ORDINANCE 310

ZONING ORDINANCE

AN ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; THE HEIGHT, BULK AND LOCATION OF BUILDINGS; ESTABLISHING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING, REGULATING THE ERECTION, REPAIR AND ALTERATIONS OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR CONDITIONAL USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; CREATING A BOARD OF ADJUSTMENT AND SETTING FORTH RULES FOR ITS ORGANIZATION, JURISDICTION AND POWERS; ESTABLISHING THE REQUIREMENTS FOR BUILDING SITES AND THE MANNER OF THEIR CREATION; DEFINING CERTAIN TERMS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF SAID ORDINANCE: MAKING ALL FIGURES, LETTERS, MARKINGS, SYMBOLS AND CHARTS CONTAINED IN SAID ORDINANCE OR SHOWN ON THE MAP A PART OF SUCH ORDINANCE, PROVIDING A METHOD OF AMENDMENT: PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE: AND PROVIDING A SAVINGS CLAUSE.

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

WHEREAS, the city council made a study of the zoning regulations and existing land use of the city of Abernathy over a period of more than one year; and,

WHEREAS, the city council did call a public hearing after giving written notice in the local newspaper, and,

WHEREAS, the city council is of the opinion that the passage of the zoning ordinance and the enforcement of the provision of such ordinance is in the public interest and deemed necessary for the promotion of the health, safety, morals and general welfare of the city;

NOW THEREFORE, THE COUNCIL OF THE CITY OF ABERNATHY HEREBY ORDAINS:

ENACTING CLAUSE

That Articles inclusive of the Code of the City of Abernathy, Texas, known as the zoning ordinance, is hereby adopted in its entirety to read as follows:
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SECTION I

BASIC PROVISIONS
SECTION I
BASIC PROVISIONS

1000 GENERAL PROVISIONS

1010 Title
Sections 1000 through 6020 of this ordinance shall be known as the Zoning Regulations of the City of Abernathy, Texas.

1015 Purpose of the Zoning Regulations
The purpose of the Zoning Regulations shall be to serve the public health, safety, and general welfare of the City of Abernathy and the residents thereof; and to attain the objectives of the planning policies of the City of Abernathy.

1020 Consistency With Planning Policies
It is the intent of the City of Abernathy that the Zoning Regulations shall be consistent with the planning policies of Abernathy, and with any supplemental land use and community development policies which may be adopted by the Council.

In the event the Zoning Regulations become inconsistent with the Abernathy planning policies or with any supplemental land use and community development policies of the City of Abernathy, by reason of the adoption of new plans or by amendment of the existing plans or supplemental policies, it is the intent of the Council that the Zoning Regulations be amended within a reasonable time so as to become or remain consistent with the revised, or amended land use and community development policies.

Additionally, it is the intent of the Council that all amendments to the Zoning Regulations shall maintain and enhance the consistency between the Zoning Regulations and the Abernathy planning policies.

1025 Applicability
The Zoning Regulations shall apply to all of the incorporated areas of the City of Abernathy. The use of all land and any buildings or structures located upon the land, and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the district in which the land is located. No land, building, structure or premise shall be used for purpose or in any manner other than is permitted in the district in which such land, building, structure or premise is located.

1035 Conflicting Provisions
The Zoning Regulations shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of these regulations to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When these regulations impose a greater restriction upon the use of buildings or land, or upon the height of buildings, or require larger open
spaces than are imposed or required by other ordinances, rules, regulations, or by
easements, covenants or agreements, the provisions of these regulations shall control.

1040 Relief From Other Provisions

Except as otherwise specifically provided, no provision of the Zoning Regulations shall be construed as relieving any party to whom a site plan, permit or variance is issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the City of Abernathy requiring a license, franchise, or permit to accomplish, engage in, carryon or maintain a particular business, enterprise, occupation, transaction or use.

1045 Severability of Provisions

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being hereby expressly declared that this ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that anyone or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

1050 Prior Regulations

Nothing in this ordinance shall be construed as validating or legalizing any land use or building or structure conducted, constructed, erected, or maintained in violation of any city ordinance, and nothing in this ordinance shall prevent or bar the filing of a complaint or punishment of any act in violation of prior ordinances or bar the bringing of any action or compel the discontinuance of any use or the removal of any building or structure conducted, constructed, erected, or maintained in violation of any prior ordinance. Insofar as the provisions of this ordinance impose the same regulations as imposed by previous ordinances, this ordinance shall be construed as a continuation of such regulations and not as a new enactment.

1055 Completion of Uses and Structures

Nothing herein contained shall require any change in the plans, construction or designated use of a building or structure for which a building permit has been issued prior to the effective date of any amendment of these regulations provided that construction of such building or structure begins within 120 days after the date of issuance of the building permit and is completed within one year from the effective date of such amendment, and provided further that such construction and proposed use of such building or structure is not on said effective date in violation of any other ordinance or law.

1100 DEFINITIONS

1110 Title and Purpose

Sections 1100 through 1454 shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretations of the Zoning
Regulations. The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Regulations, except where the context of such words or phrases clearly indicates a different meaning or construction.

1115 General Construction of Language

The following general rules of construction shall apply to the textual provisions of the Zoning Regulations.

a. **Headings.** Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Regulations.

b. **Illustration.** In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.

c. **Shall and May.** "Shall is always mandatory and not discretionary "May" is discretionary.

d. **Tenses and Numbers.** Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. **Conjunctions.** Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
   1. "And" indicates that all connected items or provisions apply.
   2. "Or" indicates that the connected items or provisions may apply singly or in any combination
   3. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

f. All public officials, bodies, and agencies to which reference is made are those of the City of Abernathy unless otherwise indicated.

General Definitions

1120

a. "Building Official" means the person responsible for Inspection in the City of Abernathy.

b. "Comprehensive Plan" means any planning policies or a comprehensive plan of the City of Abernathy.

c. "Council" or "City Council" shall have the same meaning.

d. "County" shall mean Hale or Lubbock County.

e. "District or Zone" shall have the same meaning and shall refer to districts established by the Zoning Regulations unless otherwise indicated.


g. "Section" means a section of the Zoning Regulations unless otherwise indicated.

h. "State" shall mean the State of Texas.

i. "Used" includes "arranged for," "designed for," "occupied," or "intended to be occupied for."

j. "Zoning Administrator" means the person designated by the City Manager to administer the provisions of this ordinance.
GENERAL DEFINITIONS

Abutting
Having lot lines or district boundaries in common.

Accessory Building
A building which is incidental to and customarily associated with a specific principal use or principal building on the same site.

Accessory Dwelling
A dwelling unit accessory to a principal use on the same site and intended for occupancy by a family having at least one member employed on the site for purposes of security, maintenance, Management, supervision, or personal service.

Addition
Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Agent of Owner
Any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

Alteration
Any construction of physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in relative position of buildings or structures on a site, or substantial change in appearance of any building or structure.

Attached
Having one or more walls common with a principal building, or joined to a principal building by a covered porch, Loggia, or passageway, the roof of which is a part of extension of a principal building.

Beginning of Construction
The incorporation of labor and material within the foundation of a building or structure.
A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons or property. The word “building” includes the word "structure",

1143 Building Pad

A portion of a sloping site graded relatively flat, or to a minimum slope, for the purpose of accommodating a building and related outdoor space.

1144 Change of Use

The replacement of an existing use by a new use, or a change in the nature of an existing use. Change in use does not include a change of ownership, tenancy, name or management, or change in product or service within the same use classification.

1145 Common Area

An area held, designed and designated principally for the common use of the owners or occupants of a town house project, PD, mobilehome park, or subdivision.

1150 Detached

Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.

1151 Discontinuance of Use

To cease or discontinue a use or activity. This does not include temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility.

1152 Drive-In Service

A feature or characteristic of a use involving sale of products or provision of services to occupants in vehicles, including drive-in or drive-up windows and drive-through services such as mechanical automobile washing.

1153 Driveway

A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.

1154 Dwelling Unit

A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating and cooking.
Efficiency Dwelling Unit. A dwelling unit containing not less than 600 square feet or floor area, and not having a separate bedroom or sleeping area independent of the principal living area.

Enclosed

A roofed or covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features, or an open space of less than 100 square feet fully surrounded by a building or walls exceeding 8 feet in height.

Family

An individual or two or more persons related by blood, marriage, or adoption, or a group of not more than (3) unrelated persons living together as a single housekeeping unit in a dwelling unit.

Floor Area (Gross)

The total enclosed area of all floors of a building, measured to the surfaces of exterior walls, including halls, stairways, elevator shafts, service and mechanical equipment rooms, light wells, courts, and basement, cellar or attic areas deemed usable by the Building Official or habitable by the Uniform Building Code, but excluding area within a building used for off-street parking or loading facilities.

Grade

The lowest horizontal elevation of the finished surface of the ground, paving, or sidewalk at a point where height is to be measured.

Guest House

An accessory building containing a lodging unit without kitchen facilities, and used to house occasional visitors or non-paying guests of the occupants of a dwelling unit on the same site.

Height

The vertical distance from "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable on a pitched or hipped roof, or to the highest point of a structure. As applied to a building, the height shall be measured from an elevation derived from the average of the highest and lowest grade adjacent to the building, but not greater than five feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Home Occupation

A use conducted entirely within an enclosed dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof, which shall include no
separate outside entrance or other structural changes and does not cause the generation of additional traffic on the street.

1170 Landscaped

An area devoted to or developed predominately with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone, aggregate, or other inorganic materials shall not predominate over the use of plant material.

1171 Lodging Unit

A room or group of rooms in a dwelling unit or a group residential use, for overnight occupancy on a transient or residential occupancy basis. Where designed or used for occupancy by more than two persons, each two person capacity shall be deemed a separate lodging unit. For the purpose of determining residential density, each two lodging unit shall be considered the equivalent of one dwelling unit.

1172 Lot of Record

A parcel of real property with a separate and distinct number or other designation shown on a plat record of survey, parcel map, or subdivision map recorded in the office of the County Clerk, or a parcel legally approved by the Planning and Zoning Commission according to applicable development regulations.

Corner Lot A lot located at the intersection or interception of two streets, or of two segments of a curved street, forming an angle of not more than one hundred thirty five degrees.

Interior Lot A lot other than a corner lot.

Reverse Corner Lot A corner lot, having a side lot line which is substantially a continuation of the front lot line of a lot to its rear.

Through Lot A lot other than a corner lot abutting more than one street.

1173 Lot Area

The net horizontal area within bounding lot lines, but excluding any public or private easement or right of way providing access to another lot.

1174 Lot Coverage or Building Coverage
The area of a lot covered by buildings or roofed areas, but excluding incidental projecting eaves, balconies, and similar features and excluding ground level paving landscaping and open recreational facilities.

1175 Lot Depth

The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

1180 Lot Line

A line or series of connected line segments bounding a lot as herein defined.

Front Lot Line. On an interior lot, the lot line abutting the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by a subdivision or parcel map. On a through lot, the lot line abutting the street providing the primary access to the lot.

Interior Lot Line. A lot line not abutting a street.

Rear Lot Line. A lot line not defined as a front or side lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having length of 10 feet, parallel to and most distant from the front lot shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this ordinance.

Street or Exterior Lot Line. A lot line abutting a street.

1181 Lot Width

The horizontal distance between side lot lines, measured at the front setback line and at a distance of 50 feet to the rear thereof.

1182 Mobilehome (Amended by City Ordinance 393 on 6-9-1997)

A moveable or portable dwelling which is constructed on a chassis, and which is designed to be towed over Texas roads and highways under special permit, designed for year-round occupancy, designed primarily to be used without a permanent foundation, but which may sit on a permanent foundation, and designed to be connected to utilities. It may consist of one or more units that can be telescoped when transported and expanded later for additional capacity, or of two or more units, separately transportable, but designed to be joined together into one integral unit. Mobilehome as used in this ordinance specifically includes manufactured housing and HUD-code manufactured homes meeting said description.

The following shall not be included in this definition:

a. Travel trailers, pick-up coaches, motor homes, camping trailers, or other recreational vehicles.
b. Manufactured modular housing which is designed to be set on a permanent foundation, and which uses standard sheathing, roofing, siding, and electrical, plumbing, and heating systems.

1183 Mobilehome Park

A unified development of two or more mobilehome spaces for rent or lease, and including common areas and facilities for management, recreation, laundry and utility services, storage, and similar services for the convenience of residents of the mobilehome park.

1184 Mobilehome Space

An area within a mobilehome park which is designed for and designated as the location for a single mobilehome and the exclusive use of its occupants.

1185 Mobilehome Stand

That portion of a mobilehome space upon which the mobilehome is placed.

1190 Nonconforming Use

A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

1191 Non-complying Structure

A building or structure, including off-street parking or loading areas that does not comply with currently applicable site development regulations for the district in which it is located, or with applicable General Regulations but which complied with applicable provisions at the time of construction.

1192 Parking Space

A paved area of at least one hundred sixty-two (162) square feet, enclosed or unenclosed, approximately nine feet (9') in width and eighteen feet (18') in depth, having a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. A “parking space” including maneuvering area shall not occupy any public land. In a cluster housing development a parking space may immediately abut a private drive which serves as a primary means of access.

1193 Street

A public or private thoroughfare more than 20' in width which affords a primary means of access to abutting property, including all land within the right-of-way thereof.

1194 Screened
Shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, beam, or similar architectural or landscape feature.

1195 Structure

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Structural Alterations**: Any change in the supporting or structural members of a building, including but not limited to bearing walls, columns, beams or girders, or any substantial change in the roof or in exterior walls.

1200 Townhouse

A dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

1201 Townhouse Group

Two or more contiguous townhouses having common or abutting walls.

1202 Townhouse Lot

That portion of the total development site of a townhouse residential use intended for separate ownership as the location of a single townhouse and associated private yard area.

1203 Useable Open Space

Outdoor or unenclosed area, located on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility and service areas.

1204 Use

The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

**Accessory Use.** A use or activity which is incidental to and customarily associated with a specific principal use on the same site.

**Principal Use.** A use which fulfills a primary function of a household, establishment, institution, or other entity.

**Permitted Use.** A use defined by the following section and listed by the regulations for any particular district as a permitted use within that zone, and permitted therein as a matter of right when conducted in accord with the relations established by this ordinance.
Conditional Use. A use defined by the following section and listed by the regulations for any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis subject to a Conditional Use Permit, and to all other regulations established by this ordinance.

1205 Value or Valuation

The value of a structure shall be the estimated cost to replace the structure in kind, based on current replacement costs.

1206 Yard

A required open space on a lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this ordinance.

Front Yard. A required yard extending the full width of a lot between the front lot line and the front setback line.

Interior Yard. Any required yard, not adjacent to a street, which is determined on the basis of an interior lot line.

Rear Yard. A required yard extending the full width of a lot between the rear lot line and the rear setback line, but excluding any area located within the street side yard of a corner lot.

Side Yard. A required yard extending the depth of a lot from the front yard to the rear yard between the side lot line and the side setback line. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.

Street Yard. Any required yard adjacent to a street and which is determined on the basis of a street lot line.

1300 DEFINITIONS OF USE CLASSIFICATIONS

1301Title and Purpose

Section 1300 through 1454 shall be known as the Use Classifications. The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or conditionally permitted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification.

1302 Determination of Use Classification

In event of any question as to the appropriate use classification of any existing or proposed use or activity, the Building Official shall have the authority to determine the appropriate classification subject to the right of appeal to the
Planning and Zoning Commission. In making such determinations, the Building Official shall consider the characteristics of the particular use in question, and match the unlisted use where similar uses are permitted. The function and locational requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and be similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing characteristics.

1303 Approval of Supplemental Listing

The Building Official shall maintain a list of all such determinations, and shall quarterly recommend to the Planning Commission additions, deletions, or revisions to the use classifications to reflect contemporary usage and terminology, and to minimize ambiguity. If the Planning and Zoning Commission differs with a Building Official determination, the Planning and Zoning Commission shall prevail except any building permits issued under the Building Official's determination that permit shall be considered a valid legal non-conforming use.

1310 GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES

Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements involving those providing 24-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

1311 Single Family Residential

The use of a site for only one dwelling unit.

1312 Duplex Residential

The use of a site for two dwelling units within a single building.

1313 Two Family Residential

The use of a site for two dwelling units, each in a separate building.

1314 Townhouse Residential

The use of a site for four or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.

1315 Condominium Residential

The use of a site for three or more dwelling units intended for separate ownership, together with common area serving all dwelling units. The units may or may not be situated on a ground parcel.

1316 Multiple Family Residential
The use of a site for three or more dwelling units within one or more buildings.

1317 Group Residential

The residential occupancy of living accommodations by groups of more than 5 persons not defined as a family on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses.

1318 Mobilehome Residential

The residential occupancy of mobilehomes by families on a weekly or longer basis. Typical uses include mobilehome parks or mobilehome subdivisions.

1330 GENERAL DESCRIPTION OF COMMERCIAL USE TYPES

Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as Industrial or Civic uses.

1331 Administrative and Business Offices

Offices of private firms or organizations which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

1332 Agricultural Sales and Services

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.

1333 Automotive and Equipment Services

Establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:

**Automobile Repair, Major:** General repair, rebuilding, or reconditioning engines, motor vehicles, trailers: collision services including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
Automobile Repair. Minor: Minor repair or replacement of parts, tires, tubes, batteries and minor motor services such as grease, oil, spark plug, and filter changing of passenger cars and trucks not exceeding one and one-half (1-1/2) ton capacity, but not including any operation named under "Automobile Repair, Major" or any other similar use thereto.

Automobile Service Station: An automobile service station shall mean buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, including the servicing of vehicles designed or calculated to be performed by the customer. In addition, the following services may be rendered and sales made and no other:

- Sale and service of spark plugs, batteries, and distributors and distributor parts;
- Tire servicing and repair, but not recapping or re-grooving;
- Replacement or adjustment of automobile accessories;
- Radiator cleaning and flushing; provision of water, antifreeze and other additives;
- Washing and polishing, and sale of automotive washing and polishing materials
- Greasing and lubrication;
- Providing and repairing fuel pumps, oil pumps, and lines;
- Servicing and repair of carburetors;
- Adjusting and repairing brakes;
- Emergency wiring repairs;
- Motor adjustments not involving removal of head or crankcase;
- Truck and trailer rental;
- Provision of cold drinks, packaged foods, tobacco and similar convenience goods for customers, but only as accessory and incidental to the principal operation;
- Provision of road maps and other information material;
- Provision of restroom facilities;
- Parking lot as an accessory use;
- Wrecker service;
- Uses permissible at a service station do not include body work; transmission or brake overhauling; straightening of frames or body parts; steam cleaning, painting, welding, storage of automobile not in operating condition nor the operation of a commercial garage as an accessory use.

Automobile Self-Service Station: Self-service gasoline sales only, excluding all other automobile sales or service.

1. Self-service gasoline sales shall mean gasoline and oil sales in which the customer dispenses same into his automobile and shall not include oil sales in which oil is drained from the automobile (oil changes) but only addition. Water or radiator additives may be sold but no flushing or draining of radiator shall be permitted. Compressed air for tires shall be limited to injection of air into tires actually mounted on the automobile. No tire repair or changing shall be permitted. Facilities for windshield cleaning may be provided for use by customer
with adequate receptacles for cleaning water material, but no car washing other than windows shall be permitted.

2. All automotive service not herein expressed is declared to be in excess of self-service gasoline sales.

Automobile Wash, Automatic Car Wash, or Automobile Laundry:
A building or structure where chain conveyors, blowers, steam cleaners, and other mechanical devices, including, coin-operated self-service facilities, are employed for the purpose of washing motor vehicles.

Commercial Off-Street Parking: Parking of motor vehicles on a temporary basis within a privately, owned off-street parking facility, other than accessory to a principal use.
Typical uses include commercial parking lots or parking garages.

Automotive Rentals: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies trailer rental agencies, and taxicab parking and dispatching.

Automotive Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motorhomes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, boat, trailer, and recreational vehicle dealerships.

Equipment Sales: Sale or rental of truck, tractors, construction equipment, agricultural implements, mobilehomes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships and mobilehome sales establishments.

Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.

Vehicle Storage: Long term storage of operating or non-operating vehicles. Typical uses include storage of private parking towaways or impound yards, but exclude dismantling or salvage.

1334 Building Maintenance Services
Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

1335 Business Support Services
Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

1340 Business or Trade School

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

1341 Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, restaurants, and similar uses.

1342 Commercial Recreation

Establishments or places primarily engaged in the provision of sports entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

Indoor Sports and Recreation: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, and penny arcades.

Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts.

Indoor Entertainment: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture, theaters, meeting halls, and dance halls.

Outdoor Entertainment: Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, amusement parks.

1343 Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include television studios, telecommunications service centers or telegraph service offices.

1344 Construction Sales and Services
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include building materials ~pres. tool and equipment rental or sales, or building contractors.

1345 Consumer Repair Services

Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.

1350 Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehousing.

1351 Financial Services

Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, land and lending activities, and similar services.

1352 Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1353 Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

1354 General Retail Sales

Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this use definition section. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, Kitchen utensils, home furnishing and appliances, art
supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).

1355 Kennels
Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers.

1360 Laundry Services
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

1361 Liquor Sales
Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales for off-site consumption.

1362 Medical Offices
A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Texas.

1363 Personal Improvement Services
Establishments primarily engaged in the provision of information, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

1364 Personal Services
Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.

1365 Pet Services
Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.

1370 Professional Office
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.

1371 Research Services

Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.

1372 Restaurant (Convenience)

A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on-premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.

1373 Restaurant (General)

A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.

1374 Scrap and Salvage Services

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.

1375 Stables

Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables or public stables.

1380 Veterinary Services

Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.

1381 Visitor Habitation

Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
**Campground**: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

**Hotel-Motel**: Lodging services involving the provision of room and/or board. Typical uses include hotels, motels or transient boarding houses.

### 1390 GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of produces.

#### 1391 Basic Industry

A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

#### 1392 Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacturers.

#### 1393 Light Manufacturing

A use engaged in the manufacture, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of -Such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

#### 1394 Resource Extraction

A use involving the on-site extraction of surface or sub-surface mineral products or natural resources. Typical are quarries borrow pits, sand and gravel and gas extraction, and mining operations.

#### 1395 Stockyards

Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales or auction yards.

#### 1396 Warehousing and Distribution
Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

**Limited Warehousing and Distribution:** Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage -warehouses or moving and storage firms.

**General Warehousing and Distribution:** Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.

### 1400 GENERAL DESCRIPTION OF CIVIC USE TYPES

Civic Use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.

#### 1401 Administrative Services

Offices, administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

#### 1402 Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, services fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

#### 1403 Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

#### 1404 Club or Lodge

A use providing meeting, recreational, or social facilities for a private or non-profit association; primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

#### 1405 College and University Facilities

An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree as defined by the State of Texas.

#### 1410 Community Recreation
A recreational facility for use by residents and guests of a particular residential development, planned unit development, or limited residential neighborhood including both indoor and outdoor facilities.

1411 Convalescent Services

A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addiction, mental disease or communicable disease.

1412 Cultural Services

A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.

1413 Day Care Services (Limited)

A facility, or use of a building or portion thereof, for daytime care of 6 or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.

1414 Day Care Services (General)

A facility, or use of a dwelling unit or portion thereof, or daytime care of 7 or more children or adults, and similar uses.

1415 Detention Facilities

A publicly operated use providing housing and care for individuals confined by law.

1420 Guidance Services

A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition, either on a residential or daytime care basis.

1421 Hospital Services

A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees or visitors.

1422 Local Utility Services
Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.

1423 Maintenance and Service Facilities

A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including corporation yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

1424 Major Utility Facilities

Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.

1425 Military Installations

Military facilities of the federal or state governments.

1430 Park and Recreation Services

Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.

1431 Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.

1432 Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.

1433 Public Assembly

Publicly owned or operated facilities for major public assembly, recreation, sports, amusement, or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.

1435 Railroad Facilities

Railroad yards, equipment servicing facilities, and terminal facilities.

1440 Religious Assembly
A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities. A property tax exemption obtained from the State of Texas shall constitute prima facie evidence of religious assembly use.

1441 Residential Care Services

A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or care for extended periods.

1442 Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

1443 Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Texas.

1444 Transportation Terminal

A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, airport terminals, and public transit facilities.

1450 GENERAL DESCRIPTION OF AGRICULTURAL USE TYPES

Agricultural use types include the on-site production of plant and animal products by agricultural methods.

1451 Horticulture

The growing of horticultural and floricultural specialties such as flowers, shrubs, or trees intended for ornamental, or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.

1452 Crop Production

The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.

1453 Animal Production

The raising of animals or production of animal products such as eggs or dairy products on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming and poultry farming.

1454 Support Housing
The occupancy of any living accommodations by agricultural employees and their families, without regard to duration, which occurs exclusively in association with the performance of agricultural labor.

1500 ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

1505 Zoning Districts
For the purposes of this section, the City is hereby divided into eight (8) districts as follows:

- Agricultural A
- District R-I
- District MF-I District MF-2
- District C-I
- District C-2
- District I-I
- Planned Development PD

1510 Official Zoning Map

The location and boundaries of the districts herein established are shown upon the official zoning map, which is hereby incorporated and made part of this section as though fully set forth herein. It shall be the duty of the zoning administrator to maintain the official zoning map together with all notations, references, and other information shown thereon and all amendments thereto.

1515 District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map accompanying and made a part of this section, the following rules apply:

(a) The district boundaries are either street or alley centerlines unless otherwise shown, and where the districts designated on the map accompanying and made a part of this section are bound approximately by street or alley centerlines, the street or alley centerlines shall be construed to be the boundary of the district.

(b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; and where the districts designated on the district map accompanying and made a part of this section, are bound approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(c) In un-subdivided property, the district boundary lines on the map accompanying and made a part of this section shall be determined by the use of the scale appearing on the map.

(d) In subdivided property, where a district boundary line divides property into two (2) parts, the district boundary line shall be construed to be the property line nearest the district boundary lines as shown.
(e) Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

(f) Where the streets or alleys on the ground differ from the streets or alleys as shown on the official zoning map, the streets or alleyways on the ground shall control.

(g) If one of the above applies, the Planning Commission shall determine the location of the district boundary.

1520 Zoning of Annexed Areas

Zoning Annexed Areas

All territory hereafter annexed to the City shall also be required to have a zoning hearing as prescribed by state law and these regulations to determine the proper zoning classification.
SECTION II

Specific District Regulations
SECTION II
Specific District Regulations

1600 Agricultural District (A)

1605 General Purpose and Description
The Agricultural (A) District is the most restrictive zoning district. The principal use of land in this district is for crop, horticultural production, animal production and support housing. The Agricultural (A) District can be a temporary zoning classification until permanent zoning is established by the City Council in accordance with the procedures established by state law and these regulations.

1610 Permitted Uses
Uses permitted in the Agricultural (A) District are as follows:

1. **Residential Uses:** Primary dwelling and support housing.
2. **Civic Uses:**
   - Administrative Services
   - Community Recreation
   - Local Utility Services
   - Park and Recreation Services
   - Religious Assembly
3. **Agricultural Uses:** Crop, horticultural production and Animal Production
4. **Conditional Uses:** None

1615 Site Development Regulations

<table>
<thead>
<tr>
<th>Feature</th>
<th>Regulation</th>
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<tbody>
<tr>
<td>Lot Area</td>
<td>One Acre</td>
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<tr>
<td>Lot Width</td>
<td>Minimum Lot Width: 150 feet</td>
</tr>
<tr>
<td>Residential Density</td>
<td>Not more than one primary dwelling</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>None</td>
</tr>
<tr>
<td>Height</td>
<td>Minimum Height: 35 feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>Minimum Required Setback: 25 Feet</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td>Minimum Required Setback: 15 Feet</td>
</tr>
<tr>
<td>Interior Side Yard Minimum</td>
<td>Required Setback: 5 Feet</td>
</tr>
</tbody>
</table>
Rear Yard Minimum
Required Setback: 5 Feet

Building Coverage
Maximum Coverage: 35% of the lot area

<table>
<thead>
<tr>
<th>Feature</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>No maximum; See Section 3050</td>
</tr>
<tr>
<td>Signs</td>
<td>No signs allowed except for real estate, temporary development sign, political signs, nameplate signs, garage sale signs, 45 square feet or less.</td>
</tr>
</tbody>
</table>

1620  Single Family Residential Districts (R-I)

1625  General Purpose and Description

The R-I Residential Single Family Dwelling District is the most restrictive residential district. The principal use of land in this district is for low density single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient, and attractive residential area. Low density residential areas shall be protected from higher density residential development and from the encroachment of incompatible uses. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district.

1630  Permitted Uses

Uses permitted in an R-I Residential Single Family Dwelling District, are as follows:

1. **Residential Uses**
   - Single Family Residential

2. **Civic Uses**
   - Administrative Services
   - Community Recreation
   - Local Utility Services
   - Park and Recreation Services
   - Religious Assembly

3. **Agricultural Uses**
   - Crop and Horticultural Production

4. **Conditional Uses**
   The following use types may be allowed, subject to approval as provided by Section 4070.
   a. Residential (Subject to Site Plan Approval)
1. Duplex
2. Cluster
3. Mobile or modular home on a single lot

b. Civic Uses
1. Club or Lodge
2. Cultural Services
3. Day Care Services
4. Primary Education Facilities
5. Religious Assembly
6. Residential Care Services
7. Safety Services
8. Secondary Education Facilities

c. Agricultural Uses
1. Animal Production
2. Support Housing

1635 Site Development Regulations

Each site in the R-1 District shall be subject to the following site development regulations.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>None</td>
</tr>
<tr>
<td>Lot Width</td>
<td>Minimum Lot Width: 50 feet</td>
</tr>
<tr>
<td>Residential Density</td>
<td>Not more than one primary dwelling unit per lot</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>None</td>
</tr>
<tr>
<td>Height</td>
<td>Maximum Height: 35 feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>Minimum Required Setback: 25 Feet</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td>Minimum Required Setback: 15 Feet</td>
</tr>
<tr>
<td>Interior Side Yard Minimum</td>
<td>Minimum Required Setback: 5 Feet</td>
</tr>
<tr>
<td>Rear Yard Minimum</td>
<td>Minimum Required Setback: 5 Feet</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>Maximum Coverage: 35% of the lot area</td>
</tr>
<tr>
<td>Parking</td>
<td>No maximum; See Section 3050</td>
</tr>
<tr>
<td>Signs</td>
<td>No signs allowed except for real estate, temporary development sign, political</td>
</tr>
</tbody>
</table>
signs, nameplate signs, garage sale signs, 45 square feet or less.

1700  MF-I Multiple Family Residence District (Limited Density) MF-I

1705  Purposes

The MF-I Multiple Family Residence District (Limited Density) is intended to accommodate multiple family use with a maximum density of 12 to 17 units per acre, depending on unit size. The MF-I District is appropriate for residential neighborhoods having a mixture of single family and multiple family uses, as a buffer between single family neighborhoods and higher intensity uses, and in selected areas where limited density multiple family use is desirable.

1710  Permitted Uses

The following use types are permitted:

a. Residential Uses
   Single Family Residential
   Duplex Residential
   Townhouse Residential
   Condominium Residential
   Multiple Family Residential

b. Civic Uses
   Administrative Services
   Community Recreation
   Local Utility Services
   Park and Recreation Services
   Primary and Secondary Education Facilities Religious Assembly

1715  Conditional Uses

The following use types may be allowed, subject to approval as provided by Section 4070:

a. Civic Uses
   Club or Lodge
   Cultural Services
   Day Care Services
   Residential Care Services

b. Residential Uses
   Mobile or Modular Home on a single Lot

1720  Site Development Regulations

Each site in the MF-I District shall be subject to the following site development regulations.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Regulation</th>
</tr>
</thead>
</table>
Lot Area | None
Lot Width | Minimum Lot Width: 50 feet
Residential Density | Minimum site area per dwelling unit:

<table>
<thead>
<tr>
<th>Dwelling Unit</th>
<th>Minimum Required Site Area Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>2,500 Square Feet</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>3,000 Square Feet</td>
</tr>
<tr>
<td>2 or more</td>
<td>3,500 Square Feet</td>
</tr>
<tr>
<td>bedrooms</td>
<td></td>
</tr>
</tbody>
</table>

Feature | Regulation
Floor Area Ratio | None
Height | Maximum Height: 35 feet
Parking | Must meet off-street development standards, Section 3050.
Signs | No signs allowed except for real estate, temporary development sign, political signs, nameplate signs, garage sale signs, 45 square feet or less.
Front Yard | Minimum Required Setback: 25 Feet
Street Side Yard | Minimum Required Setback: 15 Feet
Interior Side Yard Minimum | Minimum Required Setback: 5 Feet
Rear Yard Minimum | Minimum Required Setback: 5 Feet
Building Coverage | Maximum Coverage: 45% of the lot area
Impervious Coverage | Maximum Coverage: 60% of the lot area.
Usable Open Space | Minimum usable open space per dwelling unit: 300 Square Feet.

1750 MF-2 Multiple Family Residence District
1755 Purposes

The MF-2 Multiple Family Residence District is intended to accommodate multiple family use with a maximum density of 18 to 27 units per acre, depending
on unit size. The MF-2 District is usually located adjacent to a major street and serves as a buffer or transition between higher intensity uses and low density residential.

1760 Permitted Uses

The following use types are permitted:

a. Residential Uses
   Single Family Residential
   Duplex Residential
   Townhouse Residential
   Condominium Residential
   Multiple Family Residential

b. Civic Uses
   Administrative Services
   Community Recreation
   Day Care Services
   Local Utility Services
   Park and Recreation Services
   Religious Assembly
   Primary and Secondary Education

1765 Conditional Uses

The following use types may be allowed, subject to approval as provided by Section 4070.

a. Civic Uses
   Club or Lodge
   Cultural Services
   Guidance Services
   Residential Care Services

b. Residential Uses
   1. Residential uses of higher density than permitted by this ordinance. Such density also is subject to site plan approval.
   2. Mobile home parks subject to site plan approval and the following mobile home park development regulations which shall be used for site plan approval guidelines.

1770 Site Development Regulations

1771 General Residential Uses

Each site in the MF-2 District shall be subject to the following site development regulations:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Regulation</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>None</td>
</tr>
<tr>
<td>Residential Density</td>
<td>Dwelling Unit Minimum Required Site Area Per Unit</td>
</tr>
<tr>
<td></td>
<td>Efficiency 1,600 Square Feet</td>
</tr>
<tr>
<td></td>
<td>1 Bedroom 2,000 Square Feet</td>
</tr>
<tr>
<td></td>
<td>2 or more bedrooms 2,400 Square Feet</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>None</td>
</tr>
<tr>
<td>Height</td>
<td>Maximum Height: 50 feet, but limited to 35 feet on any portion of a site within 100 feet of property classified as R-I or MF-I</td>
</tr>
<tr>
<td>Front Yard</td>
<td>Minimum Required Setback: 25 Feet</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td>Minimum Required Setback: 15 Feet</td>
</tr>
<tr>
<td>Interior Side Yard Minimum</td>
<td>Minimum Required Setback: 5 Feet</td>
</tr>
<tr>
<td>Rear Yard Minimum</td>
<td>Minimum Required Setback: 5 Feet</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>Maximum Coverage: 50% of the lot area</td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum Coverage: 70% of the lot area.</td>
</tr>
<tr>
<td>Usable Open Space</td>
<td>Minimum usable open space per dwelling unit: 200 Square Feet.</td>
</tr>
<tr>
<td>Parking</td>
<td>Must meet off-street development standards, Section 3050.</td>
</tr>
<tr>
<td>Signs</td>
<td>No signs allowed except for real estate, temporary development sign, political signs, nameplate signs, garage sale signs, 45 square feet or less.</td>
</tr>
</tbody>
</table>

1772 Development Regulations for Mobilehome Parks

Mobilehome parks shall be subject to the following site development regulations unless unique and unusual design restraints are shown. Unique shall be defined as not common to other typical properties in the community.
a. The minimum number of mobilehome spaces contained in any mobilehome park shall be 10 spaces, and the minimum site area shall be 45,000 square feet.

b. The minimum mobilehome park site area per dwelling unit shall be 4,500 square feet.

c. Each mobilehome park shall have 3 minimum street yard of 25 feet, and a minimum interior yard of 15 feet. No mobilehome space shall be permitted in any street yard.

d. The mobilehome park shall have direct access to a street having a dedicated and accepted right of way of not less than 60 feet.

e. Interior vehicular circulation shall be provided by private internal streets paved to a width of not less than 30 feet. Internal streets shall be continuous and connect with other internal streets or with public streets, or shall be provided with a paved cul-de-sac not to exceed 400 feet in length.

f. Each mobilehome space shall contain a minimum area of 4,500 square feet, adjacent to an internal street designed to permit movement of mobilehomes to and from each space.

g. Each mobilehome space shall contain a minimum of 2.1 off-street parking spaces per dwelling unit, at least one of which shall be provided on each mobilehome space. The balance of the required parking may be, located in common parking area distributed throughout the mobilehome park in a manner that; provides reasonable and convenient access to all mobilehome spaces.

h. Each mobilehome and any attached accessory structures shall be separated from every other mobilehome, building, or structure by at least 10 feet.

i. The minimum distance between a mobilehome stand and the pavement of an internal street, common parking area, or other common area shall be 10 feet.

j. A solid wall or fence at least six feet high shall be erected and thereafter properly maintained along all boundaries of the Mobilehome Park; except,
   (1) Where the solid wall or fence would impede drainage;
   (2) Where the boundary of the Mobilehome Park abuts another mobilehome development.

k. The height of the mobilehome chassis above the ground elevation, measured at 90 degrees to the frame, shall not exceed three feet at the low end.

l. Required street yards shall be landscaped, excluding necessary driveways and walkways providing access to the Mobilehome Park.
m. Each mobilehome park shall provide for reasonable and safe pedestrian access to and among each mobilehome space and all common facilities. Walks not designed in common with internal streets or parking areas shall have a minimum paved width of two feet.

n. Each mobilehome park shall have a minimum of 300 square feet of usable open space per dwelling unit, with at least 150 square feet being located on each mobilehome space. The balance of the required usable open space may be located in common open space areas distributed throughout the Mobilehome Park in a manner that provides reasonable and convenient access to all mobilehome spaces.

o. Maximum height shall be 35 feet.

p. Each mobilehome park shall be subject to site plan review.

1800 LIMITED COMMERCIAL DISTRICT (C-I)

1805 General Purpose and Description

The Limited Commercial District is intended for uses completely enclosed in a building, of a nature of primarily retail sale of convenience goods or personal services primarily for persons residing in adjacent residential areas. It also includes selected retail, office and services uses that are similar in land use intensity and physical impact to the neighborhood retail sales and service uses permitted in this district. Because the retail and personal service uses permitted may be an integral part of the neighborhood, closely associated with the residential, religious, recreational and educational uses in the neighborhood, more restrictive requirements for light, air, open space, landscaping, and off-street parking are made than are provided in other commercial districts. The Limited Commercial District (C-I) is usually located on the periphery of the residential neighborhood on a major street and in close proximity to the intersection of two major streets.

1810 Permitted Uses

The following use types are permitted:

a. Commercial Uses
   Administrative and Business Offices
   Consumer Repair Services
   Restaurant (Convenience)
   Food Sales
   General Retail Sales
   Personal Services
   Pet Services

b. Civic Uses
   Day Care Services
   Local Utility Services
Park and Recreation Services
Administrative Services
Religious Assembly
Educational Services
All Governmental Cultural and other similar Civic Services

c. Residential
Single Family Residential
Duplex Residential

1815 Conditional Uses
The following use types may be allowed, subject to approval as provided by Section 4070.

a. Residential Uses
Townhouse Residential
Condominium Residential
Multiple Family Residential (standards are per MF-2 District)
Group Residential

b. Commercial Uses
Automotive Washing
Service Station
Liquor Sales

c. Civic Uses
Clubs; Lodges Other

d. Other
Any activity proposed to be conducted outside of main buildings.

1820 Site Development Regulations
Each site in the C-I District shall be subject to the following site development regulations.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>None</td>
</tr>
<tr>
<td>Lot Width</td>
<td>Minimum Lot Width: 30 feet</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>Maximum Floor Ratio: .50 to 1</td>
</tr>
<tr>
<td>Height</td>
<td>Maximum Height: 35 Feet</td>
</tr>
</tbody>
</table>
| Front Yard       | Minimum Required Setback: 25 Feet
Front yard to remain clear. No parking space or sign erected. Front yard limited to vehicle maneuvering space, landscaping that does not obstruct view and other similar uses.
Street Side Yard Minimum Required Setback: 15 Feet

Interior Side Yard No requirement

Rear Yard No requirement, unless backing to a residential district which shall then be 20 feet.

Building Coverage Maximum Coverage: 50% of the lot area.

Impervious Coverage Maximum Coverage: 30% of the lot area.

Parking Must meet minimum design standards. Section 3050

Screening A six foot solid masonry fence of equal characteristics of main building shall be constructed along property line common to a residential district.

Enclosed Building All activities permitted in this district must be conducted within a completely enclosed building, unless specifically permitted otherwise by Condition Use Permit

Signs All signs must be permanently attached to building face no larger than 10% of Building Face.

1850 HEAVY COMMERCIAL DISTRICT - C-2

1855 General Purpose and Description

The Heavy Commercial District is designed for intensive commercial uses and those selected industrial uses which are compatible with commercial development. The permitted industrial uses are either free of objectionable influences in their operation's and appearance or can eliminate or control objectionable characteristics by landscaping, screening, and other abatement devices. Because most of the uses in the C-2 District often requires direct access to major streets, rail or air facilities, this district should be located near major transportation routes. The C-2 Commercial District should be used as a buffer or transition between industrial development and Limited Commercial or Multi-Family Residential development.

1860 Permitted Uses (Amended by City Ordinance 417 on 9-13-1999)
The following use types are permitted:

a. Commercial Uses
   Administrative and Business Offices
   Agricultural Sales and Services
   Automotive Rentals
   Automotive Sales
   Automotive Repair Services (major and minor)
   Automotive Washing
   Building Maintenance Services
   Business Support Services
   Business or Trade School
   Campground
   Commercial Off-Street Parking
   Communications Services
   Construction Sales and Services
   Consumer Repair Services
   Convenience Storage
   Equipment Sales
   Equipment Repair Services
   Financial Services
   Food Sales
   Funeral Services
   General Retail Sales
   Hotel - Motel
   Indoor Sports and Recreation
   Indoor Entertainment
   Kennels
   Laundry Services
   Liquor Sales
   Medical Offices
   Personal Improvement Services
   Personal Services
   Pet Services
   Professional Offices
   Research Services
   Restaurant
   Service Station
   Vehicle Storage

b. Industrial Uses

Limited warehousing and distribution (not including garden storage and similar activities that emit dust).

c. Civic Uses
   Administrative Services
   Ambulance Services
   Club or Lodge
   Day Care Services
   Local Utility Services
Maintenance and Service Facilities
Park and Recreation Services
Governmental
Religious and other public assembly
Educational Service
d. Agricultural Uses
   Horticulture
   Crop Production
e. Single Family Residential Dwelling Units

1865 Conditional Uses (Amended by City Ordinance 417 on 9-13-1999)

The following use types may be allowed, subject to approval as provided by Section 4070.

a. Commercial Uses
   Cocktail Lounge
   Outdoor Sports and Recreation
   Outdoor Entertainment
   Scrap and Salvage Services

This includes, but is not limited to, the following:

1. Any type use requiring outdoor vehicle storage of more than 7 days, such as for auto repair services, etc. This does not include outdoor sales of new vehicles or used vehicles as long as the used vehicles are in operative condition with current license and inspection certificates.

2. Any type of outdoor sales or storage (except used cars as defined above) of any used equipment, inoperative vehicles, used goods, scrap parts or any other similar merchandise, material or used goods.

3. Any type of scrap or salvage services.

4. Veterinary Services

b. Industrial Uses
   Light Manufacturing

c. Civic Uses
   Detention Facilities
   Guidance Services
   Hospital Services

d. Residential
   Mobile Homes (including HUD-Code Manufactured Homes).

1870 Site Development Regulations
Each site in the C-2 District shall be subject to the following site development regulations:

<table>
<thead>
<tr>
<th>Feature</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>No Minimum lot area</td>
</tr>
<tr>
<td>Lot Width</td>
<td>Minimum Lot Width: 50 feet</td>
</tr>
<tr>
<td>Residential Density</td>
<td>As approved by Conditional Use Permit</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>Maximum Floor Area Ratio: 2.0 to 1.</td>
</tr>
<tr>
<td>Height</td>
<td>Maximum Height: 60 feet, but limited to 35 feet on any portion of a site within 100 feet of property classified as residential</td>
</tr>
<tr>
<td>Front Yard</td>
<td>Minimum Required Setback: 25 Feet. Front yard to remain clear. No vehicle parking space or sign erected. Front yard limited to vehicle maneuver space, landscaping that does not obstruct view and other similar activities.</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td>Minimum Required Setback: 25 Feet</td>
</tr>
<tr>
<td>Interior Side Yard</td>
<td>No requirement.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>No requirement, except 20 feet on any portion of a site within 100 feet of a property classified residential.</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>Maximum Coverage: 75% of the lot area.</td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum Coverage: 90% of the lot area.</td>
</tr>
<tr>
<td>Usable Open Space</td>
<td>No Requirement</td>
</tr>
<tr>
<td>Screening</td>
<td>No requirement, except for property abutting residential district and there is existing residential, construction within 500 feet then a solid 6 foot masonry fence of equal characteristics of main 'building shall be constructed down the common property line (except in required front yard.)</td>
</tr>
<tr>
<td>Parking</td>
<td>Must meet minimum standards, Section 3050.</td>
</tr>
</tbody>
</table>
Signs

No restriction except it cannot obstruct traffic views on any street or from any curb cut.

1900 INDUSTRIAL DISTRICT REGULATIONS - I-1

1905 General Purpose and Description

The Industrial District is intended to provide for industrial uses and other uses not otherwise provided for in the other districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts and most commercial districts wherever possible.

1910 Permitted Uses

1. Commercial Uses
   Administrative and Business Offices
   Agricultural Sales and Services
   Automotive Repair Services (major and minor)
   Automotive Sales
   Automotive Washing
   Building Maintenance Services
   Business Support Services
   Business or Trade School
   Communications Services
   Commercial Off-Street Parking
   Construction Sales and Services
   Consumer Repair Services
   Convenience Storage
   Equipment Sales
   Equipment Repair Services
   Financial Services
   Food Sales
   General Retail Sales
   Indoor Sports and Recreation
   Indoor Entertainment
   Kennels
   Laundry Services
   Liquor Sales
   Medical Offices
   Personal Improvement Services
   Personal Services
   Professional Offices
   Research Services
   Restaurant (Convenience or General)
   Vehicle Storage
   Veterinary Services

2. Industrial Uses
Basic Industry
Manufacturing
Warehousing and Distribution

3. Civic Uses
All civic type uses.

4. Agricultural Uses
Crop Production
Horticulture

1915 Conditional Uses

The following use types may be allowed, subject to approval as provided by Section 4070.

A. Commercial Uses
   Cocktail Lounges
   Stockyards
   Outdoor Sports and Recreation
   Outdoor Entertainment
   Scrap and Salvage Services

   In particular the following but not limited to the following:

   1. Any type use requiring outdoor vehicle storage of more than 7 days, such as for auto repair services, etc. This does not include outdoor sales of new vehicles or used vehicles as long as the used vehicles are in operative condition with current license and inspection certificates.

   2. Any type of outdoor sales or storage (except used cars as defined above) of any used equipment, inoperative vehicles, used goods, scrap parts or any other similar merchandise, material or used goods.

   3. Any type of scrap or salvage services

B. Industrial Uses

   Resource Extraction

C. Residential

   All Residential uses.

1920 Site Development
Regulations

Each site in the 1-1 District shall be subject to the following site development regulations:
<table>
<thead>
<tr>
<th>Feature</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>No Minimum lot area</td>
</tr>
<tr>
<td>Lot Width</td>
<td>Minimum Lot Width: 30 feet</td>
</tr>
<tr>
<td>Residential Density</td>
<td>As per conditional use permit</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>Maximum Floor Area Ratio: 1.0 to 1</td>
</tr>
<tr>
<td>Height Maximum</td>
<td>Height: 75 feet, but limited to 35 feet on any portion of a site within 100 feet of property classified as R-I, MF-I, or MF-2.</td>
</tr>
<tr>
<td>Front Yard</td>
<td>Minimum Required Setback: 25 Feet</td>
</tr>
<tr>
<td>Street Side Yard</td>
<td>Minimum Required Setback: 25 Feet</td>
</tr>
<tr>
<td>Interior Side Yard</td>
<td>No requirement</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>No requirement, except 20 feet if backing to a residential district.</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>Maximum Coverage: 75% of the lot area.</td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum Coverage: 90% of the lot area.</td>
</tr>
<tr>
<td>Screening</td>
<td>No requirement. except for property abutting residential district and there existing residential construction within 500 feet then a solid 6 foot masonry fence of equal characteristics of main building shall be constructed down the common property line (except in required front yard).</td>
</tr>
<tr>
<td>Parking</td>
<td>Must meet minimum development standards, Section 3050</td>
</tr>
<tr>
<td>Signs</td>
<td>No requirement except it cannot obstruct traffic view on any street or from any curb cut.</td>
</tr>
</tbody>
</table>

2000 PLANNED DEVELOPMENT - PD

2005 General Purpose and Description

The Planned Development District (PD) is designed to provide flexibility in development planning and the opportunity for the application of planning...
concepts not available in "Euclidian" zoning districts. It shall, where applicable, supplement other classifications and is an optional zoning district.

2010 Authority and Limitations to Development Standards

The Council of the City of Abernathy, Texas, after public hearing and proper notice to all parties affected, and after recommendation from the planning and zoning commission, may authorize the creation of the following types of planned development districts:

1. Shopping center on tracts of three (3) acres or more.
2. Housing development on tracts of three (3) acres or more.
3. Industrial parks or districts on tracts of ten (10) acres or more.
4. Medical center and hospital.
5. Civic center and community center.
6. Office center.
7. Recreation center.
8. A combination of any of the developments listed in 1 through 7.
9. Industrial uses which do not clearly comply with the standards prescribed for the Industrial District.
10. Transition districts as an extension of an existing district whereby the provision of off-street parking, screening walls, open space and planting would create a protective transition between a lesser and more restrictive district.

2015 In establishing a planned development district in accordance with this section, the City Council shall require a comprehensive site plan of the development. Such site plan shall be approved and filed as part of the ordinance prior to the issuance of any building permit in a planned development district. Such required plan and ordinance shall set forth the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way, sidewalks, utilities, drainage, parking spaces, height of building, maximum lot coverage, yards and open spaces, screening walls, or fences and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property.

2020 Every planned development district approved under the provisions of this ordinance shall be considered as an amendment to the ordinance as applicable to the property involved. In approving the planned development district, the Council may impose conditions relative to the standard of development and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the planned development district~ and such conditions shall not be construed as conditions precedent to the approval of zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

2025 All planned development districts approved in accordance with the provisions of this ordinance or by subsequent amendment thereto shall be referenced on the zoning district map.
SECTION III

Supplemental Provisions and Regulations
SECTION III
SUPPLEMENTAL PROVISIONS AND REGULATIONS

3000 GENERAL COMPLIANCE

3005 Conformity to Zoning District Required

No building shall be erected and no existing buildings shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the district in which the building, land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered.

3010 Accessory Buildings and Uses

(a) Customary accessory uses and buildings are authorized where a lot is utilized for a permitted principal use except where prohibited specifically or by necessary implication.

(b) Customary home occupations, together with such other activities commonly conducted in living quarters shall be authorized as an accessory use where the principal use is residential.

(c) Temporary buildings are authorized as an accessory use where the permitted principal use is under construction.

(d) Real estate offices are authorized accessory uses where a residential area is under development, provided that the said office is directly and exclusively related to initial sales of dwelling units within the respective residential subdivision or cluster housing development or an immediately adjacent subdivision. Under those conditions the Building Official shall ensure that each such accessory use real estate office is issued a provisional certificate of occupancy only. The said provisional certificate of occupancy shall expire in one (1) year unless it is renewed by the respective real estate agency upon which the burden shall lie to demonstrate that the conditions of approval still exist.

(e) Day nurseries are authorized accessory uses where the principal use is a church or other place of worship.

3015 Conformity to Land Use Regulations

No building shall be erected, nor shall any existing building be structurally altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall conform to the setback, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located.
3020 Conformity to Height Limits

(a) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located except as set forth below.

(b) The height limits prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, necessary public or private utilities, conveyors, flag poles, and necessary mechanical appurtenances.

(c) Public or semi-public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty feet (60') and churches and other places of worship may be erected to a height not exceeding seventy-five (75') when each of the required yards is increased by one foot (1') for each two feet (2') of additional building height above the height limits for the district in which the building is located.

3025 Conformity to Parking and Loading Regulations

No building shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the area and off street parking and loading regulations of the district in which such building is located.

3030 Conformity to Yard and Setback Requirements

(a) No yard or other open space provided around any building for the purpose of complying with provisions of this section shall be considered as providing a yard or open space for a building on any other lot.

(b) Where fifty-one percent (51%) or more of the frontage within a block is occupied or partially occupied by a building or buildings with front yards of less depth than required by this section, the remainder of that block may be developed by observing the established front yard line, if approval thereof is granted by the Board of Adjustment.

(c) On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of three feet (3') and ten feet (10') above the centerline grades of the intersection streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines thirty-five feet (35') from the point of the intersection.

(d) Open or unenclosed terraces; porches, or roof eaves or extensions may project into the required front yard for a distance not to exceed four feet (4'); provided, however, no supporting structure for such projections may
be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend into the required front yard, provided such extension shall not be closer than ten feet (10’) to a lot line.

(e) A roof overhang, open fire escape, or outside stairway may project not more than three feet (3’) into a required side yard.

3050 OFF-STREET PARKING AND CURB CUT STANDARDS

3051 Off-Street Parking

Except as hereinafter provided, no buildings or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located, unless there shall be provided on the lot or tract off-street parking in the following ratio of vehicle spaces for the uses specified in the designated districts. An established use lawfully existing at the effective date of the ordinance need not provide vehicle parking as hereinafter set forth, and no existing vehicle parking in connection with said use at the effective date of this ordinance may be reduced below the minimum number of spaces as hereinafter required.

Maneuvering Area - Adequate on site maneuver area required; as a minimum, the car must be totally upon private property before any turning motion is required to enter into the parking space stall.

(a) The minimum off-street parking spaces for residential use shall be as follows:

1. One and two-family dwellings: Two (2) spaces for each dwelling unit.

2. Multi-family dwellings:
   (a) One space for each bedroom unit in dormitories, rooming houses, or other group housing structure.
   (b) One and one-fourth (1.25) spaces for each efficiency unit.
   (c) One and one-half (1.50) spaces for each one-bedroom unit.
   (d) One and three-fourths (1.75) spaces for each two-bedroom unit.
   (e) Two (2) spaces for each three-Bedroom or larger units.

3. PD, Planned Development District: Parking for dwelling units shall be established on plan.

(b) Parking space schedule non-residential uses applicable to all districts except original downtown. (See Section (c) following.)
1. Bank, savings and loan or similar financial establishment: One (1) space for each three hundred (300) square feet of area.

2. Bowling Alley: Six (6) spaces for each lane.

3. Clinics or Doctors’ Offices: One space for each two hundred fifty (250) square feet of floor area (minimum of five (5) spaces).

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

5. Convalescent Home or Home for Aged: One space for each six (6) rooms or beds.


8. High School, College or University: One space for each classroom, laboratory or instruction area, plus one space for each four (4) students accommodated at the institution during the periods of heaviest attendance.

9. Hospitals. Acute Care: One space for every two (2) beds.

10. Hospital Chronic Care: One space for each six (6) beds, plus one space for each employee.

11. Hotel or Motel: One space for each room, unit or guest accommodation.

12. Institutions of a Philanthropic Nature; Ten (10) spaces, plus one space for each employee.

13. Library or Museum: Ten (10) spaces, plus one space for each three hundred (300) square feet of floor area.

14. Manufacturing, Processing or Repairing: One (1) space for each two (2) employees, or one space for each one thousand (1,000) square feet of floor area, whichever is greater.

15. Offices, General: One space for each three hundred (300) square feet of floor area (minimum five (5) spaces).

16. Places of public assembly not listed: One space for each three (3) seats provided.
17. Recreational, private or commercial area or building (other than listed): One space for every three (3) persons to be normally accommodated in the establishment.

18. Restaurant, Cafeteria or Clubs with License to sell alcoholic beverages: One space for every (3) three seats under maximum seating arrangements or one space for everyone hundred (100) square feet of floor area, whichever is greater.

19. Retail or Personal Service: One (1) space for each two hundred (200) square feet of floor area (minimum of five (5) spaces).

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

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

22. Theaters, Meeting Rooms and Place of Public Assembly: One (1) space for every three (3) seats in the facility.

23. Day Nursery or Kindergarten: One space for each employee, and one space for each ten (10) children. A circular drive that will adequately serve the same traffic load, approved by the Traffic Safety Director may be substituted for the required public parking.

(c) Original Downtown - Off-street parking is not required in the original downtown area. The "original downtown area" is defined as an area bordered by 7th Street on the South; 10th Street on the North; Avenue E on the West, and the West Service Road of 1-27 on the East.

3052 Curb Cuts

**Number** - One curb cut per lot but no more than two curb cuts per 200 feet of lot frontage.

**Spacing** - Curb cut no closer than 50 feet apart to the next adjacent curb cut or street corner measured from the inside curb return.

**Width** - 12 feet minimum one way; 30 feet maximum two way.

**Radius** - 10 feet minimum radius.

3075 NONCONFORMING BUILDINGS AND USES

3076 Continuance of Nonconforming Uses

The lawful use of any building, structure or land existing on the effective date of this section may be continued, although such use does not conform with the
provisions of this section; provided, however, the right to continue such nonconforming use shall be subject to the following regulations:

(a) Normal repairs and maintenance may be made to a nonconforming building or structure; provided that no structural alterations to enlarge the nonconforming use shall be made except those required by law or ordinance or those necessary for installing or enclosing required sanitary facilities, such as toilets and bathrooms.

(b) If a nonconforming building or structure is damaged or destroyed to an extent of less than sixty percent (60%) of its fair market value by fire, explosion, act of God, or the public enemy, then restoration or new construction shall be permitted. If destruction is greater than sixty percent (60%) of its fair market value, such building or structure and its use, if repaired or replaced, shall conform to all regulations of the district in which it is located, and it shall be treated as a new building.

(c) A vacant, nonconforming building or structure lawfully constructed before the date of enactment of this section may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of ninety (90) days after the effective date of this section. The use of a nonconforming building or structure lawfully constructed before the date of enactment of this section which becomes vacant after the effective date of this section, may be reoccupied by the use for which the building or structure was designed or intended, if so occupied within a period of ninety (90) days after the building or structure becomes vacant. All such buildings, after ninety (90) days of vacancy, shall be converted to a conforming use.

3078 Other Conditions for Continuance of Nonconforming Uses

The nonconforming use of a building or structure may be continued as hereinafter provided:

(a) The nonconforming use of a building or structure may not be changed to a use which does not conform to the requirements of the district in which it is situated.

(b) If a nonconforming use of land or any portion thereof is voluntarily discontinued for a period of ninety (90) days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located.

3079 Abandonment

The nonconforming use of a building, structure, or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:

(a) The intent of the owner to discontinue the use is apparent; or
(b) The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days; or

(c) A nonconforming use has been replaced by a conforming use.

3080 Change in District Boundaries

Whenever the boundaries of a zoning district shall be changed so as to transfer an area from one (1) district to another district, or when the boundaries of districts are changed as the result of annexation of new territory, or changed in the regulations or restrictions of this section, the foregoing provisions relating to nonconforming uses shall also apply to any uses existing therein which may become nonconforming.

3081 Mobile Home Use (Amended by City Ordinance 333 on 5-8-1989)

A mobilehome, travel trailer, pick-up coach, motor home or camping trailer shall not be used as an office or business building in any zoning district, except as an office on the site in connection with construction with construction activities or in connection with a bona fide retail mobilehome, travel trailer, pick-up coach, motor home or camping trailer sales lot or park.
SECTION IV

ADMINISTRATIVE PROVISIONS
SECTION IV
ADMINISTRATIVE PROVISIONS

4010 Board of Adjustment  (Amended by City Ordinance 397 on 9-8-1997)

The City Council shall also serve as the Zoning Board of Adjustment (The Board). The Board is hereby vested with power and authority in appropriate cases and subject to appropriate conditions and safeguards, to make such exceptions to the terms of this ordinance, in harmony with the general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public.

The Board of Adjustment may adopt rules to govern the proceedings, provided, however, that such rules are not inconsistent with this ordinance. Meetings of the Board shall be held at the call of the Chairman who may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of the proceedings, showing the vote of each member upon such question, or if absent or failing to vote, indicating such fact, and shall keep records of official actions, all of which shall be immediately filed and shall be public record.

4011 Appeals

Appeals to the Board of Adjustment may be taken by the person affected by any decision of any administrative office with respect to this ordinance. Appeals shall be taken within fifteen (15) days after the decision has been rendered by the administrative office by filing notice of appeal specifying the grounds.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certified to the Board after the notice of appeal shall have been filed that by reasons of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by a court of record or application on notice to the officer from whom the appeal is taken and on due cause shown.
The Board of Adjustment shall fix a reasonable time for the public hearing of an appeal, give the public notice as well as due notice to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney or by agent.

4012 Jurisdiction and General Powers

The Board of Adjustment is hereby authorized to act in the following and limited to the following areas:

(a) Require the discontinuance of non-conforming uses under any plan whereby the full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance. It is the declared purpose of this ordinance that non-conforming uses be eliminated and be required to conform to the regulations prescribed in the preceding articles of this ordinance, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the conservation and preservation of property.

The Board of Adjustment shall from time to time on its’ motion or upon cause presented by interested property owners, inquire into the existence, continuation, or maintenance of any non-conforming use within the City. It is the declared purpose of this ordinance that nonconforming uses be eliminated and be required to conform to the regulations prescribed in the preceding articles of this ordinance.

(b) To hear and decide is an error in any determination made the enforcement of find the following appeals when it is alleged there is an error in any order, requirement, decision, or by an administrative official in this Chapter. The Board must find the following in order to grant an appeal:

1. That there is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map.

2. That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

3. The decision of the Board must be such as will be in the best interest of the community and consistent with the spirit and interest of the City's zoning laws.

(c) To hear and decide special exceptions to the terms of this Chapter. The term "special exception" shall mean a deviation from the requirements of the Zoning Ordinance, specifically enumerated herein, which shall be granted only in the following instances, and then only when the Board finds that such special exception will not adversely affect the value and use of adjacent or neighboring property or be contrary to the best public interest:
1. To reconstruct, extend or enlarge a building occupied by a nonconforming use on the lot or tract occupied by such building, provided that the reconstruction, extension, or enlargement does not prevent the return of the property to a conforming use.

2. To deviate yard requirements in the following circumstances:
   a. An exception from the front yard requirements where the actual front yard setback of an abutting lot does not meet the front yard exception where the actual rear yard setback of any four (4) or more lots in the same block do not meet the rear yard requirements of these regulations.
   b. A yard exception on corner lots.
   c. An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that anyone of the existing front yard setbacks shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

3. To waive or reduce off-street parking and loading requirements when the Board finds the same are unnecessary for the proposed use of the building or structure for which the special exception request applies.

(d) To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of said laws will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. The term “variance” shall mean a deviation from the literal provisions of the Zoning Ordinance which is granted by the Board when strict conformity to the Zoning Ordinance would cause an unnecessary hardship because of circumstances unique to the property on which the variance is granted. Except as otherwise prohibited in this Section, the Board is empowered to authorize a variance from a requirement of the Zoning Ordinance when the Board finds that all of the following conditions have been met:

1. That the granting of the variance will not be contrary to the public interest; and

2. That literal enforcement of the ordinance will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question which means that it cannot be common to other properties in the area.

4050 Article Changes and Amendments
4051 Official Zoning Map

The official zoning map of the City of Abernathy shall be kept in the office of the City Secretary.

4052 Changes and Amendments

The City Council may from time to time amend, supplement, or change by ordinance the boundaries of the district, or the regulations herein established.

4053 RESERVED

4054 Public Hearing

A public hearing shall be held by the governing body before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one (1) time in the official newspaper of the City, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from date of publication.

4055 Protest

If a protest against such proposed amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof, extending two hundred (200) feet or if those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths (3/4) vote of the governing body, as per Article 1011e, Vernon's Annotated Civil Statutes.

4060 Procedure for Change of Zoning Request Application

4061 Application

A zoning change request shall be completed in duplicate, which includes a description of the subject property. The applicant shall state the specific zoning classification desired and shall not list alternatives. Three (3) copies of a planimetric map showing the subject property drawn to scale shall accompany the application showing: boundary dimensions, adjacent property within two hundred (200) feet including owners of record and addresses as shown on the tax rolls, and all existing buildings on the subject property.

4062 Council Public Hearing

The zoning change request is scheduled for a public hearing before the Council at their next regular meeting following an eighteen (18) day administrative period. Fifteen (15) days prior to the hearing, a notice of public hearing shall be published in the official newspaper of the City and all property owners within two hundred (200) feet of the subject property shall be notified.
Council Action

Action by the City Council is final and the same request may not be brought before the Council again for one (1) year unless the Council shall determine that extenuating circumstances exist. A notation by the Council on its minutes on the prior denial of an application shall be prima facie evidence of the existence of extenuating circumstances.

Preparation of Ordinance

Contingent upon approval of the request by the Council, the applicant shall provide a description of subject property suitable for the preparation of an ordinance within ninety (90) days of Council approval. Field notes of a survey of the property are considered suitable descriptions.

When correct field notes are not provided to the City within ninety (90) days, previous action by the Council is null and void.

CONDITIONAL USES

Title and Purpose

The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties and within the City at large. The Conditional Use Procedure process is intended to encourage broad public review and evaluation of site development features and operating characteristics, and to ensure adequate mitigation of potentially unfavorable impacts.

Concurrent Applications

Application for a Conditional Use Permit and for Rezoning for the same property may be made concurrently, subject to the fees applicable to both a Conditional Use Permit and a Rezoning.

Application and Fee

Application for a conditional Use Permit shall be filed with the Building Official. The application shall include the following:

a. Name and address of the owner and applicant.

b. Address and legal description of the property.
c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.

d. The property address and the name and mailing address of the owner of each lot within 200 feet of the subject property and a map with parcels keyed to the ownership and address data.

e. A statement describing the nature and operating characteristics of the proposed use including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing or uses potentially generating high volumes of vehicular traffic, the zoning administrator may require specific information relative to the anticipated peak loads and peak use periods relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading and circulation facilities.

f. Site plans, preliminary building elevations, preliminary improvement plans and such additional maps and drawings all sufficiently dimensioned as required to illustrate the following:

1. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
2. The location and dimensions of boundary lines, easements, and required yards and setbacks.
3. The location, height, bulk, general appearance and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.
4. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting.
5. The location of watercourses and drainage features.
6. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
7. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

g. Any applicable fee established by the City Council.
The Public Hearing and Notice and Procedure shall be the same as for a change in zoning.

4075 Conditions of Approval (Amended by City Ordinance 397 on 6-14-1999)

a. The City Council may establish conditions of approval. Conditions may include, but shall not be limited to requirements for special yards, open spaces: buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; and such other conditions as the Commission may deem necessary to insure compatibility with surrounding uses, to preserve the public health, safety, and welfare.

b. The applicant for a Conditional Use Permit for the placement of a mobile home or I-IUD-Code manufactured home must provide, upon application for the permit, a minimum of four (4) photographs of the home to be placed in the City. Such photographs must include a picture of each side of the home. In addition, within thirty (30) days after the home has been placed on the property, the applicant must meet the following conditions to specifications acceptable to the City: (1) build a front porch of not less than 4’ x 6’, with stable railing attached; (2) build a rear porch at least 4’ x 4’, with stable railing attached; (3) provide either a gravel, asphalt or concrete off street drive-way or parking area; and (4) provide a skirt for the mobile home or HUD-Code manufactured unit.

4076 Lapse of a Conditional Use Permit. (Amended by City Ordinance 333 on 5/8/1989 and City Ordinance 425 on 8/10/2000)

Unless a longer or shorter time shall be specifically established as a condition of approval, a Conditional Use Permit shall lapse and shall become void 120 days following the date on which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.

4077 Suspension and Revocation

a. Upon violation of any applicable provision of this ordinance, or, if granted subject to conditions, upon failure to comply with conditions, a Conditional Use Permit shall be suspended upon notification to the owner of a use or property subject to a Conditional Use Permit.

b. The City Council shall hold a Public Hearing within forty (40) days of such notification and if not satisfied that the regulation, general provision, or
condition is being complied with, may revoke the Conditional Use Permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.

c. The decision of the Council to revoke a Conditional Use Permit shall be effective immediately

5000 ENFORCEMENT

5005 General Requirements

The provisions of this ordinance shall be administered by the Building Official. All applications for building permits shall be accompanied by a plat submitted in duplicate (2 copies) drawn to scale, showing the actual dimensions of the lot or tract of land to be built upon, the size of the building to be erected, the use of the property, all means of ingress and egress, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plat shall be kept in the office of the Building Inspector. Prior to the issuance of any building permit, the Building Inspector shall determine that the application and improvements to be constructed comply with the requirements and provisions of this ordinance.

5010 Certificate of Occupancy

No building hereafter erected or structurally altered shall be used, occupied, or changed in use until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.

5015 Application

Certificates of Occupancy shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the completion or alterations of such building in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the Building Inspection Office and copies shall be furnished on request to any person having an interest in the building.

5020 Penalty of Violation

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply with any of the requirements, or who shall build or alter any building or use in violation of any detail or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than two hundred (200) dollars and each day shall constitute a separate offense. The owner of any building or premises where any thing in violation of this ordinance shall be placed or shall exist and any architect, builder, contractor, agent, persons or corporation employed in connection therewith, and who may have assisted in the commission of such violations, shall be guilty of a separate offense and upon conviction, shall be fined as herein provided.
Validity

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Repeal

All ordinances and parts of ordinances in conflict herewith are repealed.

DULY PASSED by the City Council of the City of Abernathy, Texas, on November 18, 1985.