

# ORDINANCE #: 2014-10-07A

## City of Overton Zoning Ordinance and Subdivision Regulations

**AN ORDINANCE RE-AFFIRMING AND RE-ENACTING A ZONING ORDINANCE FOR THE CITY OF OVERTON, TEXAS, AND ALL SUCH AMENDMENTS INCLUDING HEREIN, AND SUBDIVISION REGULATIONS FOR THE CITY OF OVERTON, TEXAS; PROVIDING FOR THE EFFECTIVE DATE OF SUCH ORDINANCE AND REGULATIONS; AND PROVIDING FOR THE METHOD OF AMENDING SUCH ORDINANCE AND REGULATIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:**

### **SECTION 1. ADOPTION OF ZONING ORDINANCE**

That the Zoning Ordinance, consisting of Sections One through Twenty Eight, adopted and enacted as the "The City of Overton, Zoning Ordinance," on July 21, 1981, and thereafter amended on March 15, 1993 by Ordinance No. 31594 and amended on February 15, 1994 Ordinance No. 21594 (attached hereto collectively as **Exhibit A**) and which has been in full force and effect since its original adoption and amendment, is hereby affirmed and re-enacted and shall be treated and considered as a comprehensive Zoning Ordinance. The official Zoning Map shall be maintained by the City Secretary in accordance with Section Nineteen of the Zoning Ordinance. The Zoning Ordinance shall continue in full force and effect from the effective date of July 21, 1981, and as amended on March 15, 1993.

### **SECTION 2. ADOPTION OF SUBDIVISION REGULATIONS**

That the Subdivision Regulations, consisting of Sections One through Five and Engineering and Construction Standards (attached hereto as **Exhibit B**), is hereby adopted and enacted as the "The City of Overton, Subdivision Regulations," and shall be treated as a comprehensive set of Subdivision Regulations which shall be in full force and effect from and after the effective date of July 21, 1981.

### **SECTION 3. AMENDMENTS**

That any amendments and additions to such Zoning Ordinance or Subdivision Regulations, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Zoning Ordinance or Subdivision Regulations so that reference to the "The City of Overton, Zoning Ordinance" and/or "The City of Overton, Subdivision Regulations" shall be understood and intended to include such amendments and additions.

### **SECTION 4. UPDATING THE CODE**

That a copy of such Zoning Ordinance and Subdivision Regulations shall be kept on file in the office of the City Secretary preserved in loose leaf form, or in such form as the City Secretary may consider most expedient. It shall be the express duty of the City Secretary, or someone else so duly authorized, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Zoning Ordinance or Subdivision Regulations and to

remove all provisions which may from time to time be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine it.

**SECTION 5. PENALTY FOR UNAUTHORIZED AMENDMENTS**

That it shall be unlawful for any person to change or amend, by addition or deletions, any part or portion of such Zoning Ordinance or Subdivision Regulations, or to insert or delete pages or portions thereof, or to alter or tamper with same in any manner whatsoever, which will cause the law of the City of Overton to be misrepresented. The penalty for any unauthorized amendments to the Zoning Ordinance is the same as those set forth in Section Twenty-Five of the Zoning Ordinance or as amended. The penalty for any unauthorized amendments to the Subdivision Regulations is the same as those set forth in Section 5.10 of the Subdivision Regulations or as amended.

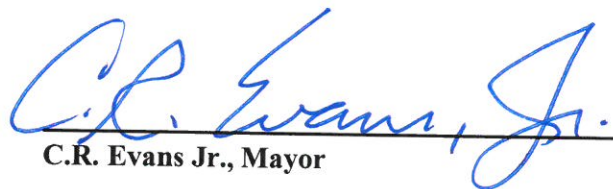
**SECTION 6. CONFLICTS**

To the extent any of the Subdivision Regulations conflict with any provisions of the Zoning Ordinance, the Subdivision Regulations will control.

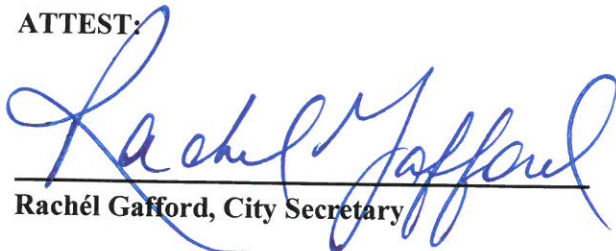
**SECTION 7. EFFECTIVE DATE**

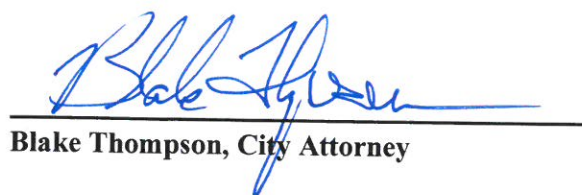
That the Zoning Ordinance and Subdivision Regulations shall be retroactive to July 21, 1981, the date that the Overton City Council originally adopted the Zoning Ordinance and Subdivision Regulations of the City of Overton, Texas.

**PASSED AND APPROVED** this 7th day of October, 2014.

  
C.R. Evans Jr., Mayor

ATTEST:

  
Rachel Gafford, City Secretary

  
Blake Thompson, City Attorney

(SEAL)

EXHIBIT A



**CITY OF OVERTON, TEXAS**  
**ZONING ORDINANCE**



October 2014

ZONING ORDINANCE

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## ZONING ORDINANCE

A ZONING ORDINANCE DIVIDING THE AREA WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF OVERTON INTO DISTRICTS IN ACCORDANCE WITH A CITY-WIDE COMPREHENSIVE PLAN: DEFINING CERTAIN TERMS: REGULATING THE LOCATION, SIZE, HEIGHT, BULK AND USE OF BUILDINGS WITHIN SUCH RESPECTIVE DISTRICTS: FIXING BUILDING LINES FOR EACH RESPECTIVE DISTRICT: FIXING THE PERCENTAGE OF ANY LOT OR TRACT OF LAND TO BE OCCUPIED IN THE VARIOUS DISTRICTS: REGULATING THE SIZE OF YARDS, COURTS, AND OPEN SPACES IN EACH PARTICULAR DISTRICT: REGULATING THE DENSITY OF POPULATION, STRUCTURES, BUILDINGS, LANDS, INDUSTRY AND RESIDENCES IN THE ERECTION, REPAIR AND ALTERATION OF ALL BUILDINGS, AND STRUCTURES IN EACH PARTICULAR DISTRICT: ADOPTING A ZONING MAP, MAKING IT A PART OF THIS ORDINANCE: PROVIDING FOR THE LOCATION AND OUTLINE OF ALL DISTRICTS ON SAID ZONING MAP AND MAKING ALL FIGURES, LETTERS, MARKINGS AND COLORS ON SAID MAP A PART OF THIS ORDINANCE: CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES: PROVIDING A PENALTY FOR A VIOLATION OF THIS ORDINANCE AND PROVIDING FOR THE VALIDITY OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OVERTON, TEXAS:

The purpose of this ordinance is to zone the entire area of the City of Overton into districts as made and provided by Articles 1011-A to and including 1011-J of Chapter 4, Title 28 of the Vernon's Annotated Texas Statutes, 1925, as amended, in accordance with a Comprehensive Plan for the purpose of promoting health, safety, and the general welfare of the general public. They have been designed to lessen congestion in the streets; to provide safety from fire, panic and other dangers; to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to provide and facilitate adequate provisions for transportation, automobile parking, water, sewerage, schools, parks and other public requirements. Said districts have been created with fair and reasonable consideration, among other things, of the character of each particular district and its peculiar suitability for particular uses; and thereby conserve the value of land and buildings in each particular district; and with a view of insuring the harmonious and appropriate use of all property and to prohibit the inharmonious and inappropriate use of all property and thereby promote the general welfare of the public.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easement, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings, or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Ordinance shall govern.

PART 1: ENACTMENT AND DEFINITIONS

SECTION 1. SHORT TITLE.

This ordinance shall be known and may be cited as "The City of Overton, Zoning Ordinance."

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory and not directive; the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for". Said words and terms are as follows:

1. Accessory Building or Use. An "accessory building or use" is one which: a) is subordinate to and serves a principal building or principal use; and b) is subordinate in area, extent, or purpose to the principal building or principal use served; and c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and d) is located on the same building lot as the principal building or principal use served. "Accessory" when used in the text shall have the same meaning as accessory use. An accessory building may be a part of the principal building. Servants' quarters, as defined, are an accessory building or use.
2. Alley. An "alley" is a public right-of-way which affords a secondary means of access to abutting property.
3. Auto Laundry. An "auto laundry" is a building, or portion thereof containing facilities for washing automobiles using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.
4. Awning. An "awning" is a roof-like cover of a temporary nature that projects from the wall of a building.
5. Apartment. An "apartment" is a dwelling unit in an apartment house.
6. Apartment House. An "apartment house" is a building or any portion thereof, which contains three or more dwelling units.
7. Basement. A "basement" or "cellar" is a story wholly or partly (at least 50 percent) measured from floor to ceiling, below the average level of the ground surrounding the building. A basement or cellar is not counted when measuring the height of a building.
8. Block. A "block" is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, airport boundaries, or a corporate boundary line.



9. Block Face. A "block face" is a side of a block facing upon a street, within which lots face the abutting street.
10. Board. The word "board" shall mean the Board of Adjustment Established in Section 20 of this Ordinance.
11. Boarding House. A "boarding house" is a building other than a hotel, motel or apartment house, where for compensation and by prearrangement for a definite period, meals or lodging and meals are provided for three or more persons.
12. Build. The word "build" means to erect, convert, enlarge, reconstruct, or alter a building or structure.
13. Buildable Width. The "buildable width" of a building site is the width of the building site left to be built upon after the required side yards are provided.
14. Building. A "building" is any structure built for the support shelter, or enclosure of persons, animals, chattels, or movable property of any kind.
15. Building, Detached. A "detached building" is a building surrounded by yards or open space on the same building lot.
16. Building, Height. "Building height" is the number of stories contained in building.
17. Building Line. A "building line" is the rear line of a required front yard which is generally parallel to the street line forming the front lot line.
18. Building Lot. A "building lot" is a single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may not coincide with a lot of record. A "building lot" may be subsequently subdivided into two or more "building lots", subject to the provisions of this ordinance.
19. Building, Mixed. A "mixed building" is a building used partly for residential use and partly for community facility and/or commercial use. A mixed building is a commercial use.
20. Building, Principal. A "principal building" is a building in which the principal use of the lot, on which it is located, is conducted. All residential uses, except bona fide servants' quarters, are principal uses.
21. Building, Residential. A "residential building" is a building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers.

22. Cellar. See Basement.
23. City. The word "city" shall mean the City of Overton, Texas.
24. Clinic. A "clinic" is the office of one or more medical doctors who may or may not have associated in the practice of their professions.
25. Commission, Planning. The words "planning commission" shall mean the City Planning and Zoning Commission of the City of Overton, Texas.
26. Council. The word "council" shall mean the City Council of the City of Overton, Texas.
27. Court. A "court" is an open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent open space.
28. Customary Home Occupations. A customary home occupation is an occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery or additional equipment, without the employment of additional persons, without the use of a sign to advertise the occupation and which does not cause the generation of additional traffic in the street.
29. Development, or to Develop. A "development" includes the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.
30. District. A "district" is a zoning district which is a part of the City wherein regulation of this ordinance is uniform.
31. Dwelling. A "dwelling" is a building or portion thereof, but not a house trailer, designed and used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, or lodging houses.
32. Dwelling, Attached. An "attached dwelling" is one which is joined to another dwelling at one or more sides by a part wall or walls.
33. Dwelling, Detached. A "detached dwelling" is one which is entirely surrounded by open space on the same building lot.
34. Dwelling, Multiple-Family. A "multiple-family dwelling" is a building or portion thereof constructed for and/or occupied by three or more families and containing three or more dwelling units.
35. Dwelling, Single-Family. A "single-family dwelling" is a building containing only one dwelling unit and/or occupied by only one family.

36. Dwelling, Two-Family. A "two-family dwelling" is a building containing two dwelling units and/or occupied by two families.
37. Dwelling Unit. A "dwelling unit" is one or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or a group of persons living together as a family or by a single person. Individual bathrooms and complete single kitchen facilities permanently installed are not necessarily provided. Each installation of kitchen facilities consisting of at least a stove or cooking device and a sink shall constitute a separate dwelling unit. Apartment units in apartment hotels are dwelling units.
38. Family. A "family" consists of one or more person, each related to the other by blood, marriage, or adoption; or a group of not more than five persons (excluding servants) who are living together in a dwelling unit.
39. Filling Station. A "filling station" is any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.
40. Garage, Private. A "private garage" is an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.
41. Garage, Public. A "public garage" is a building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor driven vehicles.
42. Health Service. A "health service" is a charitable or government operated facility offering to the public medical examinations, diagnosis and limited treatment not for profit.
43. Hospital. A "hospital" is a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, x-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.
44. Hotel. A "hotel" is an establishment offering lodging to the transient public for compensation. A hotel is distinguished from a motel in that access to the majority of the guest rooms is through a common entrance and lobby. A hotel is a non-residential use.
45. Hotel, Apartment. An "apartment hotel" is a hotel in which a majority of the dwelling units or guest rooms are occupied by permanent guests. Dwelling units or guest rooms may include kitchen or cooking facilities. An apartment hotel may contain public banquet halls, ballrooms or meeting rooms, restaurants and lounges accessible to the public only through the lobby and having no exterior display. An "apartment hotel" is a residential use.

46. Junk or Salvage Yard. A "junk or salvage yard" is a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building.
47. Lodging House. A "lodging house" is a residential building or portion thereof containing lodging rooms which accommodate persons who are not members of the keepers family. Lodging, but not meals, is provided for compensation.
48. Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least fourteen (14) feet.
49. Lot Area. The "lot area" is the area of a horizontal plan intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.
50. Lot Area Per Dwelling Unit. "Lot area per dwelling unit" is the lot area required for each dwelling unit located on a building lot.
51. Lot, Corner. A "corner lot" is a building lot situated at the intersection of two streets, the interior angle of such intersection not to exceed 135 degrees.
52. Lot Depth. "Lot Depth" is the mean horizontal distance between the front lot line and the rear lot line of a building lot measured within the lot boundary.
53. Lot, Interior. An "interior lot" is a building lot other than a corner lot.
54. Lot Line. A "lot line" is a boundary of a building lot.
55. Lot Line, Front. A "front lot line" is that boundary of a building which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively to the front lot line.
56. Lot Line, Side. A "side lot line" is any boundary of a building lot which is not a front lot line or a rear lot line.
57. Lot Line, Rear. The "rear lot line" is that boundary of a building lot which is most distant from and is, or is most nearly, parallel to the front lot line.
58. Lot Of Record. A "lot of record" is an area of land designated as a lot on a plat of a subdivision recorded pursuant to statutes of the State of Texas with the County Clerk (County of Rusk or Smith, Texas)

or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the County Clerk.

59. Lot, Reverse Corner. A "reverse corner lot" is a corner lot, rear lot line of the street which abuts the side lot line of the lot to its rear.
60. Lot Width. The "lot width" is the minimum distance measured in a straight line between the side lot lines of a building lot along a straight line, which shall be on the side of the building line opposite from the front lot line and one which must touch the building line at one point.
61. Lot, Through. A "through lot" is a building lot not a corner lot, both the front and rear lot lines which adjoin street lines. On a "through lot" both street lines shall be deemed front lot line.
62. Marquee Or Canopy. A "marquee or canopy" is a rooflike structure of a permanent nature which projects from the wall of a building or overhangs a public way.
63. Mobile Home. A mobile home is a vehicle used for living or sleeping purposes and standing on wheels or rigid supports, but which when properly equipped and situated can be towed behind a motor vehicle. A trailer coach is a mobile home.
64. Mobile Home Park. A "mobile home park" is any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A "trailer park" is a mobile home park.
65. Motel, Motor Hotel, or Tourist Court. A "motel", "motor hotel", or "tourist court" is an establishment offering to the transient public the use of guest rooms or sleeping accommodations for compensation. Such an establishment consists of a group of attached or detached guest rooms or sleeping accommodations the majority of which have private and direct access from parking areas not through a common entrance and lobby. The establishment furnishes customary hotel services and many contain a restaurant, club, lounge, banquet hall and/or meeting rooms. A motel is a non-residential use.
66. Motor Freight Terminal. A "motor freight terminal" is a building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck. A motor freight terminal is a truck terminal.
67. Nonconforming Use. A "nonconforming use" is any building or land lawfully occupied by a use at the time of the adoption of this ordinance or amendments thereto, not permitted by the use regulations, lot requirements, or other regulations of this ordinance of the district in which it is attained.

68. Noxious Matter. "Noxious matter" is a material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.
69. Open Space. "Open space" is that part of a building lot, including courts or yards, which:
- a) Is open and unobstructed from its lowest level to the sky, and
  - b) Is accessible to all residents upon a building lot, and
  - c) Is not part of the roof of that portion of the building containing dwelling units.
70. Open Storage. "Open storage" is the storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.
71. Parking Space. A "parking space" is a surface area, enclosed or unenclosed sufficient in size to store one automobile together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile. A "parking space" shall not occupy any public land.
72. Public Parks. A "public park" is any publicly owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the City.
73. Rest Home or Nursing Home. A "rest home" or "nursing home" is a private home for the care of children or the aged or infirm or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care of the treatment of disease or injury.
74. Screening Device. A "screening device" shall consist of a barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design, at least six (6) feet in height, where the solid area equals at least sixty-five (65) percent of the wall surface, including an entrance gate or gates. Such screening device shall be continuously maintained.
75. Servant's Quarters. A "servant's quarters" is an accessory building or portion of a main building located on the same lot as the principal building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.
76. Sign. A "sign" is a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, institution, or business. A "sign" is not a display of official court or public office notices nor is it a flag, emblem, or insignia of a nation,

political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building.

77. Sign, Advertising. An "advertising sign" is a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
78. Sign, Business. A "business sign" is a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises.
79. Sign, Flashing. A "flashing sign" is an illuminated sign on which the artificial light is not maintained stationarily, or in constant intensity or color at all times when such sign is in use. For the purpose of this ordinance, any revolving illuminated sign shall be considered a flashing sign.
80. Sign, Illuminated. An "illuminated sign" is any sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.
81. Story. A "story" is that part of a building between the surface of a floor and the ceiling immediately above.
82. Street. A "street" is a public right-of-way which affords a primary means to access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.
83. Street Line. A "street line" is the right-of-way line of a street.
84. Toxic Materials. "Toxic materials" are those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.
85. Trailer Camp. A "trailer camp" is any premises on which one or more house trailers are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more house trailers whether such vehicles stand on wheels or rigid supports.
86. Trailer, House. A "trailer house" is a vehicle used for living or sleeping purposes and standing on wheels or on rigid supports, but which when properly equipped and situated can be towed behind a motor vehicle. A house trailer is not a residence as herein defined.
87. Use. The "use" of property is the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this ordinance.

88. Use, Principal. A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use.
89. Visual Screen. A "visual screen" is a wall, not of living plant material, permanently affixed to the ground in which the area of all openings and cracks in each square foot of wall and entrance gates shall not exceed 14 square inches, and the wall is of sufficient height so that the objects being screened are not visible from any point on the lot line when viewed from any height between ground level and seven feet above ground level. No wall shall exceed 10 feet in height.
90. Yard. A "yard" is an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.
91. Yard, Front. A "front yard" is a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.
92. Yard, Rear. A "rear yard" is a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.
93. Yard, Side. A "side yard" is a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between any building or projections thereof except steps and the side lot line.
94. Zoning District Map. The "zoning district map" is the map or maps incorporated into this ordinance as a part hereof by reference thereto.

### SECTION 3. ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.

For the purposes of this Ordinance, the City is hereby divided into nine (9) districts as follows:

- District SF - Single-Family Residential District
- District MF - Multi-Family Residential District
- District MH - Mobile Home District
- District PD - Community Unit District
- District LC - Local Business District
- District GB - General Business District



District LI - Light Industrial District  
District HI - Heavy Industrial District  
District AO - Agricultural-Open Space District

The location and boundaries of the districts herein established are shown upon the Official Zoning Map, which is hereby incorporated into this Ordinance. Said Zoning Map, together with all notations, references, and other information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as is fully set forth and described herein. Said Zoning Map, properly attested, is on file in the office of the City Secretary; one (1) copy shall be maintained in the office of the Building Inspector.

#### SECTION 4. RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on said Zoning Map.
4. If unsubdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map.
5. In the case of a district boundary line dividing a property into two (2) parts the district boundary line shall be construed to be the property line nearest the district boundary line as shown.
6. 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 then and henceforth be subject to all regulations of the extended districts.
7. Where the streets or alleys on the ground differ from the streets or alleys as shown on the Zoning Map, the streets or alleys on the ground shall control.

SECTION 5. COMPLIANCE WITH THE REGULATIONS.

Except as hereinafter specifically provided:

1. No land shall be used except for a purpose permitted in the district in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
3. 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.
4. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
5. No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which such building is located.
6. The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the district in which such lot is located.
7. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and, except as hereinafter provided, there shall not be more than one main building on one lot.

PART II. DISTRICT REGULATIONS

SECTION 6. DISTRICT "SF".

SINGLE-FAMILY RESIDENTIAL DISTRICT.

6.01 USE REGULATIONS.

A building or premise shall be used only for the following purposes:

1. One-family dwellings.
2. Churches or other places of worship.
3. Colleges, universities, or other institutions of higher learning.
4. Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
5. Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
6. Public buildings, including libraries, museums, police and fire stations.
7. Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
8. Schools, public elementary or high.
9. Schools, private, with curriculum equivalent to that of a public elementary or high school.
10. Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
11. Water supply reservoirs, pumping plants and towers.
12. Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business.

(1) The term accessory use shall include customary home occupations such as the office of a milliner, dressmaker, musician or artist, provided that such uses are located in the dwelling used by such a person as his or her private residence, and provided that no assistant not a member of the family residing on the premises is employed and no window display or sign is used to advertise the same.

(b) A billboard, signboard, or advertising sign shall not be permitted as an accessory use, except that the placing of an unilluminated "For Sale" or "For Rent" sign not more than eight (8) square feet in area may be permitted as an accessory use, and except that churches and other institutions may display signs showing names, activities and services therein provided, and that during construction of a building one unilluminated sign advertising contractors or architects on such premises shall be permitted, provided that such sign shall not be more than eight (8)

square feet in area and shall be set back of the established or customary building line, and such sign shall be removed immediately upon completion of the building.

- (c) A private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than (5) five feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
13. Such uses as may be permitted under the provisions of Article 17, Special Use Permits.

#### 6.02 HEIGHT REGULATIONS.

No building shall exceed thirty-five (35) feet or two and one-half (2½) stories in height.

#### 6.03 AREA REGULATIONS.

##### 1. Size of Yards.

- (a) Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No parking shall be allowed within the required front yard.
- (b) Side Yard. There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
- (c) Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

##### 2. Size of Lot:

- (a) Lot Area: No building shall be constructed on any lot of less than six thousand (6,000) square feet.
- (b) Lot Width: The width of the lot shall be not less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
- (c) Lot Depth: The average depth of the lot shall not be less than one hundred twenty (120) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred twenty (120) feet provided that the minimum depth is no less than ninety (90) feet.
- (d) Where a lot having less area, width, and/or depth than herein required existed in separate ownership upon the defective date of this Ordinance, the above regulations shall not prohibit the erection of a one-family dwelling

thereon.

3. Lot Coverage:

In no case shall more than forth (40) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

6.04 PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 15.

SECTION 7. DISTRICT "MF".

MULTI-FAMILY RESIDENTIAL DISTRICT.

7.01 USE REGULATIONS.

A building or premises shall be used only for the following purposes:

1. Any use permitted in District "SF".
2. Two-family dwellings or duplexes.
3. Multi-family dwellings.
4. Boarding and lodging houses.
5. Day nurseries.
6. Dormitories for students.
7. Fraternity or sorority houses.
8. Hospitals, clinics and sanitariums, except a criminal, mental or animal hospital.
9. Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution.
10. Nursing and convalescent homes.
11. Private clubs and fraternal orders when not operated for private profit.
12. Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business.
13. Such uses as may be permitted under the provision of Article 17, Special Use Permits.

7.02 HEIGHT REGULATIONS.

No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.

7.03 AREA REGULATIONS.

1. Size Of Yards:

- (a) Front Yard: Same as District "SF".
- (b) Side Yard: There shall be a side yard on each side of the

lot having a width of not less than ten (10) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than fifteen (15) feet.

(c) Rear Yard: Same as District "SF".

2. Size Of Lot.

- (a) Lot Area: No building shall be constructed on any lot of less than five thousand (5,000) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than six thousand (6,000) square feet. No lot shall contain less than fifteen hundred (1,500) square feet per dwelling unit, providing, however, that this regulation shall not apply to hotels, apartment hotels, or motels where no cooking is done in any individual room.
- (b) Lot Width: The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
- (c) Lot Depth: The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is no less than eighty (80) feet.
- (d) Where a lot having less area, width and/or depth than that herein required existed in separate ownership upon the effective date of this Ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon, or a two-family or three-family dwelling on a lot containing not less than five thousand (5,000) square feet.

3. Lot Coverage.

In no case shall more than forty (40) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

7.04 PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 14.

SECTION 8. DISTRICT "MH".  
MOBILE HOME DISTRICT

8.01 USE REGULATIONS.

A building or premises shall be used only for the following purposes:

1. A mobile home park.
2. Such uses as are normally accessory to a mobile home park,

including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, private clubs, laundry facilities and storage facilities for use of the residents of the mobile home park, and open recreation areas.

3. Such uses as may be permitted under the provisions of Section 16 herein, Specific Use Permits.

8.02 LOCATION OF MOBILE HOMES AND MOBILE HOME PARKS.

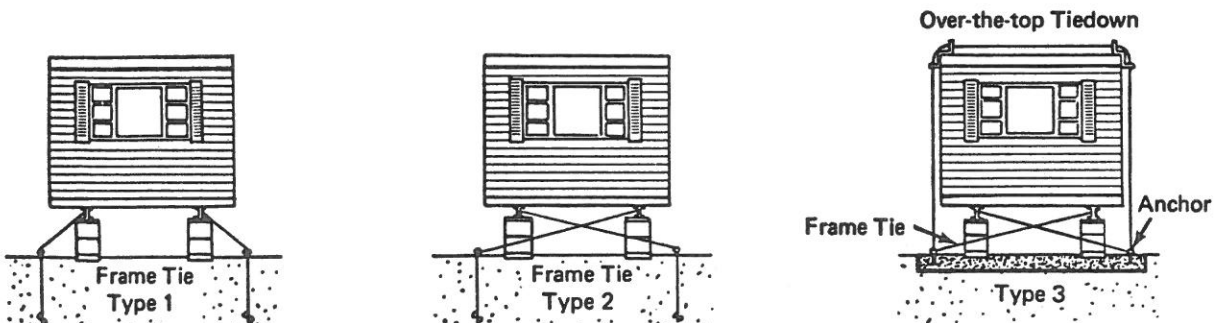
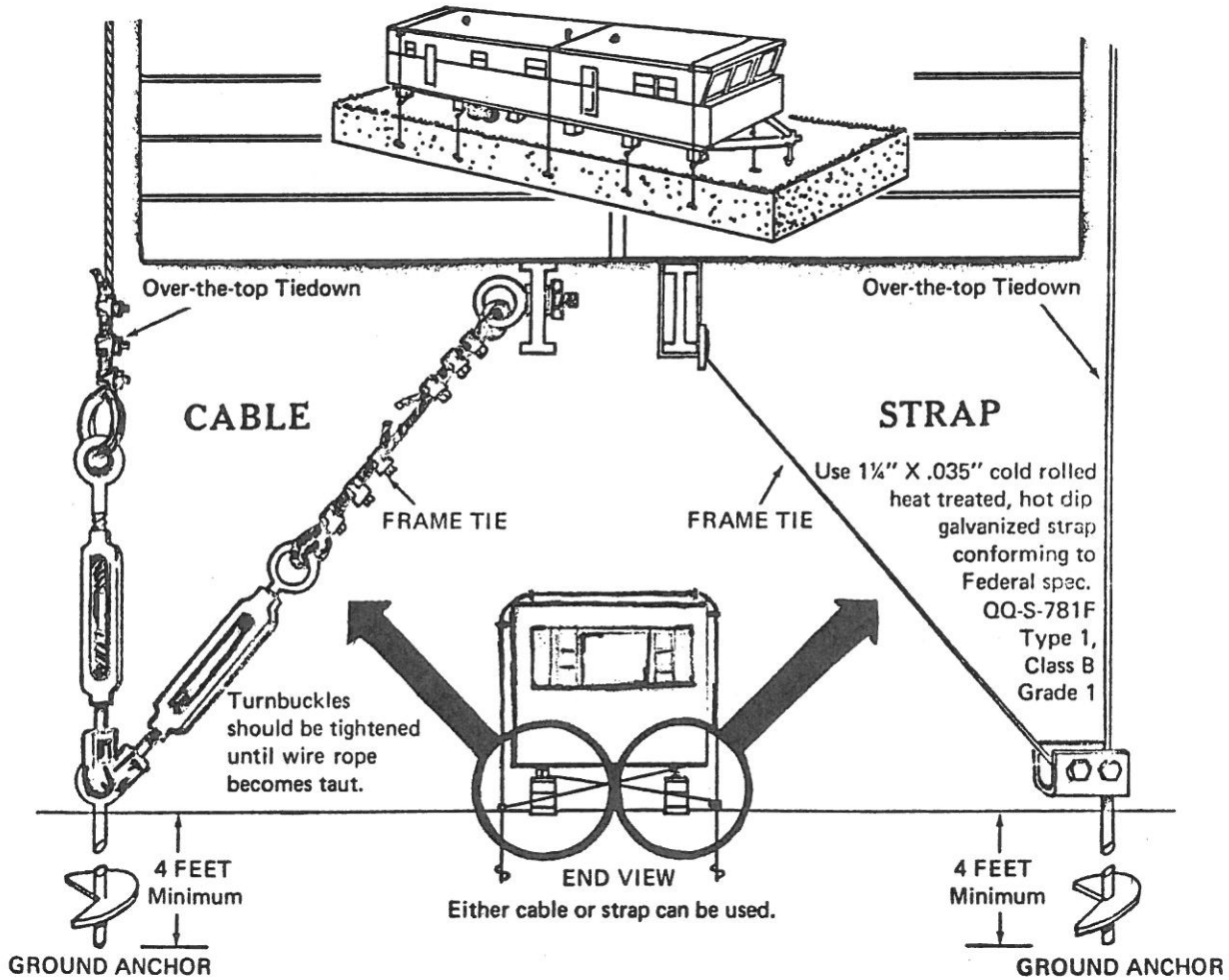
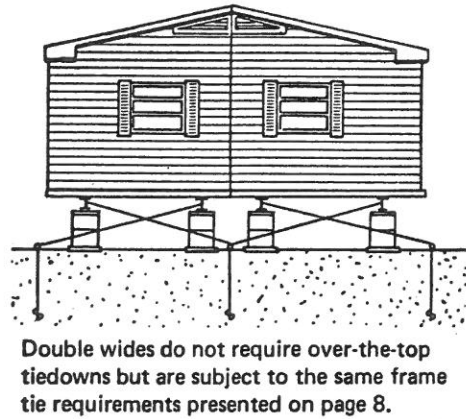
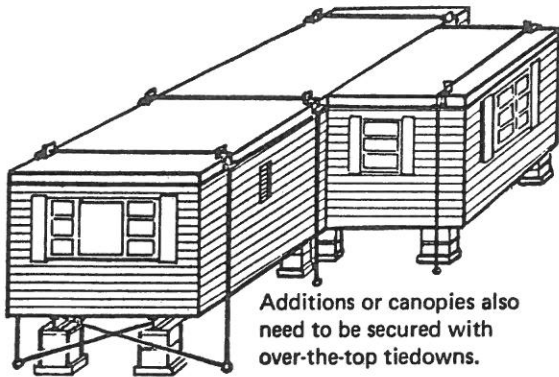
1. It shall be unlawful for any person to locate or maintain any mobile home in any place in the City other than in a lawfully designated and duly licensed mobile home park, except that mobile homes may be in an acceptable mobile home sales location, as a temporary office or other similar temporary use, and except that one small so-called "camper trailer" intended for private recreational use may be kept as an accessory use to a dwelling unit. A mobile home kept under an exception shall not be used for living or sleeping purposes.
2. Mobile Home Park Districts will be granted only as an amendment to the Zoning Ordinance. The granting of each Mobile Home Park District will be judged on the merits of each individual request for an amendment.
3. The location of Mobile Home Parks shall be in general conformance with the Comprehensive Plan of the City, shall be located adjacent to a thoroughfare or a commercial area which is adjacent to a thoroughfare, and should generally not be surrounded by single-family residential areas.

8.03 MOBILE HOME TIE-DOWN REGULATIONS.

Overton lies in the 70 mph wind storm belt of the United States. For this reason the following TIE-DOWN ANCHORAGE REQUIREMENTS are made a part of the Zoning Regulations.

WIND VELOCITY mph	10' and 12' wide mobile homes				12' and 14' wide mobile homes	
	30'-50' long		50'-60' long		60'-70' long	
	# of frame ties	# of over-the-top ties	# of frame ties	# of over-the-top ties	# of frame ties	# of over-the-top ties
70	3	2	4	2	4	2

Source: Pamphlet TR-75, Defense Civil Preparedness Agency, June 1972.



These sketches illustrate various methods for connecting frame ties to the mobile home frame. Type 2 system can resist greater horizontal forces than Type 1. Type 3 system involves placement of mobile home on concrete slab. Anchors embedded in concrete slab are connected to ties.



#### 8.04 PARKING REGULATIONS

Off-street parking spaces shall be provided in accordance with requirements for parking as set forth in Section 15.

### SECTION 9. DISTRICT "PD". PLANNED DEVELOPMENT DISTRICT

Purpose: It is the intended purpose of this zoning district to provide for the unified and coordinated development of parcels or tracts of primarily vacant land designated as "PD" on the Official Zoning District Map. Certain freedom of choice as to intended land use shall be permitted, provided that the special requirements which may apply are complied with and that the intended uses are not in conflict with the general purpose and intent of this Ordinance.

#### 9.01 USES.

A building or premises in this zoning district shall be used only for the following purposes:

1. Any use permitted in the "SF" Single-Family Residential District Regulations.
2. Any use permitted in the "MF" Multi-Family Residential District Regulations.
3. Any use permitted in the "LC" Local Business District Regulations.
4. Such uses as may be permitted by Article 16, Special Use Permits.
5. Uses customarily accessory to the preceding principal uses.

#### 9.02 HEIGHT, LOT, AND YARD REQUIREMENTS.

The height, lot, and yard requirements shall be as follows:

1. For Residential Use.
  - (a) Areas designated for single-family use shall comply with all of the requirements of Subsection 6.02; 6.03; Height, Lot, and Yard Requirements.
  - (b) Areas designated for multiple-family use shall comply with all of the requirements of Subsection 7.02; 7.03; Height Lot and Yard Requirements.
2. For Non-Residential Uses.
  - (a) There shall be no height, lot, or yard requirements for non-residential uses within this zoning district where located in the area designated for commercial use, except in Subsection 8.04.

#### 9.03 PARKING REGULATIONS.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 17.1.

#### 9.04 SPECIAL CONDITIONS.

The following special conditions shall apply to uses located in this zoning district:

1. Land within the "PD" District may be developed for single-family purposes, including customary accessory uses, without the requirements of Section 20.03, Approval of Planned Development Plans, having been fulfilled. Normal subdivision approval, as required by the City Planning Commission, is still necessary.
2. A minimum land area of ten (10) acres shall be required before development of uses other than those permitted by Subsection 9.04 (1) will be approved by the Building Inspector.
3. A "Plan" as described in Subsection 20.03, Approval of Planned Development Plans, shall be submitted for approval to the Building Inspector in the following instances:
  - (a) When an area to be developed as a related project involves other than single ownership or control; and/or
  - (b) When the contemplated development involves uses other than those permitted by Subsection 9.04 (1).
4. Property to be developed for non-residential purposes, other than public and semi-public uses, shall be located upon a major thoroughfare, except if it abuts property which is zoned for commercial purposes and has major street frontage. A plan for the development of the property, showing adequate access to and from the major street, shall be submitted to the Building Inspector.
5. Property to be developed for multiple-family residential purposes shall be located upon a major thoroughfare, contiguous to an area zoned for commercial purposes and having major street frontage, or contiguous to an area to be developed to commercial activities.
6. Commercial areas separated by an area of a different type use shall not be closer than three hundred (300) feet when on the same side of the major street they front. This shall not preclude the development of two areas, under single ownership and both within a "PD" District, separated by a street, alley, or easement.
7. An area proposed for commercial use shall not extend into the interior of any "Plan" a distance greater than the major street frontage to be devoted to such commercial use. Prior to the issuance of a certificate of occupancy, a screening device, as defined in Section 2-74 of this Ordinance, shall be built along that boundary of the area proposed for commercial use which abuts property developed, zoned, or designated for any type of residential use and which is under different ownership. However, where land proposed on a "Plan" for commercial use extends more than three hundred (300) feet back from the major street, measured at right angles to the right-of-way line, and abuts property developed or zoned for any type of residential use under different ownership, or if such land abuts other land in a "PD" District under different ownership, then the proposed commercial use so located may be approved only under

the following conditions:

- (a) That an area of at least one hundred fifty (150) feet in width be provided in which no structure, other than the screening device required above and necessary light devices, shall be permitted. This area shall be measured between the boundary of the abutting property described in the preceding paragraph and any intended structure and shall extend the entire depth of the commercial use area which is in excess of the three hundred (300) feet of depth allowed in the preceding paragraph. A paved parking area may be provided within this 150 foot area; however, lighting standards or fixtures shall be regulated as prescribed in Subsection 9.04 (8).
8. Lighting devices in conjunction with commercial uses or parking lots shall not be operated so as to produce direct or reflected light or glare across abutting property lines.
9. Loud speakers and similar devices in conjunction with commercial uses or parking lots shall not be operated so as to direct sound across abutting property lines.
10. No portion of any multi-family dwelling structure or permitted accessory use structure shall be further than three hundred (300) feet from an accessible dedicated and accepted public street.

SECTION 10. DISTRICT "LC".  
LOCAL BUSINESS DISTRICT.

10.01 USE REGULATIONS.

A building or premise shall be used only for the following purposes:

1. Any use permitted in District "MF".
2. Bakeries, retail sales only.
3. Frozen food lockers, for individual or family use.
4. Gasoline service stations, provided that the activities permitted do not include major automobile repairs, the storage or dismantling of old or wrecked motor vehicles, the sale of used automobile parts, or the sale of new or used motor vehicles.
5. Laundries, self-service
6. Personal service uses including barber shops, beauty parlors, messengers, taxicabs, dry cleaning and pressing, dress making, tailoring, shoe repairing, repair of household appliances and bicycles, restaurants, and other personal service uses of a similar character.
7. Retail stores and other local business uses supplying the everyday shopping needs of immediate neighborhood and subject to the following conditions:
  - (a) That it be conducted wholly within an enclosed building.
  - (b) That required yards be not used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
  - (c) That all merchandise be first-hand and be sold at retail on the premises.

- (d) That such use be not objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
- 8. Signs, (advertising) used in connection with and on the same lot as the business establishments to which they refer, except that they shall not be placed within any required yard nor within twenty-five (25) feet of any Residential District.
- 9. Theaters.
- 10. Accessory buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
- 11. Such uses as may be permitted under the provisions of Article 16, Special Use Permits.

#### 10.02 HEIGHT REGULATIONS.

Same as District "MF".

#### 10.03 AREA REGULATIONS.

##### 1. Size of Yards.

###### (a) Front Yards:

- (1) Residential: Same as District "SF".
- (2) Other Uses: There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "LC", except that automobile parking will be permitted in such yards if separated by at least one hundred (100) feet from an Residential District.

###### (b) Side Yard.

- (1) Residential: There shall be a side yard on each side of the lot having a width of not less than ten (10) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet.
- (2) Other Use: A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a Residential District. Otherwise, no side yard is required. No parking, storage, or similar use shall be allowed in any required side yard or in any required side street yard adjoining a Residential District.

###### (c) Rear Yard.

- (1) Residential: Same as District "SF".
- (2) Other Use: No rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a Residential District.

2. Size of Lot.
  - (a) Residential: Same as District "MF".
  - (b) Other Use: No limitations.

#### 10.04 PARKING AND LOADING REGULATIONS.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 15.

### SECTION 11. DISTRICT "GB". GENERAL BUSINESS DISTRICT.

#### 11.01. USE REGULATIONS:

A building or premises shall be used only for the following purposes:

1. Any use permitted in District "LC".
2. Automobile or trailer display and sales, repair garages, tire and seat cover shops, car wash.
3. Bakeries.
4. Building material storage yards.
5. Business or commercial school.
6. Candy and jewelry manufacturing.
7. Carpentry, painting, plumbing or tinsmithing shop.
8. Cleaning, and dyeing plants, laundry.
9. Creamery, ice cream manufacturing and daily operations.
10. Farm implement display and sales room.
11. Ice plants
12. Milk distributing station.
13. Mortuaries.
14. Pet shops, retail.
15. Printing, engraving and newspaper plants.
16. Public utilities substations.
17. Radio or television broadcasting station or studio.
18. Retail stores.
19. Upholstering shop, not involving furniture manufacturing.
20. Veterinarian or animal hospital provided that no such building, kennel or exercise runway shall be closer than fifty (50) feet to any Residential District.
21. Wholesale establishments and warehouses.
22. Uses similar to the above mentioned permitted uses, provided activities conducted observe the requirements of all city ordinances.
23. Accessory buildings and uses customarily incident to any of the above uses, provided that such be not objectionable because of odor, smoke, dust, noise, vibration, or similar nuisance.
24. Such uses as may be permitted under the provisions of Article 17, Special Use Permits.

## 11.02. HEIGHT REGULATIONS.

1. Residential: Same as District "MF".
2. Other Use: No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a Residential District, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum allowed elsewhere in District "GB" at the rate of two (2) feet of additional height for each one (1) foot of additional set back from required yard lines.

## 11.03. AREA REGULATION.

1. Size Of Yards.(a) Front Yard:(1) Residential: Same as District "SF".

(2) Other Use: Where all the frontage on both sides of the street between two intersecting streets is located in District "GB", no front yard is required. Where the frontage on one side of the street between two intersecting streets is located partly in District "GB" and partly in a Residential District, the front yard shall conform to the Residential District regulations for a distance of not less than three hundred (300) feet from the district boundary. Where a front yard is required along the frontage on one side of a street, the front yard requirements of the property directly opposite on the other side of the street shall be not less than fifteen (15) feet, except that such yard requirement shall not apply where the property in the Residential District backs-up to the street. No parking, storage or similar use shall be allowed in required front yards in District "GB".

(b) Side Yards.(1) Residential. Same as District "MF".

(2) Other Use. No side yard is required except that a side yard of not less than ten (10) feet in width or a side street yard of not less than fifteen (15) feet in width shall be provided on the side of the lot adjoining or across a side street from a Residential District. No parking, storage or similar use shall be allowed in required side yards or side street yards in District "GB".

(c) Rear Yards.(1) Residential: Same as District "SF".

(2) Other Use: No rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a Residential District, except that such yard requirement shall not apply where the property in the Residential District also backs-up to the rear street.

2. Size of Lot.
  - (a) Residential: Same as District "MF".
  - (b) Other Use: No limitations.
3. Lot Coverage.
  - (a) Residential: Same as District "MF".
  - (b) Other Use: No limitations.

#### 11.04. PARKING AND LOADING REGULATIONS

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 15.

### SECTION 12. DISTRICT "LI". LIGHT INDUSTRIAL DISTRICT.

#### 12.01. USE REGULATIONS.

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

1. Any use permitted in any of the forementioned districts, excluding "SF" and "MF" uses.
2. Apparel and other products assembled from finished textiles.
3. Bottling works.
4. Carting, express, hauling or storage yard.
5. Coal, coke or wood yard.
6. Contractor's yard.
7. Cosmetic manufacturer.
8. Drugs and pharmaceutical products manufacturing.
9. Electronic products manufacturing.
10. Fur good manufacture, but not including tanning or dyeing.
11. Glass products, from previously manufactured glass.
12. Household appliance products assembly and manufacture from prefabricated parts.
13. Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that only a nominal amount of dust, odor, gas, smoke or noise is emitted and not more than ten (10) percent of the lot or tract is used for the open storage of products, materials, or equipment.
14. Musical instruments assembly and manufacture.
15. Plastic products manufacture, but not including the processing of raw materials.
16. Sporting and athletic equipment manufacture.

## 17. Testing and research laboratories.

## 12.02. HEIGHT REGULATIONS.

No building shall exceed in height the width of the street on which it faces plus the depth of the front yard.

## 12.03. AREA REGULATIONS.

1. Size Of Yards.(a) Front Yards:

Where none of the frontage on either side of the street between two intersecting streets is located in a Residential District, no front yard is required. Where the frontage on one side of the street between two intersecting streets is located partly in District "LC" and partly in a Residential District, the front yard shall conform to the Residential District regulations for a distance of not less than three hundred (300) feet from the district boundary. Where a front yard is required along the frontage on one side of a street, the front yard requirements of the property directly opposite on the other side of the street shall be not less than twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "LI".

(b) Side Yards:

No side yard is required except that a side street yard of not less than twenty-five (25) feet in width shall be provided on the side of the lot adjoining or across a side street from a Residential District. No parking, storage or similar use shall be allowed in required side yards or side street yards in District "LI".

(c) Rear Yards:

No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs-up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in District "LI" within twenty-five (25) feet of the rear property line.

2. Size Of Lot: No minimum lot size is required in the "LI" District.

3. Lot Coverage: No minimum coverage is required in the "LI" District.

## 12.04. PARKING AND LOADING REGULATIONS.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 15.



SECTION 13. DISTRICT "HI".  
HEAVY INDUSTRIAL DISTRICT.

13.01. USE REGULATIONS.

Any building or premises may be used for any purpose unless otherwise prohibited by other ordinances or laws; provided, however, that no building shall be erected, reconstructed, or structurally altered for residential purposes, except where the dwelling structure is provided as an integral part of a planned industrial development, provided that all dwellings or dwelling units meet the requirements of the "MF" District.

13.02. HEIGHT REGULATIONS.

Same as District "LI".

13.03. AREA REGULATIONS.

1. Size Of Yards.

- (a) Front Yards: Where none of the frontage on either side of the street between two intersecting streets is located in a Residential or Commercial District, no front yard is required. Where the frontage on one side of the street between two intersecting streets is located partly in District "HI" and partly in a Residential District, the front yard shall conform to the Residential District regulations for a distance of not less than three hundred (300) feet from the district boundary. Where the frontage on one side of a street is in a Residential District or Commercial District, the front yard requirements of the property directly opposite on the other side of the street shall be not less than fifty (50) feet. No parking, storage or similar use shall be allowed in required front yards in District "HI" within twenty-five (25) feet of the street line.
- (b) Side Yards: No side yard is required except that a side yard or a side street yard of not less than fifty (50) feet in width shall be provided on the side of the lot adjoining or across the street from a Residential or Commercial District. No parking, storage or similar use shall be allowed in required side yards in District "HI" within twenty-five (25) feet of the property line.
- (c) Rear Yards: No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a Residential or Commercial District. No parking, storage or similar use shall be allowed in required rear yards in District "HI" within twenty-five (25) feet of the rear property line.

2. Size Of Lot: No minimum lot area required in the "HI" District.

3. Lot Coverage: No minimum coverage is required in the "HI"

District.

13.04. PARKING AND LOADING REGULATIONS.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 15.

SECTION 14. DISTRICT "AO".

AGRICULTURAL OPEN SPACE DISTRICT.

14.01. USE REGULATIONS.

A building or premise shall be used only for the following purposes.

1. Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises and further provided that poultry or livestock shall not be housed within one hundred (100) feet of any property line abutting another district or zone.
2. Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business.
3. Such uses as may be permitted under the provisions of Article 16, Special Use Permits, and approved by the Planning Commission.

14.02. HEIGHT REGULATIONS.

Same as "SF" District.

14.03. AREA REGULATIONS

Minimum area determinations shall be the prerogative of the Planning and Zoning Commission: however, guidance in determining minimum area shall be based upon guide lines set down in Section 18, Non-Conforming Uses, and Section 17, Special Use Permits, as otherwise applicable in each separate situation.

14.04. PARKING REGULATIONS.

Off-street parking shall be provided in accordance with requirements set forth in Section 15.

SECTION 15. OFF-STREET PARKING AND LOADING REQUIREMENTS.

15.01. PARKING REQUIREMENTS BASED ON USE.

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as provided in SUB-SECTION 15.02), off-street parking spaces in accordance with the following requirements.

1. Bowling alley: Five (5) parking spaces for each alley.
2. Business or professional office, studio, bank, medical or dental clinic: Three (3) parking spaces plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500).
3. Church or other place of worship: One (1) parking space for each four (4) seats in the main auditorium.
4. Community center, library, museum, or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
5. Dance hall, assembly or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area used thereof.
6. Dwellings, including single, two-family and multi-family: One (1) parking space for each dwelling unit.
7. Fraternity, sorority, or dormitory: One (1) parking space for each two (2) beds.
8. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000).
9. Hospital: Four (4) parking spaces plus one (1) additional parking space for each two (2) beds.
10. Hotel: One (1) parking space for each sleeping room or suite plus (1) space for each one hundred (100) square feet of commercial floor area contained therein.
11. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or similar establishment: One (1) parking space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each six hundred (600) square feet of floor area.
12. Mortuary or funeral home: One (1) parking space for each Thirty (30) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
13. Mobile Home Park: Two (2) spaces for each mobile home plus

additional space as provided herein for accessory uses.

14. Motor-vehicle salesrooms and used car lots: One (1) parking space for each eight hundred (800) square feet of sales floor or lot area.
15. Private club, lodge, country club or golf club: One (1) parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
16. Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
17. Restaurant, night club, cafe or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.
18. Rooming or boarding house: One (1) parking space for each sleeping room.
19. Sanitarium, convalescent home, home for the aged or similar institution: One (1) parking space for each three (3) beds.
20. School, elementary: One (1) parking space for each ten (10) seats in the auditorium or main assembly room, or one (1) space for each classroom, whichever is greater.
21. School, secondary, and college: One (1) parking space for each four (4) seats in the main auditorium or ten (10) spaces for each classroom, whichever is greater.
22. Theater, auditorium (except school), sports arena, stadium, or gymnasium: One (1) parking space for each four (4) seats or bench seating spaces.
23. Tourist home, cabin or motel: One (1) parking space for each sleeping room or suite and one (1) parking space for each one hundred (100) square feet of commercial floor area contained therein.

#### 15.02. RULES FOR COMPUTING NUMBER OF PARKING SPACES.

In computing the number of parking spaces required for each of the above uses the following rules shall govern:

1. "Floor area" shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of

similar nature.

4. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
5. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

#### 15.03. LOCATION OF PARKING SPACES.

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

1. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.
2. Not more than fifty (50) percent of the parking spaces required for /1/. theaters, bowling alleys, dance halls, night clubs or cafes, and not more than eighty (80) percent of the parking spaces required for a church or school auditorium may be provided and used jointly by /2/. similar uses not normally open, used or operated during the same hours as those listed in /1/.; provided, however, that written agreement thereto is properly executed and filed as specified below.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

#### 15.04. MINIMUM DIMENSIONS FOR OFF-STREET PARKING.

1. Ninety (90) Degree Angle Parking: Each parking space shall be not less than eight (8) feet wide nor less than eighteen (18) feet in length. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four (24) feet

perpendicular to the building or parking line.

2. Sixty (60) Degree Angle Parking: Each parking space shall be not less than eight (8) feet wide perpendicular to the parking angle nor less than seventeen (17) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty (20) feet perpendicular to the building or parking line.
3. Forty-Five (45) Degree Angle Parking: Each parking space shall be not less than eight (8) feet wide perpendicular to the parking angle nor less than sixteen (16) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than eighteen (18) feet perpendicular to the building or parking line.
4. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
5. Where off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided but not required by this Ordinance said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

#### 15.05. OFF-STREET LOADING SPACE.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

1. In Districts "LI" and "HI", one (1) loading space for each ten thousand (10,000) feet or fraction thereof, of floor area in the building.
2. In Districts "LC" and "GB", one (1) loading space for the first five thousand (5,000) to fifteen thousand (15,000) square feet of floor area in the building and one additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of floor area in excess of fifteen thousand (15,000) square feet.
3. Each required loading space shall have a minimum of ten (10) feet by twenty-five (25) feet.

SECTION 16. HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS.

## 16.01. HEIGHT.

1. The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flag poles, electric display signs and necessary mechanical appurtenances.
2. Public or semi-public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding sixty (60) feet and churches and other places of worship may be erected to a height not exceeding seventy-five (75) feet when each of the required yards are increased by one (1) foot for each foot of additional building height above the height regulations for the district in which the building is located.
3. No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.

## 15.02. FRONT YARDS.

1. Where twenty-five (25) percent or more of the frontage upon the same side of a street between two intersecting streets is occupied or partially occupied by a building or buildings with front yards of less depth than required by this Ordinance, or where the configuration of the ground is such that conformity with the front yard provisions of this Ordinance would work a hardship, the Board of Adjustment may permit modifications of the front yard requirements.
2. In Districts "SF", or "MF", where twenty-five (25) percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this Ordinance, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards, unless by permission of the Board of Adjustment.
3. In a residential district no fence, structure, or planting higher than three and one-half ( $3\frac{1}{2}$ ) feet above the established street grades shall be maintained within twenty (20) feet of any street intersection.
4. Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no

supporting structure for such extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend beyond the building line but shall never be closer to the property line than twelve (12) feet. The building line of a gasoline filling station shall mean the actual wall of the building and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy or the columns supporting same.

5. Where an official line has been established for future widening or opening of street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line of the building.

#### 16.03. SIDE YARDS.

1. On a corner lot the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty (30) feet.
2. No accessory building shall project beyond a required yard line along any street.
3. For the purpose of side yard regulations, a two-family dwelling or multi-family dwelling shall be considered as one building occupying one lot.
4. Where a lot of record at the time of the effective date of this Ordinance is less than fifty (50) feet in width the required side yard may be reduced to provide a minimum buildable width of thirty (30) feet, provided, however, that no side yard shall be less than five (5) feet.
5. The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices or other ornamental features.
6. A roof overhang, an open fire escape or an outside stairway may project not more than three (3) feet into a required side yard, but no closer than three (3) feet to a property line.

#### 16.04. REAR YARDS.

An accessory building not exceeding twenty (20) feet in height may occupy not to exceed twenty-five (25) percent, and unenclosed parking spaces may occupy not to exceed eighty (80) percent, of the area of a required rear yard but no accessory building shall be closer than twenty (20) feet to the main building nor closer than five (5) feet to any rear or side lot line.



SECTION 17. SPECIAL USE PERMITS.

## 17.01. SPECIAL USES.

The City Council by an affirmative three-fourths (3/4) vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission containing such requirements and safe guards as are necessary to protect adjoining property, authorize the location of any of the following uses in the special district, provided the application shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height and construction of signs; locations of buildings and the uses to be permitted; means of ingress and egress to public streets; and the type of visual screening such as walls, plantings, and fences.

1. Institutions of an educational, philanthropic, or religious nature in any district.
2. Radio broadcasting towers and stations, television towers, and television transmitting stations in any district.
3. Any installation of a public utility, either privately or publicly owned, in any district (but not including offices).
4. Private clubs on a site of three acres or more in any district.
5. Hospitals on a site of five acres or more in any district.
6. Shopping centers or related commercial developments on a site of three acres or more in any district.
7. Apartment projects on a minimum site of two and one-half acres or on one block of a street frontage between intersecting streets, whichever is smaller in any district.
8. Professional offices for architects, engineers, landscape architects, attorneys, interior decorators, and certified public accountants in any "MF" District.
9. Public stables or riding academies on a site of ten acres or more in any district.
10. Hotels and motels with related uses, on a site of five acres or more in any district, except "SF".
11. Circus, carnival, and other similar transient amusement enterprises in the "LC" Local Business District, but not within three hundred (300) feet of any Residential District.
12. Greenhouses or plant nurseries on a site of three acres or more in any district.

13. Tourist or trailer camp in a business or industrial district and its extension into an abutting residential district, provided such tourist or trailer camp shall comply with the following and such additional requirements as may be deemed necessary for proper development and the protection of the surrounding area:
  - (a) All appropriate state and county sanitation regulations shall be strictly observed.
  - (b) At least fifteen hundred (1,500) square feet of lot area per trailer shall be provided; no trailer shall be parked closer to the street than the required front yard set back, nor closer than thirty (30) feet to any property line abutting or lying within a Residential District, nor closer than twenty feet to any other property line. A clearance of not less than fifteen (15) feet shall be maintained between trailer coaches on all sides.
  - (c) Trailer coach spaces shall abut upon a hard surfaced driveway or accessway of not less than twenty-five (25) feet in width.
  - (d) No service building or other facilities for bathing, laundry and sanitation as required by the state and local health regulations, shall be located closer to the street than the required front yard set back, nor closer than thirty (30) feet to any property line abutting or lying within a Residence nor closer than twenty (20) feet to any other property line. Such buildings or facilities shall be accessible to all trailer coaches by means of the access drives or hard-surfaced walks.
  - (e) Wherever practical, space shall be reserved for recreation and a playground.

#### 17.02. SPECIAL USE PERMIT REGULATIONS.

1. In recommending that a Special Use Permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious with and adoptable to building structures, and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking and protective screening and open space.
2. Every Special Use Permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration. In granting such permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate

of occupancy may be issued by the building inspector for use of the building on such property pursuant to such Special Use Permit; and such conditions shall not be construed as conditions precedent to the granting of a Special Use Permit, or the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

3. No Special Use Permit shall be granted unless the applicant, owner and grantee of the Special Use Permit shall in writing accept and agree to be bound by and comply with the written requirements of the Special Use Permit, as attached to the site plan drawing (or drawings) and approved by the Planning Commission.
4. A building permit shall be applied for and secured within six (6) months from the time of granting the Special Use Permit provided; however, that the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission.
5. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such Special Use Permit.
6. When the City Council authorizes granting of a Special Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has condition and limited uses.

#### SECTION 18. NONCONFORMING USES.

The lawful use of land existing upon the effective date of this Ordinance, although such use does not conform to the provisions hereof, may be continued, subject to the provisions hereof.

The lawful use of a building existing upon the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. If such nonconforming building is voluntarily removed, the future use of such premise shall be in conformity with the provisions of this Ordinance.

In the event a nonconforming use of any building or premises is voluntarily discontinued for a period of one (1) year, the use of the same shall thereafter conform to the provisions of the district in which it is located.

A nonconforming use if changed to a conforming use or a more restricted nonconforming use, may not thereafter be changed back to a less restricted

use than that to which it was changed.

If by amendment to this Ordinance any property is hereafter transferred to a more restricted district by a change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this Ordinance relating to the non-conforming use of buildings or premises existing upon the effective date of this Ordinance shall apply to buildings or premises occupied or used upon the effective date of such amendment.

Repairs and alterations may be made to a nonconforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding fifty (50) percent of its value, the Building Inspector shall issue a permit for reconstruction. If destruction is greater than fifty (50) percent of its value, the Board of Adjustment may grant a permit for repair or replacement after public hearing and having due regard for the property right so the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this Ordinance.

PART III. ADMINISTRATIVE PROVISIONS

SECTION 19. OFFICIAL ZONING MAP.

The official Zoning Map shall be kept in the office of the City Secretary and one (1) copy shall be maintained in the office of the Building Inspector.

It shall be the duty of the City Secretary to keep the Official Map current and the copies thereof, herein provided for, by entering on such maps any changes which the City Council may from time to time order by amendments to the Zoning Ordinance and Map.

The City Secretary, upon the adoption of this Ordinance shall affix a certificate identifying the map in his office as the Official Zoning Map of the City. He shall likewise officially identify the copies directed to be kept by the Planning Commission and in the office of the Building Inspector. All amendments of the Map shall be made immediately after their enactment and the date of the change shall be noted on the Certificate.

SECTION 20. ENFORCEMENT AND APPLICATION.

20.01. ADMINISTRATIVE OFFICIAL.

The provisions of this Ordinance shall be administered and enforced by the Building Inspector

The Building Inspector or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

Whenever any construction work is being done contrary to the provisions of this Ordinance, the Building Inspector may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

20.02. REQUIREMENTS FOR BUILDING PERMIT.

All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing:

1. The actual shape and dimensions of the lot to be built upon.
2. The exact sizes and locations on the lot of the buildings and accessory buildings then existing.
3. The lines within which the proposed building and structure shall be erected or altered.
4. The existing and intended use of each building or part of building.
5. The number of families or dwelling units the building is

- designed to accommodate.
6. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance, or if provisions of Section 9 and 16 have been complied with.

One copy of such plot plans will be returned to the Owner when such plans have been approved. An inspection of as long as two weeks may be required for inspection of plans before a permit is issued.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified registered surveyor and the lot shall be staked out on the ground before construction is started.

### 20.03. APPROVAL OF PLANNED DEVELOPMENT PLANS.

1. Where, in the district regulations, approval is required of a Planned Development Plan, hereinafter referred to and known as the "Plan" no building permit for the construction or alteration of any structure or an occupancy permit for use of any land or building shall be issued until the final development "Plan" of all the property in the immediate area, owned or controlled by the developer and upon which the proposed uses or structures are to be located, shall have been approved by the Planning Commission and City Council.
2. A "Plan" shall consist of a copy of the preliminary plat and/or a general plan at a scale not less than 200 feet to the inch, which shows the exact dimensions of the tract of land under consideration, its relationship to existing and proposed major streets, the type of use of all adjacent property, and the exact land use proposed for the entire tract. Scaled dimensions shall be required. Three (3) copies of the "Plan" shall be submitted to the City Planning Commission. If the platting requirements of the City Planning Commission or other unforeseen circumstances necessitate a modification or change on any "Plan", such modification or change shall be indicated on a "Plan" and sent to the applicant. Approval of the "Plan" shall be indicated by the signature of the Chairman and Secretary of the Planning Commission and City Council. A written certification of such approval shall be sent to the applicant.
3. Approved preliminary "Plans" may be amended by the same procedure by which they were first approved.
4. The content of the final "Plan" and the approval procedure shall be the same as specified for the preliminary "Plan" in Subsection 20.03-2.
5. Upon approval of a final "Plan" by the City Council the location and limits of area shall be shown by symbol upon the City's up-to-date Zoning District Map.

6. Approved final "Plans" may be amended by the same procedure by which they were first approved.
7. No building permits, as described in subsection 20.02, shall be issued until official notification of the recording of the plat has been received from the City Council.

#### 20.04. EXISTING PERMITS AND PRIVATE AGREEMENTS.

This Ordinance is not intended to abrogate or annul:

1. Any permits issued before the effective date of this Ordinance.
2. Any easement, covenant or any other private agreement.

#### 20.05. PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES.

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

#### 20.06. COMPLETION OF AUTHORIZED BUILDINGS.

Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction or designated use of a building which shall be completed in its entirety within two (2) years from the date of the passage of this Ordinance, provided such building was authorized by building permit before the passage of this Ordinance and further provided construction shall have been started within ninety (90) days of the passage of this Ordinance.

Commitments with reference to construction of public utility buildings necessary for proposed expansion of the City made prior to the passage of this Ordinance shall be observed.

#### 20.07. NEWLY ANNEXED AREAS.

1. Zoning Annexed Areas: Hereafter, when the boundaries of the City of Overton have been extended so as to include any given area, such area shall be temporarily placed in an "AO" zone or district; and, until the Planning and Zoning Commission has made its recommendation to the City Council that all or a part of such area be placed in a different district or zone and this ordinance has been properly amended by the City Council, such areas shall be subject to the regulation pertaining to the "AO" District. The procedure to be followed for adoption

shall be the same as is provided by law for the adoption of original zoning regulations.

2. Permits in Temporary Zoned Areas: In an area temporarily classified as District "AO", Agricultural-Open Space, no permit for the construction of a building or use of land other than types of buildings or land use allowed in said district under this Zoning Ordinance shall be issued by the Building Inspector until such permit has been specifically authorized by the City Council after receipt of recommendation from the Planning Commission. Permits for the construction of buildings in a newly annexed territory prior to permanent zoning may be authorized under the following conditions. An application for any use shall be made to the Building Inspector, said application to show the use contemplated, and a plat showing the size and type of buildings to be constructed; and if such application is for other than a building allowed in District "AO", Agricultural-Open Space, it shall be referred to the Planning Commission for recommendation to the City Council, which shall grant or deny the permit; provided that a favorable vote of a three-fourths (3/4) majority of all members of the City Council shall be required if the recommendation of the Planning Commission is not followed.
3. Unplatted Property: The Planning Commission shall not approve any plat or any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.

## SECTION 21. BOARD OF ADJUSTMENT.

The word "Board" when used in this Ordinance shall be construed to mean the Board of Adjustment.

### 21.01. ORGANIZATION AND PROCEDURE.

1. Establishment: A Board of Adjustment is hereby established in accordance with the provisions of Article 1011g, Revised Civil Statutes of Texas, regarding the Zoning of cities and with the powers and duties as provided in said Statutes.
2. Membership: The Board shall consist of five citizens, each to be appointed or re-appointed by the Mayor and confirmed by the City Council, for staggered terms of two years respectively. At least one member of the Board shall be a member of the City Planning Commission and his term shall expire at the same time as his term on such Commission. Each member of the Board shall be removable for just cause by City Council upon written charges and after public hearings. Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant, provided, however, that the governing body of any city may, by charter provision or ordinance, provide for the appointment of four (4) alternate members of the Board of Adjustment who shall serve in the absence of one or



more regular members when requested to do so by the Mayor or City Manager, as the case may be. All cases to be heard by the Board of Adjustment will always be heard by a minimum of four (4) members. These alternate members, when appointed, shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal as the regular members. The Board shall elect its own chairman, who shall serve for a period of one (1) year or until his successor is elected.

3. Meetings: Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine.
4. Hearings: The hearings of the Board of Adjustment shall be public; however, the Board may go into executive session for discussion but not for a vote on any case before it. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four (4) members of the Board.
5. Rules and Regulations: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board of Adjustment shall act by resolution in which four (4) members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the Ordinance, and shall furnish a copy of the same to the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

## 21.02. APPEALS.

1. Procedure: Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the City. Such appeal shall be made by filing with the office of the Board a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken.
2. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining

order which may be granted by the Board of Adjustment or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.

3. Notice of Hearing on Appeal: The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet less street frontage of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the City and depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
4. Decision by Board: The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

#### 21.03. POWERS AND DUTIES OF BOARD.

1. Subpoena Witnesses, Etc.: The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.
2. Appeals Based on Error: The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this Ordinance.
3. Special Exceptions: The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass as follows or elsewhere in this Ordinance.
  - (a) Permit the erection and use of a building or the use of premises for railroads.
  - (b) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
  - (c) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the

boundary line of the district divides a lot in a single ownership on the effective date of this Ordinance.

- (d) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty (50) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
  - (e) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
  - (f) Permit land within three hundred (300) feet of a multi-family dwelling to be landscaped, surfaced, and lighted for ground level parking spaces required in connection with a multi-family dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multi-family dwelling.
  - (g) To determine whether an industry should be permitted within District "LI", Light Industrial, and District "HI" Heavy Industrial, because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
  - (h) To determine in cases of uncertainty the classification of any use not specifically named in this Ordinance.
4. Variances: The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, including the following:
- (a) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
  - (b) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance

relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

5. Changes: The Board shall have no authority to change any provisions of this Ordinance and its jurisdiction is limited to hardship and border-line cases which may arise from time to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

## SECTION 22. CERTIFICATES OF OCCUPANCY.

### 22.01. REQUIRED FOR:

Certificates of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered.
2. Change in use of an existing building to a use of a different classification.
3. Occupancy and use of vacant land, except agricultural use.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.

No such occupancy, use or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Inspector of Buildings.

### 22.02 PROCEDURE FOR NEW OR ALTERED BUILDINGS.

Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued within three days after a written request for the same has been made to said Building Inspector or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

#### 22.03. PROCEDURE FOR VACANT LAND OR A CHANGE IN USE.

Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land of a building, or for a change in a nonconforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within three (3) days after the application for same has been made.

#### 22.04. CONTENTS.

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept in file in the office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

#### 22.05. TEMPORARY CERTIFICATE.

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations, of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Ordinance.

#### 22.06. CERTIFICATES FOR NONCONFORMING USES.

A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful nonconforming use, but failure to apply for such Certificate of Occupancy for a nonconforming use, or refusal of the Building Inspector to issue a Certificate of Occupancy for such nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

### SECTION 23. AMENDMENTS.

#### 23.01. AUTHORITY.

Under the provision of Article 1011e, the City Council may from time to time amend, supplement or change by Ordinance the boundaries of the districts or the regulations herein established.

#### 23.02. SUBMISSION TO PLANNING COMMISSION.

In the event that the Planning Commission has recommended against a proposed amendment, supplement, change or modification in the boundaries of any

zoning district, and such amendment or change has not been approved by the City Council as required above, such amendment, supplement change or modification in the boundaries of such zoning district shall neither be submitted nor considered for recommendation by the Planning Commission prior to the expiration of twelve (12) months from the date of the order or decisions by the Planning Commission recommending against such zone change, unless conditions pertaining to property considered in the original application and/or property in the area have in the opinion of the Planning Commission changed to such an extent as to justify a subsequent application prior to the expiration of twelve (12) months from the date of the original order or decision of the Planning Commission.

#### 23.03. PUBLIC HEARING.

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

#### 23.04. IN CASE OF PROTEST.

Unless such proposed amendment, supplement or change has been approved by the Planning Commission or in case of a written protest against such changes, signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three--fourths of all the members of the City Council.

#### 23.05. LIMITATION ON RE-SUBMISSION OF PETITION.

No amendment, supplement, change or repeal of any section of this Ordinance which has been legally rejected by both the City Council and the Planning Commission shall be again considered either by the City Council or the Planning Commission on an appeal or petition by an appellant or application before the expiration of one (1) year from the date of the original action.

### SECTION 24. SCHEDULE OF FEES, CHARGES AND EXPENSES.

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance. The schedule below shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

No permit, certificate, special exception or variance shall be issued unless and until all such costs, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

For services rendered, the following schedule of fees and charges are hereby adopted:

- (1) For docketing a zoning petition with the Planning and Zoning Commission. . . . . \$25.00
- (2) For docketing an application for relief with the Board of Adjustment of the City. . . . . \$25.00

No petition shall be docketed with the Planning and Zoning Commission unless and until a receipt from the Tax Assessor Collector of the City has been furnished to the Secretary of the said Commission showing that the fee provided for in this ordinance has been paid; and no application for relief shall be docketed with the Board of Adjustment of the City unless and until a receipt from the Tax Assessor Collector of the City is furnished the Secretary of said Board showing that the fee provided for has been paid.

#### SECTION 25. VIOLATION AND PENALTIES.

Any person who shall violate any of the provisions of this Ordinance or who shall fail to comply therewith or with any of the requirements thereof, or who shall erect or alter any building, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of that building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall each be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

#### SECTION 26. 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 of provisions thereof, other than the part so decided to be invalid or unconstitutional.

#### SECTION 27. INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety health, convenience, comfort, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easement, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings, or premises or upon height of building or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Ordinance shall govern.

#### SECTION 28. EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

Passed and Approved the 21 day of July, 1981.

Approved: [Signature]  
Mayor

ATTEST: Dea Fox  
City Secretary

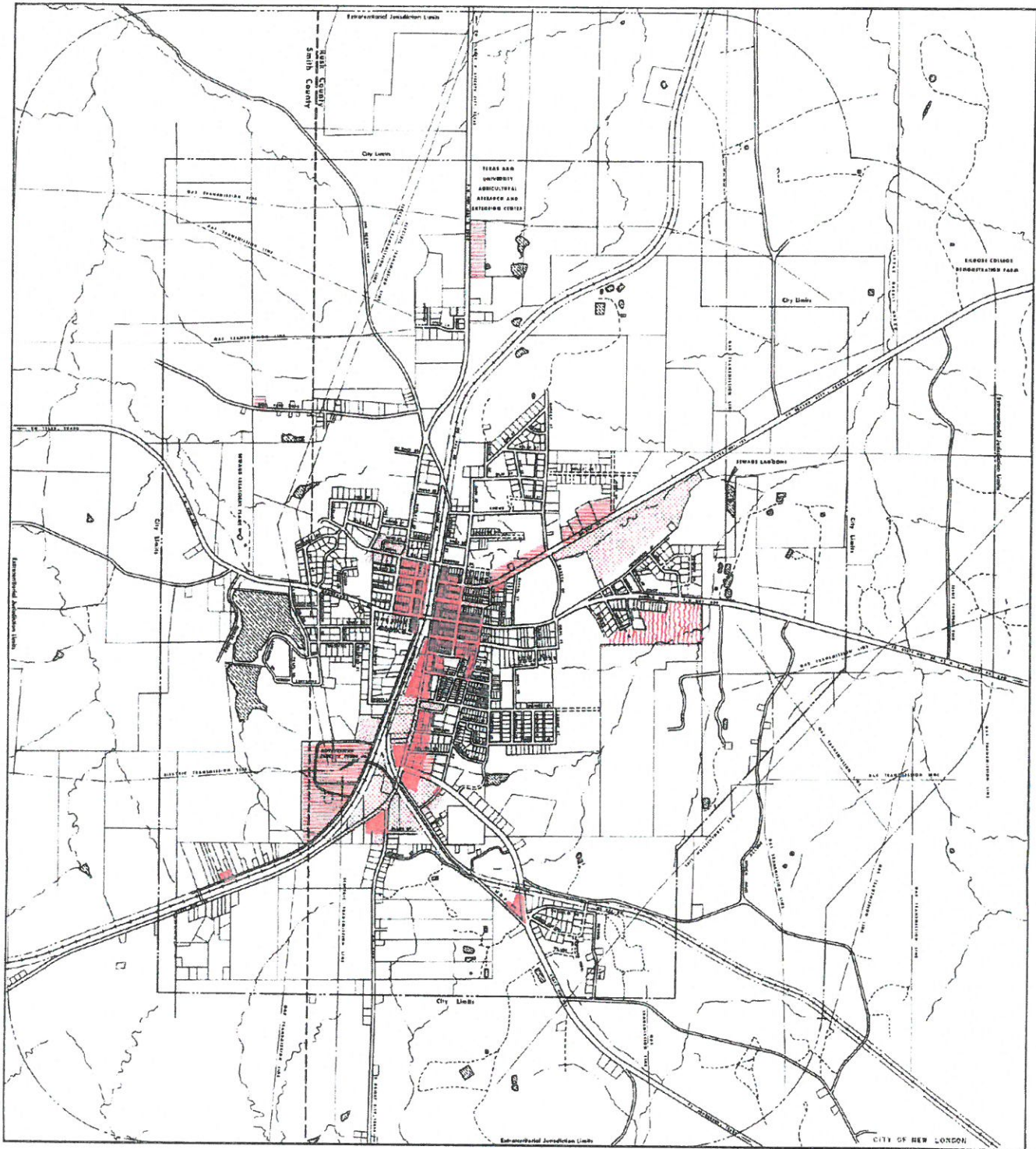




The preparation of this report was financed in part through a comprehensive planning grant from the Department of Housing and Urban Development.

**WISEBAKER, FIX, AND ASSOCIATES**  
 Consulting Engineers Tyler, Texas  
**SAMUEL L. WYSE, III**  
 Planning Consultant Dallas, Texas

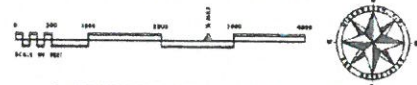
- GB** GENERAL BUSINESS
- LI** LIGHT INDUSTRY
- HI** HEAVY INDUSTRY
- AO** AGRICULTURAL-OPEN SPACE



**PROPOSED  
ZONING DISTRICT MAP**

**LEGEND**

- SF SINGLE-FAMILY
- MF MULTI-FAMILY
- MH MOBILE HOME
- PD PLANNED DEVELOPMENT
- LC LOCAL BUSINESS
- GB GENERAL BUSINESS
- LI LIGHT INDUSTRY
- HI HEAVY INDUSTRY
- AO AGRICULTURAL-OPEN SPACE



**A COMPREHENSIVE URBAN PLAN FOR  
OVERTON — TEXAS**

1972 - 1992  
APRIL, 1972  
PREPARED THROUGH THE COOPERATION  
OF THE  
DEPARTMENT OF COMMUNITY AFFAIRS  
OF THE  
STATE OF TEXAS  
*The preparation of this report was financed in part through a  
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and Urban Development.*

**WISENBAKER, FIX, AND ASSOCIATES**  
Consulting Engineers Tyler, Texas  
**SAMUEL L. WYSE, III**  
Planning Consultant Dallas, Texas

AMENDMENT 1

AMENDING SECTION 8 – MOBILE HOME DISTRICT



# ZONING ORDINANCE

Amended March 15, 1993

ORDINANCE NO. 31594

AN ORDINANCE AMENDING ORDINANCE NO. \_\_\_\_\_ OF THE CODE OF ORDINANCES OF THE CITY OF OVERTON, EXPANDING SECTION 8. DISTRICT "MH" MOBILE HOME DISTRICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND A PENALTY.

Sec. 8.05. Definitions

As used in this Article, the following terms shall have the respective meaning ascribed to them:

1. "Manufactured Housing" or "Manufactured Home" means a mobile home or a modular home or both.
2. "Single Section Mobile Home" means a structure, transportable in one or more sections, which is twelve (12) body feet or more in width and fifty-two (52) body feet or more in length, and which is built on a permanent chassis and is designed to be used as a dwelling with a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. For purposes in these regulations, the term includes only those structures manufactured after June 15, 1976, and bearing a mobile home label of the U. S. Department of Housing and Urban Development. The unit shall be:
  - A. Placed on a permanent foundation as defined in The Southern Building Code, Section 1302-Footings and Foundations.
  - B. Underpinned/skirted:
    1. Completely around the structure from the base of the mobile home to the ground level beneath;
    2. Of material with similar appearance to the mobile home (or) masonry material;
    3. Weather-resistant material and material specifically designed by the mobile home manufacturers for skirting (not to be construed to mean sheet metal or scrap metal or polyurethane scrap material);

3. "Multi-Section Mobile Home" means a structure, transportable in two or more sections, which when placed on a site is a minimum of twenty-four (24) feet in width and a minimum of forty (40) feet in length and which is built on a permanent chassis and is designed to be used as a dwelling with a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. For purposes in these regulations, the term includes only those structures manufactured after June 15, 1976, and bearing a mobile home label of the U. S. Department of Housing and Urban Development. The unit shall be:
  - A. placed on a permanent foundation as defined in The Standard Building Code: published by The Southern Building Code, 1973 Edition, with 1976 amendments-Section 1302-Footings and Foundations.
  - B. underpinned/skirted:
    1. completely around the structure from the base of mobile home to the ground level beneath;
    2. of material with similar appearance to the mobile home (or) of masonry material:
    3. weather-resistant material and material specifically designed by the mobile home manufacturers for skirting (not to be construed to mean sheet metal or scrap metal or polyurethane scrap material);
    4. skirted in such a way as not to allow access to the underside of the mobile home for storage and/or trash accumulation, but access only for repair to the mobile home.
4. "Modular Home" means a structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and is designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system.

The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include a mobile home as defined in this ordinance, nor does it include building modules incorporating concrete or masonry as the primary structural component. For purposes in these regulations, the term includes only those structures manufactured after May 1, 1980, and bearing a modular decal of the Manufactured Housing Division, Texas Department of Labor and Standards.

5. "Modular Home" (not bearing a modular decal of the Manufactured Housing Division, Texas Department of Labor and Standards) means a dwelling that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained therein. The term does not include a mobile home as defined in this ordinance, nor does it include building modules incorporating concrete or masonry as the primary structural component.
  - A. Any home built outside of the City of Overton to be moved into the City shall be built according to the following building codes: Building Code, Electrical Code, Plumbing Code and Heating and Air Conditioning Code. The builder and/or mover shall comply with the House Moving Code when such home is brought into the City of Overton.
  - B. Must bear Certificate of Compliance by a registered architect or engineer

(or)

be inspected by the City of Overton Inspection Department with an additional charge of \$1 per mile traveled to the site of the inspection.

6. A building permit must be issued before a Modular, Manufactured or Mobile Home is brought to the site, the same as for a site-built home, at the fee schedule.

Sec. 8.06. Physical Requirements

1. Front Yard.

- A. There shall be a front yard having a minimum depth of twenty-five (25) feet, except as hereinafter provided in the Section on Exceptions and Variations.
- B. Where lots have a double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard.

There shall be a side yard on each side of the lot, having a width of not less than ten (10) feet, except that the side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet. The side yard of corner lots having adjoining structures fronting on two streets shall have a thirty (30) foot side yard.

3. Rear Yard.

There shall be a rear yard having a depth of not less than twenty-five (25) feet of the depth of the lot.

4. Area of the Lot.

The minimum area of the lot shall be five thousand (5000) feet; however, a lot having an areas of less than five thousand (5000) square feet that was of record prior to the passage of this ordinance may be used for any use permitted in this Article.

5. Width of Lot.

The minimum width of the lot shall be fifty (50) feet.

6. Minimum Depth of Lot.

The minimum depth of the lot shall be ninety (90) feet. Lots backing up to major thoroughfares shall have a minimum depth of one hundred twenty (120) feet.

Sec. 8.07 . Notification Requirements

The establishment of a new mobile home park or the granting of a variance for a single mobile home lot requires the notification of the owners of all property within four hundred (400) feet of the location in all directions.

- A. The mobile home owner or park developer must secure a list of all owners and occupants within four hundred (400) feet of the property line of the location. The completed list to be provided to the City Secretary at the time mobile home permit is sought. The City Secretary will assist in providing the names of owners of vacant lots.
- B. A written notice must be sent or hand delivered to each owner at least 10 days before the date of the zoning commission meeting stating the following:
  - 1. Purpose and intent of the mobile home owner or developer.
  - 2. A description of the planned location.
  - 3. A request for the owner to consent either "yes" or "no".
  - 4. The owner's signature, preferably notarized, and the address of the owner.
  - 5. A stamped envelope addressed to the City Secretary must be provided whether the above notice is mailed or hand delivered.
  - 6. Recipient must acknowledge receipt of letter.
  - 7. Notification of the time and place of the hearing before the zoning commission on the proposed changes in zone classification or variance.
- D. All documentation of compliance with the consent requirements must be in the office of the City Secretary before plats will be reviewed, inspection undertaken or permits issued.
- E. Notice of hearing on proposed changes in zoning classification or variance.
  - 1. Publication of a notice of time and place of hearing before zoning commission on proposed changes in zone classification or variance, must be publish in an official paper or a paper of general circulation in the municipality.
  - 2. Such notice must be publish at least one time, no less than 5 days before hearing.



Sec. 8.08. Penalties

Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor for each day of instance of non-compliance; and, upon conviction, shall be subject to a fine of no more than two hundred dollars (\$200.00) per instance.

Sec. 8.09.

That is any section, part or provision of this Ordinance is declared unconstitutional or invalid, then and in that event, it is expressly provided, and it is the intention of the City Commission in passing this Ordinance, that all other parts of this Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 8.10.

This Ordinance shall become and be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 15<sup>th</sup> day of March, 1993.

CITY OF OVERTON, TEXAS

By Robert Roney

ATTEST:

By: Sara Finley

AMENDMENT 2

AMENDING ZONING MAP – REZONING PROPERTY



# ZONING ORDINANCE

Amended February 15, 1994

ORDINANCE NO. 21594

AN ORDINANCE MANDATING THE REZONING OF PROPERTY WITHIN THE CITY; REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that the continued growth of the City would be enhanced by the rezoning of a certain portion of the City and would be beneficial to the citizens; and

WHEREAS, the City Council finds that the protection of the health, safety and welfare of the citizens requires that the proper zoning of the City be updated to meet the needs of the City; and

WHEREAS, the Planning and Zoning Board has met and considered and recommended that a certain portion of the City zoning be changed from single family residence to multi-family residence: Now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

SECTION 1: The Zoning Ordinance of the City of Overton is hereby amended to change the current zoning the following property from single family residential to multi-family residential:

Lot 2, Block 25	Original Survey	Hwy 135 N
Pt Lot 3, Block 25	Original Survey	Hwy 135 N
Lots 5 & 6	Owen Addition	Memory Dr.
Lots 25 & 26, Block 2	Goforth Addition	E. Henderson
Pt Lot 5, Block 133	Salyer Addition	Cohagan St.
Pt Lot 3, Block 25	Original Survey	Hwy 135 N

SECTION 2: Repealer.

Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of any such conflict.

SECTION 3: Severability.

If any provision, section, paragraph, phrase, or word of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions, sections, paragraphs, phrases, or words of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4: Penalty.

Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars nor more than two thousand dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 5: Effective Date.

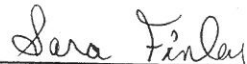
The preservation of order and protection of the health, safety and welfare of the public that requires this ordinance to become effective at once; therefore, upon passage of this ordinance by a favorable vote of the Council, it shall be effective from and after the date of its passage and subsequent publishing as required by law.

PASSED, APPROVED AND ADOPTED this 15th day of February, 1994.

CITY OF OVERTON, TEXAS

  
By: ROBERT RANEY, Mayor

ATTEST:

  
SARA FINLEY, City Secretary

APPROVED AS TO FORM:

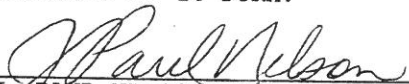
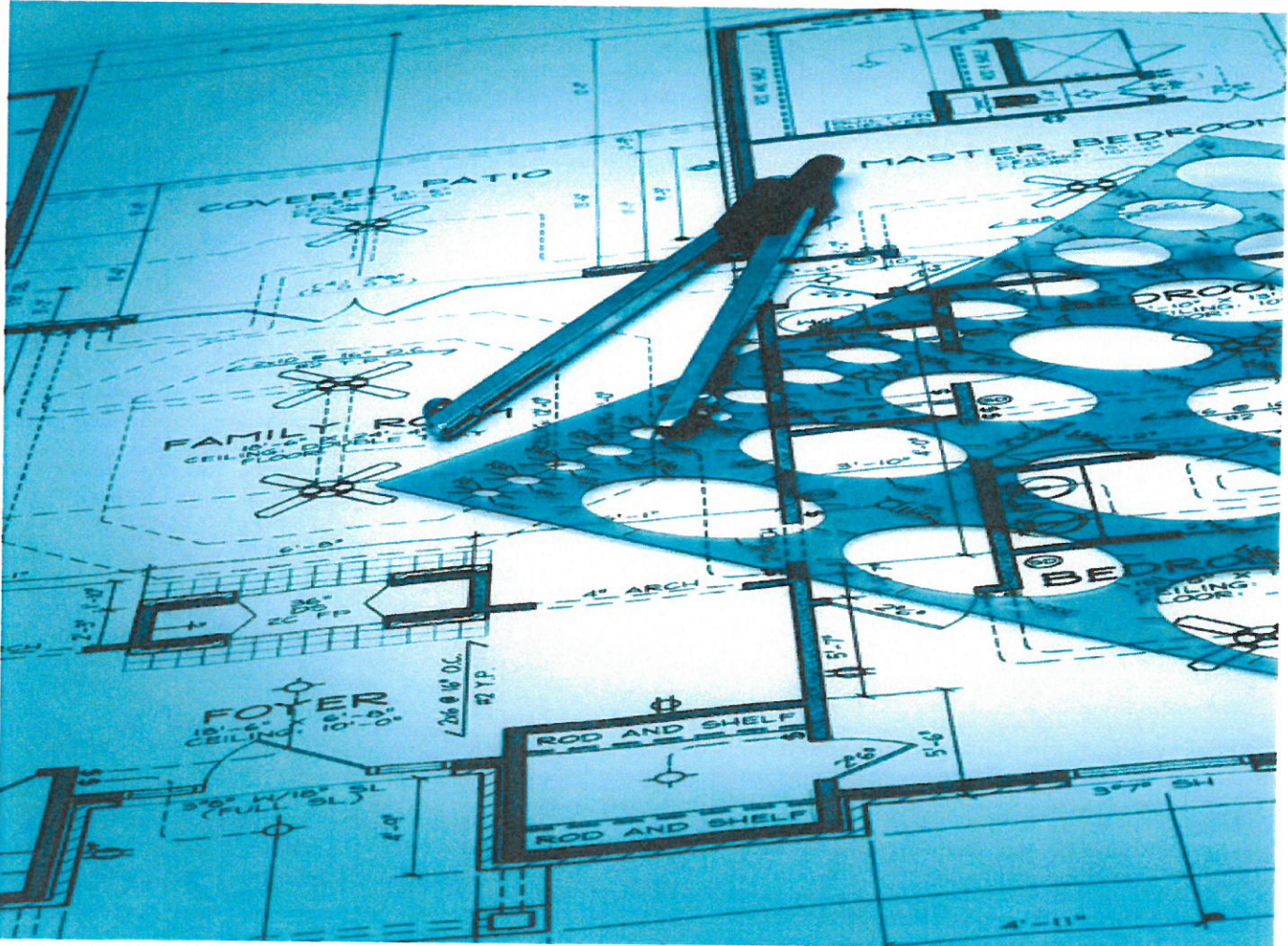
  
J. PAUL NELSON, City Attorney

EXHIBIT B



# CITY OF OVERTON, TEXAS SUBDIVISION REGULATIONS



October 2014

SUBDIVISION REGULATIONS

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## SUBDIVISION REGULATIONS

An ordinance prescribing rules and regulations governing plats, plans and subdivisions of land within the incorporated area of Overton, Texas, herein defined as the "City"; containing certain definitions; providing for a preliminary plat, a final plat, and providing for final approval of subdivisions by sections; prescribing regulations for streets, sidewalks, alleys, sanitary utilities, and community facilities:

Providing for a penalty of not more than two hundred (\$200) dollars for each violation thereof; repealing all conflicting ordinances; providing a validity clause; and providing an effective date.

Whereas, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapters 231, Acts of the 40th Legislature, Regular Session, 1927, as heretofore or hereafter amended (compiled as Articles 974a and 6626, V.T.S.C.), and the provisions of Section 4 of the Municipal Annexation Act (compiled as Article 970a), as heretofore or hereafter amended, hereafter every owner of any tract of land situated within the City of Overton; who may hereafter divide the same in two (2) or more tracts described by metes and bounds or otherwise for the purpose of laying out any subdivision of such tract of land or any addition to said City; or for laying out suburban lots or building lots, or any lots, and purchasers or owners of lots fronting thereon or adjacent thereto, are required to submit a plat of such subdivision or addition for approval by the Planning Commission of the City of Overton; and

Whereas, the rules and regulations of the City established by ordinance, governing plats and subdivisions of the land, be and the same are hereby extended to and shall apply to all of the area under the extraterritorial jurisdiction of said city, as provided for in the Municipal Annexation Act, enacted by the State of Texas and which appears as Article 970a, Vernon's Annotated Civil Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OVERTON, TEXAS

On and after the passage of this Ordinance, any person, firm or corporation seeking approval of any plat, plan or replat of any subdivision of land within the City of Overton, Texas and its legally established extraterritorial jurisdiction shall be required to comply with the requirements of this ordinance before such approval may be granted, to wit:

## SECTION 1

## GENERAL

These regulations shall govern every person, firm, association or corporation owning any tract of land within the City Limits of the City of Overton who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said City, or for laying out suburban lots or building lots, or any lots, streets, alleys, parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

## SECTION 2

## DEFINITIONS

- 2.01 City or The City shall mean City of Overton
- 2.02 Subdivision shall mean the division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership, and shall include re-subdivision.
- 2.03 Re-subdivision shall mean the division of an existing subdivision, together with any change of lot size therein, or with the relocation of any street lines.
- 2.04 The word "Shall" shall be deemed as mandatory.  
The word "May" shall be deemed as permissive.
- 2.05 Plat shall mean a map or chart of the subdivision. It shall include plan, plat or replat, in both singular and plural.
- 2.06 Commission shall mean the City Planning Commission.

## SECTION 3

## PURPOSE, AUTHORITY AND JURISDICTION

- 3.01 Under the authority of Article 974a of the Revised Civil Statutes of the State of Texas, which article is hereby made a part of these



regulations, the Planning Commission of the City of Overton does hereby adopt the following regulations to hereafter control the subdivision of land within the corporate limits of the City of Overton and in the unincorporated areas lying within one-half mile ( $\frac{1}{2}$ ) of the city limits of Overton, in order to provide for the orderly development of the areas and to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage, and other facilities.

- 3.02 As used herein, the term "subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots for the purpose, whether immediate or future, of sale or building development, and shall include resubdivision. "Resubdivision" shall mean any change in the division of any existing subdivision or any change in lot size therein, or the relocation of any street lines.
- 3.03 Any owner of land located inside of or within  $\frac{1}{2}$  mile of the corporate limits of the City of Overton wishing to subdivide such land shall submit to the Planning Commission a plan of subdivision which shall conform to the minimum requirements set forth in these regulations. An owner subdividing his land into parcels of not less than five (5) acres each for agricultural use and not involving new streets shall be exempt from these requirements.
- 3.04 No subdivision plat shall be filed or recorded, and no lot in a subdivision inside of or within one-half ( $\frac{1}{2}$ ) mile of the corporate limits of Overton shall be improved or sold, until the plat shall have been approved by the Planning Commission. The City shall have the authority to prohibit the installation of public utilities in unapproved streets and to prohibit the issuance of building permits for structures on lots abutting on unapproved streets.

#### SECTION 4

##### PROCEDURE

- 4.01 Preliminary Plat: A preliminary plat of any proposed subdivision, prepared by a registered engineer and bearing his seal, shall be submitted to the Planning Commission for approval before the subdivider proceeds with the final plat for record.
1. This preliminary plat shall be drawn to a scale of one hundred (100) feet to the inch.
  2. The preliminary plat shall contain the following information:  
Existing Features Inside Subdivision.
    - a. The existing boundary lines of the land to be subdivided.

Boundary lines shall be drawn in heavy for easy identification.

- b. The location of existing water courses, railroads, and other similar drainage and transportation features.
- c. The location and width of existing streets, alleys, easements, building and structures.
- d. Topographical information with contour lines at two (2) foot intervals.

3. Existing Features Outside Subdivision.

- a. The name and property lines of adjoining property owners.
- b. The name and location of adjacent subdivisions, streets, easements, pipe lines, water courses, etc.

All lines outside of subdivision boundaries to be dashed.

4. New Features Inside of Subdivision.

- a. The proposed name of the subdivision.
- b. The location, R.O.W. width, and names of proposed streets.
- c. The approximate width and depth of all lots. If the side lines are not parallel, the approximate distance between them at the building line and at the narrowest point should be given.
- d. The location of building lines, alleys and easements.
- e. The location and approximate size of sites for schools, churches, parks, and other special land uses.
- f. The approximate acreage of the property to be subdivided.

5. Key Map. A key map showing relation of subdivision to well-known streets in all directions to a distance of at least one (1) mile.

6. Title, Etc. The date, scale, north point and title under which the plat is to be recorded, with the name of the owner and engineer platting the tract.

7. Submission. The Planning Commission shall be furnished with three (3) legible prints of the preliminary plat and with three (3) copies of a letter of transmittal stating briefly the type of street surfacing, drainage, sanitary facilities, and water supply proposed, and the name and address of the owner or agent and engineer, ten (10) days or more before the regular Planning Commission meeting. These documents shall be filed in the office of the City Secretary in the City Hall.

8. Approval. The Planning Commission shall approve, conditionally approve or disapprove within thirty (30) days any preliminary plat submitted to it. Approval of the preliminary plat shall not constitute final acceptance of the final plat.

Preliminary approval will expire six (6) months after the approval by the Planning Commission of the preliminary plat or of final sections thereof, except that if the subdivider shall apply in writing prior to the end of such six- (6) month period, stating reasons for needing the extension, this period may be extended for another six (6) months but not beyond a total of one (1) year.

- 4.02 FINAL PLAT: After approval of a preliminary plat by the Planning Commission, a final plat, prepared by a registered engineer and bearing his seal, shall be submitted to said Planning Commission by filing in the office of the City Secretary. Such plat shall have all changes and alterations made on it that were required on the previously submitted preliminary plat.

1. Sheet Size and Scale. All final plats shall be drawn in india ink on tracing cloth or plastic tracing sheets 24x30 inches and to a scale of one (1) inch equals one hundred (100) feet. Where more than one (1) sheet is required, an index sheet of maximum size 24x30 inches shall be filed showing the entire subdivision. Where the area to be developed can be drawn on a sheet one-half ( $\frac{1}{2}$ ) size or less with the scale of the drawing remaining one (1) inch equals one hundred (100) feet, a sheet 24x15 inches may be used.
2. The final plat shall contain the following information:

Existing Features Inside Subdivision.

- a. The existing boundary lines with accurate distances and bearings of the land to be subdivided. Boundary lines shall be drawn in heavy for easy identification.
- b. The location of existing water courses, railroads, and other similar drainage and transportation features.
- c. True bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be accurately described on the Plat.
- d. The location and width of existing streets, alleys, easements, R.O.W.'s, buildings and structures to be retained.
- e. Topographical information with contour lines at two (2) foot intervals.
- f. An accurate location of the subdivision in reference to the deed records of the County which shall include the volume and page of the deed of the property to be subdivided.

3. Existing Features Outside Subdivision.

- a. The name and property lines of adjoining subdivisions and of the adjoining property owners, together with the respective plat or deed references.
- b. The name and location of adjacent streets, alleys, easements, water courses, etc.

All lines outside of subdivision boundaries to be dashed.

4. Streets, Alleys, Easements. The lines and names of all proposed streets or other ways or easements to be dedicated to public use, with the following engineering data:

- a. For Streets. Complete curve data (Delta, Length, Radius, Tangent, Point of Curve, Point of Reverse Curve, Point of Tangent) shown on the center line or on each side of street. Length and bearings of all tangents. Dimensions from all angle points and points of curve to an adjacent side lot line.
- b. For Water Courses and Easements. Distances to be provided along the side lot lines from the front lot line or the high bank of a stream.  
Traverse line to be provided along the edge of all large water courses in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.

5. Lots and Blocks. The lines and numbers of all proposed lots and blocks with complete bearings and dimensions for front, rear and side lot lines, and area of each lot.

6. Reservations. The use and property dimensions of all special reservations, including sites for schools, churches, and parks.

7. Monuments and Control Points.

1. The description and location of all permanent survey monuments and control points.
2. Suitable primary control points to which all dimension, bearings and similar data shall be referred. Dimensions shall be shown in feet and decimals of a foot.

8. Key Map. A key map showing relation of subdivision to well-known streets in all directions to a distance of at least one (1) mile.

9. Title, Etc. The date, scale, north point and subdivision title, name and address of subdivider, name, address, and seal of engineer.

10. Dedications and Certificates. Such dedications and certificates as are applicable.

- a. A certificate of dedication of all streets, public highways, alleys, parks and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property and acknowledged before a Notary Public. All deed restrictions that are to be filed with the Plat shall be shown or filed separately.
- b. Certification by a Registered Engineer or a licensed State Land Surveyor duly licensed by the State of Texas, to the effect that the plan represents a survey made by him, and that all the necessary survey monuments are correctly shown therein.
- c. The following certificates shall be placed on the Plat, in a manner that will allow the filling in of the certificates of the proper party:

1. Approved:

\_\_\_\_\_ Date \_\_\_\_\_  
 Chairman, Planning and Zoning Commission

2. Approved:

\_\_\_\_\_ Date \_\_\_\_\_  
 Mayor, City of Overton, Texas

The following certificates shall be placed on the Plat after it has been finally approved by the City Council:

"I hereby certify that the above and foregoing Plat of \_\_\_\_\_ Addition to the City of Overton, Texas, was approved by the City Council of the City on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

This approval shall be invalid unless the approved Plat for such addition is recorded in the office of the County Clerk of Rusk County, Texas or Smith County, Texas, as appropriate, within thirty (30) days of said date of final approval.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
 City Secretary, City of Overton, Texas

- 11. Special Restrictions. Where restrictions of use of land, other than those given in these regulations are to be imposed by the subdivider, such restrictions shall be placed on the final plat or on a separate instrument filed with the plat.

12. Tax Receipt. A receipt showing that all taxes have been paid is to be submitted concurrent with the final plat.
13. Submission. The Planning Commission shall be furnished with three (3) legible prints and the original tracing of the final plat fourteen (14) days or more before the regular Planning Commission meeting. These documents shall be filed in the office of the City Secretary in the City Hall.
14. Approval. Final approval will expire one (1) year after Planning Commission action granting approval of any plat unless the plat has been filed for record, except that if the subdivider shall apply in writing prior to the end of such one (1) year period, stating reasons for needing the extension, this period may at the discretion of the Commission be extended for another year but not beyond that period.
15. Fees and Charges. The following schedule of fees and charges shall be paid to the City when any Plat is tendered to the Planning and Zoning Commission or any other authorized board or agency of the City. Each of the fees and charges provided herein shall be paid in advance, and no action of the Planning and Zoning Commission or any other board or agency shall be valid unless the fee or fees shall have been paid to the officer designated herein.

The City Secretary, his deputies or assistants, shall calculate the fees and charges in accordance with the following schedule:

Preliminary Plats - \$20.00 per Plat, plus \$2.00 per lot.

Final Plats - \$20.00 per Plat.

For approval of multiple dwelling area, commercial or industrial areas not subdivided into lots, the Preliminary Plats shall carry a fee of \$5.00 per acre per plat. The fee for the Final Plat shall be \$20.00 per plat.

Mobile Home Parks - \$20.00 per plan, plus \$2.00 per mobile home space.

These fees shall be charged on all plats, regardless of the action taken by the Planning and Zoning Commission and whether the Plat is approved or denied.

The subdivider shall cause a cashier's or certified check to be made payable to the City Secretary to cover all recording fees involved in finishing the platting process and have this delivered to the City Secretary prior to the submission for approval.

## SECTION 5

## GENERAL REQUIREMENTS AND DESIGN STANDARDS

5.01 STREETS.

1. Conformity to Major Street Plan. The width and location of streets shall conform to such Major Street Plan as the Planning Commission may have adopted, both as to horizontal and vertical alignment and right-of-way widths.
2. Relation to Adjoining Street System. The proposed street system shall extend all existing major streets and such existing secondary and local-access streets as may be desirable for convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved.
3. Street Jogs. Where off-sets in street alignment are, in the opinion of the Planning Commission, unavoidable, such off-sets may be employed provided the distance between center lines is not less than one hundred twenty-five (125) feet.
4. Large-Lot Subdivisions. If the lots in the proposed subdivision are large enough to suggest resubdivision in the future, or if part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from such resubdivision.
5. Through Traffic. Local residential streets shall be designed so as to discourage high-speed or through traffic.
6. Topography. The street system shall bear a logical relationship to the natural topography of the ground.
7. Street Widths. "Street width" shall be measured from front lot line to front lot line of opposite lots.
  - a. Local Streets. Local streets shall have a minimum R.O.W. width of fifty (50) feet.
  - b. Secondary Streets. Secondary or feeder streets shall have a minimum R.O.W. width of sixty (60) feet.
  - c. Major Streets. The width of major streets shall be determined by the Planning Commission, the Major Street Plan, and adopted standards. Major streets with a right-of-way width of less than one hundred (100) feet are to be increased to a width of one hundred (100) feet for a distance of one hundred fifty (150) feet at the approach to a major street intersection, with a transition back to normal

right-of-way over a distance of an additional one hundred fifty (150) feet.

8. Street Alignment. The maximum deflection in alignment permitted without use of curve shall be ten (10) degrees.
9. Major Street Curves. Curves in major streets shall have a center line radius of two thousand (2,000) feet or more with exceptions to this standard granted only by the Planning Commission.
10. Secondary Street Curves. Curves in secondary or feeder streets shall have a center line radius of eight hundred (800) feet or more, with exceptions to this standard granted only by the Planning Commission.
11. Local Street Curves. Curves in local streets are to have a center line radius of three hundred (300) feet or more, except for "loop" or partial "loop" streets.
12. Reverse Curves. Reverse curves shall be separated by a minimum tangent of one hundred (100) feet.
13. Vertical Curves. See ENGINEERING AND CONSTRUCTION STANDARDS.
14. Dead-End Streets - Cul-De-Sacs.
  - a. Turn-arounds. Turn-arounds are to have a minimum right-of-way radius of fifty (50) feet for a single-family and two-family use and sixty (60) feet for other uses.
  - b. Maximum Length. The maximum length of a dead-end street with a permanent turn-around shall be six hundred (600) feet, except in conditions of unusual topography.
  - c. Temporary Turn-Arounds. Temporary turn-arounds are to be provided at the end of streets more than four hundred (400) feet long that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is temporary easement for turn-around until street is extended (give direction) in a recorded plat".
15. Street Intersections.
  - a. Angle of Intersection. Except where existing conditions will not permit, all streets, major and minor, shall intersect at a ninety (90) degree angle. Variations of more than ten (10) degrees on minor streets and more than five (5) degrees on major or secondary streets must first be approved by the Planning Commission.
  - b. Radius at Acute Corners. Acute angle intersections approved by the Planning Commission are to have twenty-five (25) foot or greater radii at acute corners.



- c. Center-Line Tie With Existing Streets. Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on center line with dimensions and bearings to show relationship.
16. Partial or Half-Streets. Partial or half-streets may be provided where the Planning Commission feels that a street should be located on a property line. The following note shall be used in all such dedication: "This \_\_\_\_-foot strip is dedicated as an easement for all utility purposes including storm and sanitary sewers and shall automatically become dedicated for street purposes when and insofar as a \_\_\_\_-foot strip adjacent to it is so dedicated and the required improvements are installed."
17. Reserve Strips. Provisional one (1) foot reserves may be used along the side or end of streets that abut acreage tracts, accompanied by a note on the plat as follows: "One (1) foot reserve to become automatically dedicated for street purposes when adjacent property is subdivided in a recorded plat."
18. Street Names. New Streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the City.
19. Private Streets. Private streets are prohibited.
- 5.02 LOTS
1. Use. All lots shown on the plat will be for residential purposes unless otherwise noted. Standards that follow apply to residential lots.
2. Lot Size. To conform with Zoning Ordinance. On the basis of the district in which they lie and the use to which they are to be put, all lots must conform to the regulations of the Zoning Ordinance, including minimum area, width, and depth.
3. Minimum Width. Sixty (60) feet. Radial lots to have minimum of fifty (50) feet at the front property line and sixty (60) feet at and for a distance of thirty (30) feet behind the building line.
4. Minimum Depth. One hundred ten (110) feet.
5. Minimum Area. Five thousand five hundred (5,500) square feet.
6. Corner Lots. Corner lots with a width of less than seventy-five (75) feet are to be at least five (5) feet wider than average of interior lots in the block.  
Corner lots with a width of less than eighty-five (85) feet adjacent to a major thoroughfare are to be at least fifteen (15) feet wider than the average of interior lots in the block.
7. Lots on Major Streets. Lots facing or backing on major streets

shall be at least ten (10) feet deeper than average lots facing on adjacent minor streets.

8. Lots on Drainage Easements. Minimum usable lot depths for lots backing on natural drainage easements shall be not less than eighty (80) feet measured between front lot line and drainage easement.
9. Lot Width Definition. The lot width is the average of front and rear lot dimensions.
10. Lot Shape. Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed two and one-half (2½) times.
11. Lot Lines. Side lot lines should be perpendicular or radial to street frontage and the following note may be used in lieu of bearings: "All side lot lines are either perpendicular or radial to street frontage unless otherwise noted."
12. Lot Facing.
  - a. Street Frontage. Each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street.
  - b. Double Front. Double front lots are prohibited except when backing on major thoroughfares.
  - c. Front Facing. Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.
13. Lot Numbering. All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an over-all preliminary plat.
14. Driveway Restrictions. Rear and side driveway access to major thoroughfares shall be prohibited.

### 5.03 BLOCKS

1. Block Length.
  - a. Residential. Maximum block length for residential use shall be twelve hundred (1,200) feet, measured along the center of the block. Five hundred (500) feet is a desirable minimum.
  - b. On Major Street. Maximum block length along a major street shall be sixteen hundred (1,600) feet except under special conditions and upon approval of the Planning Commission.

2. Block Width. Blocks shall be wide enough to allow two (2) tiers of lots of at least minimum depth, except when prevented by the size of the property or the need to back-up to a major thoroughfare.
3. Block Numbering. Blocks are to be numbered consecutively within the overall plat and/or sections of an overall plat as recorded.

#### 5.04 BUILDING LINES

1. Front Street. The front building line shall not be less than twenty-five (25) feet from the front property line, except that where the lots face on a major street, the front building line shall not be less than thirty-five (35) feet from the front property line.
2. Side Street. The building line on the side of corner lots shall not be less than fifteen (15) feet from the side street property line, except that where the lots side on a major street, the building line shall not be less than twenty-five (25) feet from the side street property line, and where the side of a corner lot is across the street from or adjacent to the front of other lots, the building line shall be at the same distance from the street as the front building line of the opposite or adjacent lots.
3. Rear Street. The rear building line where lots back on a major street shall not be less than twenty-five (25) feet from the rear property line.

#### 5.05 ALLEYS

1. Alley Width. Where provided, alleys shall not be less than twenty (20) feet in width.
2. Cut-Offs. In case of intersecting alleys, a cut-off shall be required at each corner. Cut-offs shall be triangles having two (2) equal sides each of which shall be not less than ten (10) feet in length.
3. Dead-End Alleys. Dead-end alleys will not be permitted. Alleys in new subdivisions shall connect to alleys in adjacent subdivisions wherever feasible.
4. Alleys Required. Alleys shall be required in all business areas and in those portions of new residential subdivisions where partial blocks are needed to complete existing blocks with alleys.

#### 5.06 EASEMENTS

1. Size. The size of easements where alleys are not provided shall not be less than five (5) feet on each side of rear lot lines with additional five (5) feet on each side beginning at a plane twenty (20) feet above the ground. The full width of easement shall not be less than ten (10) feet at ground level nor less than twenty

(20) feet, beginning at a plane twenty (20) feet above ground.

2. Use. Where necessary, easements shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines or other utilities. Such easements may be required across parts of lots (including side lines) other than as described above, if in the opinion of the Planning Commission same is needed.

#### 5.07 IMPROVEMENTS

1. Monuments. Concrete monuments eight (8) inches in diameter and fifteen (15) inches long shall be placed at all block corners and at all corners of the boundary lines of a subdivision. The exact intersection point on the monument shall be marked by a reinforcing bar one-half ( $\frac{1}{2}$ ) inch in diameter and twelve (12) inches long embedded in the concrete monument.

Intermediate property corners, curve points and angle points shall be marked with a piece of one-half ( $\frac{1}{2}$ ) inch round reinforcing rod driven flush with the finished ground level or lower if necessary in order to keep same from being disturbed.

2. Sidewalks. The subdivider will be required to install concrete sidewalks not less than four (4) feet in width on both sides of all major and feeder streets in his subdivision. Sidewalks shall be required along one or both sides of specified local streets.
3. Other Required Improvements. See ENGINEERING AND CONSTRUCTION STANDARDS.

#### 5.08 RESERVATIONS

1. Permitted Purposes. No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the Zoning Ordinance for the district in which the land to be reserved is located.
2. Designation on Plat. The specific use for which each piece of land is to be reserved must be shown by appropriate label or description on the subdivision plat. Provision for future abandonment of a reservation as may be appropriate must likewise be shown on said plat.
3. Parks and Playgrounds. The location and size of parks and playgrounds shall be in accordance with the Planning Commission's Park Sites Plan. Park sites are to be purchased at the developer's acreage cost plus a prorated cost of improvements.
4. Schools. The location and size of schools shall be in accordance with the Planning Commission's School Sites Plan and with the requirements of the School District.
5. Public Buildings and Community Facilities. The location and size of public buildings and facilities shall be in accordance with the

Planning Commission's Community Facilities Plan.

5.09 VARIANCES:

When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where because of some condition peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent of such provisions, the Planning Commission may authorize a variance.

5.10 PENALTY:

Any person violating this Ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined \$200.00, and each day that such violation continues shall be considered a separate offense and punishable accordingly.

5.11 SAVING CLAUSE:

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provision of this Ordinance.

5.12 CONFLICTING ORDINANCES

All existing ordinances or parts of ordinances of Overton, Texas which are inconsistent or in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_, A.D.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Secretary

ENGINEERING AND CONSTRUCTION STANDARDS

STREETS

All streets will be reinforced concrete pavement on a compacted subgrade. If, in the opinion of the Planning Commission and City Engineer an asphaltic concrete pavement would serve as well as a concrete pavement in an area it shall have a flexible base with an asphaltic concrete surface course on a compacted subgrade. Concrete pavement shall be provided with either an integral curb poured with the pavement or a separate curb constructed on top of, and doweled to, the concrete pavement. Flexible base pavement shall be provided with a combination curb and gutter section.

Alignment, Grade and Width:

Alignment. Alignment of streets shall be as hereinbefore state in GENERAL REQUIREMENTS AND DESIGN STANDARDS, SECTION 5.

Grades. Gutter gradients shall be in minimum of one-quarter ( $\frac{1}{4}$ ) of one (1) per cent. Crown sections shall slope not less than one-quarter ( $\frac{1}{4}$ ) inch per foot for asphaltic concrete and one-eighth ( $\frac{1}{8}$ ) inch per foot for Portland cement concrete. The minimum drop around curb return will be one-tenth ( $\frac{1}{10}$ ) of one (1) foot. The maximum drop of grade tangents from opposite direction to a common low point shall not exceed one and one-half ( $1\frac{1}{2}$ ) feet. All gutter grades shall be above the design water surface of ditches and storm sewers. All grade changes with an algebraic difference of one (1) per cent or more shall be connected with a vertical curve.

Width: Minimum width of streets shall be as follows:

<u>Classification</u>	<u>R.O.W. Width</u>	<u>Street Width Back To Back of Curb</u>
Major Streets	80'	60'
Secondary or Feeder Streets	60'	38'
Local Streets	50'	28'

Pavement Design:

Pavement design shall conform to the following general requirements unless otherwise approved by the Planning Commission. References to Texas Highway Department specifications regarding street work are references to the "Standard Specification for Road and Bridge Construction" adopted by the State Highway Department of Texas.

Concrete Pavement: All streets in new subdivisions shall be concrete. Concrete pavement shall conform to the requirements of Item 360 Texas Highway Department, Standard Specification. Concrete pavements shall have a minimum thickness of six (6) inches for Local Streets and a minimum thickness of seven (7) inches for Secondary Streets, Feeder Streets and Major Streets. Concrete pavement shall be reinforced with 3/8 inch deformed bars at twenty-four (24) inches

center to center each way.

Flexible Base Pavement: Where other than concrete streets are approved they shall meet the following minimum requirements. Flexible base pavement shall consist of a base course of the thickness and of the type materials indicated below for flexible bases, and shall be surfaced with one of the types of surface courses indicated below:

Flexible Bases Courses:

Six (6) inches of iron-ore base that conforms to T.H.D. Specification, Item 240, Grade 2, compacted to 95% modified AASHO density.

Tack Coat:

Tack coat of RC-2 asphalt at a rate of 0.10 gallons per square yard.

Prime Coat:

Prime coat of RC-2 asphalt at a rate of 0.25 gallons per square yard, covered with fine sand.

Prime coat of MC-1 asphalt at a rate of 0.75 gallons per square yard.

One and one-half (1½) inches of Hot Mix Asphaltic Concrete Pavement conforming to Item 340 Texas Highway Department, Standard Specification.

One and one-half (1½) inches of Hot Mix Cold Laid Asphaltic Concrete Pavement conforming to Item 350 Texas Highway Department Standard Specification.

Curb and Gutter:

Curb and combination curb and gutter shall be constructed of reinforced concrete. Cross-section and shapes shall conform to standards on file with the City Engineer.

ALLEYS

Pavement Type:

All alleys shall be paved as a minimum with six (6) inches of crushed stone flexible base, conforming to requirements for street paving.

Pavement Width:

A minimum paved width of ten (10) feet shall be required for all alleys.

DRAINAGE AND STORM SEWERS

Adequate drainage shall be provided within the limits of the subdivisions. The protection of adjoining property shall be considered in the review of plans

submitted.

Size: Sizing of inlets, storm sewers, outfalls, culverts and drainage ditches will be based on the following:

Design Storm: The design storm will be based on rainfall intensity-frequency data published by the U. S. Weather Bureau.

Runoff Computations: To determine the runoff rates for the various areas, the standard rational method will be used, utilizing the formula  $Q = CIA$ , where  $Q$  = rate of runoff in cubic feet per second,  $C$  = runoff coefficient,  $I$  = rainfall intensity for the particular duration in inches per hour, and  $A$  = the drainage area in acres. Drainage areas will be arrived at by considering location of high and low points on street grades, drainage divides in the area, and general configuration of existing and finished grades.

Frequency: A five (5) year frequency shall be used except for bridges, culverts, underpasses and open ditches which shall be 25 year frequency.

Runoff Coefficient: The runoff coefficient which considers the slope of the terrain, the character of the land use, and the imperviousness of the drainage area shall be determined from the Master Plan for the City. The runoff coefficient for the appropriate land uses shall be as follows:

Commercial Areas	0.80
Industrial Areas	0.70
Residential Areas	0.50
Apartment Areas	0.80
Park Areas	0.30
Paved Areas	0.90

Sizing of Sewers: Sewers shall be sized to carry the discharge ( $Q$ ) derived from the above formula. Capacity of storm sewers will be determined by the use of Manning's formula on the basis of hydraulic gradients rather than the physical slope of the pipe. Minimum size of the storm sewer shall be 18 inches or equivalent.

Sizing and Spacing of Inlets: Inlets shall be spaced so that maximum spread of water shall not exceed one-half of Adjacent Traveled Lane. Inlets will be provided at all low points in gutter gradient. On thoroughfares, all inlets shall be recessed a minimum of eighteen (18) inches from the face of curb, and curbs shall be tapered to the inlet. Inlets will be sized using an allowable capacity of one (1) cubic foot per second per foot of opening for a throat height of seven and one-half ( $7\frac{1}{2}$ ) inches.

Ditches: Ditches shall be sized to carry the runoff ( $Q$ ) derived from the above formula.

#### Design:

Design of storm sewers, outfalls, culverts and drainage ditches will conform to the following general requirements:

Manholes: Manholes (inlets or junction boxes) shall be provided at all changes



in grades or alignment, sewer intersections, and at a maximum of 500 feet on straight lines. If monolithic, reinforced concrete sewer lines are used, a manhole is not required where leads from inlets intersect the main sewer. Design of manholes shall conform to the County Standard Specifications.

Inlets: Design of inlets shall conform to the County Standard Specifications.

Pipe: Pipe for storm drains shall be concrete pipe in sizes as shown on the approved plans. All pipe shall be reinforced concrete pipe (RCP), ASTM C76, Class 3. Where, in the opinion of the City Engineer, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete pipe shall have a minimum cover of not less than one (1) foot over the top of the pipe. Monolithic, reinforced concrete sewers may be used for storm sewers thirty-six (36) inches and larger.

Ditches: Drainage ditches, where approved by the Planning Commission, may be used for outfalls to natural or major drainage channels. Ditches shall have a minimum grade of not less than 0.10 per cent and side slopes not steeper than 2:1, unless side slopes are paved.

Outfalls: Outfalls from sewers and ditches into natural drainage ways shall enter at the grade of natural drainage channel. If necessary, drop type outfall structures shall be used to prevent erosion.

Major Drainage Ways and Structures: Design of major drainage ways through a subdivision and major structures, such as box culverts or bridges, across a major drainage channel, shall be coordinated with the County Flood Control District, if such exists.

#### WATER LINES

Water systems shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and to conform with the Master Water Plan of the City.

Location: All water mains shall be constructed in streets.

Pipe: All water mains 12-inch and smaller shall be cast iron or ductile iron pipe, Class 150 unless otherwise specified, with single rubber gasket joint, shall have a cement mortar lining of the "Enameline" type, or approved equal, and shall have a minimum cover of 42 inches. Water mains 14-inch and larger shall be reinforced concrete steel cylinder pipe, Class 150 minimum.

Fittings: Fittings shall be cast iron with mechanical joints and shall be cement lined, unless the pipe material is reinforced concrete steel cylinder in which case special fittings shall be furnished.

Fire Hydrants: In general, fire hydrants shall be placed on block corners or near the center of the block in such a manner as to place all of every lot within a radius of 500 feet of a fire hydrant in residential areas and within a radius of 300 feet in commercial or industrial areas.

Fire Hydrant Fittings: All fire hydrants shall have one pumper nozzle and two hose nozzles with standard threads, shall have a main barrel valve opening of

not less than 5 inches, and shall be placed on mains of not less than 6 inches in diameter. Six-inch gate valves shall be placed on all fire hydrant leads.

Pressure Test: After the complete installation, the waterworks shall be tested with a hydraulic test pressure of not less than 150 pounds per square inch, maintained over a continuous period of not less than four (4) hours. If the test indicates a leakage in excess of ten (10) gallons per inch of nominal diameter of pipe per mile during the four hour test period, then the leaks shall be found and repaired. All known leaks shall be stopped regardless of this test requirement.

Disinfection: Prior to the acceptance and before any open connection to any existing water main is made, the waterworks shall be disinfected with a minimum of 50 parts per million of available chlorine, or sufficient chlorine to give a residual of 5 parts per million in all parts of the waterworks. After chlorination and flushing, the Developer shall fill the waterworks with water and the City shall take samples of water taken from several locations, not less than one per section, or two per mile, for bacteriological tests. In the event the bacteriological test are positive (unsatisfactory), the Developer shall drain the lines, and repeat the chlorination until the tests results are negative, or satisfactory.

#### SANITARY SEWERS

Sanitary sewer facilities shall be provided to adequately service the subdivision and conform with the Master Sanitary Sewer Plan for the City and recommendations of the State Health Department and City Engineer.

Pipe: All sewer pipe in sizes 30" and smaller shall be vitrified clay sewer pipe. All sewer pipe in sizes 36" and larger shall be asphalt coated concrete sewer pipe.

Size: A minimum of 8-inch sewer pipe shall be specified, except that 6-inch lines will be acceptable only on short lines and in the locations where so approved by the City Engineer.

Pipe Joints: All sanitary sewer pipe joints shall be of the premolded type conforming to A.S.T.M. Designation C425.

Location: Wherever possible, sewers shall be located in the alleys or easements and shall be 5 feet to 6½ feet deep to invert.

Grades: Grades and appurtenances of sanitary sewers shall conform to the requirements of the Texas State Department of Health and the City. The following are the minimum slopes which should be provided; however, slopes greater than these are desirable:

<u>Sewer Size</u>	<u>Minimum Slope in Feet Per 100 Feet</u>
6 inch	0.60
8 inch	0.40
10 inch	0.29
12 inch	0.22
15 inch	0.15

<u>Sewer Size</u>	<u>Minimum Slope in Feet Per 100 Feet</u>
18 inch	0.12
21 inch	0.10
24 inch	0.08
27 inch	0.067
30 inch	0.058
36 inch	0.046

Infiltration: Prior to the acceptance, the Sanitary Sewers shall be subject to leakage tests. The leakage outward or inward (exfiltration or infiltration) shall not exceed 500 gallons per inch of pipe diameter per mile per day for any section of the system. The use of a television camera or other visual methods for inspection prior to placing the sewer in service is recommended.

Lift Stations: All lift stations shall be designated and constructed with two or more sewage pumps with total capacity of twice the design maximum flow. Detailed design data, plans and specifications of the pumps shall be submitted to the City Engineer prior to the purchase and installation of the pumps.

Force Mains: All force mains shall be cast iron pipe, Class 150, unless otherwise specified, with rubber gasket joint, and shall have a cement mortar lining of the "Enameline" type or approved equal. At design average flow, a cleansing velocity of at least two (2) feet per second shall be maintained. An automatic air relief valve shall be placed at high points in the force main to prevent air locking.

#### UTILITY SERVICES

Construction: All services for utilities shall be made available for each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made.

Water Service: Water service lines shall be a minimum of 3/4-inch Type "K" copper and shall be provided with a corporation at the main and a curb stop located at least 2 feet outside of curb with cover not to exceed 1½ feet.

Sewer Service: Sanitary sewer service lines shall be a minimum of 4-inch, shall meet the same requirements for Sanitary Sewers described above, shall be constructed from the main to the lot property line using wyes and necessary bends, and shall have a minimum cover at the property line of four (4) feet, where possible.

Stub Markers: The subdivider shall place a suitable marker at the point where said service lines are stubbed out so that these lines can be easily located for connection for future development.

Utility Extensions: The subdivider shall make arrangements with all other appropriate utility companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of such costs.

STREET LIGHTING

Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook. Round tapered standards with bracket arms shall be used. Lighting levels as recommended for very light traffic in residential areas; medium traffic on feeder streets and heavy traffic on thoroughfares.

Initial cost of installation and cost of operation and maintenance for the first three (3) years shall be paid to the local governing body.

Maintenance and operation costs after this shall be under separate contract.