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and as may be required supported by written documentation of proposals and standards for development. (Ord. 110)

- a. A Development Plan shall show general use, thoroughfares and preliminary lot arrangements. For development which does not propose platted lots, the plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data. (Ord. 110)

- b. Minor changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site, or which do not decrease the off-street parking or reduce the yards provided at the boundary of the site or does not significantly alter the landscape plans as indicated on the approved plan, may be authorized by the City Council without formal amendment. (Ord. 110)

- c. A landscape plan may be made or required as a part of the Development Plan showing screening walls, ornamental planting, wooded areas and trees to be planted. (Ord. 110)

- d. An architectural plan may be made or required as a part of the Development Plan, showing elevations and signs to be used throughout the development. (Ord. 110)

- e. Any or all of the required information may be incorporated on a single drawing if one drawing is clear and can be evaluated. (Ord. 110)

- (3) The Development Plan shall have supplemental data describing standards, schedules or other data pertinent to the development of the Planned Development District which is to be included in the text of the amending Ordinance. (Ord. 110)

19-5 All Planned Development Districts approved in accordance with provisions of this ordinance shall be referenced on the Zoning Districts Map with a notation as to the adoptive ordinance number. (Ord. 110)

SECTION 20

"FP" FLOOD PLAIN DISTRICT

- 20-1 General Purpose and Description - To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding portions of certain districts are designated with a Flood Plain Prefix, FP. Areas designated on the Zoning District Map by an FP Prefix shall be subject to the following provisions:
- 20-1 Use Regulations: A building or premise shall be used only for the following purposes:
- (1) Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry. (Ord. 110)
 - (2) Off-street parking incidental to any adjacent main use permitted in the district. (Ord. 110)
 - (3) Electrical Substation. (Ord. 110)
 - (4) All types of local utilities including those requiring Special Use Permits. (Ord. 110)
 - (5) Parks, community centers, playgrounds, public golf courses (no structures), and other recreational areas. (Ord. 110)
 - (6) Private open space as part of a Community Unit Development of Planned Residential Development. (Ord. 110)
 - (7) Heliport when approved by Special Use Permit. (Ord. 110)
- 20-2 No building or structure shall be erected in that portion of any district designated with a Flood Plain, FP, Prefix until and unless such building or structure has been approved by the City Council after engineering studies have been made and it ascertained 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. (Ord. 110)
- 20-3 Plans for any dump, excavation, storage, filling, or mining operation within that portion of a district having a Flood Plain, FP, Prefix must first be approved by the City Council after recommendation by the Planning and Zoning Commission before such operation is begun.(Ord. 110)

- 20-4 An area may be removed from the Flood Plain, FP, Prefix designation when by the provision of drainage works, grading, flood protection, or specific drainage study, it is determined by the City Council that the flood hazard has been alleviated. (Ord. 110)

- 20-5 The fact that land is, or is not, within a district having a Flood Plain, FP, Prefix, shall not be interpreted as assurance that such land or area, is or is not, subject to periodic local flooding. (Ord. 110)

SECTION 21

OFF - STREET PARKING REQUIREMENTS
FOR NON-RESIDENTIAL USES

21-1 Purpose: To secure safety from fire, panic, and other dangers; to lessen congestion in the streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions. (Ord. 110)

21-2 Special Off-Street Parking Provisions for Non-Residential Districts

- (1) In non-residential districts, surface parking may extend into the front yard except for required screening, landscaping, or as specifically stated in various sections of this ordinance. (Ord. 110)
- (2) Parking shall be allowed only on a paved concrete surface. (Ord. 110)

21-3 Off-Street Loading Space - All Districts

- (1) All retail, commercial, and industrial structures having five thousand (5,000) square feet or more of gross floor area shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for the first twenty thousand (20,000) square feet of gross floor area and one (1) space for each additional twenty thousand (20,000) square feet of gross floor area or fraction thereof for a building larger than five thousand (5,000) square feet. A loading space shall consist of an area of a minimum of twelve (12) by thirty (30) feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. ((Ord. 110)
- (2) Kindergartens, day schools, and similar child training and care establishments shall provide concrete off-street loading and unloading space on a through "circular" drive except when otherwise provided for in a Special Use Permit. Drives shall be designed to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment. ((Ord. 110)
- (3) Uses not listed shall provide required off-street parking according to the most similar use listed in the Schedule, as determined by the City Council. (Ord. 110)

- (4) Loading docks and areas shall not be located on the street side of any structure unless screened By screening approved by the Planning & Zoning Commission. (Ord. 110)

21-4

Parking Access From a Public Street - All Districts

- (1) In all districts (except all single-family, duplex, and multi-family districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the City Engineer. Where based upon projected volumes of traffic entering or leaving the proposed development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way, and paving in the form of a deceleration lane or turn lane may be required to be furnished by the developer in order to reduce such interference. (Ord. 110)
- (2) In the approval of a Detail Site Plan consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site. Such drives shall have curbs or other barriers to prohibit access from parking areas and other drives. (Ord. 110)
- (3) The radius of all drive approaches shall be constructed so that the curb return shall not extend beyond any projection of the property line which the drive does not cross, except by written agreement of both property owners filed for record with the County Clerk with proof supplied to the City Council. (Ord. 110)
- (4) Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas. (Ord. 110)
- (5) Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to Appendix Illustrations Nos. 1, 2, 3, 4 or 5. (Ord. 110)

21-5

Off-Street Parking Requirements - All Districts

- (1) In accordance with Appendix Illustrations Nos. 1, 2, 3, 4, and 5, a parking space shall be a minimum of nine (9) feet wide and a minimum of nineteen (19) feet long, with two exceptions. The two exceptions are:
 - a. where a parking space heads in to a curb, or other wheel stop, which adjoins a private sidewalk at least five (5) feet wide, and
 - b. where a parking space heads in to a curb, or other wheel stop, which adjoins a landscaped area designed to maintain a minimum clearance of

eight (8) inches above the parking pavement for a distance of at least two (2) feet beyond where the curb or wheel stop restricts vehicular forward progress. (Ord. 110)

If either or both of the conditions described in the preceding subparagraphs a. and b. exist, a parking space shall be a minimum of nine (9) feet wide and a minimum of seventeen (17) feet long. (Ord. 110)

- (2) Parking on private property shall not extend into or overhang public right-of-way or adjoining property. Where on-site parking is adjacent to sidewalks, right-of-way, and/or required landscaped areas, all parking, loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent the wheels of motor vehicles from entering any required landscaped areas, and to prevent any parked vehicle from entering or overhanging a public right-of-way, public sidewalk, or any landscaping over eight (8) inches in height above the parking pavement. An over-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three (3) feet minimum sidewalk width. (Ord. 110)
3. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be maintained so as to comply with all public health and sanitary regulations. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and shall be screened according to Section 33-1(6). (Ord. 110)

21-6 Parking Requirements Based on Use

In all districts there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the preceding provisions and in accordance with the following requirements:

Auto laundry: One (1) space per five hundred (500) square feet of gross floor area. (Ord. 110)

Bowling alley: Six (6) parking spaces for each alley or lane. ((Ord. 110)

Business or professional office, (general): One (1) space per three hundred (300) square feet of gross floor area. ((Ord. 110)

Church or other place of worship: One (1) parking space for each three (3) seats in the main auditorium. ((Ord. 110)

College or University: One (1) space per each day student. ((Ord. 110)

Community Center, Library, Museum, or Art Gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains. ((Ord. 110)

Commercial Amusement: One (1) space per 3 guests or one (1) space per 100 square feet of gross floor area, whichever is greater. ((Ord. 110)

Dance Hall, Assembly or Exhibition Hall Without Fixed Seats: One (1) parking space for each one hundred (100) square feet of floor area thereof. ((Ord. 110)

Day Nursery: One (1) space per 10 pupils. ((Ord. 110)

Dwellings, Multi-Family: Two (2) spaces per one and two bedroom units and two and one-half (2½) spaces per three bedroom unit. ((Ord. 110)

Fraternity, Sorority, or Dormitory: One (1) parking space for each two (2) beds. ((Ord. 110)

Furniture or Appliance Store, Hardware Store, Wholesale Establishments, Machinery or Equipment Sales and Service, Clothing or Shoe Repair or Service: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000). ((Ord. 110)

Gasoline Station: Minimum of six (6) spaces. ((Ord. 110)

Hospital: One (1) space per employee on the largest shift, plus one and one-half (1½) spaces for each bed. ((Ord. 110)

Hotel: One (1) parking space for each one (1) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein. ((Ord. 110)

Library or Museum: Ten (10) spaces plus one (1) space for every three hundred (300) square feet. ((Ord. 110)

Lodge or Fraternal Organization: One (1) space per two hundred (200) square feet. ((Ord. 110)

Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse, Printing or Plumbing Shop, or Similar Establishment: One (1) parking space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each one thousand (1,000) square feet of floor area. (Ord. 110)

Medical or Dental Office: One (1) space per one hundred seventy-five (175) square feet of floor area. (Ord. 110)

Mini-Warehouse: Four (4) per complex plus (1) one per five thousand (5000) square feet of storage areas. (Ord. 110)

Mobile Home Park: Two (2) spaces for each mobile home plus additional spaces as required herein for accessory uses. (Ord. 110)

Mortuary or Funeral Home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms. (Ord. 110)

Motel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein. (Ord. 110)

Motor-Vehicle Sales rooms and Used Car Lots: One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses. (Ord. 110)

Nursing Home: One (1) space per five (5) beds and one (1) for each day staff. (Ord. 110)

Private Club, Country Club or Golf Club: One (1) parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater. (Ord. 110)

Retail Store or Personal Service Establishment, except as otherwise specified herein: One (1) space per two hundred (200) square feet of gross floor area. (Ord. 110)

Restaurant, Night Club, Cafe or Similar Recreation or Amusement Establishment: One (1) parking space for each one hundred (100) square feet of floor area. (Ord. 110)

Rooming or Boarding House: One (1) parking space for each sleeping room. (Ord. 110)

Sanitarium, Convalescent Home, Home for the Aged or Similar Institution: One (1) parking space for each five (5) beds. (Ord. 110)

School, Elementary: One (1) Parking space for each five (5) seats in the auditorium or main assembly room, or one (1) space for each classroom plus six (6) spaces, whichever is greater. (Ord. 110)

School, Secondary, and College: One (1) parking space for each four (4) seats in the main auditorium or eight (8) spaces for each classroom, whichever is greater. (Ord. 110)

Theater, Auditorium (except school), Sports Arena, Stadium, or Gymnasium: One (1) parking space for each three (3) seats or bench seating spaces. (Ord. 110)

Warehouse, Wholesale, Manufacturing and Other Industrial Type Uses: One (1) space for one thousand (1,000) square feet of gross floor area. (Ord. 110)

Golf Course: Three (3) parking spaces per hole. (Ord. 110)

21-7 Rules for Computing Number of Parking Spaces: In computing the number of parking spaces required for each of the above uses the following rules shall govern:

- (1) "Floor Area" shall mean the gross floor area of the specific use. (Ord. 110)
- (2) Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number. (Ord. 110)
- (3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature. (Ord. 110)
- (4) Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area

used, said building or use shall then and thereafter comply with the parking requirements set forth herein. ((Ord. 110)

- (5) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. ((Ord. 110)

21-8 Location of Parking Spaces: All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- (1) Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed six hundred (600) feet from any other non-residential building served. ((Ord. 110)
- (2) Not more than fifty (50) per cent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, cafes, or similar uses and not more than eighty (80) per cent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below. ((Ord. 110)
- (3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit. ((Ord. 110)

21-9 Use of Parking Spaces - All Districts: Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale. (Ord. 110)

SECTION 22

SPECIAL AND ADDITIONAL REGULATIONS

22-1 Lot Area:

- (1) The minimum residential lot area for the various districts shall be in accordance with the individual use schedule except that a lot having less area than herein required that was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and shall not be considered nonconforming. No lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district. (Ord. 110)
- (2) Notwithstanding any provision establishing the minimum lot area for specific uses, any use shall require such additional area as is necessary to meet septic tank requirements (Ord. 110)

22-2 Front Yard:

- (1) On corner lots, the front yard set back shall be observed along the frontage of both intersecting streets unless shown specifically otherwise on a final plat. (Ord. 110)
2. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage. (Ord. 110)
- (3) 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 or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard. (See Appendix Illustration No. 7. (Ord. 110)
- (4) 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 Illustration No. 8) (Ord. 110)

- (5) The minimum front yard setback requirements may be reduced by five (5) feet in all Single Family districts provided that at least fifty (50%) percent of the structures on a given block are set back an additional five (5) feet from the original setback. The average setback would equal the original setback requirement. The purpose of this requirement is to encourage a variety of front yard setbacks along a street creating a more pleasing appearance of houses in the subdivision. In no case shall the front yard setback be less than twenty (20) feet. (See Appendix Illustration No. 10). Varying setbacks must be shown on the approved final plat in order to reduce normal setback requirements. (Ord. 110)
- (6) Minimum front yard setbacks for lots with predominate frontage on the curved radius of a cul-de-sac shall be twenty-five (25) feet if approved on the final plat. (See Appendix Illustration No. 14) (Ord. 110)
- (7) No fence, wall, screen, billboard, sign, structure or foliage of hedges, trees, bushes or shrubs shall be erected, planted or maintained in such a position or place so as to obstruct or interfere with the following minimum sight line standards. (Ord. 110)

Vision at all intersections where streets intersect at or near right angles shall be clear at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade, within a triangular area formed by extending the two curb lines from their point of intersection forty-five (45) feet, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection twenty-five (25) feet and connecting these points with an imaginary line, thereby making a triangle. (Ord. 110)

- (8) Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An enclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten (10) feet to the property line. (Ord. 110)
- (9) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front or side yard shall be measured from the future right-of-way line. (Ord. 110)

22-3

Side Yards:

- (1) On a corner lot used for one-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 fifteen (15) 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 comply with the minimum required side yard for the respective districts. (Ord. 110)

- (2) 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, belt courses, cornices, and other architectural features not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed thirty-six (36) inches into the required side yard. (Ord. 110)

22-4 Lot Coverage:

- (1) Up to ten (10%) per cent additional coverage of the lot or tract will be permitted for accessory buildings such as garages, carports, and storage buildings. Specified maximum coverage shall apply to schools, churches, and other non-residential buildings permitted in residential districts. (Ord. 110)

22-5 Special Height Regulations

- (1) In the districts where the height of buildings is restricted to two and one-half (2½) or three (3) stories, cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed 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, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed three (3) stories. (Ord. 110)
- (2) Antennas and other sending and receiving devices of micro-wave or electromagnetic waves shall be permitted in all districts for private or amateur radio broadcasting use. Such devices shall not interfere with radio or television reception of adjoining property owners and shall comply with all regulations of the Federal Communications Commission (FCC). In no case shall the height of such antennas exceed thirty-five (35) feet and proper guy wire securement shall be followed. In no manner shall the use of such equipment infringe upon adjoining property owners. (Ord. 110)
- (3) Satellite dishes shall not exceed a height of fifteen (15) feet and shall only be located in the rear yard of any lot. (Ord. 110)

22-6 All measurements of setback requirements shall be made according to Illustrations 11, 12 and 13. (Ord. 110)

22-7 Sheet-Metal exterior constructed buildings shall not be permitted in any district as a primary use except as provided in this or other ordinances of the City. (Ord. 110)

SECTION 23

GLARE AND LIGHTING STANDARDS

- 23-1 Purpose of Section: Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas. (Ord. 110)
- 23-2 Glare: Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflectors so selected that acting together the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. (Ord. 110)
- 23-3 Non-Residential Site Lighting:
- (1) All off-street parking areas for nonresidential uses in nonresidential district which are used after dark, shall be illuminated beginning one-half hour after sunset and continuing throughout the hours of use or until midnight, whichever is earlier. In case only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements. No intermittent or flashing lights are permitted. (Ord. 110)
 - (2) Intensity:

On the parking area surface, an average of at least two (2) foot candles, initial measurement, and a minimum average of one (1) foot candle on a maintained basis.(Ord. 110)
- 23-4 Luminaries: Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and/or so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above 15 watts or strings of lamps are prohibited except for temporary lighting not exceeding forty-five (45) days per year. (Ord. 110)
- 23-5 Special Lighting: Low Wattage: Holiday special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used. (Ord. 110)

SECTION 24

CLASSIFICATION OF NEW AND UNLISTED USES

24-1 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 Lowry Crossing. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (1) The question concerning any new or unlisted use shall be referred to the Planning and Zoning Commission for an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
(Ord. 110)
- (2) 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 districts within which such use should be permitted. (Ord. 110)
- (3) The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. (Ord. 110)
- (4) Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in paragraphs 1, 2, and 3 above shall be followed.
(Ord. 110)

SECTION 25

NONCONFORMING USES AND STRUCTURES

- 25-1 A nonconforming status shall exist under the following provisions of this ordinance:
- (1) When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the previous Zoning Ordinance and has been operating since without discontinuance. (Ord. 110)
 - (2) When on the effective date of this Ordinance, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the previous Zoning Ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which the use or structure is located. (Ord. 110)
- 25-2 No nonconforming use or structure may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this Ordinance except to provide off-street loading or off-street parking space upon approval of the Board of Adjustment. (Ord. 110)
- 25-3 Repairs and normal maintenance may be made to a nonconforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming structure. (Ord. 110)
- 25-4 Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use. (Ord. 110)
- 25-5 Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy from the Building Official. (Ord. 110)
- 25-6 When a nonconforming use or business involving a permanent type structure is discontinued or the structure vacated for a period of one (1) year, the nonconforming use shall be deemed abandoned and such facts shall be construed as conclusive proof of intent to abandon the nonconforming use. When a nonconforming use or business, not involving a permanent type structure, is

discontinued or moved from the premises for a period of six (6) months, the nonconforming use shall be deemed abandoned and such facts shall be construed as conclusive proof of intent to abandon the nonconforming use. (Ord. 110)

- 25-7 If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may be rebuilt, reconstructed, or replaced, and continued as a nonconforming structure or nonconforming use, only on the following conditions:

If it is rebuilt, reconstructed, or replaced, by the person owning the structure at the time of the loss, and such action results in a structure equal to or better than the original structure. A person purchasing the property after the loss and before the structure has been rebuild, reconstructed or replaced, may not rebuild, reconstruct or replace except to conform with the provisions of this ordinance. This sub-section notwithstanding a Mobil Home destroyed by fire, the elements, or other cause, may not be replaced with another Mobile Home unless a variance is granted by the Board Of Adjustment; but may be replaced with a Manufactured Home without the necessity of obtaining a variance. (Ord. 110)

- 25-8 The Board of Adjustment may provide a termination date for a nonconforming use under a plan whereby the owner's actual investment in the structure(s) prior to the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Board in determining a reasonable amortization period:

- (1) The owner's capital investment in the structures on the property at the time the use became nonconforming. (Ord. 110)
- (2) The amount of the investment realized to date and the amount remaining, if any, to be recovered during the amortization. (Ord. 110)
- (3) The life expectancy of the investment. (Ord. 110)
- (4) The existence or nonexistence of lease obligations, as well as any contingency clauses therein permitting termination of such leases. (Ord. 110)
- (5) Removal costs that are directly attributable to the establishment of a termination date. (Ord. 110)

- (6) Other costs and expenses that are directly attributable to the establishment of a termination date. (Ord. 110)