

ORDINANCE #: 2015-05-21A

AN ORDINANCE AMENDING ORDINANCE NO. 2014-10-07A CITY OF OVERTON ZONING ORDINANCE (CHAPTER 96 OF THE CITY OF OVERTON CODE OF ORDINANCE) BY THE REPEAL OF SECTIONS 6.01, 7.01 8.01, 8.02, 8.03, 8.07, 9.01, 10.01, 11.01, 12.01, 13.01, 14.01, 18, 25 AND THE ADDITION OF SECTIONS 8.03 (REVISED), SECTION 5A, SECTION 18 (REVISED), SECTION 25 (REVISED) AND SECTIONS 29 THROUGH 31, BEING PART VI – LAND USE SCHEDULE, AND LAND USE DEFINITIONS; PROVIDING FOR A PENALTY OF A FINE OF UP TO \$500.00; AND EACH AND EVERY DAY THAT THE PROVISIONS OF THIS ORDINANCE ARE VIOLATED SHALL CONSTITUTE A SEPARATE AND DISTINCT OFFENSE, A REPEALER, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Overton is of the opinion that the Comprehensive Zoning Ordinance should have a Land Use Schedule added; and

WHEREAS, the City Council of the City of Overton is of the opinion that the Comprehensive Zoning Ordinance has certain sections as listed below that need to be revised. updated and expanded to include the current regulations for manufactured home installations and a more comprehensive list of land uses with descriptive land use definitions as the current land uses are antiquated and out of date; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulations in Overton at least fifteen (15) days before such hearing ; and

WHEREAS, public hearings to amend the text of the Comprehensive Zoning Ordinance herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning such amendments; and

WHEREAS, the City Council is of the opinion that the zone change herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Overton;

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

SECTION 1: REPEAL OF CERTAIN SECTIONS

SECTION 9: SEVERABILITY CLAUSE

THAT if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or section of this ordinance, which shall remain in full force and effect.

SECTION 9: PUBLICATION

The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

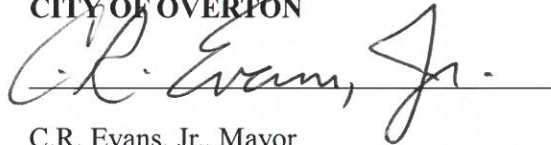
SECTION 10: EFFECTIVE DATE

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

PRESENTED ON FIRST READING on the 23rd day of April, 2015

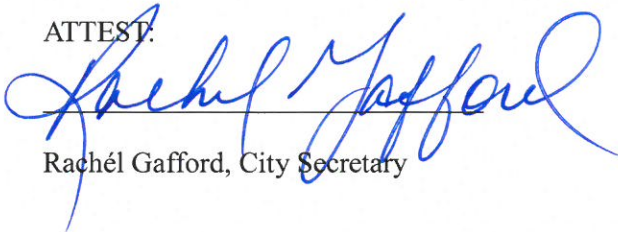
PRESENTED ON SECOND READING AND APPROVED ON THIS 21 DAY OF May, 2015 BY A VOTE OF 3 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON



C.R. Evans, Jr., Mayor

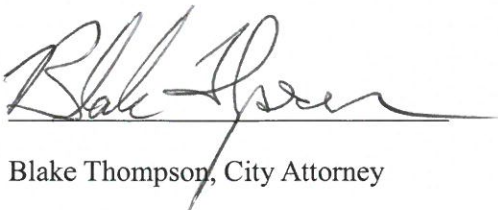
ATTEST:



Rachél Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:



Blake Thompson, City Attorney

THAT the following sections of the City of Overton Comprehensive Zoning Ordinance be repealed as outlined below, Exhibit A:

- Section 6.01 Single Family Residential District Use Regulations (1-13)
- Section 7.01 Multi-Family Residential District Use Regulations (1-13)
- Section 8.01 Mobile Home (Manufactured Home) District Use Regulations (1-3)
- Section 8.02 Location of Mobile Homes and Mobile Home Parks (1-3)
- Section 8.03 Mobile Home Tie-Down Regulations (All)
- Section 8.07 Notification Requirements (A - E)
- Section 9.01 Planned Development District Use Regulations (1-5)
- Section 10.01 Local Business District Use Regulations (1-11)
- Section 11.01 General Business District Use Regulations (1-24)
- Section 12.01 Light Industrial District Use Regulations (1-17)
- Section 13.01 Heavy Industrial District Use Regulations
- Section 14.01 Agricultural Open Space District Use Regulations (1-3)
- Section 18 Nonconforming Uses (All)
- Section 25 (Violations and Penalties (All)

SECTION 2: LOCATION OF MANUFACTURED HOMES & MANUFACTURED HOME PARKS

THAT SECTION 8.02 Location of Mobile Homes and Mobile Home Parks (1-3) of the Comprehensive Zoning Ordinance of the City of Overton is hereby amended and replaced Section 8.02 Location of Manufactured Homes & Manufactured Home Parks which shall read as follows:

SECTION 8.02 Location of Manufactured Homes & Manufactured Home Parks

1. It shall be unlawful for any person to locate or maintain any manufactured home (formerly called mobile home) in any place in the City other than in a lawfully designated and duly licensed manufactured home park or subdivision, except that manufactured homes may be in an acceptable manufactured 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 unoccupied accessory use to a dwelling unit. A manufactured home kept under an exception shall not be used for living or sleeping purposes.
2. Manufactured Home Parks or Subdivision Districts will be granted only as an amendment to the Zoning Ordinance. The granting of each Manufactured Home Park or Subdivision District will be judged on the merits of each individual request for an amendment.
3. The location of Manufactured 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.

SECTION 3: MANUFACTURED HOMES TIE-DOWN REGULATIONS

THAT SECTION 8.03 Mobile Home Tie-Down Regulations of the Comprehensive Zoning Ordinance of the City of Overton is hereby amended and replaced Section 8.03 Manufactured Home Tie-Down Regulations which shall read as follows:

SECTION 8.03 Manufactured Homes Tie-Down Regulations

Effective November 25, 2012 and December 25, 2012 : All manufactured homes installations must be installed in compliance with the Administrative Rules of the Texas Department of Housing and Community Affairs 10 Texas Administrative Code, Chapter 80; Subchapter B: Installation Standards and Device Approvals; Sections: 80.20; 80.21;80.22; 80.23; 80.24; 80.25; 80.26 (Not included herewithin)

Overton lies in the 70 mph wind storm belt of the United States. For this reason the installation of any Manufactured Home must comply with the most current regulations of the Manufactured Housing Rules as outlined by the Texas Department of Housing and Community Affairs Administrative Code, Chapter 80.

<https://www.tdhca.state.tx.us/mh/docs/rules.pdf>

SECTION 4: PERMISSIBLE USES WITHIN ZONING DISTRICTS

THAT SECTION 5A Permissible Uses Within Zoning Districts be added to the Comprehensive Zoning Ordinance of the City of Overton which shall read as follows:

SECTION 5A Permissible Uses Within Zoning Districts

5A.1 PART IV contains a schedule of land uses (hereinafter referred to as the “Land Use Schedule”) which are authorized and permissible within each of the respective types of Zoning Districts which are designated in PART II, and the boundaries of which are established by the City Zoning Map adopted in PART III, SECTION19 of this Ordinance

5A.2 Any land use not authorized by said schedule for the Zoning District involved is prohibited as a violation of this Ordinance, unless

- a. Such use is authorized under Special Use Permit as provided for in SECTION 17; or
- b. Such use is a lawful nonconforming uses as provided in SECTION 18; or
- c. Such use is permitted under any other exception or variance authorized under any other provision of this Ordinance.

5A.3 New land uses which develop, and land uses not listed in the Land Use Schedule, shall be classified and added to the Schedule in accordance with the following procedure:

- a. The Community Development Department shall receive any application for such classification of new or unlisted land use, and shall require reasonable data to be provided to permit such determination and classification to be made; and all which shall be transmitted to the Planning and Zoning Commission with its additional findings and recommendations if any.
- b. The Planning and Zoning Commission shall make such additional study and require such additional data as it deems advisable and shall transmit its recommendations to the

City Council. The Commission may initiate such study and recommendation on its own motion.

- c. The City Council shall by resolution make such determination and classification as it deems appropriate based on its findings.
- d. The Community Development Department shall maintain record copies of all such resolutions as an appendix to this Ordinance; post such added use classification to current reference copies of the Land Use Schedule; and inform other municipal agencies concerned of the change so made.

SECTION 5: NON CONFORMING USES

THAT SECTION 18 NONCONFORMING USES of the Comprehensive Zoning Ordinance of the City of Overton is hereby amended and replaced with **SECTION 18 NONCONFORMING USES – EXEMPTIONS & VARIANCES** which shall read as follows:

SECTION 18 NONCONFORMING USES – EXEMPTIONS & VARIANCES

18.1 A use or structure which fails to comply with any provision of this Ordinance, or which does not conform to regulations prescribed for the Zoning District for which such use or structure is located, shall nevertheless be a lawfully permissible use or structure, and shall not be deemed in violation of this Ordinance, in any of the instances set forth in succeeding sections

18.2 Such a use or structure is a permissible nonconforming use if lawfully in existence or under construction on the date this Ordinance became applicable thereto, and it continues permissible so long as such use is continuous.

- a. The Community Development Director (or his subordinates under his direction) may grant a change of occupancy from one person to another, or from one nonconforming use to another, so long as the proposed new use is of the same, or more restricted, classification than the previous one.
- b. No nonconforming use may be expanded or increased beyond the lot or tract on which it is located.
- c. A structure occupied by a nonconforming use, if destroyed by fire or other elements or cause to the extent of fifty percent (50%) or more of its reasonable value, may not be re-built except to conform to all provisions of this Ordinance. If damaged to a lesser extent, it may be re-built, but the size or function of the nonconforming use may not be expanded.
- d. A nonconforming use which is discontinued or vacated voluntarily by the owner or occupant for any continuous period of at least six months shall be deemed abandoned and terminated; and may not thereafter be reinstated.
- e. It is the ultimate policy of this Ordinance to eliminate all nonconforming uses, as soon as this can be accomplished without undue hardship. To that end, the Board of Adjustment (or the City Council, while exercising the powers and functions of a Board

of Adjustment) may make further reasonable regulations under which, such a nonconforming use may be continued, having due regard both to rights of owners or occupants of such use or structure and the rights of owners or occupants of other nearby premises within the same Zoning District.

18.3 Uses or structures occupied under Special Use Permit granted pursuant to SECTION 17 HEREOF, OR IN A Planned Development District approved under SECTION 9 hereof, so long as occupied or used in accordance with all conditions of the permit or approval, shall never be deemed violations of this Ordinance.

18.4 This Ordinance is expressly adopted in contemplation of the following facts:

- a. That uniformity in minimum standards within Zoning Districts, as herein provided, does not now exist, and that a substantial period of time will be required to achieve the desired standards.
- b. That special situations will arise in the future development of Overton, in connection with the annexation of additional territory, the development of new construction and architectural techniques, and otherwise.
- c. That in the future, new problems will arise, affecting the safe, orderly, and economic growth and development of the community.

Accordingly, it is the policy hereof that amendments to this Ordinance, special use permits and other nonconforming uses, variance, or special relief that may be authorized by statute be effected by the City Council, consistent with law and existing vested rights, in order that the spirit and objectives of this ordinance be served.

SECTION 6: VIOLATIONS & PENALTIES

THAT SECTION 25 VIOLATIONS AND PENALTIES of the Comprehensive Zoning Ordinance of the City of Overton is hereby amended and replaced with **SECTION 25 VIOLATIONS AND PENALTIES** which shall read as follows:

Any person violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding five hundred dollars (\$500.00); and each day and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 7: PART VI—LAND USE SCHEDULE, LAND USE DESCRIPTIONS / DEFINITIONS & SPECIAL USES

THAT Part VI – Land Use Schedule, Land Use Descriptions / Definitions and Special Uses (Sections 29 through 31) of the City of Overton Comprehensive Zoning Ordinance, Exhibit B to Ordinance No. 2014-10-07A is hereby amended by adding said schedule designating uses allowed in particular zones.

SECTION 8: CONFLICTS

THAT all ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict, are hereby repealed.

EXHIBIT A

Sections of Zoning Ordinance Repealed by Adoption of ORD NO. 2015-05-21A

That the following sections of the City of Overton Zoning Ordinance shall be repealed the adoption of said ORDINANCE NO. 2015– 05-21A

Section 6.01 Single Family Residential District Use Regulations (1-13)	Page 13
Section 7.01 Multi-Family Residential District Use Regulations (1-13)	Page 15
Section 8.01 Mobile Home District Use Regulations (1-3)	Pages 16 - 17
Section 8.02 Location of Mobile Homes and Mobile Home Parks (1-3)	Page 17
Section 8.03 Mobile Home Tie-Down Regulations	Pages 17-18
Section 8.07 Manufactured Home Notification Requirements (all)	Page 18E
Section 9.01 Planned Development District Use Regulations (1-5)	Page 19
Section 10.01 Local Business District Use Regulations (1-11)	Pages 21-22
Section 11.01 General Business District Use Regulations (1-24)	Page 23
Section 12.01 Light Industrial District Use Regulations (1-17)	Page 24
Section 13.01 Heavy Industrial District Use Regulations	Page 27
Section 14.01 Agricultural Open Space District Use Regulations (1-3)	Page 28
Section 18 Nonconforming Uses (All)	Pages 37-38
Section 25 (Violations and Penalties (All))	Page 49

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)

thereon.

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.

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.

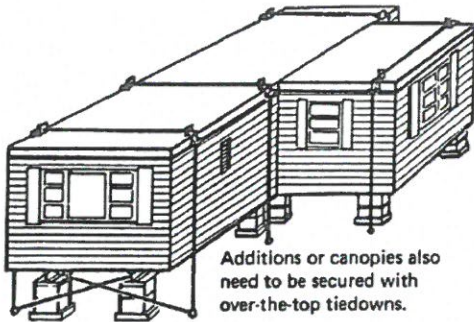
1. It shall be unlawful for any person to locate or maintain any mobile home in any place in the City other than in a lawfully designated and duly licensed mobile home park, except that mobile homes may be in an acceptable mobile home sales location, as a temporary office or other similar temporary use, 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.

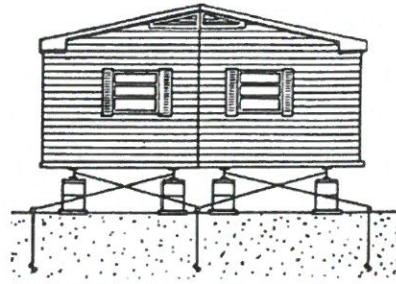
Overton lies in the 70 mph wind storm belt of the United States. For this reason the following TIE-DOWN ANCHORAGE REQUIREMENTS are made a part of the Zoning Regulations.

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

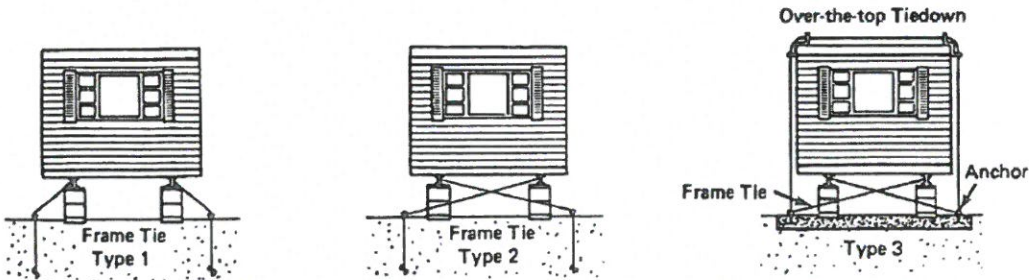
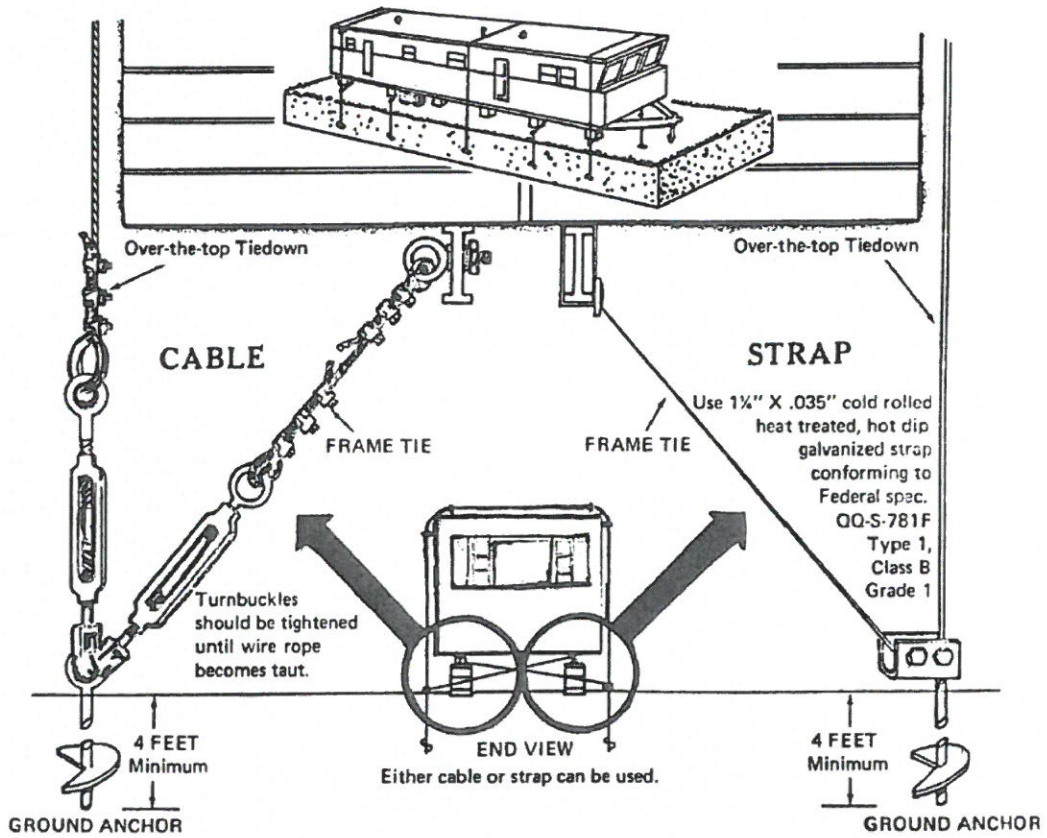
Source: Pamphlet TR-75, Defense Civil Preparedness Agency, June 1972.



Additions or canopies also need to be secured with over-the-top tiedowns.



Double wides do not require over-the-top tiedowns but are subject to the same frame tie requirements presented on page 8.



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.

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.

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.

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.

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.

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.

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 nonconforming 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.

- (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.

EXHIBIT B

PART IV

LAND USE SCHEDULE AND LAND USE DESCRIPTION & DEFINITIONS

SECTIONS 29 – LAND USE SCHEDULE

SECTION 30 – DESCRIPTION / DEFINITION OF USES

SECTION 31 - SPECIAL USES

SECTION 29: LAND USE SCHEDULE**Use of Land and Buildings**

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

1. Legend for interpreting schedule of uses:

X	Designates use permitted in district indicated by right
	Designates use prohibited in district indicated
SU	Designates use may be approved as a Special Use Permit, Part II, Section 17

ACCESSORY AND INCIDENTAL USES (30.1)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Accessory building to main use (30.1.1) <i>No Intermodal Units, Shipping Containers or Railroad Cars</i>	X	X	X	X	SU	SU	X	X	X
Boat; Boat Trailer	X	X	X	X	X	X	X	X	X
Billboard, advertising (30.1.2)							X	X	X
Carport (30.1.3)	X	X	X	X	X	X	X	X	X
Construction Yard (temporary) (30.1.4)	X	X	X	X	X	X	X	X	X
Home Occupation (30.1.6)	X	X	X	X					X
Field or Sales Office (30.1.5)				X	X	X	X	X	X
Garage, private (30.1.7)	X	X	X	X	X	X	X	X	X
Motor Home storage; not to be used for living quarters (No more than 2)	X	X	X	SU	SU	SU	SU	SU	X
Trailer; travel trailer; cattle trailer, etc., storage; not to be used for living quarters (30.1.8)	X	X	X	X	X	X	X	X	X
Intermodal Units (including shipping containers)				X	X	X	X	X	X
RESIDENTIAL TYPE USES (30.2)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Bed and Breakfast (30.2.1)	X				X				
Boarding and rooming house (30.2.2)	X	X	X						X
Dormitory (30.2.3)		X							
Duplex (30.2.4)		X							

RESIDENTIAL TYPE USES (30.2)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Guesthouse (30.2.5)	X	X	X						X
Manufactured housing, HUD-code (30.2.7)			X						
Manufactured home park (30.2.8)			X						
Manufactured home subdivision (30.2.9)			X						
Manufactured Modular Home (30.2.10)			X						
Mobile Home (30.2.11)			X						
Motel, motor hotel, or motor lodge (30.2.14)					X	X	X		
Multiple-family residence (30.2.15)		X							
Residence hotel (30.2.16)					X	X	X		
Retirement housing (30.2.17)		X		X					
Servants or caretakers quarters (30.2.18)	X	X							X
Single-family dwelling, attached (30.2.19)	X	X	X	X					X
Single-family dwelling, detached (30.2.20)	X	X	X	X					X
Townhouse or row dwelling (30.2.21)				X					X
Travel trailer park (30.2.22)					X				
Two-family dwelling (30.2.23)		X		X					X
EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES (30.3)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Athletic field							X		
Cemetery or mausoleum (30.3.1)							X		
Child-care center (30.3.2)					X	X	X		
Church, rectory, place of worship (30.3.3)	X	X	X	X	X	X	X	X	X
Civic center (30.3.4)					X		X		
College or university (30.3.5)					X		X		
Community center, public (30.3.6)					X		X		
Community center, private (30.3.7)		X			X		X		
Continuing Care Facility (30.3.8)						X			

EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES (30.3)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Country club, private (30.3.9)					X		X		
Exhibition area (30.3.10)							X	X	
Fairgrounds (30.3.11)							X	X	
Family home (Group Home) (30.3.12)	X	X	X	X					
Farm, ranch, or orchard (30.3.13)	X								X
Fraternal organization, lodge, or civic club (30.3.14)						X	X		
Golf course (30.3.15)							X		
Golf driving range							X		
Greenhouse, commercial (30.3.16)							X	X	
Greenhouse or plant nursery, noncommercial (30.3.17)	X	X	X						
Health club; gymnasium (30.3.18)					X	X	X		
Hospital (chronic long-term care) (30.3.19)					SU	SU	SU	SU	
Hospital (30.3.20)					SU	SU	SU	SU	
Household care facility (30.3.22)	SU	SU							
Kennel (30.3.23)								X	X
Library (30.3.2441)					X	X			
Museum or art gallery (30.3.25)					X	X			
Nursery School, kindergarten (30.3.26)	SU	SU	SU	SU	X	X			SU
Park, playground (public) (30.3.28)	X	X	X	X	X	X	X	X	X
Park, playground (private) (30.3.29)	SU	SU	SU	SU	X	X			SU
Personal care home (custodial care) (30.3.30)	X	X	X	X	X	X			X
Prison, jail, place of incarceration (30.3.31)							X	X	SU
Race track (30.3.32)							SU	SU	SU
Registered family home (30.3.33)	X	X	X	X					X
Rehabilitation care facility (30.3.34)	SU	SU	SU	SU	SU	SU			SU
Rehabilitation care institution (30.3.35)							SU		SU
Rest home or nursing home (30.3.36)						X			

AUTOMOBILE AND RELATED SERVICE USES (30.5)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Auto wrecking yard or junk yard (30.5.9)							X	X	
Bus terminal (30.5.10)					X	X	X	X	
Carwash (30.5.11)				X	X	X	X	X	
Motorcycle sales and service (30.5.12)					X	X	X	X	
Parking lot or parking garage, automobile (30.5.13)					X	X	X	X	
Parking lot or parking garage, truck (30.5.14)						X	X	X	SU
Quick oil change facility (30.5.15)				X	X	X	X	X	
Quick tune-up facility (30.5.16)				X	X	X	X	X	
Tire dealer (no outside storage)						X	X	X	
Tire dealer (with outside storage)						X	X	X	
Tire retreading and recapping						X	X	X	
Truck and bus leasing (30.5.17)						X	X	X	
Truck and bus repair (30.5.18)						X	X	X	
Truck or motor freight terminal (30.5.19)						X	X	X	
Truck sales (30.5.20)						X	X	X	
OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES (30.6)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Air-conditioning & refrigeration contractor (30.6.1)					X	X	X	X	
Amusement, commercial (indoor) (30.6.2a)					X	X	X		
Amusement, commercial (outdoor) (30.6.2b)					X	X	X		
Antique shop (30.6.3)						X	X	X	
Arts, crafts store (inside sales) (30.6.4)						X	X	X	
Arts, crafts store (outdoor sales, limited) (30.6.5)					X	X	X		
Bakery and confectionery, retail sales (30.6.6a)				X	X	X	X		
Bakery and confectionery, retail and commercial (30.6.6b)						X	X		

OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES (30.6)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Bank, savings and loan, credit union (30.6.7)				X	X	X			
Barber shop (30.6.8a)				X	X	X	X		
Barber school or college (30.6.8b)						X	X		
Beauty culture school; cosmetology spec. shop (30.6.8c)						X	X		
Beauty shop (30.6.8d)				X	X	X	X		
Boat sales and storage (30.6.9)					X	X	X		
Building Materials, hardware (inside storage) (30.6.11)					X	X	X		
Building Materials, hardware (outside storage) (30.6.12)						X	X		
Brewery						X	X	X	
Business service (30.6.13)					X	X	X		
Cabinet and upholstery shop (30.6.14)						X	X	X	
Cleaning and dyeing, small shop (30.6.15)						X	X	X	
Clinic, medical or dental (30.6.16)				X	X	X	X		
Club, private (30.6.17)					X	X	X		
Convenience store (30.6.18)				X	X	X	X		
Custom personal service shop (30.6.19)				X	X	X	X		
Discount, variety, or department store (30.6.20)					X	X	X		
Drapery, needlework, or weaving shop (30.6.21)					X	X	X		
Feed & Supply Store ((30.6.22)						X	X	X	X
Farm equipment, sales & service						X	X	X	SU
Farmer's Market					X	X	X		
Flea market (30.6.23)					X	X			
Florist (30.6.24)				X	X	X	X		
Food store; grocery store (30.6.25)				X	X	X	X		
Furniture, appliance store (30.6.26)					X	X	X		
Garden center (retail sales) (30.6.27)					X	X	X		
General merchandise store (30.6.28)					X	X	X		

OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES (30.6)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Gymnastic or dance studio (30.6.29)					X	X	X		
Gym or Fitness Center					X	X	X		
Handcraft shop (30.6.30)					X	X	X		
Heavy machinery sales							X	X	SU
Hotel, motel, motor hotel, or motors lodge						X	X		
Household appliance service and repair (30.6.31)					X	X	X		
Laboratory, medical or dental (30.6.32)					X	X	X		
Laboratory, scientific or research (30.6.33)					X	X	X		X
Laundry and cleaning, commercial (30.6.34)				X	X	X	X		
Laundry and cleaning, self service (30.6.35)				X	X	X	X		
Liquor, Beer, Wine Store						X	X		
Medical supplies, sales & service					X	X	X		
Metal dealer, secondhand (30.6.39a)								X	
Metal dealer, crafted precious (30.6.39b)					X	X	X		
Miscellaneous retail stores					X	X			
Mortuary or funeral home (30.6.40)						X	X		
Motel						X	X		
Newspaper printing (30.6.41)					X	X	X		
Office center (30.6.42)					X	X	X		
Office, prof. or general administrative (30.6.43)					X	X	X		
Office - showroom/warehouse (30.6.44)						X	X		
Pawn shop (30.6.45)					X	X	X		
Pet shop (30.6.46)					X	X	X		
Pharmacy (30.6.47)				X	X	X	X		
Plumbing, heating, refrig. or air-cond. Business (30.6.48)						X	X		
Plumbing service (30.6.49)						X	X		

OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Portable building sales (30.6.50)						X	X	X	
Post office, government and private (30.6.51)					X	X	X		
Print shop (30.6.52)					X	X	X		
Racquetball facilities (30.6.53)					X	X	X		
Restaurant or cafeteria, with drive-in or drive-through service (30.6.54)						X	X		
Restaurant or cafeteria, without drive-in or drive-through service (30.6.55)					X	X	X		
Restaurant, with drive-through service						X	X		
Retail shops and stores other than listed (30.6.56)					X	X	X		
Secondhand store, furniture/clothing (30.6.57)					X	X	X		
Service, retail (30.6.58)					X	X	X		
Shopping center (30.6.59)						X	X		
Storage, repair or furn. & appliance (Inside)					X	X	X		
Storage, repair or furn. & appliance (Outside)						X	X		
Studio (photographer, musician, artist) (30.6.60)					X	X	X		
Studio for radio and television (30.6.61)						X	X		
Tanning salon				X	X	X	X		
Tattoo Parlor					X	X	X		
Taxidermist (30.6.62)						X	X		X
Theater (indoor) (30.6.63)					X	X	X		
Theater (outdoor) (30.6.64)						X			X
Tire Dealer (Inside Storage) (30.6.65)					X	X	X		
Tire Dealer (Inside Storage) (30.6.66)						X	X		
Tool rental shop (30.6.67)					X	X	X	X	
Trailer, manufactured housing or mobile home display and sales (30.6.68)						X	X		
Trailer rental (30.6.69)						X	X		

MANUFACTURING, STORAGE, AND WAREHOUSING USES (30.7)									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Fertilizer manufacture (30.7.34)								X	
Fiberglass manuf. (30.7.35)								X	
Fish smoking & curing							X	X	
Food products processing (30.7.36)								X	
Forge plant / Blast Furnace (30.7.37)								X	
Foundry (iron, steel, brass or copper)								X	
Fur good manufacture (not including tanning or dyeing) (30.7.38)								X	
Furniture and upholstery manufacture (30.7.39)								X	
Garbage, offal or dead animal reduction (30.7.40)								SU	SU
Gas manufacture (30.7.41)								X	
General commercial plant (30.7.42)								X	
General manufacturing (30.7.43)								X	
Glass products (30.7.44)								X	
Glue or gelatin manufacture (30.7.45)								X	
Grain elevator (30.7.46)								X	
Hatchery								X	
Herbicide manufacture								SU	
Household appliance products assembly & manufacture from prefabricated parts								X	
Ice production, dry or natural (30.7.47)						X	X		
Industrial park (30.7.48)							X	X	
Insect poison manufacture								SU	
Junk or salvage yard (30.7.49)								SU	
Laundry plant (30.7.50)							X	X	
Light manufacturing (30.7.51)							X	X	
Livestock feed yards (30.7.52)									X
Mattress manufacture or renovation							X	X	
Meat processing/locker plant/frozen food products							X	X	

MANUFACTURING, STORAGE, AND WAREHOUSING USES									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Metal fabrication								X	
Mill (grain, flour, food products) (30.7.54)								X	
Mines and quarries (30.7.55)								X	
Musical instrument manufacture (30.7.56)							X	X	
Oil field service (30.7.57)							X	X	
Oil, gas, other mineral extraction (30.7.58)	SU	SU	SU	SU	SU	SU	SU	SU	SU
Oilcloth or linoleum manufacture (30.7.59)								X	
Ore reduction (30.7.60)								X	
Orthopedic or medical appliance manufacture (30.7.61)						X	X	X	
Paint oil, shellac, turpentine or varnish manufacture (30.7.62)								X	
Paper products manufacture (30.7.63)								X	
Petroleum products, sales (wholesale) (30.7.64)							X	X	
Petroleum products, bulk quantities (30.7.65)							X	X	
Pipe sales and supply (30.7.66)							X	X	
Plastic products manufacture (not including processing or raw materials)								X	
Pump sales, repair and maintenance (30.7.67)						X	X	X	
Scrap metal sales and storage (30.7.68)								X	
Self-storage; mini-warehouse (30.7.69)						X	X		
Sexually Oriented Business (30.7.70)								X	
Sporting and athletic equipment manufacture (30.7.71)							X	X	
Steel fabrication (30.7.72)								X	
Storage/wholesale warehouse, light (30.7.73)							X	X	
Storage/wholesale warehouse, heavy (30.7.74)							X	X	

MANUFACTURING, STORAGE, AND WAREHOUSING USES									
TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Tire recapping, vulcanizing								X	
Tools or hardware manufacture (30.7.75)							X	X	
Toys and novelty projects manufacture (30.7.76)							X	X	
Window shade, awnings, Venetian blind manufacture (30.7.77)						X	X	X	
Wrecking yard (junk or salvage yard) (30.7.78)								X	
Yeast manufacture							X	X	

SECTION 30 DESCRIPTIONS/DEFINITIONS OF USES

30.1 Accessory and Incidental Uses:

30.1.1 Accessory Building to main use: A building subordinate to and detached from the main building and used for purposes customarily incidental to the primary use of the premises and contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served. (**Accessory Use:** A use that is customarily incidental to the primary use of the premises which may or may not be located within the main building.) This does not include railroad cars, intermodal units or shipping containers.

30.1.2 Billboard, Advertising: Any sign which is supported by the ground but not attached to the ground, or other object which is used primarily to advertise to the general public for commercial purposes; is of a temporary nature; is not directly connected to or in relation to or in close proximity to a business, church, development or other establishment that is being advertised.

30.1.3 Carport: A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed thirty-six (36) feet on its longest dimension.

30.1.4 Construction Yard (Temporary): A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field Office. (Also see Section 32.2).

30.1.5 Field or Sales Office (Temporary): A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for “temporary buildings” shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted only by the City Council, any such permits granted may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard

30.1.6 Customary Home Occupation: An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a “residential dwelling” as hereinafter defined, subject to compliance with each of the following conditions:

- a) “Residential dwelling” shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.
- b) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed twenty-five percent (25%) of the total of the floor area of the residential dwelling.

- c) Not more than one (1) non illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one (1) square foot in area and shall be mounted on the building in which the home occupation is being conducted.
- d) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
- e) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.
- f) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
- g) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
- h) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
- i) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

30.1.7 Garage, Private: A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.

30.1.8 Trailer; Travel Trailer/Cattle Trailer/Utility Trailer/Etc.: Vehicle designed to be drawn by another vehicle, attached to the towing vehicle or used in conjunction with a motor vehicle. Used for transporting property, passengers, animals, etc. wholly on its own structure.

30.2 Residential Uses

30.2.1 Bed and Breakfast: An owner-occupied residential dwelling designed for and used as a single-family dwelling that contains 8 or fewer guest rooms, where short term lodging, with or without meals, is provided for compensation to individuals or groups for no more than 7 consecutive days. This definition shall not permit the operation of a restaurant for customers other than the occupants of the guest rooms. Parking shall be provided at a minimum of one space per bedroom.

30.2.2 Boarding or Rooming house: A building, other than hotel or multiple-family dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms. Facilities usually referred to as “bed and breakfast” arrangements are included in this definition.

30.2.3 Dormitory: A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

30.2.4 Duplex. See Two-Family Dwelling, Section 30.1.20.

30.2.5 Garden (Patio) Home: A freestanding, detached structure used for residential purposes, built in accordance with standards set out in Section 31.5.

30.2.6 Guesthouse: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having kitchen facilities and not rented or otherwise used as a separate dwelling.

30.2.7 Manufactured Housing, HUD-Code: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD-Code Manufactured Housing, unless otherwise specified.

30.2.8 Manufactured Home (HUD Code) Park: Any tract of land under single ownership of not less than one half (1/2) acres and not more than ten (10) acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Overton relating to the location, use, construction, operation, or maintenance of manufactured housing.

30.2.9 Manufactured Home Subdivision: A tract of land of not less than two (2) acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the City for occupancy primarily by HUD-Code manufactured housing and industrialized housing.

30.2.10 Manufactured Modular Homes: “Modular Home” means a structure or building module as defined by statute and under the jurisdiction and control of the Texas Department of Labor and Standards, installed and used as a residence by a consumer, transportable in one (1) or more sections on a temporary chassis or other conveyance device, and designed to be used on 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 by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.

30.2.11 Mobile Home: A structure constructed before June 15[,] 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

30.2.12 Mobile Home Park: See Manufactured Home (HUD Code) Park.

30.2.13 Mobile Home Subdivision: See Manufactured Home (HUD Code) Subdivision.

30.2.14 Motel, Motor Hotel, or Motor Lodge: A building or group of buildings designed for and occupied as a temporary dwelling place, providing four (4) or more room units for compensation. Units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

30.2.15 Multiple-Family Residence. Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

30.2.16 Residence Hotel. A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, clubhouse and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this ordinance.

30.2.17 Retirement Housing: A development providing dwelling units specifically designed for the needs of ambulatory or retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

- a) cafeteria and/or dining room
- b) library
- c) game room
- d) swimming pool and/or Jacuzzi
- e) exercise room
- f) arts and crafts facilities
- g) greenhouse
- h) housekeeping service
- i) transportation service
- j) snack bar with a maximum of 350 square feet per 100 dwelling units
- k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units

- 1) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, nonprescription drugs, small household items, and gifts.

30.2.18 Servant's, Caretaker's, or Guards' Residence: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one kitchen and at least one bathroom facility and used as living quarters for a person or person employed on the premises for not less than fifty percent (50%) of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed six hundred (600) square feet.

30.2.19 Single-Family Dwelling Attached: A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.

30.2.20 Single-Family Dwelling, Detached: A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.

30.2.20 Townhouse or Row Dwelling: One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

30.2.22 Travel Trailer Park: Any tract of land under single ownership, two (2) acres or more, where accommodations are provided for travel trailer use.

30.2.23 Two-Family Dwelling: A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof.

30.3 Educational, Institutional, and Special Uses

30.3.1 Cemetery/Mausoleum: Land and buildings intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

30.3.2 Child-Care Center: An establishment where four (4) or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term "day-care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school (Also see Registered Family Home).

30.3.3 Church, Rectory, or Place of Worship: A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises.

30.3.4 Civic Center: A building or complex of buildings that houses municipal offices and services and which may include cultural, convention and/or entertainment facilities owned and/or operated by a governmental agency.

30.3.5 College or University. An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

30.3.6 Community Center, Public: A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

30.3.7 Community Center, Private: A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit.

30.3.8 Continuing Care Facility: A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one (1) year, such individual or individuals being cared for not being related by consanguinity (close relation or connection) or affinity to the person providing the care. (Also see Household Care Facility and Household Care Institution [sic], and Personal Care Home).

30.3.9 Country Club (Private): Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

30.3.10 Exhibition Area: An area or space either outside or within a building for the display of topic-specific goods or information.

30.3.11 Fairgrounds: An area where outdoor fairs, circuses or exhibitions are held.

30.3.12 Family Home: A community-based residential home operated by either the State of Texas, a nonprofit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:

- a. Not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time.

- b. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision.
- c. All applicable licensing requirements must be met.

30.3.13 Farm, Ranch, or Orchard: An area of five (5) acres or more which is used for growing of usual farms products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance of law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.

30.3.14 Fraternal Organization, Lodge, or Civic Club: An organized group having a restricted membership and specific purpose related to the welfare of the members.

30.3.15 Golf Course: An area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

30.3.16 Greenhouse or Plant Nursery, Commercial: A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold including relate storage of equipment for landscape contracting.

30.3.17 Greenhouse, Noncommercial: A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

30.3.18 Health Club/Gymnasium: A service establishment where athletic facilities such as handball, swimming, track, exercise devices, etc. are provided and may in addition include a whirlpool, sauna or massage service for members who shall register each time they utilize the club.

30.3.19 Hospital (Chronic and Acute Care); Long-Term Health-Care Facility: An institution providing both inpatient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury and disease or to injured patients who need medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

30.3.20 Hospital: May be a public or private, profit or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its inpatient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the use of artificial services, pharmacies and similar uses; provided, however, that any such accessory use is so use-wide related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or complex; and

provided further, that the floor area occupied by all accessory uses does not exceed one-third (1/3) of the total floor area. Whether or not a questionable use is similar or an integral part of the total purpose shall be subject to determination by the Board of Adjustment. Hospital related X-ray and laboratory facilities shall not be considered accessory uses in computation or [of] area occupancy. This facility shall be licensed by the State of Texas.

30.3.22 Household Care Facility: A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with no more than two supervisory personnel as a single housekeeping unit. (See also Household Care Facility, Personal Care Home and Continuing Care Facility).

30.3.23 Kennel: Any lot or premises on which four (4) or more dogs, cats or other domestic animals more than four (4) months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.

30.3.24 Library: Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

30.3.25 Museum or Art Gallery: An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

30.3.26 Nursery School; Kindergarten: A child-care facility offering a program four (4) hours or less per day for children who have passed their second birthday but who are under seven years old.

30.3.27 Nursing Home: See Rest Home or Nursing Home.

30.3.28 Park, Playground, or Recreation Center (Public): An open recreation facility or park owned and operated by a public agency and available to the general public.

30.3.29 Park, Playground, or Recreation Center (Private): A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owner's association, or similar organization.

30.3.30 Personal Care Home (Custodial Care): An owner-occupied, home-operated nonlicensed facility for the elderly providing custodial care to not more than three (3) individuals not related to the provider of such care. Custodial care is that of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel. (Also see Continuing Care Facility).

30.3.31 Prison/Jail/Place of Incarceration: An institution for confinement of persons convicted of crimes.

30.3.32 Race Track: A facility used for the racing of motor-driven vehicles and/or animals.

30.3.33 Registered Family Home: A child-care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. (Also see Child-Care Center).

30.3.34 Rehabilitation Care Facility: A dwelling unit which provides residence and care to not more than four (4) persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

30.3.35 Rehabilitation Care Institution: A facility which provides residence and care to five (5) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.

30.3.36 Rest Home or Nursing Home: A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.

30.3.37 Rodeo Arena & Grounds: An enclosed area used for public entertainment or performances featuring but not limited to bronco riding, calf roping, steer wrestling, and horse riding.

30.3.38 School, Private (Primary or Secondary): An institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

30.3.39 School, Public (Primary or Secondary): An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

30.3.40 School, Trade or Commercial: Establishments, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction on a trade, art, or occupation.

30.3.41 Shooting Range/Target Range, Indoor: A building designed for the sport of shooting firearms at markers and targets for accuracy.

30.3.42 Shooting Range/Target Range, Outdoor: A facility or open area designed for the sport of shooting firearms at markers and targets for accuracy.

[30.3.43 Stable:]

30.3.43a Stable, Commercial: A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity.

30.3.43b Stable, Private: An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one acre area of a farm or lot.

30.3.44 Stadium or Play field, Public: An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.

30.3.45 Swimming Pool, Commercial: A swimming pool with accessory facilities, part of the facilities are available to the general public for a fee.

30.3.46 Swimming Pool (Private): A swimming pool constructed for the exclusive use of the residents of a single family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than eight (8) feet to any property line.

30.4 Transportation, Utility and Communications Uses

30.4.1 Airport, Landing Field: A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

30.4.2 Electrical Power Generating Plant: A facility franchised by the City that generates electricity from mechanical power produced by gas, coal or nuclear fission.

30.4.3 Electrical Substation: A subsidiary station in which electric current is transformed.

30.4.4 Franchised Utility (Public or Private): A licensed company able to market utilities in a particular territory.

30.4.5 Gas Metering Station: Facility at which natural gas flows are regulated and recorded.

30.4.6 Heliport or Helistop: A landing facility for rotary wind aircraft which may include fueling or servicing facilities for such craft.

30.4.7 Landfill: An area of land used for trash and garbage disposal in which the waste is buried **between** layers of earth to build up low-lying land.

30.4.8 Liquefied Petroleum Gas: Storage/Sale (No Bulk Plants): An establishment which may store or sell liquid petroleum gas. Facility must be in conformance with local, state, and federal provisions.

30.4.9 Radio, Television, or Microwave Communications Operators, Amateur: The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or financial gain.

30.4.10 Radio, Television, or Microwave Communications Operations, Commercial: The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.

30.4.11 Railroad Station: Any premises for the transient parking of trains and the loading and unloading of passengers.

30.4.12 Railroad Team Track and Right-Of-Way: A facility/place for the loading and unloading of materials on trains.

30.4.13 Railroad Track and Right-Of-Way: Includes track and undeveloped right-of-way, but does not include railroad stations, sidings, team tracks, loading facilities, dock yards, or maintenance areas.

30.4.14 Service Yard of Governmental Agency: An area for the servicing and storage of vehicles or other property of a governmental agency.

30.4.15 Sewage Pumping Station: A facility for pumping sewage.

30.4.16 Sewage Treatment Plant: A facility for receiving and treating sewage from the City sewer system.

30.4.17 Shops, Office, and/or Storage Area of Public or Private Utility: The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

30.4.18 Solid Waste Transfer Station: A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

30.4.19 Telephone Exchange: A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

30.4.20 Transit Station/Turnaround: Passenger terminal or loading facilities for franchised private or publicly owned transit system.

30.4.21 Water Pumping Station/Well: A facility for the ground storage and transmission of water.

30.4.22 Water Storage, Elevated: An elevated tank used as a reservoir for maintaining pressure in a water system.

30.4.23 Water Storage, Ground: A water storage facility for the storage of water at ground level.

30.4.24 Water Treatment Plant: A facility purifying, supplying, and distributing City water.

30.5 Automobile and Related Service Uses

30.5.1 Auto Leasing: Storage and leasing of automobiles, motorcycles, and light load vehicles.

30.5.2 Auto Paint & Body Shop: A facility for restoring, painting, or refinishing auto bodies.

30.5.3 Auto Parts Sales (Inside): The use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor trailers, or recreational vehicles.

30.5.4 Auto Parts Sales (Outside): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor trailers, or recreation vehicles.

30.5.5 Automobile Repair Major / Minor

30.5.5a Automobile Repair, Major: General repair or reconditioning of engines and air-conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under “automobile repair, minor,” and other similar uses.

30.5.5a Automobile Repair, Minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under “automobile repair, major” or any other similar use.

30.5.6 Automobile and Trailer Sales (New or Used)

30.5.6a Automobile and Trailer Sales, New: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on-premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

30.5.6b Automobile and Trailer Sales, Used: Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sale area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

30.5.7 Automobile Service Station: A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premises motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven (7) days.

30.5.8 Auto Storage: The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

30.5.9 Automobile Wrecking Yard of [or] Junk Yard: Any building, structure, or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage, and scraping of any other goods, articles, or merchandise.

30.5.10 Bus Terminal: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

30.5.11 Carwash: Facility or structure used to wash motorcycles, automobiles, vehicles and trucks.

30.5.12 Motorcycle Sales & Service: Building(s) and associated open area, other than a street or required automobile parking space, used for the display or sale and service of motorcycles.

30.5.13 Parking Lot or Parking Garage, Automobile: Area for parking light load vehicles.

30.5.14 Parking Lot or Parking Garage, Truck: Area for parking heavy load vehicles.

30.5.15 Quick Oil Change Facility: A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.

30.5.16 Quick Tune-up Facility: A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

30.5.17 Truck and Bus Leasing: The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.

30.5.18 Truck and Bus Repair: An establishment providing major and minor automobile repair services to heavy load vehicles.

30.5.19 Truck or Motor Freight Terminal: A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.

30.5.20 Truck Sales: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles, to be displayed and sold on-premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.

30.6 Office, Retail, Commercial and Service Type Uses

30.6.1 Air-Conditioning and Refrigeration Contractor: A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air-conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air-Conditioning and Refrigeration Contractor License Law, Vernon's Ann. Civ. St., art. 8861.

[30.6.2 Amusement, Commercial:]

30.6.2a Amusement, Commercial (Indoor): An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.

30.6.2b Amusement, Commercial (Outdoor): An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.

30.6.3 Antique Shop: A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sale and storage occurring inside a building.

30.6.4 Arts & Crafts Store, Indoor Sales: A retail store offering a wide variety of merchandise used for various arts and crafts.

30.6.5 Arts & Crafts Store, Outdoor Sales: An establishment or open area offering a wide variety of merchandise used for various arts and crafts.

[30.6.6 Bakery and Confectionery:]

30.6.6a Bakery and Confectionery, Retail Sales: A place for preparing, cooking, baking and selling of products on the premises.

30.6.6b Bakery and Confectionery, Commercial: A place for preparing, cooking or baking of products primarily intended for off-premises distribution.

30.7 Bank, Savings and Loan, Credit Union: An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

[30.6.8 Barber/Beauty:]

30.6.8a Barber Shop: A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann. Civ. St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.

30.6.8b Barber School or College: A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann. Civ. St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.

30.6.8c Beauty Culture School; Cosmetology Specialty Shop: A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451.

30.6.8d Beauty Shop: A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451, is practiced.

30.6.9 Boat Sales & Storage: The offering for sale, storage, or display of boats and other watercrafts. Not limited to inside sales and storage.

30.6.10 Building Materials, Hardware Sales: The sale of new building materials and supplied indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

30.6.11 Building Materials, Inside Storage: The storage of building supplies and materials such as; lumber, pipe, brick, etc. within an enclosed facility.

30.6.12 Building Materials, Outside Storage: The storage of building supplies and materials such as; lumber, pipe, brick, etc. within an open area.

30.6.13 Business Service. Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

30.6.14 Cabinet and Upholstering Shop: An establishment used for the production, display and sale of furniture and soft coverings for furniture.

30.6.15 Cleaning and Dyeing, Small Plant or Shop: A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area or a pickup station. (Also see Cleaning and Dyeing; Dry Cleaning Plant).

30.6.16 Clinic, Medical or Dental: A facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.

30.6.17 Club, Private: A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases the building or portion thereof, the use of such premises, being restricted to members and their guests.

30.6.18 Convenience Store: A retail establishment providing for the sale of food items, nonprescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

30.6.19 Custom Personal Service Shop: Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.

30.6.20 Discount, Variety, or Department Store: A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

30.6.21 Drapery/Needlepoint/Weaving Shop: A retail shop that offers items custom made or materials to custom make of items, but not involving a factory.

30.6.22 Feed and Farm Supply Store: An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

30.6.23 Flea Market: A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods personal effects, tools, art work, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

30.6.24 Florist: An establishment displaying plants, flowers, floral supplies, and similar items.

30.6.25 Food Store, Grocery Store: An establishment that displays and sells consumable goods that are not to be eaten on the premises.

30.6.26 Furniture, Appliance Store: Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.

30.6.27 Garden Center (Retail Sales): Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front-yard line established in the district in which the garden center is located.

30.6.28 General Merchandise Store: Retail stores which sell a number of lines of merchandise including but not limited to dry goods apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

30.6.29 Gymnastic/Dance Studio: An establishment providing for activities, services and instruction for the **entertainment**, exercise and improvement of physical fitness and technique of dance.

30.6.30 Handcraft Shop: A specialty retail shop that supplies items necessary for arts and projects created by hand (i.e. weaving, needlepoint, wood work; stain glass work; porcelain, etc.).

30.6.31 Household Appliance Service and Repair: The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and rangers, kitchen appliances, vacuum cleaners, and hair dryers.

30.6.32 Laboratory, Medical/Dental: Facilities for testing and analyzing medical/dental related problems. Research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

30.6.33 Laboratory, Scientific/Research: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

30.6.34 Laboratory, Scientific or Research: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

30.6.35 Laundry and Cleaning, Commercial: An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by employees; not a coin-operated laundry.

30.6.36 Laundry and Cleaning Self-Service: An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.

30.6.37 Manufactured Housing, or Mobile Home Display and Sales: The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis (see portable building sales).

30.6.38 Medical Supplies, Sales/Service: Medical devices, medical equipment, laboratory equipment, diagnostic products and over the counter health related products.

[30.6.39 Metal Dealer:]

30.6.39a Metal Dealer, Secondhand: A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in Vernon's Ann. Civ. St., art. 9009. (Also see Junk or Salvage Yard).

30.6.39b Metal Dealer, Crafted Precious: A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or heir alloys, including coins and commemorative medallions, under terms and conditions found in Vernon's Ann. Civ. St., art. 990a.

30.6.40 Mortuary/Funeral Home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

30.6.41 Newspaper Printing: Paper that is printed and distributed usually daily or weekly and that contains news, articles of opinion, features, and advertising.

30.6.42 Office Center. A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

30.6.43 Office, Professional or General Administrative: A room or group of rooms used for the provision of executive management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and association but excluding medical offices.

30.6.44 Office - Showroom/Warehouse: An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

30.6.45 Pawn Shop: An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

30.6.46 Pet Shop or Animal Salon: A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

30.6.47 Pharmacy: A retail establishment where medicines are compounded or dispensed.

30.6.48 Plumbing, Heating, Refrigeration, or Air-Conditioning Business: An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see Air-Conditioning and Refrigeration Contractor).

30.6.49 Plumbing Service: The operation of a business which involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air-conditioning contractor or similar type wholesale operation.

30.6.50 Portable Building Sales: An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

30.6.51 Post Office, Government or Private: Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

30.6.52 Print Shop: An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, plate making, microform, type casting, press work, and printmaking.

30.6.53 Racquetball Facilities: Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.

30.6.54 Restaurant/Cafeteria, With Drive-In or Drive Through Service: An establishment operated for the retail sale of meals or refreshments, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of food or beverages at a table within the dining area.

30.6.55 Restaurant/Cafeteria, Dine-In Service Only: An establishment operated for the retail sale of meals or refreshments, which is laid out and equipped so as to allow its patrons to be served at a table within the dining area.

30.6.56 Retail Stores and Shops: Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building

of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

30.6.57 Secondhand Store, Furniture or Clothing: An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

30.6.58 Service, Retail: An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

30.6.59 Shopping Center: A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

30.6.60 Studio, Artist/Musician/Photographer: The working place of a painter, sculptor, musician, or photographer.

30.6.61 Studio, Radio/Television: A place maintained and equipped for the transmission or making of radio or television programs.

30.6.62 Taxidermist: An establishment that prepares, stuffs, and mounts the skins of animals and especially vertebrates.

30.6.63 Theater, Indoor: An establishment that shows motion picture or theatrical productions on a paid admission basis to patrons on a selected seating basis.

30.6.64 Theater (Outdoor): An open lot with its appurtenant facilities devoted primarily to the showing of motion-picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

30.6.65 Tire Dealer, Inside Storage: A building where tires are sold and displayed within a building.

30.6.66 Tire Dealer, Outside Storage: A facility or open area where tires are sold and displayed.

30.6.67 Tool Rental: A facility for renting tools and equipment.

30.6.68 Trailer, Manufactured Housing, or Mobile Home Display and Sales: The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

30.6.69 Trailer Rental: The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

30.6.70 Veterinary Clinic, Inside Pens: A facility or station designed and used for the examination and treatment of disease and injury in animals and especially, but not limited to domestic animals. May also offer boarding services to accommodate animals.

30.6.71 Veterinary Clinic, Outside Pens: A facility or station designed and used for the examination and treatment of disease and injury in animals and especially, but not limited to horses and cattle. May also offer boarding services to accommodate animals.

30.6.72 Washateria: A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single-family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See Laundry and Cleaning, Self-Service).

30.7 Manufacturing, Storage, and Warehousing Uses

30.7.1 Acetylene Gas Manufacture or Storage: An establishment, which may manufacture or store liquid acetylene gas. Facility must be in conformance with local, state, and federal provisions.

30.7.2 Advertising Displays, Manufacture: An establishment, which manufactures displays for advertising purposes.

30.7.3 Arsenal: A place for making and storing arms and military equipment.

30.7.4 Asphalt Manufacture/Refining: An establishment, which manufactures asphalt and asphalt byproducts.

30.7.5 Boats, Building or Repair: An establishment that manufactures or repairs boats.

30.7.6 Boiler Works: Pressure vessels, heat exchangers, hoppers, piped skids, holding tanks, stacks, or breaching equipment for industrial and commercial end users and resellers.

30.7.7 Book Binding, Except Hand Binding: A facility that provides books with an edge or border for protection, reinforcement, or ornamentation.

30.7.8 Bottling Works: A manufacturing facility designed to place a product into a bottle for distribution.

30.7.9 Brick/Tile/Pottery/Terra Cotta Manufacture (Other than by Hand): Products manufactured for masonry type work.

30.7.10 Broom or Brushes Manufacture: A facility that produces various devices composed of bristles set in a handle.

30.7.11 Cameras/Photographic Equipment: A facility where cameras and photographic equipment is manufactured.

30.7.12 Candle Manufacture: Manufacture of solid, usually cylindrical mass of tallow, wax, or other fatty substance with an axially embedded wick that is burned to provide light.

30.7.13 Carpet Manufacture: Manufacture of a heavy fabric used as a floor covering.

30.7.14 Celluloid Manufacture: Manufacture of a colorless flammable material made from nitrocellulose and camphor and used to make photographic film.

30.7.15 Cement/Lime/Gypsum/Plaster of Paris Manufacture: Manufacture of cement, lime, gypsum, or plaster of Paris.

30.7.16 Ceramics//Stone/Glass/Marble/Porcelain Products Manufacture: A facility where ceramic, stone, glass, marble or porcelain products are made.

30.7.17 Chemical Manufacturing: A facility where substances produced by or used in a chemical process are produced. This includes but is not limited [to] the following substances: acid, alcohol, ammonia, disinfectants, dyes, herbicides, insect poison, paints, shellac, turpentine, and varnishes. Such operations must meet with all local, state, and federal provisions.

30.7.18 Cleaning and Dyeing: Dry Cleaning Plant: An industrial facility where fabrics are cleaned and substantially nonaqueous organic solvents

30.7.19 Concrete Plant: A plant that makes material consisting of sand, conglomerate gravel, pebbles, broken stone, or slag in a mortar or cement matrix.

30.7.20 Construction Yard, Temporary: A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field Office.

30.7.21 Contractor's Shop/Storage Yard, Temporary: A facility where a contractor temporarily stores products and equipment to be used on a project or development site.

30.7.22 Cosmetic Manufacture: Manufacture of cosmetic products or cosmetic substances for use in cosmetic products.

30.7.23 Cotton Gin: A machine that separates the seeds, seed hulls, and other small objects from the fibers of cotton.

30.7.24 Cotton Seed Oil Manufacture: A facility where oil is extracted from cottonseed and processed.

30.7.25 Dairy Processing/Manufacturing Products: A facility used to manufacture and process dairy products.

30.7.26 Distillation of Bones/Wood/Coal: A facility, which extracts the volatile components of a mixture of bones/wood/coal by the condensation and collection of the vapors that are produced as the mixture, is heated.

30.7.27 Drugs/Pharmaceutical Products Manufacture: The manufacture of chemicals used as medicine and/or pharmaceutical products.

30.7.28 Electrical Appliances/Supplies/Machinery, Assemble or Manufacture: A facility where electrical appliances, electrical supplies, or electrical machinery is assembled or manufactured.

30.7.29 Electronic Products, Assemble: A facility where electrical products are assembled.

30.7.30 Electronic Products, Manufacture: A facility where electrical products are manufactured.

30.7.31 Emery Cloth/Sandpaper Manufacture: A facility that manufactures emery cloth and/or sandpaper.

30.7.32 Explosives/Fireworks Manufacture/Storage: A facility that makes[,] designs or stores any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

30.7.33 Fat Rendering: An establishment where animal fat is melted down and processed.

30.7.34 Fertilizer Manufacture: A facility where natural or synthetic materials are manufactured to be used to fertilize the soil.

30.7.35 Fiberglass Manufacture: An establishment where fiberglass is manufactured.

30.7.36 Food Products Processing: A facility where food for human or animal consumption is processed.

30.7.37 Forge Plant/Foundry/Blast Furnace: An establishment is [in] which the founding and/or the forging of metals are done or an enclosure where non-thermal energy is converted to heat and intensified by blasts of air.

30.7.38 Fur Goods Manufacture (Not including tanning or dyeing): An establishment that manufactures fake or real fur goods.

30.7.39 Furniture and Upholstery Manufacture: A facility where furniture or upholstery is manufactured or assembled.

30.7.40 Garbage/Offal or Dead Animal Reduction: A facility where dead animals or dead animal parts are processed for disposal.

30.7.41 Gas Manufacture: A facility where gaseous products are manufactured.

30.7.42 General Commercial Plant: An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

30.7.43 General Manufacturing: Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.

30.7.44 Glass Products: An establishment where glass or glass products are manufactured.

30.7.45 Glue/Gelatin Manufacture: A facility where glue or gelatin is manufactured.

30.7.46 Grain Elevator: A building equipped with mechanical lifting devised and used for storing grain.

30.7.47 Ice Production, Dry or Natural: A facility where ice, dry or natural, are [is] produced.

30.7.48 Industrial Park: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

30.7.49 Junk or Salvage Yard: 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. (Also see Metal Dealer, Secondhand)

30.7.50 Laundry Plant: A facility where quantities of items are laundered.

30.7.51 Light Manufacturing: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

30.7.52 Livestock Feedlot: A plot of land or facility on which livestock are fattened for market.

30.7.53 Livestock Feed Yards: A plot of land or facility on which livestock are fattened for market.

30.7.54 Mill; Grain/Flour/Food Products: A building with machinery for grinding grain into flour or producing food products.

30.7.55 Mines & Quarries: An excavation site from which minerals are taken.

30.7.56 Musical Instrument Manufacture: A facility where musical instruments are manufactured.

30.7.57 Oil Field Service: A facility which provides maintenance or special services to the oil well fields and pipelines.

30.7.58 Oil/Gas/Other Mineral Extraction: The process of obtaining these naturally occurring substances from the ground.

30.7.59 Oilcloth/Linoleum Manufacture: Manufacture of oilcloth or linoleum products.

30.7.60 Ore Reduction: Shall include mines, smelters, ore roasters, ore concentrators and metal refineries, and all works, plants and processes incidental to them.

30.7.61 Orthopedic or Medical Appliance Manufacture: The production of devices for the purpose of correction or prevention of skeletal deformities or other medical treatments.

30.7.62 Paint/Oil/Shellac/Turpentine/Varnish Manufacture: The production of various paint related products.

30.7.63 Paper Products Manufacture: Manufacture of paper goods.

30.7.64 Petroleum Products, Bulk Quantities: Sales of petroleum products in bulk quantities.

30.7.65 Petroleum Products, Sales, Wholesale: Sales of petroleum based solvents or products for wholesale distribution.

30.7.66 Pipe Sales & Supply: A facility which sells pipe and related pipe supplies.

30.7.67 Pump Sales/Repair & Maintenance: A facility which sells pumps and provides maintenance and repair services.

30.7.68 Scrap Metal Sales & Storage: The sales and storage of scrap metal.

30.7.69 Self-Storage, Mini-Warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.

30.7.70 Sexually oriented business. A sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

30.7.71 Sporting Athletic Equipment Manufacture: A manufacture of sporting, athletic equipment.

30.7.72 Steel Fabrication: A facility that fabricates steel products; bending[,] cutting, grinding, and polishing.

30.7.73 Storage or Wholesale Warehouse, Light: A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

30.7.74 Storage or Wholesale Warehouse, Heavy: A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

30.7.75 Tools/Hardware Manufacture: A business that manufactures tools and/or hardware.

30.7.76 Toys/Novelty Projects Manufacture: A business that manufactures toys and novelty projects.

30.7.77 Window Shade/Awnings/Venetian Blind Manufacture: A business that manufactures window shades, awnings, or blinds.

30.7.78 Wrecking/Junk/Salvage Yard: 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 “junkyard” includes an automobile wrecking yard and automobile parts yard. A “junkyard” does not include such uses conducted entirely within an enclosed building.

SECTION 31 SPECIAL USES

31.1 Child-Care Centers

31 .1.1 No portion of a child-care center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.

31 .1.2 Child-care centers shall be located adjacent to a street having a pavement width of twenty-seven (27) feet or greater.

31 .1.3 Site plan approval by the Planning and Zoning Commission shall be required for all child-care center sites, whether or not a Specific Use Permit is required.

31 .1.4 Child-care centers located within any single-family or two-family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.

31 .1.5 All child-care centers shall comply with the following standards:

31 .1.5.1 All vehicular entrances and exits shall be clearly visible from the street.

31 .1.5.2 All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.

31 .1.5.3 Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the Planning and Zoning Commission if the child care is provided for less than four (4) hours per day for an individual person.

31 .1.5.4 In residential districts, a maximum of one half of the required outdoor play space may be provided off site. When off-premises outdoor play areas [are] utilized, it must be located within one hundred (100) feet of the child-care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.

31 .1.5.5 No child-care center shall be part of a one-family or two-family dwelling.

31.2 Construction Yards, Field Offices, and Other Temporary Buildings

Temporary permits for construction yards and field offices and special use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this ordinance or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

31.3 Radio, Television, and Microwave Towers

31 .3.1 No radio, television, or microwave tower shall be located within a distance equal to at least the height of such tower from any residential structure or from any area zoned residential, or shown as residential on the current Comprehensive Plan. Such distance shall be measured as the shortest possible distance in a straight line from the closes [closest] point of the tower to the closest point of such area or residence.

31 .3.2 No commercial, radio, television, or microwave reflector antenna support structure shall be closed [closer] to any residential district boundary line or any area shown as residential on the current Comprehensive Plan than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two (2) stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.

31 .3.3 The location of radio, television, or microwave reflectors, antennas, or support structures and associated foundations and any support wires shall be prohibited within any required front or side yard.

31 .3.4 All commercial communication operations or radio, television, or microwave reflectors, antennas, or structures shall be prohibited in residential districts.

31 .3.5 All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited.

31.4 Residence Hotels

Residential hotels shall be designed to allow for their potential conversion to multifamily residences. Residence hotels constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

31.5 Garden (Patio) Homes

31.5.1 Location on Lot: Garden (patio) home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of ten feet. A minimum three-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of ten (10) feet shall be provided. The combined area of all structures shall not exceed sixty-five (65) percent of the lot area.

31.5.2 Front-yard Setback: The minimum front yard shall be fifteen (15) feet, provided that in no case shall a garage or carport fronting onto a street be less than twenty (20) feet from the property line adjacent to the street. The front-yard setback may be staggered, varied, or reduced to a minimum setback of ten (10) feet for lots facing cul-de-sac or loop streets not exceeding four hundred (400) feet in length, with the approval of a site plan or subdivision plat. Under this provision the maximum setback shall be twenty-five (25) feet. A minimum lot depth of sixty-five (65) feet, as measured from front building line to the rear lot line, shall be maintained.

31.5.3 Rear-yard Setback: The minimum rear yard shall be five (5) feet for a single story structure and fifteen (15) feet for any two-story structure. If access is from an alley, the minimum setback will be twenty (20) feet for garages or carports.

31.5.4 Side-yard Setback: The minimum side yard shall be zero (0) feet except that there shall be at least ten (10) feet of separation between structures. When garden (patio) homes are constructed with a zero (0) side yard, five (5) feet on the lot adjacent to the zero (0) setback shall be dedicated as an access easement for the zero (0) setback garden (patio) home. There shall be a minimum of twenty (20) feet from any property line adjacent to a street.

31.5.5 Lot Frontage: The minimum frontage of any garden (patio) home shall be twenty-five (25) feet on residential streets and thirty-five (35) feet on collector and thoroughfare streets.

31.5.6 Lot Area: The minimum lot area for any development lot for garden (patio) homes shall be two thousand eight hundred (2,800) feet.

31.5.7 Maximum Length of Structures: No zero lot line structure shall have an overall length exceeding two hundred and fifty (250) feet.

31.5.8 Maximum Height of Structures: No structure shall exceed two (2) stories or thirty-five (35) feet in height.

31.5.9 Parking: Two (2) off-street spaces per dwelling unit plus one half (1/2) space per dwelling unit for visitor parking within six hundred (600) feet of each dwelling unit. the visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is adequate on-street parking for visitors.

31.5.10 Common Area Maintenance: To insure the long-term maintenance of common land and facilities in patio home developments, the following shall be required:

(a) Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent area and maintenance of open spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect. A Homeowners Association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.

(b) The HOA or other similar management entity shall be organized as a nonprofit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rate formula for all property owners.

31.5.11 Usable Open Space Requirements: Each parcel of land developed under patio home standards shall provide usable open space totaling fifteen percent (15%) of the area of a patio home development. Such open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The fifteen percent (15%) shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan.) At the time of site plan and/or subdivision plat approval, the City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

31.5.12 Additional Landscaping: In addition to any required landscaping for common areas, the front-yard and parkway areas shall be landscaped and permanently maintained.

31.6 Multifamily Residence:

31.6.1 Courts: Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.

31.6.2 Usable Open Space: Each lot or parcel of land which is used for multiple-family residences shall provide on the same lot or parcel of land usable open space (An open area which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten (10) feet, and may include landscaping, walks, water features and decorative objects. Usable open space shall not include rooftops, accessory buildings, parking areas, driveways, turn-around areas, or right-of-way or easement for streets or alleys.), in accordance with the table below:

USABLE OPEN SPACE REQUIREMENT

Number of Bedrooms or Sleeping Rooms

1 or Less	600 Sq. Ft.
Each Additional Bedroom Over 1	300 Sq. Ft.

In those instances where a parcel of land has been zoned for multifamily use with a Specific Use Permit or Planned Development classification and the permitted densities do not conform exactly with those permitted in the MF District, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.

In meeting this requirement, a credit of three (3) square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within ten (10) feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the Planning and Zoning Commission and/or City Council may allow a credit not to exceed ten percent (10%) of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed fifty percent (50%) of the total usable open space for an individual lot or parcel of land.

At the time of site plan approval, the City Council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmental significant and that their preservation would enhance the development.

31.7 Service Stations

Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall not be closer than ten (10) feet to the property line.

31.8 Swimming Pools

It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.

31.8.1 No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefore [therefor]. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health departments regulations.

31.8.2 A swimming pool erected below ground or above ground with a depth of two (2) feet or greater may be constructed and operated when:

31.8.2.1 the pool is not located in any required front or side yard abutting a street;

31.8.2.2 a wall or fence, not less than four (4) feet in height, with self-enclosing and self-latching gates that are lockable at all entrances, completely encloses either the pool area or the surrounding yard area;

31.8.2.3 all lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible for adjacent properties;

31.8.2.4 no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and

31.8.2.5 the swimming pool is no closer than eight (8) feet from any property line.