

SUPPLEMENT NO. 2  
April 2025

**CODE OF ORDINANCES**

**City of**

**ARANSAS PASS, TEXAS**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2024-4460, adopted August 19, 2024.**

See the Code Comparative Table for further information.

*Remove Old Pages*

xiii, xiv

Checklist of up-to-date pages

SH:1

71—74

91—98

CCT:1

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SUPPLEMENT NO. 1  
March 2024

**CODE OF ORDINANCES**

**City of**

**ARANSAS PASS, TEXAS**

**Looseleaf Supplement**

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**Ordinance No. 2023-4411, adopted January 3, 2023.**

See the Code Comparative Table for further information.

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# ZONING ORDINANCE

CITY OF

## ARANSAS PASS, TEXAS

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Adopted August 5, 1968

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Published by Order of the City Council

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OFFICIALS

of the

CITY OF ARANSAS PASS, TEXAS

AT THE TIME OF THIS CODIFICATION

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Mayor Pro Tempore

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Joe Dominguez

Vickie Abrego

Jason Knight

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*City Manager*

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*City Secretary*



## PREFACE TO THE REPUBLICATION

This Code constitutes a republication of the general and permanent zoning ordinances of the City of Aransas Pass, Texas.

Source materials used in the preparation of the republication were the City Zoning Code, as updated through December 5, 2022, and subsequent ordinances. The source of each new section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is part of the Zoning Code. By use of the comparative tables appearing in the back of this republication, the reader can locate any section of the Code, as updated.

### *Acknowledgments*

This republication was under the direct supervision of Fran Golabek, Editor, and Denise Thompson, Proofreader of CivicPlus. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mary Juarez, City Secretary, for her cooperation and assistance during the progress of the work on this republication. It is hoped that their efforts and those of the publisher have resulted in a Zoning Ordinance which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

### *Copyright*

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CivicPlus and the City of Aransas Pass, Texas, July 2023.



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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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ARTICLE I

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**Section 2. Purpose**

2-100. Purpose and Intent.

**Section 3. Zoning Districts Established**

3-100. Districts.

**Section 4. Purpose of Zoning Districts**

- 4-100. Purpose of Zoning Districts.
- 4-101. AG, Agriculture District.
- 4-102. R-16 and R-10, Single-Family Dwelling Districts.
- 4-103. R-7A and B, Single-Family Dwelling District.
- 4-104. D, Duplex Dwelling District.
- 4-105. A-1 and A-2, Apartment Dwelling Districts.
- 4-106. A-3, Apartment Dwelling District.
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- 4-108. CA, Central Area District.
- 4-109. HC, Heavy Commercial District.
- 4-110. PD, Planned Development District.
- 4-111. MH, Manufactured Home District.
- 4-112. LI, Light Industrial District.
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By adding to this table with each supplement, users of this Zoning Code will be able to gain a more complete picture of the code's historical evolution.

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**SECTION 1. ENACTING CLAUSE**

**1-100. General.**

That Ordinance No. 816 known as the Zoning Ordinance of the City of Aransas Pass, Texas, together with all amendments and maps thereto, be and the same are hereby repealed, and that there be enacted in lieu thereof the following Comprehensive General Zoning Ordinance of the City of Aransas Pass, Texas, together with a map creating and delineating eighteen (18) Zoning Districts, which map defines the boundaries of each Use District.

**SECTION 2. PURPOSE**

**2-100. Purpose and Intent.**

It is hereby declared to be the purpose and intent of the City Council in enacting this ordinance that the zoning regulations and districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a comprehensive plan.

**SECTION 3. ZONING DISTRICTS ESTABLISHED**

**3-100. Districts.**

The City of Aransas Pass, Texas, is hereby divided into nineteen (19) zoning districts which are further subdivided into subdistricts where appropriate. The use, height, area, and parking regulations as set out herein are uniform in each district herein established shall be known and cited as:

| <i>Abbreviated Designation</i> | <i>Zoning District Name</i>                       |
|--------------------------------|---|
| AG                             | Agricultural District                             |
| R-16                           | Single Family Dwelling District<br>16,000 sq. ft. |
| R-10                           | Single Family Dwelling District<br>10,000 sq. ft. |
| R-7A                           | Single Family Dwelling District<br>7,000 sq. ft.  |

| <i>Abbreviated<br/>Designation</i> | <i>Zoning District Name</i>   |
|------------------------------------|---|
| R-7B                               | Single Family Dwelling District<br>7,000 sq. ft.<br>(Ord. 2016-4156, 7/18/2016) |
| D                                  | Two-Family Dwelling District<br>(Duplex)  |
| A-1                                | Apartment Dwelling District 1   |
| A-2                                | Apartment Dwelling District 2   |
| A-3                                | Apartment Dwelling District 3   |
| NS                                 | Neighborhood Service District   |
| SC                                 | Shopping Center District  |
| GB                                 | General Business District   |
| CA                                 | Central Area District   |
| HC                                 | Heavy Commercial District   |
| LI                                 | Light Industrial District   |
| HI                                 | Heavy Industrial District   |
| PD                                 | Planned Development District  |
| MH                                 | Manufactured Home District  |
| RVO                                | Recreational Vehicle Overlay<br>District  |

(Ord. No. 4408, § 3, 12-5-2022)

#### **SECTION 4. PURPOSE OF ZONING DISTRICTS**

##### **4-100. Purpose of zoning districts.**

Each zoning district herein established is provided for a specific purpose and in accordance with a comprehensive plan for the location of various types of uses throughout the City as follows:

##### **4-101. AG, Agriculture District.**

There exists in certain fringe areas of the City, land which is presently used for agricultural purpose and to which urban services are not yet available. These lands should appropriately continue to be used for agricultural purposes for a number of years and until needed for urban purposes in conformity with the orderly growth of the City. The uses permitted in the A, Agricultural District are intended to accommodate the normal farming, ranching and gardening activities. It is anticipated that all of the A, Agricultural District area will be changed to other urban zoning categories as the area within the Corporate Limits of the City becomes fully developed.

##### **4-102. R-16 and R-10, Single-Family Dwelling Districts.**

Single-family residential development has taken place on intermediate sized lots in portions of the City in recent years. In order to protect and encourage the continued development of intermediate

density with single-family residences in appropriate areas of the City, the R-16 and R-10, Single-Family Dwelling Districts are provided. In addition to single-family residences it is intended that churches, public and parochial schools and public parks necessary to serve and complement the intermediate density development be permitted.

**4-103. R-7A and B, Single-Family Dwelling District.**

This district is intended to be composed of single-family dwellings together with the public and parochial schools, churches and public parks essential to create basic neighborhood units. Limited portions of such neighborhood units may consist of denser residential zoning classifications that are shown on the Zoning District Map or which later may be created by amendments to such map. (Ord. 2016-4171, 10/17/2016)

**4-104. D, Duplex Dwelling District.**

Two-family or duplex dwellings have long been a recognized form of housing in the City. In order to provide standards that will protect and encourage various types of two-family dwellings existing in the City, a two-family dwelling district is provided.

**4-105. A-1 and A-2, Apartment Dwelling Districts.**

These districts are composed mainly of areas containing mixtures of single-family, two-family and multiple-family dwellings and certain uniformly developed multiple-family dwelling sections. The A-1 and A-2 Districts are medium density districts and are located in certain areas close in to the center of the City and at various outlying locations. The area regulations are designed to protect the residential character and to prevent the overcrowding of the land in the A-1 and A-2 Districts by providing minimum standards for building spacing, yards, off-street parking and coverage. All commercial and office uses are prohibited in the A-1 and A-2 Districts. It is anticipated that additional areas may be designated in the A-1 and A-2 District from time to time in the future where such change is appropriate and access and utility services can reasonably accommodate such medium density dwellings.

**4-106. A-3, Apartment Dwelling District.**

To provide proper and appropriate standards for dense form of housing, a specific district has been provided. The A-3 District is designed to accommodate high-rise apartment buildings and open space. Off-street parking standards are appropriate. Certain limited service uses such as a restaurant, barber or beauty shop are permitted in the A-3 District when such uses are totally contained within the building. Provisions are made for yards, building spacing and a maximum floor area ratio to assure that high-rise buildings located in the A-3 District will be compatible with adjacent lower buildings and to prevent the overcrowding of land. It is anticipated and intended that the A-3, Multiple-Family District will be applied to the map and some new areas created from time to time.

**4-107 NS, Neighborhood Service; SC, Shopping Center; GB, General Business Districts.**

Three (3) classifications of retail districts are provided to accommodate the various types of retail services and existing retail development.

- (a) The *NS, Neighborhood Service District* is a limited retail category intended for use near neighborhood areas for purposes of supplying day-to-day retail needs of the residents such as

food, drugs and personal services. The NS, Neighborhood Service District occurs often at limited corner locations in existing developments and is intended for small service areas in new development plans.

- (b) *The SC, Shopping Center District* provides a uniform set of standards for modern shopping center development including requirements for screening, off-street parking and building setbacks. Inasmuch as the SC, Shopping Center District occurs in close proximity to residential development, building setback and requirements are included to achieve a compatible relationship between the retail development and adjacent residential areas which they are intended to serve. It is anticipated that from time to time, SC, Shopping center Districts will be applied to the district map where such retail service is required to serve developing residential communities.
- (c) *The GB, General Business District* is applied to the strip retail areas that because of the nature of development are not appropriate for inclusion in the SC, Shopping Center District. The uses specified in the GB, General Business District, include most types of retail activity. It is not anticipated that the strip retail areas zoned as GB, General Business District will be subject to any major expansion. It is, however, anticipated that in some situations a future change to a Commercial classification might be appropriate to permit the transition of strip retail areas that are no longer in demand for retail use to other productive forms of land use.

**4-108. CA, Central Area District.**

This district is provided to accommodate existing developments in the central area of the City to encourage the most appropriate future use of land, and to prevent the increase of street congestion. The district requires off-street parking and loading.

**4-109. HC, Heavy Commercial District.**

The sale, service, display and storage of certain commodities is by its nature not compatible with many other sales and display operations. Building material yards, contractor yards, open storage and repair of heavy machinery and welding or machine shops are examples of such heavy uses. In order to establish areas where such essential heavy sales, service, display and storage uses could be located, the HC District is provided.

**4-110. PD, Planned Development District.**

In order to provide flexibility in the planning and development of projects with combinations of uses or of specific physical designs such as office centers, combination apartment and retail centers, shopping centers, medical centers with office and housing elements, special industrial districts, housing developments or any similar developments, a PD, Planned Development District is provided. This district is intended to be applied to the district map as an amendment to the zoning ordinance. Certain maximum and minimum standards are specified for various use categories and certain standards such as yards, coverage, and building spacing are to be determined by the design. Specific development conditions and development schedules can be enforced with respect to PD, Planned Development District and failure to adhere to a development schedule can be the basis of removing all or part of a PD, Planned Development District from the Zoning District Map. The purposes of the PD, Planned Development District, are to

achieve flexibility and variety in the physical development pattern of the City, to encourage a more efficient use of open space and to encourage the appropriate use of land. It is intended that cognizance be taken of the surrounding property and the proper protection of such property be given in locating and approving any PD, Planned Development District.

**4-111. MH, Manufactured Home District.**

The manufactured home is recognized as a specific form of housing for which accommodations should be provided. To provide appropriate standards as to density, spacing and use, a separate district is created and designated for the specific purpose of providing, at appropriate locations, area for the development of manufactured home parks or subdivisions.

(Ord. 2016-4171, 10/17/2016)

**4-112. LI, Light Industrial District.**

The regulations set forth in this article, or set forth elsewhere in this Ordinance when referred to in this article are the regulations in the "LI" Light Industrial District. This district is intended primarily for light manufacturing, fabricating, warehousing and wholesale distributing in high or low buildings with off-street loading and off-street parking for employees and with access by major streets or railroad in either central or outlying locations. The permitted uses are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted, such permitted uses being generally wholesale and retail trade, service industries, and light industries that manufacture, process, store, and distribute goods and materials and are generally dependent on raw materials refined elsewhere and manufacture, compounding, processing, packaging or treatment.

(Ord. 2016-4157, 07/18/2016)

**4-113. HI, Heavy Industrial District.**

This district is intended to provide a centrally located and convenient location for commercial related establishments, such as wholesale products, welding shops, flea markets, major automotive repair, upholstery shops, and other heavy commercial uses. Uses in this district may require open storage areas that shall be screened from public view. The uses envisioned for the district will typically utilize smaller sites and have operation characteristics, which are not compatible with residential uses and some nonresidential uses.

**4-114. Conditional Use.**

An exception for permitted use within certain zoning district provided such exception is authorized elsewhere in the Zoning Ordinance, will not be detrimental to the District, and will substantially serve the public welfare.

**4-115. RVO, Recreational Vehicle Overlay District.**

Recreational vehicles are recognized as a unique form of temporary worker housing and tourist lodging. Recreational vehicle parks are distinguished from manufactured home parks and subdivisions

by their mix of short-term and long-term occupants, regulatory standards for construction, and floodplain and emergency management considerations as vehicles. The purpose of this district is to establish specific and special standards applicable to recreational vehicle parks and subdivisions to implement the City's comprehensive plan, minimize conflicts with neighboring development, promote the attractive development of the City's major commercial corridors, and protect the health, safety and welfare of park patrons and City residents.

(Ord. No. 4408, § 3, 12-5-2022)

## SECTION 5. ZONING DISTRICT MAP

### 5-100. Boundaries.

The boundaries of zoning districts set out herein are delineated upon a zoning district map of the City adopted as part of this ordinance as fully as if the same were set forth herein in detail.

(Ord. No. 4408, § 5, 12-5-2022)

### 5-101. Zoning District Map; Filed in Office of City Secretary.

One (1) original of Zoning District Map shall be filed in the office of the City Secretary. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

(Ord. No. 4408, § 5, 12-5-2022)

### 5-102. Zoning District Map; Filed in Office of Building Inspector.

An additional copy of the original Zoning District Map shall be placed in the office of the Building Inspector. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments.

(Ord. No. 4408, § 5, 12-5-2022)

## SECTION 6. ZONING DISTRICT BOUNDARIES

### 6-100. Boundaries; Generally.

The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official map, the following rules shall apply:

### 6-101. Boundaries; Centerlines of streets, highways or alleys.

Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerline.

**6-102. Boundaries; Platted lot lines.**

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

**6-103. Boundaries; City limits.**

Boundaries indicated as approximately following city limits shall be construed as following city limits.

**6-104. Boundaries; Railroad lines.**

Boundaries indicated as following railroad lines shall be construed to be the established centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.

**6-105. Boundaries; Shorelines.**

Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

**6-106. Boundaries; Centerlines of streams, rivers, canals, lakes or other bodies of water.**

Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the centerline. The centerline shall be interpreted as being midway between the shorelines.

**6-107. Boundaries; Parallel to or extensions of.**

Boundaries indicated as parallel to or extensions of features indicated in 6-101 through 6-106 above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.

**6-108. Street, alley or other public way; Vacations.**

Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

**6-109. Boundaries dividing a lot or tract.**

Boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the Zoning District Map. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.

**6-110. Physical features at variance with official zoning district map; 'A' Agricultural District.**

Where physical features on the ground are at variance with information shown on the official Zoning District Map or when there arises a question as to whether or how a parcel of property is zoned and such questions cannot be resolved by the application of subsections 6-101 through 6-109, the property shall be classified as A, Agricultural District.

**SECTION 7. COMPLIANCE REQUIRED****7-100. Conformance with zoning regulations.**

All land, buildings, structures or appurtenances thereon located within the City which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located except as hereinafter provided. Land used in meeting the requirements of this ordinance with respect to a particular use or building shall not be used to meet the requirements for any other use or building.

**SECTION 8. PRESERVING RIGHTS AND CONTINUITY IN ENFORCEMENT, PENDING LITIGATION, AND VIOLATIONS UNDER PRESENT ORDINANCE AND AMENDMENTS THERETO****8-100. Preserving rights and continuity in enforcement.**

By the passage of this ordinance no presently illegal use or building shall be deemed to have been legalized unless such use falls within a use district where the actual use and standards under the terms of this ordinance would be conforming. Any use which does not conform to provisions of this ordinance shall be a nonconforming use or structure if it legally existed as a conforming or nonconforming use or structure prior to adoption of this ordinance or an illegal use if it did not exist as a conforming or nonconforming use or structure, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the previous zoning ordinance was repealed and this ordinance adopted shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded within all respects as if such prior ordinance had not been repealed.

**SECTION 9. NEWLY ANNEXED AREAS****9-100. Newly annexed areas; Temporarily classified in 'AG', Agricultural District.**

All territory hereafter annexed to the City of Aransas Pass shall be temporarily classified in the AG, Agricultural District until permanent zoning classifications are given the area by the City Council of the City of Aransas Pass.

**9-101. Procedure for establishing permanent zoning.**

The procedure for establishing the permanent zoning on any annexed territory shall be the same as is provided by law for the amendment of the zoning ordinance.



## ARTICLE II

### USE OF LAND AND BUILDINGS

#### Section 10. Use of Land and Buildings

- 10-100. Use of Land and Buildings—General.
- 10-200. Schedule of Uses.
  - Legend.
- 10-300. Definition and Explanations Applicable to Use Schedule.
- 10-400. Conditional Use Permits.
- 10-410. Conditions for Approval of a Conditional Use Permit.
- 10-415. Time Period; Permits Granted.
- 10-420. General Criteria for Granting.
- 10-425. General Criteria for Renewal.
- 10-430. Specific Criteria for Temporary Conditional Use Permits.
- 10-435. Temporary Multiple Family Dwelling on a Single Family Lot.
- 10-440. Enforcement.
- 10-600. Classification of New and Unlisted Uses.
- 10-700. Variance of Minimum Masonry Requirements.



**SECTION 10. USE OF LAND AND BUILDINGS**

**10-100. Use of Land and Buildings.**

Land and buildings in each of the zoning districts may be used for any of the listed uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located according to the following use schedule and in accordance with the provisions of the following sections of this ordinance.

**10-200. Schedule of uses.**

LEGEND



Designates use permitted in district indicated.



Designates use prohibited in district indicated.



Indicates use may be approved as Conditional Use Permit; see 10-400



Indicates use is prohibited along following Streets: General Business Zoning District, W. Wheeler Avenue, North and South Commercial Street, State Highway 361, State Highway Business 35, and State Highway Bypass 35, County Road 1069, North and South Avenue A, West Cleveland Boulevard, and Harrison Boulevard. On all other streets, in districts designated with "A", the use shall be permitted.

Note: For definitions and explanations of uses followed by numbers in parenthesis see Section 10-300

|      |   | AG | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|------|---|----|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
|      | <b>10-201 PRIMARY RESIDENTIAL TYPE USES</b> |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 1    | One-Family Dwelling - Detached              | •  | •    | •    | •    | •    | • | •   | •   | •   |    |    |    |    |    |    |    | •  |    |     |    |
| 2    | One-Family Dwelling - Attached              |    |      |      |      |      |   | •   | •   | •   |    |    |    |    |    |    |    | •  |    |     |    |
| 3    | Two-Family Dwelling                         |    |      |      |      |      | • | •   | •   | •   |    |    |    |    |    |    |    |    |    |     |    |
| 4    | Multiple Family Dwelling                    |    |      |      |      |      |   | •   | •   | •   |    |    |    |    |    |    |    |    |    |     |    |
| 5    | Boarding or Rooming House                   |    |      |      |      |      |   |     | •   | •   |    |    |    |    |    |    |    | •  |    |     |    |
| 6    | Manufactured Home Park                      |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    | •  |     |    |
| 6.1  | RV Park or Subdivision                      |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    | •   |    |
| 7    | Hotel or Motel                              |    |      |      |      |      |   |     |     |     | •  |    | •  |    |    | •  |    |    |    |     |    |
| 8    | Tourist Court & Cottages                    |    |      |      |      |      |   |     |     |     | •  |    | •  |    |    |    |    |    |    |     |    |
| 9    | Manufactured Home                           |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    |    |    | •  |     |    |
| 9.1  | Mobile Home                                 |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    |    |    | •  |     |    |
| 9.2  | Modular Home                                |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    |    |    | •  |     |    |
| 10   | Recreational Vehicle (RV)                   | C  | C    | C    | C    | C    |   |     |     |     |    |    |    |    |    |    |    |    |    | •   |    |
|      | <b>10-202 ACCESSORY AND INCIDENTAL USES</b> |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 11   | Accessory Building - Residential            | •  | •    | •    | •    | •    | • | •   | •   | •   |    |    |    |    |    |    |    | •  |    |     |    |
| 11.1 | Shipping Container Accessory Building       |    |      |      |      |      |   |     |     |     |    |    | C  |    |    |    | •  |    |    |     |    |
| 12   | Community Center - Private                  |    | C    | C    | C    | C    | C | •   | •   | •   | •  | •  |    |    |    |    |    | •  |    |     |    |
| 13   | Accessory Building - Farming                | •  | C    |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 14   | Guest House - Detached                      | •  | •    | •    | •    | •    |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 15   | Off-Street Parking                          | •  | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 16   | Retail or Service Use - Residential         |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 17   | Servant or Caretaker's Quarters             | •  | •    | •    | •    | •    |   |     |     |     |    |    |    |    |    |    |    | •  |    |     |    |
| 18   | Stables (Private) *Minimum 3 Acres          | •  | •    | •    | •    | •    |   |     |     |     |    |    |    |    |    |    |    | •  |    |     |    |
| 19   | Swimming Pool - Private                     | •  | •    | •    | •    | •    | • | •   | •   | •   |    |    |    |    |    |    |    | •  | •  | •   | •  |
| 20   | Temp. Field or Construction Office          | •  |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 21   | Home Occupation                             | •  | •    | •    | •    | •    | • | •   | •   | •   |    |    |    |    |    |    |    |    |    |     |    |
| 22   | Apartment Accessory Uses                    |    |      |      |      |      |   | •   | •   | •   |    |    |    |    |    |    |    |    |    |     |    |
| 23   | Carpport (residential)                      | •  | •    | •    | •    | •    | • | •   | •   | •   |    |    |    |    |    |    |    | •  | •  | •   | •  |
| 24   | Storage Building (residential)              | •  | •    | •    | •    | •    | • | •   | •   | •   |    |    |    |    |    |    |    | •  | •  | •   | •  |

|    | AG   | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|----|--|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
|    |  |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
|    | <b>10-203 UTILITY &amp; SERVICE USES</b>                     |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 25 | Electrical Energy Generating Plant                           |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 26 | Electrical Substation  | C    | C    | C    | C    | C | C   | C   | C   | C  | C  |    | •  | •  | C  | C  | •  |    |     |    |
| 27 | Electrical Transmission Line                                 | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 28 | Fire Station   | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 29 | Regulating Station   | C    | C    | C    | C    | C | C   | C   | C   | C  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 30 | Local Utility Line   | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 31 | Local Transit Station or Turnaround                          | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 32 | Radio/TV or Microwave Tower                                  | C    | C    | C    | C    | C | C   | C   | C   | C  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 33 | Commercial Radio or TV Transmit Station                      | C    |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 34 | Sewage Pumping Station                                       | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 35 | Sewage Treatment Plant                                       | C    | C    | C    | C    | C | C   | C   | C   | C  | C  |    | C  | C  | C  | C  | C  |    |     |    |
| 36 | Telephone Exchange, Switch & Transfer                        | C    | C    | C    | C    | C | C   | C   | C   | C  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 37 | Telephone Business Office                                    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 38 | Utility Installation, Public or Private                      | C    | C    | C    | C    | C | C   | C   | C   | C  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 39 | Water Stand Pipe or Elevated Storage                         | C    | C    | C    | C    | C | C   | C   | C   |    | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 40 | Water Reservoir, Well or Pumping Station                     | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 41 | Water Treatment Plant  | •    | C    | C    | C    | C | C   | C   | C   |    |    |    | •  | •  | •  | •  | •  | •  | •   | •  |
|    | <b>10-204 INSTITUTIONAL, EDUCATIONAL &amp; SPECIAL NEEDS</b> |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 42 | Church or Rectory  | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 43 | College, University or Private School                        | •    |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 44 | Cemetery or Mausoleum  | C    |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 45 | Community Center - Public                                    | •    | •    | •    | •    | • | •   | •   | •   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 46 | Convent or Monastery   | •    | C    | C    | C    | C | C   | C   | C   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 47 | Day Nursery or Kindergarten                                  | C    | C    | C    | C    | C | C   | C   | C   |    |    |    |    |    |    | C  |    |    |     |    |
| 48 | Fraternity or Sorority                                       |      |      |      |      |   |     |     |     |    |    | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 49 | Institution for Care of Alcoholic, ...                       | C    |      |      |      |   |     |     |     |    |    | C  | C  | •  | C  | •  | •  | •  | •   | •  |
| 50 | Hospital (general acute care)                                | C    |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 51 | Hospital (chronic care)                                      | C    |      |      |      |   |     |     |     |    |    | C  | •  | •  | •  | •  | •  | •  | •   | •  |
| 52 | Institution of Religious, Charitable or...                   | C    | C    | C    | C    | C | C   | C   | C   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |
| 53 | Library, Art Gallery or Museum (public)                      | C    | C    | C    | C    | C | C   | C   | C   | •  | •  | •  | •  | •  | •  | •  | •  | •  | •   | •  |

|      | AG  | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |  |
|------|---|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|--|
| 54   | Lodge or Fraternal Organization                   |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 55   | Nursing Home or Residence Home...                 |      |      |      |      |   | C   | C   |     | C  | C  |    |    |    |    |    |    |    |     |    |  |
| 56   | School, Business                                  |      |      |      |      |   |     |     |     | C  | C  |    |    |    |    |    |    |    |     |    |  |
| 57   | School - Commercial Trade or Craft                |      |      |      |      |   |     |     |     |    |    | C  |    |    |    |    |    |    |     |    |  |
| 58   | School - Public or Denominational                 |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 59   | Welfare or Health Center                          |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
|      | 10-205 ADVERTISING AND SIGN USES                  |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 60   | Name Plate sign                                   |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 61   | Real Estate Sign                                  |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 62   | Construction Sign                                 |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 63   | Development sign                                  |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 64   | Non-Residential Identification Sign               |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 65   | Institutional sign                                |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 66   | Apartment Wall Sign                               |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 67   | Apartment sign                                    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 68   | Mobile Home or RV Sign                            |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 69   | Agricultural Sign                                 |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 70   | General Business Sign                             |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 71   | Special Height Sign                               |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 72   | Advertising Sign                                  |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
|      | 10-206 FOOD AND BEVERAGE SER-<br>VICE             |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 73   | Bar, Lounge or Tavern                             |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 74   | Eating Place with Drive-in or Curb Serv.          |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 75   | Eating Place without Drive-in or Curb Serv.       |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 76   | Eating Place with Dancing or Entertain.           |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 77   | Private Club with Dining                          |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 78   | Catering Service                                  |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 78.5 | Mobile Food Establishment                         |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
|      | SEE SPECIAL REQUIREMENTS IN PART III, SECTION 12  |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
|      | 10-207 OFFICE, PROFESSIONAL AND<br>FINANCIAL USES |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |
| 79   | Bank or Savings and Loan Office                   |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |  |

|     | AG | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|-----|----|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
| 80  |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 81  |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 82  |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 83  |    |      |      |      |      |   |     |     |     |    | C  | C  | C  | C  | C  | C  | C  |    |     |    |
| 84  |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 85  |    |      |      |      |      |   |     |     | C   | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 86  |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 87  |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 88  |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 89  |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 90  |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 91  |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 92  |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
|     |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
|     |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 93  | C  |      |      |      |      |   |     |     |     |    | C  | C  | C  | •  | •  | •  | •  |    |     |    |
| 94  | C  |      |      |      |      |   |     |     |     |    | C  |    |    | C  | C  |    |    |    |     |    |
| 95  | C  |      |      |      |      |   |     |     |     |    |    |    |    | C  | C  |    |    |    |     |    |
| 96  |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  |    |    |    |    |     |    |
| 97  | •  | C    | C    | C    | C    | C |     |     |     |    |    |    |    | C  | C  | •  |    |    |     |    |
| 98  | C  |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 99  |    |      |      |      |      |   |     |     |     |    |    |    |    |    | C  |    |    |    |     |    |
| 100 |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    | C  |    |    |     |    |
| 101 |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 102 | C  |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 103 |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  |    |    | •  |    |     |    |
| 104 |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    | C  |    |    |     |    |
| 105 | C  |      |      |      |      |   |     |     |     | C  | C  |    |    | C  | C  | C  | •  |    |     |    |
|     |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 106 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 107 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |

|     | AG | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|-----|----|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
| 108 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  |    |    |     |    |
| 109 |    |      |      |      |      |   |     |     |     |    |    | C  | C  | •  | •  | •  |    |    |     |    |
| 110 |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 111 |    |      |      |      |      |   |     |     |     |    |    | C  | •  | •  | •  | •  | •  |    |     |    |
| 112 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 113 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 114 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 115 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 116 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 117 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 118 |    |      |      |      |      |   |     |     |     |    |    | C  | •  | •  | •  | •  | •  |    |     |    |
| 119 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 120 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 121 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 122 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 123 |    |      |      |      |      |   |     |     |     |    |    | C  | •  | •  | •  | •  |    |    |     |    |
| 124 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 125 |    |      |      |      |      |   |     |     |     |    |    | C  | •  | •  | •  | •  | •  |    |     |    |
| 126 |    |      |      |      |      |   |     |     |     |    |    | C  | C  | C  |    |    |    |    |     |    |
| 127 |    |      |      |      |      |   |     |     |     |    |    | C  | C  | C  |    |    |    |    |     |    |
|     |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 128 |    |      |      |      |      |   |     |     |     |    |    | •  | •  | •  | •  | •  | •  |    |     |    |
| 129 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 130 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 131 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 132 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 133 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 134 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 135 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 136 |    |      |      |      |      |   |     |     |     |    |    | C  | C  | •  | •  | •  |    |    |     |    |
| 137 |    |      |      |      |      |   |     |     |     |    |    | •  | •  | •  | •  | •  | •  |    |     |    |
| 138 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |

|                                     | AG | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|-------------------------------------|----|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
| 139                                 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 140                                 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 141                                 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 142                                 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 143                                 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 144                                 |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  |    |    |    |    |     |    |
| 145                                 |    |      |      |      |      |   |     |     |     |    | C  | •  | •  | •  | •  | •  |    |    |     |    |
| 146                                 |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  |    |    |     |    |
| 147                                 |    |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 148                                 |    |      |      |      |      |   |     |     |     |    | •  | C  | •  | •  | •  | •  | •  |    |     |    |
|                                     |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 149                                 |    |      |      |      |      |   |     |     |     |    | C  | C  | C  | C  |    |    | C  |    |     |    |
| 150                                 |    |      |      |      |      |   |     |     |     |    | C  | C  | C  | C  |    |    | C  |    |     |    |
| 151                                 |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| BY SPECIAL APPROVAL OF CITY COUNCIL |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 152                                 | C  | C    | C    | C    | C    | C | C   | C   | C   |    |    |    |    |    | •  | •  | •  |    |     |    |
| 153                                 |    |      |      |      |      |   |     |     |     |    |    | C  | C  | C  |    |    |    |    |     |    |
| 154                                 |    |      |      |      |      |   |     |     |     |    |    | C  | C  | C  |    |    | C  |    |     |    |
| 155                                 |    |      |      |      |      |   |     |     |     |    |    |    |    |    | •  | •  | •  |    |     |    |
| 156                                 |    |      |      |      |      |   |     |     |     |    |    | •  |    |    | •  | •  | •  |    |     |    |
| 157                                 |    |      |      |      |      |   |     |     |     |    |    | •  |    |    | •  | •  | •  |    |     |    |
| 158                                 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 159                                 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 160                                 | C  | C    | C    | C    | C    | C | C   | C   | C   |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 161                                 | C  |      |      |      |      |   |     |     |     |    |    |    |    |    |    | C  | •  |    |     |    |
| 162                                 |    |      |      |      |      |   |     |     |     |    |    | C  | C  | •  |    | •  | •  |    |     |    |
| 163                                 |    |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 164                                 |    |      |      |      |      |   |     |     |     |    | C  | C  | C  | C  | C  | C  | C  |    |     |    |
|                                     |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 165                                 | C  |      |      |      |      |   |     |     |     | C  | C  |    |    | C  | C  | C  | •  |    |     |    |
| 166                                 |    |      |      |      |      |   |     |     |     |    |    | C  | •  | •  | •  | •  | •  |    |     |    |
| 167                                 |    |      |      |      |      |   |     |     |     |    |    |    | •  | •  | •  | •  | •  |    |     |    |

|     | AG                                       | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|-----|--|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
| 168 | Helicopter Base                          | C    |      |      |      |   |     |     |     |    | C  |    | C  | C  | C  | C  | •  |    |     |    |
| 169 | Helipport                                | C    |      |      |      |   |     |     |     |    | C  |    | C  | C  | C  | C  | •  |    |     |    |
| 170 | Helistop                                 | C    |      |      |      |   |     |     | C   |    | C  |    | C  | C  | •  | •  | •  |    |     |    |
| 171 | Motor Freight Terminal                   |      |      |      |      |   |     |     |     |    |    |    | C  | •  | •  | •  | •  |    |     |    |
| 172 | Railroad Freight Terminal                |      |      |      |      |   |     |     |     |    |    |    | C  | •  | •  | •  |    |    |     |    |
| 173 | Railroad Passenger Station               |      |      |      |      |   |     |     |     |    |    |    | C  | •  | •  | •  | •  |    |     |    |
| 174 | Railroad Team Track                      |      |      |      |      |   |     |     |     |    |    |    | C  | •  | •  | •  |    |    |     |    |
| 175 | Railroad yard                            |      |      |      |      |   |     |     |     |    |    |    |    |    | •  |    |    |    |     |    |
|     | 10-213 MOTOR VEHICLES & RELATED USES     |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 176 | Auto Laundry                             |      |      |      |      |   |     |     |     |    |    | •  | •  | •  | •  | •  | •  |    |     |    |
| 177 | Autoglass, Muffler & Seat Cover Shop     |      |      |      |      |   |     |     |     |    |    | •  | C  | •  | •  | •  | •  |    |     |    |
| 178 | Auto Parts & Assc. Sales - Indoor Only   |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 179 | Auto Parts & Assc, Sales-Outdoor Display |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 180 | Auto Sales (Indoor Display)              |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 181 | Auto Sales or Storage-Outdoor Display    |      |      |      |      |   |     |     |     |    |    | •  | C  | •  | •  | •  | •  |    |     |    |
| 182 | Auto Storage or Auction                  |      |      |      |      |   |     |     |     |    |    |    |    | •  | •  | •  |    |    |     |    |
| 183 | Auto Rental (ord 2019-4263; 09/16/2019)  |      |      |      |      |   |     |     |     |    | •  |    |    |    |    |    |    |    |     |    |
| 184 | Auto Repair Garage                       |      |      |      |      |   |     |     |     |    |    | C  |    | •  | •  | •  | •  |    |     |    |
| 185 | Auto Painting or Body Rebuilding Shop    |      |      |      |      |   |     |     |     |    |    |    |    | •  | •  | •  | •  |    |     |    |
| 186 | Bus or Truck Parking or Garage           |      |      |      |      |   |     |     |     |    |    |    |    | •  | •  | •  |    |    |     |    |
| 187 | Drag Strip or Commercial Racing          |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     | C  |
| 188 | Engine or Motor Repair                   |      |      |      |      |   |     |     |     |    |    | C  |    | •  | •  | •  | •  |    |     |    |
| 189 | Go Cart Track                            |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     | C  |
| 190 | Machinery Repair Display or Sales        |      |      |      |      |   |     |     |     |    |    |    |    | •  | •  | •  |    |    |     |    |
| 191 | Machine or Welding Shop                  |      |      |      |      |   |     |     |     |    |    |    |    | •  | •  | •  |    |    |     |    |
| 192 | Motorcycle or Scooter Sales & Service    |      |      |      |      |   |     |     |     |    |    |    |    | •  | •  | •  | •  |    |     |    |
| 193 | Parking, Commercial Lot or Garage        |      |      |      |      |   | C   | C   | C   | •  | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 194 | Service Station (motor vehicle fuel)     |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 195 | Steam Cleaning/Vehicles & Machinery      |      |      |      |      |   |     |     |     |    |    |    |    | •  | •  | •  | •  |    |     |    |
| 196 | Wrecking Yard/Junk & Salvage             |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     | C  |
| 197 | Utility Trailers, (new)                  |      |      |      |      |   |     |     |     |    |    | •  | •  |    |    |    |    |    |     |    |

|     | AG   | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|-----|--|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
| 198 | Utility Trailers, (used)                                 |      |      |      |      |   |     |     |     |    |    | •  | •  |    |    |    |    |    |     |    |
|     | 10-214 STORAGE, PROCESSING & COMMERCIAL USES             |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 199 | Brick & Similar Building Materials Sales                 |      |      |      |      |   |     |     |     |    |    | •  |    | •  |    | •  |    |    |     |    |
| 200 | Clothing Manf. & Similar Light Manf. ...                 |      |      |      |      |   |     |     |     |    |    | •  |    | •  |    | •  |    |    |     |    |
| 201 | Fix-it Shop & Appliance Repair                           |      |      |      |      |   |     |     |     |    | •  | •  |    | •  |    | •  |    |    |     |    |
| 202 | Furniture Repair & Upholstery                            |      |      |      |      |   |     |     |     |    |    | C  | C  | •  |    | •  |    |    |     |    |
| 203 | Job Printing   |      |      |      |      |   |     |     |     |    | •  | •  |    | •  |    | •  |    |    |     |    |
| 204 | Laboratory - Manufacturing                               |      |      |      |      |   |     |     |     |    |    |    |    | •  |    | •  |    |    |     |    |
| 205 | Light Fabrication & Assembly Processes                   |      |      |      |      |   |     |     |     |    |    |    | •  | •  |    | •  |    |    |     |    |
| 206 | Lumber Yard  |      |      |      |      |   |     |     |     |    |    | C  |    | •  |    | •  |    |    |     |    |
| 207 | Lithographer or Printing Plant                           |      |      |      |      |   |     |     |     |    |    | C  |    | •  |    | •  |    |    |     |    |
| 208 | Monument Sales Yard                                      |      |      |      |      |   |     |     |     |    |    |    |    | •  |    | •  |    |    |     |    |
| 209 | Open Storage (no enclosure)(Ord 2018-4225; 11/19/2018)   |      |      |      |      |   |     |     |     |    |    |    |    | •  |    | •  |    |    |     |    |
| 210 | Open Storage (visual screen) (Ord 2015-4108; 04/06/2015) |      |      |      |      |   |     |     |     |    | C  |    |    | •  |    | •  |    |    |     |    |
| 211 | Petroleum Products-Storage & Whsle                       |      |      |      |      |   |     |     |     |    |    |    |    | •  |    | •  |    |    |     |    |
| 212 | Plumbing Shop  |      |      |      |      |   |     |     |     |    |    | •  |    | •  |    | •  |    |    |     |    |
| 213 | Maintenance/Home Repair Shop                             |      |      |      |      |   |     |     |     |    |    | •  |    | •  |    | •  |    |    |     |    |
| 214 | Contractor or Maintenance Yard                           |      |      |      |      |   |     |     |     |    |    |    |    | •  |    | •  |    |    |     |    |
| 215 | Salvage Yard - Outside                                   |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 216 | Salvage & Reclamation (inside bldg.)                     |      |      |      |      |   |     |     |     |    |    | C  |    | C  |    | •  |    |    |     |    |
| 217 | Sand, Gravel or Earth-Sale & Storage                     |      |      |      |      |   |     |     |     |    |    |    |    | C  |    | •  |    |    |     |    |
| 218 | Dump - Private or Municipal                              |      |      |      |      |   |     |     |     |    |    |    |    | C  |    | •  |    |    |     |    |
| 219 | Stone, Sand or Gravel Extraction                         |      |      |      |      |   |     |     |     |    |    |    |    | C  | C  | •  |    |    |     |    |
| 220 | Warehouse or Covered Storage (Ord 2019-4258; 08/19/2019) |      |      |      |      |   |     |     |     |    |    | A  |    | A  | A  | A  | A  |    |     |    |
| 221 | RV Storage in Residential                                |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 222 | RV Storage in Commercial                                 |      |      |      |      |   |     |     |     |    |    | •  |    | •  |    |    |    |    |     | •  |
|     | 10-215 INDUSTRIAL & MANUFACTURING USES                   |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 223 | Animal Slaughter or Chicken Killing                      |      |      |      |      |   |     |     |     |    |    |    |    |    |    | C  |    |    |     |    |

|     |  | AG | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|-----|--|----|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
| 224 | Acid Manufacture                         |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 225 | Ammonia Manufacture                      |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 226 | Batching Plant, Concrete or Asphalt      |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 227 | Carbon Black Manufacture                 |    |      |      |      |      |   |     |     |     |    |    |    |    |    | C  |    |    |    |     |    |
| 228 | Cement, Lime, Gypsum or Plaster of Paris |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    |    |    |    |     |    |
| 229 | Ceramic/Pottery Manf, w Dust, Odor       |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 230 | Chlorine Manufacture                     |    |      |      |      |      |   |     |     |     |    |    |    |    |    | C  |    |    |    |     |    |
| 231 | Electroplating/Battery Making            |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 232 | Explosives Storage or Manufacture        |    |      |      |      |      |   |     |     |     |    |    |    |    |    | C  |    |    |    |     |    |
| 233 | Glue and Fertilizer Manufacture          |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 234 | Grain Processing with Hoods, Dust        |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 235 | Paint, Oil, Shellac and Lacquer Manf.    |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    | •  |    |    |     |    |
| 236 | Petrochemical Plant                      |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 237 | Petroleum Tank Farm                      |    |      |      |      |      |   |     |     |     |    |    |    |    |    | •  | •  |    |    |     |    |
| 238 | Plastic Products Manufacture             |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 239 | Quarry, Caliches, Gravel and Sand Exca.  |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | C  |    |    |     |    |
| 240 | Rendering Plant                          |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | C  |    |    |     |    |
| 241 | Tanning, Curing, Storage Animal Hides    |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | C  |    |    |     |    |
| 242 | Textile Manufacturing with Dust/Odor     |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 243 | Woodworking and Planing Mill             |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 244 | Wrecking or Salvage yard                 |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    | •  |    |    |     |    |
| 245 | Any use which due to the possible....    |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | C  |    |    |     |    |
|     | 10-216 MARINE USES                       |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    |    |    |    |     |    |
| 246 | Boat Dock or Mooring (private)           | •  | •    | •    | •    | •    | • | •   | •   | •   |    |    |    |    |    |    |    | •  |    |     |    |
| 247 | Boat Dock or Mooring (business)          | •  |      |      |      |      |   |     |     | C   |    |    |    |    |    |    |    | •  |    |     |    |
| 248 | Boat Dock or Mooring (commercial)        |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 249 | Net & Commercial Fishing Eqmt Repair     |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 250 | Boat or Ship Repair (pleasure)           |    |      |      |      |      |   |     |     |     |    |    | •  |    |    |    | •  |    |    |     |    |
| 251 | Boat, Ship or Barge Repair (commercial)  |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 252 | Boat or Ship Building                    |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  |    |    |     |    |
| 253 | Bait Shop                                | C  |      |      |      |      |   |     |     |     | C  | C  | C  | C  |    |    | •  |    |    |     |    |
| 254 | Ice House                                | C  |      |      |      |      |   |     |     |     | •  | •  | •  | •  | •  | •  | •  |    |    |     |    |

|     | AG | R-16 | R-10 | R-7A | R-7B | D | A-1 | A-2 | A-3 | NS | SC | GB | CA | HC | LI | HI | PD | MH | RVO | HO |
|-----|----|------|------|------|------|---|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|
| 255 |    |      |      |      |      |   |     |     |     |    |    |    |    | •  | •  | •  | •  |    |     |    |
| 256 | C  |      |      |      |      |   |     |     |     |    | •  | •  | •  | •  | •  | •  | •  |    |     |    |
| 257 | C  |      |      |      |      |   |     |     |     | •  | •  | •  |    | •  | •  | •  | •  |    |     |    |
| 258 | •  |      |      |      |      |   |     |     |     |    |    | •  |    | •  | •  | •  | •  |    |     |    |
| 259 | •  |      |      |      |      |   |     |     |     |    |    | •  |    | •  | •  | •  | •  |    |     |    |
| 260 |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | •  | •  |    |     |    |
| 261 |    |      |      |      |      |   |     |     |     |    |    |    |    |    |    | C  | •  |    |     |    |
| 262 |    |      |      |      |      |   |     |     |     |    |    |    |    |    | C  | •  | •  |    |     |    |
| 263 |    |      |      |      |      |   |     |     |     |    |    |    |    | C  | C  | •  | •  |    |     |    |
| 264 |    |      |      |      |      |   |     |     |     |    |    |    |    | C  | C  | •  | •  |    |     |    |
| 265 |    |      |      |      |      |   |     |     |     |    |    | C  |    | •  | •  | •  | •  |    |     |    |
| 266 |    |      |      |      |      |   |     |     |     |    |    |    |    | C  |    |    | C  |    |     |    |

(Ord. No. 2024-4460, § 2(Exh. A), 8-19-2024)

**10-300. Definition and explanations applicable to use schedule.**

The following definitions and explanatory notes supplement, restrict and define the meaning and intent of the use regulations as noted in 10-200, Schedule of Uses.

**PRIMARY RESIDENTIAL TYPE USES**

(1) *One-family dwelling (detached)*: A detached building having a single dwelling unit and occupied by not more than one family.

(2) *One-family dwelling (attached)*: A detached unit on a separately owned lot which is joined to another dwelling unit on one or more sides by a party wall or abutting separate walls and occupied by not more than one (1) family.

(3) *Two-family dwelling*: A detached building having two (2) dwelling unites and occupied by not more than two (2) families.

(4) *Multiple-family dwelling*: 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 residence of three (3) or more families.

(5) *Boarding and rooming house*: A building, other than a hotel or multiple-family dwelling, where lodging is provided for one (1) to ten (10) persons for compensation, where meals may or may not be served and where facilities for food preparation are not provided in individual rooms. Where meals are served, they shall be served only to the residents of the boardinghouse.

(6.0) *Manufactured home park*: Any lot, tract or parcel of land upon which accommodation is provided for two (2) or more manufactured homes used as dwelling units whether a charge is or is not made. A manufactured home park is a unified development of manufactured home sites provided for long-term dwelling use. For the purposes of this definition, a "manufactured home site" is that part of a lot or area in a manufactured home park that has been reserved for the placement of one (1) manufactured home.

(6.1) *Recreational vehicle (RV) park*: Any lot, tract or parcel of land upon which accommodation is provided for two (2) or more recreational vehicles used as living or sleeping quarters by the day, week, or month whether a charge is or is not made. A recreational vehicle park is unified development of recreational vehicle sites provided for recreational vehicle use with community facilities and permitted permanent buildings. For the purposes of this definition, a "recreational vehicle site" is that part of a lot or area in a recreational vehicle park or RV park that has been reserved for the placement of one (1) recreational vehicle or RV.

(6.2) *Manufactured home subdivision*: The division of any lot, tract, or parcel of land into two (2) or more parts, lots or sites, for the purpose, whether immediate or future, of sale or division of ownership, where each lot is developed with the necessary improvements to accommodate a manufactured home as a dwelling.

(6.3) *Recreational vehicle (RV) subdivision*: The division of any lot, tract or parcel of land into two (2) or more parts, lots or sites, for the purpose, whether immediate or future, of sale or division of ownership, where each lot is developed with the necessary improvements to accommodate a recreational vehicle as a dwelling.

(7) *Hotel or motel*: A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel an establishment shall contain a minimum of ten (10) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use an upkeep of furniture, and the accommodations shall not be designed as permanent dwelling units.

(8) *Tourist court and cottages*: A lot, tract or parcel of land upon which not more than nine (9) cottage units are located and maintained for the accommodation of transients for compensation.

(9) *Manufactured home*: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development title 6 construction standards commonly known as "the HUD-code". The red Certification Label (sometimes called the HUD Label) can be located on the tail end of each transportable section of the home. The Data Plate will be located inside the home. Regulation states that the Data Plate be affixed inside the home on or near the main electrical breaker box, or other readily visible/accessible location. The unit is transportable in one (1) or more sections, which, in the traveling mode, are eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, are three hundred twenty (320) or more square feet, and which are built on a permanent chassis an designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities for plumbing, heating, air-conditioning, and electrical systems. The term does not include recreational vehicles. (Ord. 2016-4138; 02/01/2016)

(9.1) *Mobile home*: A prefabricated structure, built in a factory on a permanently attached chassis before being transported to site, used as a permanent home and the structure was constructed before June 15, 1976. (Ord. 2016-4138; 02/01/2016)

(9.2) *Modular home*: A modular home is ant home factory-built that is constructed to the local state construction code. These units are referred to as "industrialized housing units." Modular homes will not have the red Certification Labels, but will have a label attached to the home stating the code to which it was built. A modular home can be built as an "on-frame" or "off-frame" modular. On-frame will be built on a permanent chassis, whereas, the off-frame modular will be built with removal of the chassis frame in mind. (Ord. 2016-4138; 02/01/2016)

(10) *Recreational vehicle*: A vehicular type camping unit designed primarily as temporary living quarters for recreational camping, or seasonal use. Recreational vehicles may have their own motive of power or be mounted on or towed by another vehicle but shall not exceed four hundred (400) square feet in area when measured at the largest horizontal projection when in the set up mode or eight feet six inches in width or forty-five (45) feet in length. Camping trailers, fifth wheel trailers, motor homes, park trailers, travel trailers and truck campers are types of recreational vehicles.

(10.1) *Temporary recreational vehicle site*: A recreational vehicle placed on a residential lot, tract, or parcel for a defined duration and intended to provide temporary housing.

**ACCESSORY AND INCIDENTAL USES**

(11) *Accessory building (residential)*: A subordinate building used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or sale of a service. Accessory buildings include but are not limited to an automobile storage garage, carport, storage building, laundry room, garden shelter, hobby room and mechanical room.

(11.1) *Shipping container accessory building*: A standardized reusable vessel that is or appears to be: (1) originally, specifically, or formally designed for or used in the packing, shipping, movement or transportation of freight articles, goods, or commodities or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or boogie for movement by truck, trailer, or loaded on a ship (Ord. No. 2019-4232) (02/18/19)

(12) *Community center (private)*: A building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A Private Community Center shall not be operated as a place of public meetings, or as a business, nor shall the operation of such facility create noise, odor or similar conditions perceptible beyond the bounding property line of the project site.

(13) *Accessory building (farming)*: An accessory structure on a tract qualifying as a farm as herein defined for storing or housing the usual products and animals raised or maintained on a farm, such as a barn, poultry house, stable machinery shed or granary.

(14) *Guest house (detached)*: A secondary structure on a lot or tract containing dwelling accommodations but excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not for rent or permanent occupancy.

(15) *Off-street parking incidental to main use*: Off-street parking spaces provided for and accessory to a main use located on the same lot or tract as the main use or within three hundred (300) feet as specified in Section 20 and located within the same zoning district as the main use.

(16) *Retail or service use incidental to main use*: A special sales or service use permitted as part of a residential development or building as indicated on the Use Schedule.

(17) *Servant or caretaker's quarters*: Living quarters for persons employed on the premises, as a separate domicile and with no separate utility meters. Such facilities may be located in the main structure or in an accessory building located on the lot with a main residential structure.

(18) *Stable (private)*: An accessory building or enclosure for quartering not to exceed four (4) horses on a farm or lot when set back from adjacent property lines a minimum distance of two hundred (200) feet. Farm or lot size must be greater than three (3) acres.

(19) *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 and fenced in accordance with the standards and regulations of the City. Such private swimming pool shall not be operated as a business nor maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

(20) *Temporary field or construction office*: Temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for a specified period of time in accordance with a permit issued by the City Building Inspector.

(21) *Home occupation*: An occupation customarily carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling, without the offering, display or advertising of any commodity or service for sale on the premises, without the employment of any persons other than a member of the immediate family, without the use of any sign, lighting or display, with the use of other than normal domestic or household equipment or appliances.

(22) *Apartment accessory uses*: Permitted uses accessory to an apartment building shall include a recreation room, employee's washroom, a manager's apartment and office, and laundry. Such a recreation room shall be for the exclusive use of the tenants and their guests. When provided, an employee's washroom shall be accessible only to the outside of the apartment building and not through any other room in the building and the washroom be limited to a maximum of thirty (30) square feet in floor area. The manager's apartment may be used as an office, but such facility shall be included in computations of lot area requirements. The laundry room may be used for clothes washing and drying facilities for the exclusive use of the tenants and no exterior advertising of such use may be permitted.

(23) *Carport (residential)*: A carport is defined as:

- (a) A roofed structure not more than seventy-five percent (75%) enclosed by walls and attached to the main building for the purpose of providing shelter for one (1) or more motor vehicles;
- (b) A permanent roofed structure permanently open on at least one (1) side, designed for or occupied by private passenger vehicles, shade, or shelter for people, supplies, or animals;
- (c) Any parking space or spaces having a roof but not enclosed by walls.

All detached carports shall be accessory to a dwelling unit or units.

(24) *Storage Building (residential)*: A storage building is defined as:

- A. Any structure that is used for storage and does not have a door or other entranceway into a dwelling unit; the use of which is limited solely to storage of inanimate objects;
- B. A structure to be used, or intended to be used for the private, noncommercial, nonindustrial storage uses by the property owner.

All detached storage buildings shall be accessory to a dwelling unit or units. (Ord. No. 2019-4256,08/19/2019)

#### UTILITY AND SERVICE USES

(25) *Electrical energy generating plant*: An electrical energy generating facility with generating capacity of more than fifty (50) Megawatts and any appurtenant facilities.

(26) *Electrical substation*: An assemblage of equipment and appurtenant facilities designed for voltage transformation, or voltage control of electricity.

(27) *Electrical transmission line*: A series of three (3) or more structures and appurtenant facilities erected above ground, supporting one (1) or more conductors emanating from a power plant or a substation, designed to transmit electric energy.

(28) *Fire station*: A facility operated by a municipality, fire district, or department which houses fire equipment and may be used for the housing of personnel and associated meeting.

(29) *Regulating station*: An assemblage of equipment which reduces, regulates and meters natural gas, oil and/or water pressure in the transmission line, holder, main, pressure vessel or the compressor station piping. This may include auxiliary equipment such as valves, control instruments or control lines as well as piping.

(30) *Local utility line*: The usual electric power, telephone, gas, water, sewer and drainage lines designed and constructed by the municipality or a franchised utility company to serve a community with urban type services.

(31) *Local transit station or turnaround*: A shelter or building for accommodation of local transit patrons or an off-street turnaround or standing area for loading.

(32) *Radio, television or microwave towers*: Structures supporting antennae for transmitting or receiving any portion of the radio spectrum but excluding noncommercial antennae installations for home use of radio or television.

(33) *Commercial radio or TV transmit station*: A facility which receives and/or sends radio and/or television waves such as radio towers. Uses shall include but not be limited to radio transmitting stations or towers and television exchange station relay towers.

(34) *Sewage pumping station*: Those facilities of a municipality or a sanitation and/or water district which are organized and operated pursuant to State Statute.

(35) *Sewage treatment plant*: A facility for the collection, treatment, and disposal of sewage, which has a designed capacity to receive more than two thousand (2,000) gallons of sewage per day.

(36) *Telephone exchange, switching and transmitting equipment only*: A switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.

(37) *Telephone business office*: Facility designated as office for public to conduct business related to their telephone service.

(38) *Utility installation, public or private, not listed*: Any public or private utility facility franchised or approved by the City such as closed circuit television or steam distribution or other similar utility not specifically covered by the uses listed in the Use Schedule, 10-200.

(39) *Water standpipe or elevated storage*: Any public or private structure for the storage above ground of water for distribution or fire protection purposes.

(40) *Water reservoir or pumping station*: An area of land where water rights are retained or an area intended for water storage.

(41) *Water treatment plant*: A facility excluding community cisterns, with a capacity of two million (2,000,000) gallons or more for purifying, supplying, and holding water.

#### **INSTITUTIONAL, EDUCATIONAL AND SPECIAL NEEDS**

(42) *Church or rectory*: The place of worship and religious training of recognized religions including the onsite housing of ministers, priests, rabbis, nuns and similar staff personnel.

(43) *College, university or private school*: An academic institution other than a public or parochial elementary or secondary school, including private elementary and secondary schools and institutions of higher learning.

(44) *Cemetery or mausoleum*: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.

(45) *Community center (public)*: A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the surrounding community.

(46) *Convent or monastery*: A building or group of buildings or structures used as living quarters for leaders of organized religious groups and limited accessory uses generally associated therewith.

(47) *Day nursery or kindergarten*: An establishment where four (4) or more children are left for care or training during the day or a portion thereof.

(48) *Fraternity or sorority*: Housing for a student organization formed for social purposes or scholastic, professional or extracurricular activities. These uses include but are not limited to fraternity or sorority houses and dormitories.

(49) *Institution for care of alcoholic, narcotic or psychiatric patient*: An institution offering resident or outpatient treatment to alcoholic, narcotic or psychiatric patients. In residential districts where such uses are possible by Conditional Use Permit approval, a minimum site of twenty (20) acres shall be required.

(50) *Hospital (general acute care)*: An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State.

(51) *Hospital (chronic care)*: An institution where those persons suffering from generally permanent types of illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the State.

(52) *Institution of a religious, charitable or philanthropic nature*: Buildings, grounds and activities sponsored or operated by organizations established for religious, charitable or philanthropic purposes including, but not limited to orphans homes, homes for the aged, resident home for indigent or handicapped, training and educational facilities and similar establishments.

(53) *Library, art gallery or museum (public)*: Any institution for the loan or display of books, 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.

(54) *Lodge or fraternal organization*: A private, nonprofit organization whose primary purpose is to promote the fellowship of its members and may conduct business associated with philanthropy or civic awareness.

(55) *Nursing home or residence home for aged*: 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.

(56) *School, business*: A business operating for profit and offering instruction and training in a service or art, such as a secretarial school, Barber College, commercial art school, but not including a manual trade school.

(57) *School, commercial trade or craft*: A business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.

(58) *School, public or denominational*: A school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

(59) *Welfare or health center*: A community service facility where assistance in welfare and health problems is provided by a public or municipal agency for the benefit of residents of the area.

#### ADVERTISING AND SIGN USES

(60) *Name plate sign*: An accessory sign identifying the name and address of the owner or occupant.

(61) *Real estate sign*: A temporary accessory sign pertaining to the sale or rental of the property on which the sign is placed and advertising the property only for a use for which it is properly zoned.

(62) *Construction sign*: A temporary accessory sign identifying the property owner, architect, landscape architect, engineer, decorator, contractor or mortgagee engaged in the design, construction or improvement of the premises upon which the sign is located.

(63) *Development sign*: A temporary accessory sign relating to the promotion of new developments on the premises upon which the sign is located.

(64) *Nonresidential identification sign*: An accessory sign advertising a nonresidential use which may be permitted in a residential zone which may be approved by Conditional Use Permit.

(65) *Institutional sign*: An accessory sign relating to a church, school or other public institution.

(66) *Apartment wall sign*: An accessory sign composed of the name of an apartment house or development and promoting the sale or rental of the apartments.

(67) *Apartment sign*: An accessory sign promoting the sale or rental of apartments.

(68) *Mobile home sign*: An accessory sign identifying the name and address of a Mobile Home Park and promoting the sale or rental of mobile home site.

(69) *Agricultural sign*: An accessory sign identifying the name of a farm or ranch, the owner or operator, the address or advertising the produce, crops or animals raised thereon.

(70) *General business sign*: An accessory sign which directs attention to a business, profession, service, product or activity conducted, sold or offered on the premises where such sign is located.

(71) *Special height sign*: An accessory sign of the General Business type which is higher than other permitted signs.

(72) *Advertising sign*: A sign which is a primary use of land (not an accessory use) and which directs attention to a business, product, activity or service which is not necessarily conducted, sold or offered on the premises where the sign is located.

### **FOOD AND BEVERAGE SERVICE**

(73) *Bar, lounge or tavern*: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors and where food service, if any, is secondary to the sale of beer, wine or other liquors.

(74) *Eating place with drive-in or curb service*: An establishment offering food for sale to customers in automobiles and wherein the food service is to the automobiles.

(75) *Eating place without drive-in or curb service*: Any eating establishment, cafeteria, restaurant or inn where food service is offered to customers not in automobiles.

(76) *Eating place with dancing or entertainment*: An establishment, the primary activity of which is the sale and service of food or beverage to customers and which incidentally may offer music, entertainment and facilities for dancing by patrons.

(77) *Private club with dancing*: A facility, including associated eating, drinking, and recreational facilities, owned or operated by a group of people organized for a common social, educational, service, or recreational purpose. These clubs are usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, a constitution, and by-laws.

(78) *Catering service*: A commercial establishment for the production of food and baked goods, primarily for sale.

(78.5) *Mobile food establishment*: A food establishment licensed by the health authority and permitted within the City that is contained within or mounted on a motor vehicle for the purpose of selling food or other edible or potable substances directly from the vehicle to customers who come to the vehicle. (Ord 2020-4329, 09/22/2020)

### **OFFICE, PROFESSIONAL AND FINANCIAL USES**

(79) *Bank or savings and loan office*: A completely enclosed facility the primary use of which is the custody, loan, exchange or issue of money, the extension of credit, and the transmission of funds.

(80) *Clinic, medical or dental*: Facilities for examining, consulting with and treating patients including offices, laboratories and outpatient facilities but not including hospital beds and rooms for acute or chronic care.

(81) *Doctor's or physician's office* : A small office for examining and consulting with patients including necessary accessory facilities and occupied by not more than two (2) doctors.

(82) *Laboratory - medical or dental*: A laboratory which provides bacteriological, biological, medical, prosthetic, x-ray pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating shall be conducted on the premises except the custom fabrication of dentures.

(83) *Laboratory - scientific testing*: A building or part of a building devoted to the testing of any product or animal (including humans) for the purposes of providing written research reports on the results and utilizing the results to produce new or improved product, medicine or to better determine how animals function. No manufacturing is to be conducted on the premises except for experimental or testing purposes.

(84) *Medical appliance fittings and sales*: A facility specializing in special purpose devices related to medical treatment.

(85) *Mortuary*: A facility where bodies are prepared for burial or cremation, which may include areas for embalming, performing of autopsies, and the storage of funeral supplies and vehicles.

(86) *Office, professional or general business*: An office for professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

(87) *Optical shop*: A facility for a dealer in optical items or for correcting vision.

(88) *Studio, artist*: A facility for the instruction of art, either in groups or in private.

(89) *Studio—Drama, speech or dance* : A building or rooms in a building used for instructing, coaching or counseling in drama, speech, dance or similar personal skills.

(90) *Studio—Music*: A building or rooms in a building used for instructing, coaching or counseling in music or similar personal skills.

(91) *Studio—Display of art or decorators objects*: Display rooms and accessory offices for the display of art objects, fabrics and similar items which may be supplied to the clientele of the operator but not involving a direct retail shop.

(92) *Studio, recording and broadcasting*: A facility for broadcasting live or prerecorded programs by radio or television, or recording of records, tapes, CDs, video tapes or other recording media. Such facility may perform activities necessary for recording, programming and receiving of radio or television signals. Such facilities shall not engage in mass production.

#### **PLANTS, PETS, ANIMALS AND RELATED USES**

(93) *Animal clinic or hospital - no outside run*: A facility having reasonable sound attenuation construction features where animals other than livestock are given medical treatment, and where limited indoor kennel facilities for the short-term boarding of animals awaiting or convalescing from treatment may be provided.

(94) *Animal clinic or hospital/kennel with outside run*: A facility having reasonable sound attenuation construction features where animals other than livestock are given medical treatment, and where limited indoor or outdoor kennel facilities for the short- term boarding of animals awaiting or convalescing from treatment may be provided.

(95) *Animal pound - public or private*: A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets.

(96) *Aquarium, commercial*: A facility designed for the indoor and outdoor display of marine life.

(97) *Farm, ranch, garden or orchard*: An area which is used for growing of usual farm products, vegetables, fruits, trees and grain for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep, including a private stable and also 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 or law.

(98) *Garden shop and plant sales*: A facility for the sale of home, lawn, and garden supplies; landscaping materials; and other similar materials. This use may include the outside storage of materials.

(99) *Hatchery, poultry*: An enclosed facility or tract of land where poultry is raised.

(100) *Livestock auction - pens or sheds*: A place of confinement (whether by structures, fences, pens, corals, or other enclosures) for cattle, swine, sheep, poultry, fur bearing animals, or other livestock, where the density of animal units on the parcel exceeds that allowed in the zoning district within which the use is located. The primary purpose of such confinement is to provide for the ultimate sale of products from such animals or the animals themselves.

(101) *Pet shop, small animals and birds*: Facilities for the display and sale of small animals and birds as pets, such as dogs, cats, parakeets or canaries but not involving the boarding or treating of dogs or similar pets.

(102) *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 sales barn, auction or similar trading activity.

(103) *Veterinarians office, no hospital*: A facility having reasonable sound attenuation construction features where animals other than livestock are given medical treatment.

(104) *Zoo, commercial*: An enclosed tract of privately owned land designed for the indoor and outdoor display of animals. Subject to all state and local animal control guidelines.

(105) *Zoo, public*: An enclosed tract of publicly owned land designed for the indoor and outdoor display of animals. Subject to all state and local animal control guidelines.

#### **PERSONAL SERVICE AND CUSTOM CRAFTS**

(106) *Art needlework*: Hand sewing, knitting or weaving of handicraft objects for sale or on a custom basis.

(107) *Barber and beauty shop*: A facility licensed by the state where hair cutting, hair dressing, shaving, trimming beards, facials, manicures or related services are performed.

(108) *Book handcraft binding*: Hand binding on a custom basis of books and similar documents.

(109) *Cabinet and woodwork shop (custom)*: Shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planning mill or similar woodworking plant.

(110) *Cleaning shop (small custom shop)*: A cleaning establishment for custom cleaning of individual garments only and not a bulk or commercial type cleaning plant.

(111) *Cleaning shop (commercial)*: A facility that provides professional cleaning services, both on-site and off-site.

(112) *Custom sewing and millinery*: Custom making of items of apparel and millinery, such as a seamstress, but not involving a factory.

(113) *Handcraft, ceramic sculpture*: A facility to individually create objects such as leather goods, jewelry, and oven fired, nonmetallic mineral products of carved three-dimensional works of art.

(114) *Hand weaving*: A facility to individually create objects made from cloth, yarn, thread or other materials.

(115) *Health studio*: A facility other than a regularly licensed hospital, operating for a profit to promote physical fitness or weight control and where massage or exercises are practiced upon the human body by anyone and not a duly licensed physician or chiropractor, whether with or without the use of mechanical or therapeutic devices.

(116) *Key shop*: A facility for the sale or duplication of keys.

(117) *Laundry or dry cleaning, self-service*: An establishment providing facilities for washing or dry cleaning garments and similar items and where the customer may personally supervise and handle the cleaning operation.

(118) *Laundry commercial*: A cleaning establishment designed for the drop-off and pickup of individual garments, fabrics, rugs, draperies or other similar items.

(119) *Laundry or cleaning pickup*: A coin operated or custom-cleaning establishment for individual garment, fabrics, rugs, draperies or other similar items.

(120) *Photography studio*: A facility for taking and processing pictures, not a bulk processing plant.

(121) *Shoe repair*: A facility for repair or reconditioning of footwear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

(122) *Tailor*: A shop to alter, repair, fabricate or fashion garments.

(123) *Taxidermist*: A facility for preparing, stuffing and mounting the skins of animals, birds or fish.

(124) *Travel bureau*: An agency engaged in selling or arranging transportation, trips or tours for individuals or groups.

(125) *Upholstery shop*: A facility which makes coverings for furniture by applying such materials as springs, padding and fabric.

(126) *Tattoo studio*: Establishment where the practice of producing an indelible mark, design or figure on the human body by scarring the inserting pigment under the skin using needles scalpels or other related instruments takes place. Such establishments shall be required to conform to all state regulations regarding Tattoo Studios.

(127) *Body piercing studio*: Establishment where the creation of an opening in an individual's body other than in an individual's ear, to insert jewelry or another decoration takes place. Such establishments shall be required to conform to all state regulations regarding body piercing studios.

### RETAIL SALES USE

(128) *Antique shop (enclosed)*: An establishment offering for sale articles such as glass, china, furniture or similar furnishing and decorations which have value and significance as a result of age, design or sentiment; and when all such items displayed or offered for sale are housed within a building and there is no exterior display except the usual sign or advertising.

(129) *Food store*: Any retail establishment selling consumer products including primarily prepackaged food and household items.

(130) *Bakery or confections shop*: A place for baking or selling baked goods, or a place for preparing, cooking making or selling candy or other sweets. All goods baked or cooked on the premises must be retailed on the same premises.

(131) *Book and stationary store*: A facility for the sale of books, pamphlets, paper, pens, ink and associated items; not involving wholesale distribution.

(132) *Camera shop*: A retail shop which sells photography items including cameras, film, photographic paper, auxiliary lens, photo finishing material, projection equipment and other related items.

(133) *Cigar, tobacco and candy*: The retail sale of cigars, cigarettes, pipe tobacco, candies and related items.

(134) *Clothing store*: A retail facility for selling male and female apparel.

(135) *Drug store or pharmacy*: A facility for preparing, preserving, compounding and dispensing drugs and medicines; may include the display and sale of other merchandise such as cosmetics, notions, fountain service and similar items.

(136) *Feed store, retail (livestock, no mill)*: an establishment for the sale of grain, prepared feed and forage for pets, livestock and fowl but not involving the grinding, mixing or commercial compounding of such items.

(137) *Beverage store*: A facility for the sale of beer, wine or liquor not for on-premises consumption.

(138) *Florist shop*: A facility for the retail sale of cut or uncut flowers and ornamental plants and accessory items.

(139) *Furniture store (new)*: A retail facility for displaying and selling new furniture, and may also include appliances such as radios, televisions, stereos, refrigerators, stoves and lawn furniture.

(140) *Hardware and sporting goods*: A retail facility for selling cutlery, tools, utensils, screws, nails and similar items; or athletic uniforms, sport clothing and sporting equipment.

(141) *Hobby shop and art supply store*: A facility for the sale of hobby or art supplies such as model kits, art equipment and materials.

(142) *Letter and mimeograph shop*: A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.

(143) *Paint and wallpaper store*: A facility for selling paints, painting equipment and wallpaper as well as other decorator items.

(144) *Pawn shop*: A facility for loaning money on the security of personal property, unclaimed property may be sold on the premises.

(145) *Second hand store (used)*: A facility for the sale of secondhand or used items.

(146) *Swimming pool sales and supply*: A facility for display and retail sales of swimming pools, related supplies and service.

(147) *Retail stores/shops/flea markets/ other than listed*: Any establishment not listed in the Use Schedule, 10-200, offering consumer goods for sales except those uses specifically excluded and listed in other districts. Said establishment must be contained within four (4) solid walls, a solid roof and solid floor.

(148) *Tool rental*: A facility that houses tools and small equipment for rent.

#### **RECREATION, SOCIAL AND ENTERTAINMENT USES**

(149) *Amusement, commercial (outdoor)*: An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to a golf driving range, archery range and miniature golf course.

(150) *Amusement, commercial (indoor)*: An amusement enterprise wholly enclosed in a building which is treated acoustically so that no noise of the enterprise is perceptible at the bounding property line and including but not limited to a gaming room or establishment, bowling alley or billiard parlor.

(151) *Carnival or circus (temporary)*: A temporary traveling show or exhibition usually housed in tents, and which has no permanent structure or installation. Such temporary carnival or circus is subject to special authorization by resolution of the City Council.

(152) *Country club, private membership*: An area of twenty (20) acres or more, containing a golf course and a club house and available only to a private specific membership. Such a club may contain as adjunct facilities, a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

(153) *Dance hall or night club*: An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulations by the City.

(154) *Club, private (business)*: A clubroom or suite of rooms or a building available to restricted membership for meeting, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

(155) *Fairgrounds*: A recreational area providing parks and playfields which may include lighted areas for use after dusk.

(156) *Golf course, commercial*: A golf course, privately owned but open to the general public for a fee and operated as a commercial venture.

(157) *Golf course, public*: A golf course owned or controlled by a public agency such as the municipal Park Department and operated for the benefit of the public.

(158) *Ice skating rink*: A facility designed for the sole purpose of recreational activities that require an ice rink.

(159) *Park or playground (public)*: An open recreation facility or park owned or operated by a public agency such as the municipal Park Department or School Board, and available to the general public. This term shall include such used as stadiums, field houses, and customary accessory uses.

(160) *Recreation club or area, private*: A building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization and which may contain the normal active and passive facilities as provided in a public park or playground.

(161) *Rodeo*: An outdoor arena designed for the purpose of rodeo activities.

(162) *Theatre, drive in type*: A facility for outdoor performances where the audience views the production from automobiles or while seated outside.

(163) *Theatre, not drive in type*: A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.

(164) *Billiards parlor*: A facility that houses billiard tables for recreational use. Alcohol and food may be served with appropriate licenses.

#### TRANSPORTATION TYPE USES

(165) *Airport or landing field*: A landing facility for fixed wing aircraft containing a minimum of sixty (60) acres and approved by the City as an aircraft landing facility, subject to the Federal Aviation Agency's requirement of safety and applicant's securing air space utilization from the Federal Aviation Agency.

(166) *Bus station or terminal*: A facility on a common carrier line for bus docking, freight storage and passenger loading and unloading.

(167) *Hauling and storage company*: A facility for warehousing, transferring or keeping goods.

(168) *Helicopter base*: A landing and terminal facility for rotary wing aircraft, including facilities for fueling, servicing, and maintaining such craft and subject to approval by the City and subject to the Federal Aviation Agency's requirement of safety and applicant's securing air space utilization from the Federal Aviation Agency.

(169) *Heliport*: A landing facility for rotary wing aircraft not exceeding a gross weight of twelve thousand five hundred (12,500) pounds subject to regularly scheduled use, but not including fueling or servicing facilities for such craft and subject to approval by the City and subject to the Federal Aviation Agency's requirement of safety and applicant's securing air space utilization from the Federal Aviation Agency.

(170) *Helistop*: A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of six thousand (6,000) pounds and not for regularly scheduled stops and subject to approval by the City.

(171) *Motor freight terminal*: A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate and interstate shipment by motor truck.

(172) *Railroad freight terminal*: A facility on a railroad for freight and classifying, docking and storage.

(173) *Railroad passenger station*: A facility for loading and discharging of passengers.

(174) *Railroad team track*: A siding for spotting and unloading or loading of box cars or other railroad cars and which area is connected to a public street by a drive for access.

(175) *Railroad yard*: An outdoor facility used for the housing of rail cars.

#### **MOTOR VEHICLES AND RELATED USES**

(176) *Auto laundry*: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one (1) vehicle at the same time.

(177) *Auto glass, muffler and seat cover shop*: A facility for the installation or replacement of auto glass and mufflers.

(178) *Auto parts and assoc. sales, indoor only*: A facility having auto parts, accessories and tools for sale with no outdoor display area.

(179) *Auto parts and assoc. sales, outdoors display*: A facility having auto parts, accessories and tools for sale with outdoor display area.

(180) *Auto sales, indoors display*: A facility that sells new and or used automobiles with no outdoors display.

(181) *Auto sales or storage, outdoors display*: A facility that sells new and or used automobiles with outdoors display.

(182) *Auto storage or auction*: A facility for the sale of automobiles to the highest bidder.

(183) *Auto rental*: A company that rents automobiles for short periods of time to the public, generally ranging from a few hours to a few weeks.

(184) *Auto repair garage*: A facility for the retail sale of gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

(185) *Auto painting or body rebuilding shop*: A facility for restoring auto bodies, painting or refinishing.

(186) *Bus or truck parking or garage*: A facility in which currently licensed buses or trucks are stored or repaired.

(187) *Drag strip or commercial racing*: A facility, which contains an outdoor track used for the purpose of racing automobiles for recreational use only.

(188) *Engine or motor repair*: A shop for the disassembly, rebuilding and repair of motor vehicle engines, electric motors, vehicle transmissions or other major machinery components on an assembly line basis. General vehicle repair shall be classified as a repair garage.

(189) *Go cart track*: A facility which contains an outdoor track used for the purpose of racing Go Carts for recreational use only.

(190) *Machinery repair display or sales*: A facility that specializes in either the repair or sale of machinery.

(191) *Machine or welding shop*: A facility in which metallic materials are processed through machining, curing, grinding or welding.

(192) *Motorcycle or scooter sales and service*: A facility that sells services motorcycles and scooters. Accessories are also permitted for sale.

(193) *Parking, commercial lot or garage*: A parking area or facility the purpose of which is to allow the parking of motor vehicles.

(194) *Service station (motor vehicle fuel)*: A facility for the retail sale of gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

(195) *Steam cleaning/vehicles or machinery*: A facility for the on-site steam cleaning of vehicles or machinery.

(196) *Wrecking yard, junk and salvage*: A building, structure, or parcel of land, or portion thereof, totally enclosed by an eight (8) ft. privacy fence, used for the collecting, storage or sale of waste paper, rags, scrap metal, or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.

(197) *Utility trailers (new)*: A vehicle that (1) is designed or used to carry a load wholly on the trailer's own structure; (2) is designed to be "bumper drawn" by a motor vehicle; (3) is "new" as opposed to "used" and acquired for sale or rent from a manufacturer of utility trailers; and, (4) has an open bed not exceeding twenty (20) feet in bed length with a maximum of ten (10) trailers per acre with no stacking.

(198) *Utility trailers (used)*: A vehicle that meets the same specifications as set forth in (122) above except that such utility trailer is "used" as opposed to "new" with a maximum of ten (10) Trailers per acre with no stacking.

#### **STORAGE, PROCESSING AND COMMERCIAL USES**

(199) *Brick and similar building materials*: A facility for the sale of home, lawn, and garden supplies; landscaping materials; brick; lumber; and other similar materials. This use may include the outside storage of materials.

(200) *Clothing manufacturing and similar light manufacturing and assembly*: Operations involving cutting, sewing, forming and packing of garments and similar items and including the making of millinery and clothing accessories, but involving no obnoxious or hazardous materials or machinery.

(201) *Fix-it shop and appliance repair*: A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building or a storage area surrounded by a solid fence, wall or screen.

(202) *Furniture repair and upholstery*: A facility for the making, repairing, or refinishing of furniture or wood products for direct retail sale.

(203) *Job printing*: A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.

(204) *Laboratory, manufacturing*: Operations involving the compounding of products such as perfumes, pharmaceutical and the development and assembly of instruments and similar items.

(205) *Light fabrication and assembly processes*: Including but not limited to the manufacture of jewelry, trimming decorations, signs and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

(206) *Lumber yard*: A facility for the sale of home, lawn, and garden supplies; landscaping materials; brick; lumber; and other similar materials. This use may include the outside storage of materials.

(207) *Lithographer or printing plant*: A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.

(208) *Monument sales yard*: A facility that specializes in the sales and manufacture of monuments.

(209) *Open storage (no enclosure)*: Storage in the open of vehicles, machinery or any equipment or commodity where permitted as a primary use of land and accessory storage in the open of commercial and industrial products where such storage is not enclosed by a fence, wall or building.

(210) *Open storage (visual screen)*: The permitted storage of any equipment or commodity in an open area which is enclosed by an eight (8) foot fence or wall or surrounded by a building so as to create an effective visual screening of the storage from the adjacent property. The term "storage use" shall not constitute a wrecking, junk, or salvage yard. (Ord. 2015-4108; 04/06/2015)

(211) *Petroleum products - storage and wholesale*: A facility and enclosed yard designed primarily for the storage and wholesale sale of petrochemicals. All state and local statutes will regulate activity.

(212) *Plumbing shop*: A facility providing supplies, repair and sales of plumbing equipment.

(213) *Maintenance and home repair shop (no outside storage)*: A building housing the facilities and equipment of a home repair or maintenance service but not including the storage of building material, junk or similar commodities in the open, unenclosed.

(214) *Contractor or maintenance yard*: An open storage yard for supplies and operational equipment, including buildings, but not constituting a junk, wrecking or salvage yard.

(215) *Salvage yard (outside)*: An open yard, totally enclosed by an eight (8) ft. privacy fence, for the receiving, sorting, storage or packing of paper, rag, glass, boxes and similar commodities.

(216) *Salvage and reclamation - inside bldg.*: An enclosed facility for the receiving, sorting, storage or packing of paper, rag, glass boxes and similar commodities.

(217) *Sand, gravel or earth - sale and storage*: An open yard used for the storage and sale of sand, gravel or earth.

(218) *Dump - private or municipal*: A tract of land designated for the storage, collection, and disposal of solid wastes.

(219) *Stone, sand or gravel extraction*: A tract of land where stone, sand or gravel is extracted from under the earth. May include distribution area for truck/rail loading of materials.

(220) *Warehouse or covered storage*: A building or group of buildings providing shelter for commodities stored therein. No open or unenclosed storage shall be classified as a warehouse. No hazardous or explosive materials may be stored. (Ord. 2019-4258; 08/19/2019)

(221) *RV Storage in Residential*: Can only be stored behind the front facade of the main house respecting all setbacks per zoning area property is found in. RV can only be connected to electricity for maintenance purposes. RV cannot be connected to water or sewage without obtaining a Conditional Use Permit.

(222) *RV Storage in Commercial*: Can only be stored behind the front facade of the main building respecting all setbacks per zoning area property is found in. RV can only be connected to electricity for maintenance purposes. RV cannot be connected to water or sewage unless property is located in an RV Overlay district or licensed RV Park.

## **INDUSTRIAL AND MANUFACTURING USES**

(223) *Animal slaughter or chicken killing*: A facility and enclosed yard designed primarily for the slaughter of animals or poultry. Such facility is to be regulated by city ordinances in regard to such activity.

(224) *Acid manufacture*: A facility and enclosed yard designed primarily for the preparation, production and storage of acid. All state and local statutes will regulate activity.

(225) *Ammonia manufacture*: A facility and enclosed yard designed primarily for the preparation, production and storage of ammonia. All state and local statutes will regulate activity.

(226) *Batching plant, concrete or asphalt*: A facility and enclosed yard designed primarily for the preparation, production and distribution of concrete or asphalt. All state and local statutes will regulate activity.

(227) *Carbon black manufacture*: A facility and enclosed yard designed primarily for the preparation, production and storage of carbon black. All state and local statutes will regulate activity.

(228) *Cement, lime gypsum or plaster of paris*: A facility and enclosed yard designed primarily for the preparation, production and distribution of cement, lime gypsum or plaster of Paris. All state and local statutes will regulate activity.

(229) *Ceramic/pottery manufacture w/ dust, odor*: A facility and enclosed yard designed primarily for the preparation, production and distribution of ceramics or pottery. All state and local statutes will regulate activity.

(230) *Chlorine manufacture*: A facility and enclosed yard designed primarily for the preparation, production and storage of chlorine. All state and local statutes will regulate activity.

(231) *Electroplating/battery making*: A facility and enclosed yard designed primarily for the preparation, production and storage of batteries. All state and local statutes will regulate activity.

(232) *Explosives storage or manufacture*: A facility and enclosed yard designed primarily for the preparation, production and storage of explosives. All state and local statutes will regulate activity.

(233) *Glue and fertilizer manufacture*: A facility and enclosed yard designed primarily for the preparation, production and storage of glue or fertilizer. All state and local statutes will regulate activity.

(234) *Grain processing with hoods, dust*: A facility and enclosed yard designed primarily for the preparation, production and storage of grain. All state and local statutes will regulate activity.

(235) *Paint, oil, shellac and lacquer manufacture*: A facility and enclosed yard designed primarily for the preparation, production and storage of paint, oil, shellac and lacquer. All state and local statutes will regulate activity.

(236) *Petrochemical plant*: A facility and enclosed yard designed primarily for the preparation, production and storage of petrochemicals. All state and local statutes will regulate activity.

(237) *Petroleum tank farm*: A facility and enclosed yard designed primarily for the housing of petroleum tanks. All state and local statutes will regulate activity.

(238) *Plastic products manufacture*: A facility and enclosed yard designed primarily for the preparation, production and storage of plastic products. All state and local statutes will regulate activity.

(239) *Quarry, caliches gravel and sand excavation*: A tract of land where stone, sand or gravel is extracted from under the earth. May include distribution area for truck/rail loading of materials.

(240) *Rendering plant*: A facility and enclosed yard designed primarily for the preparation, production and distribution of acid. All state and local statutes will regulate activity.

(241) *Tanning, curing, and storage animal hides*: A facility and enclosed yard designed primarily for the preparation, production and storage of animal hides. All state and local statutes will regulate activity.

(242) *Textile manufacturing with dust/odor*: A facility and enclosed yard designed primarily for the preparation, production and storage of textiles. All state and local statutes will regulate activity.

(243) *Woodworking and planing mill*: A facility and enclosed yard designed primarily for the preparation, production and storage of wood. All state and local statutes will regulate activity.

(244) *Wrecking or salvage yard*: A facility and enclosed yard designed primarily for the collection and storage of wrecked vehicles or marine vessels.

(245) *Any use*: which due to the possible emission of excessive smoke, noise, gas, odor or vibration or danger or explosion or fire is presently or in the future is determined a hazard and subject to special control.

### MARINE USES

(246) *Boat dock or mooring (private)*: Any pier, wharf, or dock or a location and/or any equipment used or intended for use as a dock or mooring for privately owned boats which are operated for the pleasure and enjoyment of their owners and not for rent or commercial activity.

(247) *Boat dock or mooring (business)*: Any pier, wharf, or dock or a location and/or any equipment used or intended for use as a dock or mooring for boats or ships which are used incidentally in the normal activity of a business or are used for rental to others for the pleasure and enjoyment of the tenants and not for commercial use.

(248) *Boat dock or mooring (commercial)*: Any pier, wharf, or dock or a location and/or any equipment used or intended for use as a dock or mooring for boats or ships used in a maritime commercial activity such as commercial fishing, shipping, etc. in which the primary activity of the business is conducted on such boats or ships.

(249) *Net and commercial fishing equipment repair*: Establishments engaged in the repair and servicing of equipment for commercial fishing, such as nets, but not including the repair of engines, lines, etc. or other equipment used for the operation of fishing vessels.

(250) *Boat or ship repair (pleasure)*: Establishments engaged in repair or maintenance of boats, ships or other marine vessels commonly used for pleasure fishing or boating.

(251) *Boat, ship or barge repair (commercial)*: Establishments engaged in repair or maintenance of boats, ships or barges or other marine vessels commonly used in the commercial fishing, shipping, construction or similar industry.

(252) *Boat or ship building*: Establishments engaged in manufacture, assembly or construction of boats, ships or other marine vessels.

(253) *Bait shop*: Establishments engaged in the sale at retail of live or artificial bait for fishing.

(254) *Ice house*: Establishments engaged in the sale of ice but not including the manufacture of ice.

(255) *Ice plant*: Establishments engaged in the manufacture of ice.

(256) *Fishing tackle shop*: Establishments engaged in the sale at retail or the maintenance and repair of fishing tackle used for recreational fishing but not including the sale or repair of commercial fishing equipment.

(257) *Boat or ship fuel or service*: Establishments engaged in the sale of fuel and/or general off-shore service of boats, ships, or other marine vessels. (Ord. No. 2019-4228, 01/22/2019)

(258) *Boat rental*: Establishments engaged in renting boats for recreational uses.

(259) *Fishing pier*: Any structure constructed adjacent to or extending into a body of water and made available to the public for a fee

(260) *Marine contractor*: A facility and enclosed yard designed primarily for the use of assembling equipment associated with marine uses.

(261) *Loading/unloading storage of petroleum products*: A facility and enclosed yard designed primarily for the loading, unloading and storage of petroleum products. May include distribution area for truck/rail loading of materials. All state and local statutes will regulate activity.

(262) *Commercial loading/unloading of ships*: A facility and enclosed yard designed primarily for the loading, unloading of commercial ships/boats. May include distribution area for truck/rail loading of materials. All state and local statutes will regulate activity.

(263) *Fish cleaning, processing and packaging*: As used herein, the term "fish cleaning and/or processing" shall mean any operation involved in scaling, heading, gutting, gilling, filleting or breaching fish for a fee or then offering such fish for sale; however, there is excepted from such term an establishment selling fish to the ultimate consumer. The term "fish packaging" shall mean placing fish in any packaging container for resale. The term "ultimate consumer" means the person(s) who purchases such seafood product to eat.

(264) *Shellfish cleaning, processing and packaging*: As used herein, the term "shellfish cleaning and/or processing" shall mean any operation involved in grading, sorting, washing, heading, deveining, breaching, peeling or picking, removing from shell, and cleaning any shellfish for a fee or then offering such shellfish for sale; however, there is excepted from such term the peeling of shellfish by an establishment selling such peeled shellfish to the ultimate consumer. The term "shellfish packaging" shall mean placing shellfish in any packaging container for resale. The term "shellfish" shall mean shrimp, lobster, crab, clams, oysters, scallops or any other marine life processed for food. The term "ultimate consumer" means the person(s) who purchases such seafood product to eat.

(265) *Boat sales*: A facility that sells new and or used boats, both motorized and non-motorized, utilizing both indoor and outdoor display areas.

(266) *House boat*: Any boat, ship, barge, raft, vessel or other construction floating and being used or intended for use as a dwelling or to be occupied as a home or residence.  
(Ord. No. 4408, § 7, 12-5-2022; Ord. No. 2024-4460, § 2(Exh. A), 8-19-2024)

**10-400. Conditional use permits.**

The purpose of this section is to provide guidelines for Conditional Use Permits so as to allow temporary, specific use(s) that would normally not be permitted by zoning regulations but are permitted as long as stated conditions are met, and so long as deviation from such regulations will not cause a detrimental effect to the surrounding properties. The City Council may, after public hearing and recommendation by the City Planning and Zoning Commission, and after conducting a public hearing as is required for all amendments to the zoning ordinance, in accordance with the provisions of Section 19 authorize for specific parcels of land the issuance of a Conditional Use Permit in accordance with the provisions of the Use Schedule, 10-200, in those districts where it is indicated that a Conditional Use Permit for a specific type use may be approved. (Ord. 2017-4180, 03/06/2017)

The designation of a Conditional Use Permit as possible on the Use Schedule, 10-200, in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each Conditional Use Permit application shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate.

**10-410. Conditions for approval of a conditional use permit.**

(1) Application by the property owner requesting a Conditional Use Permit shall require a site plan and a construction plan, which when accepted shall be made part of the Conditional Use Permit. The City Planning and Zoning Commission shall require that the applicant furnish plans and data concerning the operation, location, function and characteristics of any use of land or building proposed. (Ord. 2017-4180, 03/06/2017)

(2) The applicant shall present his or her application and required documentation to the City Planning and Zoning Commission. The City Planning and Zoning Commission may recommend to the City Council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangement, location or construction of buildings and uses and operation be required. (Ord. 2017-4180, 03/06/2017)

(3) The applicant shall present his or her application to the City Council with the recommendations of the City Planning and Zoning Commission. The City Council may in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole. (Ord. 2017-4180, 03/06/2017)

(4) A site plan setting forth the conditions specified, may be required of the applicant and such plan, when accepted shall be made part of the conditional use permit.

**10-415. Time period; Permits granted.**

Permits granted pursuant to Section 10-410 hereunder may be granted for a period of up to five (5) years and any renewal thereof, if necessary, for a period of up to five (5) years from date of original permit maturity. Permits may be revoked if the conditions in which the permit were granted are not being

met. Ex: visual screening or multiple code violations exist. Permits granted pursuant to other Sections hereof shall be for such periods of time as may be determined by the Planning and Zoning Commission with approval of the City Council. (Ord. #2015-411, 05/04/2015; Ord. 2017-4180, 03/06/2017)

**10-420. General criteria for granting.**

(a) Conditional uses must be specifically identified and conform to conditions listed and authorized in the Zoning Ordinance, except as to Conditional Use Permits issued pursuant to Section 10-430 hereunder.

(b) The proposed use should not be injurious to present use of the land nor prevent enjoyment of uses already permitted.

(c) The change should not impede normal and orderly development of improvement of surrounding vacant property.

(d) Adequate utilities, access roads, drainage, and other necessary facilities must exist or be available in the near future.

(e) Sufficient off-street parking and loading space must be available.

(f) Measures must be taken to prevent the conditional use from producing annoying nuisances (odors, fumes, dust, noise, etc.) in the area.

(g) A Conditional Use Permit must be issued for a particular use and shall be nontransferable.

(h) The Permit is subject to periodic review. Any violation of the conditions shall result in automatic termination. If not used, Conditional Use Permits are null and void at the end of the authorized permit period.

**10-425. General criteria for renewal.**

(a) Complied with all of the reasons for seeking original permit.

(b) No active Code Enforcement violations.

(c) Any other information or facts that may be considered by the Planning and Zoning Commission and by City Council.

(d) Applications for renewal of permits must be filed not less than forty-five (45) days prior to expiration of the permit period sought to be renewed. (Ord. 2017-4180, 03/06/2017)

**10-430. Specific criteria for temporary conditional use permits.**

(a) RV's During Construction (Ord. 2017-4180, 03/06/2017)

(1) Financial plans for completion and letter of commitment available at time of filing application. (Ord. 2017-4180, 03/06/2017)

(2) Design plans and specifications complete and authorized for permit must be available for review at hearing before the Planning and Zoning Commission. (Ord. 2017-4180, 03/06/2017)

(3) Permits for construction will be approved and paid. (Ord. 2017-4180, 03/06/2017)

- (4) Person securing permit shall be the owner and user.
- (5) Permit will be granted for a period of not more than twelve (12) months and any renewal thereof, if necessary, for a period of not more than six (6) months from the date of original permit maturity. (Ord. 2017-4180, 03/06/2017)
- (b) Conditional use for open storage. (Ord. No. 2015-4110, 05-04-2015; Ord. 2017-4180, 03/06/2017)
  - (1) Annual inspection. If at any time, the subject permit is found to be in violation of the municipal code, the permit may be revoked by the City with appropriate action by the Planning and Zoning Commission and City Council. (Ord. 2017-4180, 03/06/2017)
  - (2) The Planning and Zoning Commission may approve a Conditional Use Permit for a time period of one (1) to five (5) years, with a maximum of a five (5) year permit. (Ord. 2017-4180, 03/06/2017)
  - (3) Meet all elements of the building code including landscaping, screening and lighting.
  - (4) Have no active code enforcement violations. (Ord. 2017-4180, 03/06/2017)

**10-435. Temporary multiple family dwelling on a single family lot.**

(a) May only be granted in the case of a hardship. "Hardship" is defined, for purposes of this Ordinance, as a physical or mental condition which renders a person unable to provide for his or her well-being as certified by a licensed physician.

(b) The application shall be made by the owner(s) of the property and shall only be for the benefit of a parent, grandparent, child or grandchildren of the owner(s) who is afflicted with a "hardship" as defined above.

(c) Applicant shall have owned the property for at least one (1) year prior to application for the hardship conditional use permit.

(d) The property for which the permit is applied for must be contiguous to the property upon which the owner resides; the permit lot shall not be less than seven thousand (7,000) square feet; and, shall conform to the following:

|                        |   |
|------------------------|---|
| Minimum Lot Depth:     | 100 Feet  |
| Minimum Lot Width:     | 50 Feet   |
| Minimum Front Yard:    | 25 Feet   |
| Minimum Side Yard:     | 10 percent of the width of the lot but not less than six (6) feet. No side yard in excess of ten (10) feet shall be required. |
| Minimum Rear Yard:     | 25 Feet   |
| Maximum Lot Coverage:  | 35 percent of lot area  |
| Max. Floor Area Ratio: | No requirement  |

(e) The conditional use permit shall be renewed annually, and the fee shall be paid as listed in the City Code of Ordinances Fee Schedule, as listed in Chapter 24, Article I, Sections 24-27. Renewals will be reviewed, and such review shall be conducted by the City Council upon a written report to be submitted

by the City Building Official and upon recommendations by the Planning and Zoning Commission. The Conditional Use Permit shall terminate upon the death of the owner, by sale of the property subject to the conditional use permit, or upon a change of occupancy.

(Ord. 2017-4180, 03/06/2017)

**10-440. Enforcement.**

The City Building Official of the City of Aransas Pass shall be the enforcer of these and all conditions so stipulated and as such, shall have the right to ingress and egress on subject property to appraise compliance with Conditional Use Permit. Violation of such permit may cause the City Building Official to order utilities on the property disconnected until such time as compliance is reached.

(Ord. 2017-4180, 03/06/2017)

**10-600. Classification of new and unlisted uses.**

(1) It is recognized that new types of land use will develop and that forms of land use not anticipated will seek to locate in the City. In order to provide for such changes and contingencies a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- a. All questions concerning the classification of new or unlisted uses shall be referred to the City Planning Commission for an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, nature and time of occupancy or operation of the premises, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the requirements for public utilities such as sanitary sewer and water.
- b. The City Plan Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted
- c. The City Plan Commission shall transmit its findings and recommendation as to the classification of any new or unlisted use to the City Council who may by resolution approve the recommendation of the City Plan Commission or make such determination concerning the classification of such use as it determines appropriate.
- d. A revised use list including all additions made to the uses permitted in the several zoning classifications shall be published periodically.

**10-700. Variance of minimum masonry requirements.**

(1) The City Council may, after public hearing and recommendation by the City Planning and Zoning Commission, and after conducting a public hearing as is required for all amendments to the zoning ordinance authorize for specific single family dwellings a variance from the minimum masonry requirements as set forth in the applicable zoning district in which a new home is to be constructed or reconstructed as a result of fire, windstorm, or other total destruction.

(2) In considering and determining its recommendation to the City Council relative to any such variance, the Planning and Zoning Commission may require that the applicant furnish plans and data concerning the proposed variance and shall make its determination of granting or denying such application upon the overall aesthetics of the proposed variance, its effect on the neighborhood, and its effect on surrounding property values and conservation of values.

(3) The City Council may in the interest of the public welfare and to assure compliance with the intent of this ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.



ARTICLE III

**DEVELOPMENT REQUIREMENTS**

**Section 11. Development Requirements**

- 11-110. General.
- 11-115. General Provisions.

**Section 11. AG - Agricultural District**

- 11-120. AG - Agricultural District.

**Section 11-R16. R-16 Single-Family Dwelling District**

- 11-130. R-16 Single-Family Dwelling District.

**Section 11-R10. Single-Family Dwelling District**

- 11-140. R-10 Single-Family Dwelling District.

**Section 11-R7A. Single-Family Dwelling District**

- 11-150. R-7A Single-Family Dwelling District.

**Section 11-R7B. Single-Family Dwelling District**

- 11-160. R-7B Single-Family Dwelling District.

**Section 11-D. D Duplex Dwelling District**

- 11-170. D Duplex Dwelling District.

**Section 11-A1. Apartment Dwelling District**

- 11-180. A-1 Apartment Dwelling District.

**Section 11-A2. Apartment Dwelling District**

- 11-190. A2 Apartment Dwelling District.

**Section 11-A3. Apartment Dwelling District**

- 11-200. A-3 Apartment Dwelling District.

**Section 11-NS. Neighborhood Service District**

- 11-210. NS Neighborhood Service District.

CITY OF ARANSAS PASS ZONING

**Section 11-SC. Shopping Center District**

11-220. SC Shopping Center District.

**Section 11-GB. General Business District**

11-230. GB General Business District.

**Section 11-CA. Central Area District**

11-240. CA Central Area District.

**Section 11-HC. Heavy Commercial District**

11-250. HC Heavy Commercial District.

**Section 11-LI. Light Industrial District**

11-260. LI Light Industrial District.

**Section 11-HI. Heavy Industrial District**

11-270. HI Heavy Industrial District.

**Section 11-PD. Planned Development District**

11-280. PD Planned Development District.

**Section 11-MH. Manufactured Home District**

11-290. MH Manufactured Home District.

**Section 11-RVO. Recreational Vehicle Overlay District**

11-300. RVO Recreational Vehicle Overlay District.

**Section 12. Off-Street Parking Requirements**

12-100. Off-Street Parking Requirements.  
12-110. Schedules of Minimum Off-Street Parking and Loading.  
12-120. Special Off-Street Parking Provisions—Non-Residential Districts.  
12-130. Special Off-Street Parking Provisions—Non-Residential districts.  
12-140. [Off-Street Loading Space].  
12-150. Parking Access.

**Section 12-MFE. Mobile Food Establishment**

12-200. Mobile Food Establishment Special Requirements.

ZONING

**Section 13. Special Access Standards**

13-100. Purpose.

**Section 13A. HO Harbor Overlay District**

13-200. 13A-HO Harbor Overlay District.



**SECTION 11. DEVELOPMENT REQUIREMENTS**

**11-110. General.**

Any use hereafter placed on land and any building or structure hereafter erected, altered or converted in the City of Aransas Pass, Texas, shall comply with the development requirements specified in the zoning district in which it is located.

**11-115. General provisions.**

(a) A lot having less area width or depth than herein required which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling.

(b) No lot existing at the time of passage of this ordinance shall be reduced in area width or depth below the minimum requirements set forth herein.

(c) A lot of record reduced in size to less than herein required by reason of the widening of an abutting street by the City or other governmental agency may be used for a one-family dwelling. In such instances, the minimum lot area width and depth requirements shall be computed on the basis of the original lot size prior to the street widening.

(d) Fences, walls, foliage, signs, poles, and other fixed or moveable objects shall not be permitted which are deemed by the City Planning Commission after a recommendation from the Police Department to constitute a hazard by virtue of impairing sight distance along a curve in a street or at the intersection of streets.

(e) No building or structure housing livestock shall be located nearer than one hundred (100) feet to any property line.

**SECTION 11. AG - AGRICULTURAL DISTRICT**

**11-120. AG - Agricultural District.**

(a) *Uses permitted.* Any uses indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

|                     |   |
|---------------------|---|
| Minimum Lot Area:   | Two and one-half (2 ½) acres of land for each dwelling unit |
| Minimum Lot Depth:  | Two hundred (200) feet                                      |
| Minimum Width:      | Two hundred (200) feet                                      |
| Minimum Front Yard: | Fifty (50) feet   |

|                           |   |
|---------------------------|---|
| Minimum Side Yard:        | Ten (10) percent of the width of the lot but not less than twenty (20) feet. No side yard in excess of fifty (50) feet shall be required. |
| Minimum Rear Yard:        | Fifty (50) feet   |
| Maximum Lot Coverage:     | Ten (10) percent of area of lot   |
| Maximum Floor Area Ratio: | No requirement  |

Single-Family Lots shall conform to the requirements specified in Section 11-R7A, Subdivision 11-150(b).

(c) *Height limitations:* 2½ standard stories

(d) *Off street parking and loading.* Off street parking and loading shall be provided according to the parking schedule, [Section] 12-110.

(e) *Special requirements.*

- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements for the district having the deepest front yard for the entire block.
  - a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
  - b. Where a building line is shown on a plat recorded with County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
  - d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.
  - e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)

- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-120(e)(1)e. (Ord. No. 2022-4379, 2/21/2022)
    - a. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [Section] 11-120(f)(6) following.
    - b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite side lot line.
    - a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed four (4) feet into the required rear yard.
  - (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.
    - a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the

property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
  - (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles) (Ord. No. 2019-4255.1, 8/19/2019)
  - (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
  - (10) All accessory buildings in excess of one hundred (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
  - (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 08/19/2019)
  - (12) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
  - (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 08/19/2019)
  - (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 08/19/2019)
- (Ord. No. 2023-4411, 1-3-2023)

#### **SECTION 11-R16. R-16 SINGLE-FAMILY DWELLING DISTRICT**

##### **11-130. R-16 Single-Family Dwelling District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

## Minimum Lot Area:

Sixteen thousand (16,000) square feet except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.



- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-120(e)(1)e. (Ord. No. 2022-4379, 2/21/2022)
    - a. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [Section] 11-120(f)(6) following.
    - b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite side lot line.
    - a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed four (4) feet into the required rear yard.
  - (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.
    - a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the

property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles) (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 08/19/2019)
- (12) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 08/19/2019)
- (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 08/19/2019)

#### **SECTION 11-R16. R-16 SINGLE-FAMILY DWELLING DISTRICT**

##### **11-130. R-16 Single-Family Dwelling District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

Minimum Lot Area:

Sixteen thousand (16,000) square feet except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.

|                               |  |
|-------------------------------|--|
| Minimum Lot Depth:            | One hundred twenty-five (125) Feet   |
| Minimum Lot Width:            | One hundred (100) Feet   |
| Minimum Front Yard:           | Thirty-five (35) Feet  |
| Minimum Side Yard:            | Ten percent (10%) of the width of the lot but not less than ten (10) feet. No side yard in excess of fifteen (15) feet shall be required.  |
| Minimum Rear Yard:            | Twenty-five (25) Feet  |
| Maximum Lot Coverage:         | Thirty percent (30%) of lot area   |
| Maximum Floor Area Ratio:     | No requirement   |
| Minimum Floor Space Required: | There shall be living area in each dwelling of not less than one thousand six hundred (1,600) square feet; the above mentioned square footage shall be heated and air conditioned living space. (Ord. 2017-4183, 04/03/2017)   |
| Minimum Masonry Required:     | Single family residences shall be constructed to the extent that no less than fifty percent (50%) of the front exterior wall shall be constructed of masonry or other similar material. On corner lots the front and side exterior walls facing Public Street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet. |
| Non-Conforming Dwellings:     | The provisions of subsections 9 and 10 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 9 and 10.   |

(c) *Height limitations.* 2½ standard stories.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the Parking Schedule [Section] 12-200.

(e) *Special requirements.*

- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
  - a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
  - b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
  - d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.
  - e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)
- (2) *Side yard.* On a corner lot, the side yard adjacent to a street shall not be less than ten (10) feet except as provided for in subsection 11-130(e)(1)d., e. (Ord. No. 2022-4379, 2/21/2022)
  - a. Special side yard requirements for garages and carports on corner lots are provided in [subsection] 11-130(f)(6) following. (Ord. No. 2019-4266, 09/16/2019)
  - b. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-130(f)(6) following.
  - c. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.

- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
    - a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
  - (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
    - a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this Section.
  - (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
  - (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles) (Ord. No. 2019-4255.1, 8/19/2019)
  - (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)

- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 08/19/2019)
- (12) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 08/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 08/19/2019)
- (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

#### **SECTION 11-R10. SINGLE-FAMILY DWELLING DISTRICT**

##### **11-140. R-10 Single-Family Dwelling District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

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|------------------------|---|
| 1. Minimum Lot Area:   | Ten thousand (10,000) square feet except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement. |
| 2. Minimum Lot Depth:  | One hundred twenty (120) Feet   |
| 3. Minimum Lot Width:  | Seventy-five (75) Feet  |
| 4. Minimum Front Yard: | Twenty-five (25) Feet   |

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| 5. Minimum Side Yard:           | Ten percent (10%) of the width of the lot but not less than ten (10) feet. No side yard in excess of fifteen (15) feet shall be required.  |
| 6. Minimum Rear Yard:           | Twenty-five (25) Feet  |
| 7. Maximum Lot Coverage:        | Thirty percent (30%) of lot area   |
| 8. Maximum Floor Area Ratio:    | Not required   |
| 9. Minimum Floor Space Required | There shall be living area in each dwelling of not less than one thousand (1,000) square feet; the above mentioned square footage shall be heated and air conditioned living space. (Ord. 2017-4183, 4/03/2017)  |
| 10. Minimum Masonry Required    | Single family residences shall be constructed to the extent that no less than fifty percent (50%) of the front exterior wall shall be constructed of masonry or other similar material. On corner lots the front and side exterior walls facing public street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet. |
| 11. Non-Conforming Dwellings    | The provisions of subsections 9 and 10 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 9 and 10.   |

(c) *Height limitations.* 2½ standard stories.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
  - a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
  - b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance of not to exceed four (4) feet.
  - d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.
  - e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)
- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-140(e)(1)d. (Ord. No. 2022-4379, 2/21/2022)
  - a. Special side yard requirements for garages and carports on corner lots are provided in [subsection] 11-200(f)(6) following. (Ord. 2019-4266, 09/16/2019)
  - b. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-140(f)(6) following.
  - c. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.

- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
    - a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
  - (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
    - a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
  - (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
  - (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
  - (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)

- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- (12) Storage building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 08/19/2019)
- (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 08/19/2019)

#### **SECTION 11-R7A. SINGLE-FAMILY DWELLING DISTRICT**

##### **11-150. R-7A Single-Family Dwelling District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the use schedule [Section] 10-200.

(b) *Lot area requirements.*

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| 1. Minimum Lot Area:   | Seven thousand (7,000) square feet except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement. |
| 2. Minimum Lot Depth:  | One hundred (100) Feet   |
| 3. Minimum Lot Width:  | Fifty (50) Feet  |
| 4. Minimum Front Yard: | Twenty-five (25) Feet  |
| 5. Minimum Side Yard:  | Ten percent (10%) of the width of the lot but not less than six (6) feet. No side yard in excess of ten (10) feet shall be required.   |

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| 6. Minimum Rear Yard:           | Twenty-five (25) Feet  |
| 7. Maximum Lot Coverage:        | Thirty-five percent (35%) of lot area  |
| 8. Maximum Floor Area Ratio:    | No requirement   |
| 9. Minimum Floor Space Required | There shall be living area in each dwelling of not less than one thousand (1,000) square feet; the above mentioned square footage shall be heated and air conditioned living space. (Ord. 2017-4183, 04/03/2017)   |
| 10. Minimum Masonry Required    | Single family residences shall be constructed to the extent that no less than fifty percent (50%) of the front exterior wall shall be constructed of masonry or other similar material. On corner lots the front and side exterior walls facing public street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet. |
| 11. Non-Conforming Dwellings    | The provisions of subsections 9 and 10 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 9 and 10.   |
- (c) *Height limitations:* Two and one-half (2½) standard stories
- (d) *Off-street parking and loading:* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.
- (e) *Special requirements.*
- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.

- b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
  - d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.
  - e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)
- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-140(e)(1)d. (Ord. No. 2022-4379, 2/21/2022).
- a. Special side yard requirements for garages and carports on corner lots are provided in [subsection] 11-150(f)(6) following. (Ord. No. 2019-4266, 09/16/2019)
  - b. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-150(f)(6) following.
  - c. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
- a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
- a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

(f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

- (1) Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
- (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
- (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- (12) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall

be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

### SECTION 11-R7B. SINGLE-FAMILY DWELLING DISTRICT

#### 11-160. R-7B Single-Family Dwelling District.

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

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|---------------------------------|--|
| 1. Minimum Lot Area:            | Seven thousand (7,000) square feet except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement. |
| 2. Minimum Lot Depth:           | One hundred (100) Feet   |
| 3. Minimum Lot Width:           | Fifty (50) Feet  |
| 4. Minimum Front Yard:          | Twenty-five (25) Feet  |
| 5. Minimum Side Yard:           | Ten percent (10%) of the width of the lot but not less than six (6) feet. No side yard in excess of ten (10) feet shall be required.   |
| 6. Minimum Rear Yard:           | Twenty-five (25) Feet  |
| 7. Maximum Lot Coverage:        | Thirty-five percent (35%) of lot area  |
| 8. Maximum Floor Area Ratio:    | No requirement   |
| 9. Minimum Floor Space Required | There shall be living area in each dwelling of not less than one thousand (1,000) square feet; the above mentioned square footage shall be heated and air conditioned living space.  |

## 10. Minimum Masonry Required

Single family residences shall be constructed to the extent that no less than fifty percent (50%) of the front exterior wall shall be constructed of masonry or other similar material. On corner lots the front and side exterior walls facing public street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet.

## 11. Non-Conforming Dwellings

The provisions of subsections 9 and 10 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 9 and 10.

(c) *Height limitations.* Two and one-half (2½) standard stories.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
  - a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
  - b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
  - d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.

- e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)
- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-160(e)(1)d.,e. (Ord. No. 2022-4379, 2/21/2022).
    - a. Special side yard requirements for garages and carports on corner lots are provided in [subsection] 11-150(f)(6) following. (Ord. No. 2019-4266, 9/16/2019)
    - b. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-160(f)(6) following.
    - c. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
    - a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
  - (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
    - a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory building within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.

- (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- (12) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

#### SECTION 11-D. D DUPLEX DWELLING DISTRICT

##### **11-170. D Duplex Dwelling District.**

- (a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.
- (b) *Lot area requirements.*

- |                                 |  |
|---------------------------------|--|
| 1. Minimum Lot Area:            | Seven thousand (7,000) square feet of land for each single-family dwelling unit, three thousand (3,000) square feet of land for each duplex dwelling unit, except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one (1) family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement. |
| 2. Minimum Lot Depth:           | One hundred (100) Feet   |
| 3. Minimum Lot Width:           | Fifty (50) Feet  |
| 4. Minimum Front Yard:          | Twenty-five (25) Feet  |
| 5. Minimum Side Yard:           | Ten percent (10%) of the width of the lot but not less than eight (8) feet. No side yard in excess of ten (10) feet shall be required.   |
| 6. Minimum Rear Yard:           | Twenty-five (25) Feet  |
| 7. Maximum Lot Coverage:        | Forty percent (40%) of lot area  |
| 8. Maximum Floor Area Ratio:    | No requirement   |
| 9. Minimum Floor Space Required | There shall be living area in each dwelling of not less than one thousand (1,000) square feet; the above mentioned square footage shall be heated and air conditioned living space. (Ord. 2017-4183, 4/03/2017)  |
| 10. Minimum Masonry Required    | Single family residences shall be constructed to the extent that not less than fifty percent (50%) of the front exterior wall shall be constructed of masonry or other similar material. On corner lots the front and side exterior walls facing public street shall be so constructed. Said masonry or other similar material shall extend and wrap around adjacent side exterior walls a minimum of two (2) feet.                        |

## 11. Non-Conforming Dwellings

The provisions of subsections 9 and 10 above shall not be applicable to non-conforming dwellings in existence on the date of the adoption thereof. All dwellings built hereafter on the same lot to replace such non-conforming dwellings as may be destroyed by fire, windstorm or other involuntary cause shall conform to the provisions of subsections 9 and 10.

(c) *Height limitations.* Two and one-half (2½) standard stories.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
  - a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
  - b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
  - d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.
  - e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)

- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-170(e)(1)e. (Ord. No. 2022-4379, 2/21/2022)
    - a. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [Section] 11-170(f)e. following.
    - b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
    - a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
  - (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
    - a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- a. Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - b. Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - c. Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - d. Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - e. Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - f. Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20)

feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

- g. No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- h. Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
- i. Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- j. All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- k. Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- l. Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- m. All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- n. Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

#### SECTION 11-A1. APARTMENT DWELLING DISTRICT

##### **11-180. A-1 Apartment Dwelling District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

- 1. a. Seven thousand (7,000) square feet of lot area for a single-family detached residence

|                                 |   |
|---------------------------------|---|
| Minimum Lot Area:               | b. Three thousand (3,000) square feet of lot area for each duplex unit  |
| Gross Units per Acre:           | c. Two thousand five hundred (2,500) square feet of lot area for each single-family attached unit or apartment unit   |
| Seventeen (17)                  |   |
| Net Units per Acre: Ten (10)    |   |
| 2. Minimum Lot Depth:           | One hundred (100) Feet  |
| 3. Minimum Lot Width:           | Fifty (50) feet for single-family detached, duplex or apartment development<br>Twenty-five (25) feet for single-family attached development   |
| 4. Minimum Front Yard:          | Twenty (20) Feet  |
| 5. Minimum Side Yard:           | a. Ten percent (10%) of the width of the lot but not less than five (5) feet, however, no side yard in excess of ten (10) feet shall be required for single family detached residential or duplex use.<br><br>b. Fifteen (15) feet for apartment and non-residential uses<br><br>c. No requirements for single-family attached residential uses except as noted in [subsection] 11-180(e)(2). |
| 6. Minimum Rear Yard:           | Twenty-five (25) Feet   |
| 7. Maximum Lot Coverage:        | Sixty percent (60%) of lot area   |
| 8. Maximum Floor Area Ratio:    | No requirement  |
| 9. Minimum Floor Space Required | a. Any single family use built in this district shall conform to the requirements specified in Section 11-150(b), subsections 9, 10, and 11 respectively.   |

b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-170(b), subsections 9, 10, and 11 respectively.

(c) *Height limitations.* Two and one-half (2½) standard stories.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

(1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.

a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.

b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.

c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.

d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.

e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)

(2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection (e)(1)d., e. (Ord. No. 2022-4379, 2/21/2022)

a. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [Section] 11-180(f)(6) following.

- b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - c. Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building are other than parallel to the front lot line a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front of rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
- a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
- a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the

property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- (12) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

#### **SECTION 11-A2. APARTMENT DWELLING DISTRICT**

##### **11-190. A2 Apartment Dwelling District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

1.
  - a. Seven thousand (7,000) square feet of lot area for a single-family detached residence
  - b. Three thousand (3,000) square feet of lot area for each duplex unit

|  |  |
|--|--|
|  | c. Two thousand five hundred (2,500) square feet of lot area for each single-family attached unit  |
| Minimum Lot Area:                      | d. One thousand five hundred (1,500) square feet of lot area for each apartment unit   |
| Gross Units per Acre: Twenty-nine (29) |  |
| Net Units per Acre: Seventeen (17)     |  |
| 2. Minimum Lot Depth:                  | One hundred (100) Feet   |
| 3. Minimum Lot Width:                  | Fifty (50) feet for single-family detached, duplex or apartment development<br>Twenty-five (25) feet for single-family attached development  |
| 4. Minimum Front Yard:                 | Twenty (20) Feet   |
| 5. Minimum Side Yard:                  | a. Ten percent (10%) of the width of the lot but not less than five (5) feet, however, no side yard in excess of ten (10) feet shall be required for single family detached residential or duplex uses.<br><br>b. Fifteen (15) feet for apartment and non-residential uses<br><br>c. No requirements for single-family attached residential uses except as noted in [subsection] 11-180(e)(2). |
| 6. Minimum Rear Yard:                  | Twenty-five (25) Feet  |
| 7. Maximum Lot Coverage:               | Sixty percent (60%) of lot area  |
| 8. Maximum Floor Area Ratio:           | No requirement   |
| 9. Minimum Floor Space Required        | a. Any single family use built in this district shall conform to the requirements specified in Section 11-150, subsections 9, 10, and 11 respectively.   |

b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-170, subsections (b)(9), (10), and (11) respectively.

(c) *Height limitations.* Two and one-half (2½) standard stories

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

(1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.

a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.

b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.

c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.

d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.

e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)

(2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-190(e)(1)d.,e. (Ord. No. 2022-4379, 2/21/2022)

a. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-190(f)(6) following.

- b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - c. Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
- a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
- a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the

property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- (12) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

### **SECTION 11-A3. APARTMENT DWELLING DISTRICT**

#### **11-200. A-3 Apartment Dwelling District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

1.
  - a. Seven thousand (7,000) square feet of lot area for a single-family detached residence
  - b. Three thousand (3,000) square feet of lot area for each duplex unit

- c. Two thousand five hundred (2,500) square feet of lot area for each single-family attached unit
  - d. Seven hundred fifty (750) square apartment unit
  - e. Except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
  
- Minimum Lot Area:  
Gross Units per Acre:  
Fifty-eight (58)  
Net Units per Acre: Thirty-four (34)
  
- 2. Minimum Lot Depth: One hundred (100) Feet
  
- 3. Minimum Lot Width:
  - a. Fifty (50) feet for single-family detached, duplex or apartment development
  - b. Twenty-five (25) feet for single-family attached development
  
- 4. Minimum Front Yard: Ten (10) Feet
  - a. Any portion of a structure above a height of forty (40) feet shall be set back one (1) foot for each two (2) feet in height above forty (40) feet. No front setback in excess of one hundred (100) feet from the opposite street right-of-way line shall be required.
  
- 5. Minimum Side Yard:
  - a. Ten percent (10%) of the width of the lot but not less than five (5) feet, however, no side yard in excess of ten (10) feet shall be required for single family detached residential or duplex uses.

b. Apartment side yard setback shall be ten (10) feet plus one (1) additional foot setback for each two (2) feet of building height above twenty-eight and three-fourths (28.75) feet if adjoining property is zoned under any apartment or non-residential district. If adjoining property or property immediately across the street is zoned duplex, single-family or agriculture, the side yard setback shall be ten (10) feet plus two (2) feet additional for each one (1) foot of height above twenty-eight and three-fourths (28.75) feet for apartment development. No side yard shall be required in excess of fifty (50) feet.

c. No requirements for single-family attached residential uses except as noted in [subsection] 11-200(e)(2).

6. Minimum Rear Yard:

a. Twenty-five (25) feet for single-family, duplex or non-residential use.

b. Fifteen (15) feet plus one (1) additional foot for each two (2) feet of height above twenty-eight and three-fourths (28.75) feet for apartment development, if adjoining property is zoned in an apartment or non-residential zoning district. If adjoining property is in a duplex, single-family, or agricultural zoning district, a rear yard of fifteen (15) feet plus two (2) feet of additional setback for each one (1) foot of height above twenty-eight and three-fourths (28.75) feet shall be required. No rear yard in excess of fifty (50) feet shall be required.

7. Maximum Lot Coverage:

Sixty percent (60%) of lot area

8. Maximum Floor Area Ratio:

4:1

9. Minimum Floor Space Required

a. Any single family use built in this district shall conform to the requirements specified in Section 11-150, subsections (b)(9), (10), and (11) respectively.

b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-170, subsections (b)(9), (10), and (11) respectively.

(c) *Height limitations.* Height limitations according to adopted building code.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

(1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.

- a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
- c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.
- e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)

(2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-200(e)(1)d. (Ord. No. 2022-4379, 2/21/2022)

- a. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-180(f)(6) following.

- b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - c. Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building are other than parallel to the front lot line a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front of rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
- a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
- a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the

property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- (12) Storage building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (14) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

#### **SECTION 11-NS. NEIGHBORHOOD SERVICE DISTRICT**

##### **11-210. NS Neighborhood Service District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

##### A. Residential Uses

1. Minimum Lot Area:
  - a. Seven thousand (7,000) square feet of lot area for a single-family detached residence

- b. Three thousand (3,000) square feet of lot area for each duplex unit
  - c. Two thousand five hundred (2,500) square feet of lot area for each single-family attached unit
  - d. One thousand five hundred (1,500) square feet of lot area for each apartment unit
  - e. Except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
2. Minimum Lot Depth: One hundred (100) Feet
3. Minimum Lot Width:
- a. Sixty (60) feet for single-family detached, duplex or apartment development
  - b. Twenty-five (25) feet for single-family attached development
4. Minimum Front Yard: Twenty-five (25) Feet
5. Minimum Side Yard:
- a. Ten percent (10%) of the width of the lot but not less than five (5) feet, however, no side yard in excess of ten (10) feet shall be required for single-family detached residential or duplex uses.
  - b. Fifteen (15) feet for apartment and non-residential uses
  - c. No requirements for single-family attached residential uses except as noted in [Section] 11-210(e)(2).
6. Minimum Rear Yard: a. Twenty-five (25) feet
7. Maximum Lot coverage: Sixty percent (60%) of lot area

8. Maximum Floor Area Ratio: No requirements
9. Minimum Floor Space Required
- a. Any single family use built in this district shall conform to the requirements specified in Section 11-150, subsections (b)(9),(10), and (11) respectively.
  - b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-170, subsections (b)(9), (10), and (11) respectively.

B. Non-Residential Uses:

1. Minimum Lot Area: No requirements
2. Minimum Lot Depth: No requirements
3. Minimum Lot Width: No requirements
4. Minimum Front Yard: Twenty-five (25) Feet
5. Minimum Side Yard: None required except as noted in [subsection] 11-210(e)(2)—11-210(e)(2)e.
6. Minimum Rear Yard: Twenty-five (25) Feet
7. Maximum Lot Coverage: Sixty percent (60%) of lot area
8. Maximum Floor Area Ratio: No requirements

(c) *Height limitations.* 2½ standard stories

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.

- b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
  - d. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.
  - e. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)
- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-210(e)(1)d. (Ord. No. 2022-4379, 2/21/2022)
- a. Special side yard requirements for garages and carports on corner lots are provided in [subsection] 11-210(f)e. following. (Ord. No. 2019-4266, 9/16/2019)
  - b. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-210(f)(6).
  - c. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - d. Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
  - e. For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in [subsection] 11-210(e)(2).
- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than

fifty percent (50%) of that portion of the lot lying to the rear and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.

a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

(f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
- (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
- (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (12) Reserved. (Ord. No. 2019-4256, 8/19/2019)

- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (14) Reserved. (Ord. No. 2019-4257, 8/19/2019)

### SECTION 11-SC. SHOPPING CENTER DISTRICT

#### 11-220. SC Shopping Center District.

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

##### A. Residential Uses

1. Minimum Lot Area:
  - a. Seven thousand (7,000) square feet of lot area for a single-family detached residence
  - b. Three thousand (3,000) square feet of lot area for each duplex unit
  - c. Two thousand five hundred (2,500) square feet of lot area for each single-family attached unit
  - d. One thousand five hundred (1,500) square feet of lot area for each apartment unit
  - e. Except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
2. Minimum Lot Depth: One hundred (100) Feet
3. Minimum Lot Width:
  - a. Sixty (60) feet for single-family detached, duplex or apartment development
  - b. Twenty-five (25) feet for single-family attached
4. Minimum Front Yard: Twenty-five (25) Feet

5. Minimum Side Yard:
- a. Ten percent (10%) of the width of the lot but not less than five (5) feet, however, no side yard in excess of ten (10) feet shall be required for single-family detached residential or duplex uses.
  - b. Fifteen (15) feet for apartment and non-residential uses.
  - c. No requirements for single-family attached residential uses except as noted in [subsection] 11-220(e)(2).
6. Minimum Rear Yard:
- a. Twenty-five (25) feet
7. Maximum Lot Coverage:
- Sixty percent (60%) of lot area
8. Maximum Floor Area Ratio:
- No requirements
9. Minimum Floor Space Required
- a. Any single family use built in this district shall conform to the requirements specified in Section 11-150(b), subsections (b)9, 10, and 11 respectively.
  - b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-170, subsections (b)9, 10, and 11 respectively.
- B. Non-Residential Uses:
1. Minimum Lot Area:
- No requirements
2. Minimum Lot Depth
- No requirements
3. Minimum Lot Width:
- No requirements
4. Minimum Front Yard:
- Sixty (60) Feet
5. Minimum Side Yard:
- None required except as noted in [subsection] 11-220(e)(2)—11-220(e)(2)e.

6. Minimum Rear Yard: Twenty (20) Feet
7. Maximum Lot Coverage: Sixty percent (60%) of lot area
8. Maximum Floor Area Ratio: 1:1

(c) *Height limitations.* 2½ standard stories.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

1. Front Yard:
- Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
- c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.

d. Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the street centerline.

e. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard needs be observed.

f. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)

## 2. Side Yard

On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-220(e)(1)e.,f. (Ord. No. 2022-4379, 2/21/2022)

a. Special side yard requirements for garages and carports on corner lots are provided in [subsection] 11-220(f)(6) following. (Ord. No. 2019-4266, 9/16/2019)

b. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-220(f)(6) following.

c. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.

d. Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.

e. For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in [subsection] 11-220(e)(2)a.

### 3. Rear Yard

No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.

a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sill, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.

#### 4. Height

Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one half (2½) stories when set back from all property lines a distance equal to twice the height of the building.

a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.

(f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.

- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
- (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
- (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)

- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (12) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (14) Reserved. (Ord. No. 2019-4257, 8/19/2019)

**SECTION 11-GB. GENERAL BUSINESS DISTRICT**

**11-230. GB General Business District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

A. Residential Uses

1. Minimum Lot Area:

- a. Seven thousand (7,000) square feet of lot area for a single-family detached residence.
- b. Three thousand (3,000) square feet of lot area for each duplex unit
- c. Two thousand five hundred (2,500) square feet of lot area for each single-family attached unit
- d. One thousand five hundred (1,500) square feet of lot area for each apartment unit
- e. Except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.

2. Minimum Lot Depth:

One hundred (100) Feet

- |                                 |   |
|---------------------------------|---|
| 3. Minimum Lot Width:           | <ul style="list-style-type: none"> <li>a. Fifty (50) feet for single-family detached, duplex or apartment development</li> <li>b. Twenty-five (25) feet for single-family attached</li> </ul>   |
| 4. Minimum Front Yard:          | Twenty-five (25) Feet   |
| 5. Minimum Side Yard:           | <ul style="list-style-type: none"> <li>a. Ten percent (10%) of the width of the lot but not less than five (5) feet, however, no side yard in excess of ten (10) feet shall be required for single-family detached residential or duplex uses.</li> <li>b. Fifteen (15) feet for apartment.</li> <li>c. No requirements for single-family attached residential uses except as noted in [subsection] 11-230(e)(2)a.</li> </ul> |
| 6. Minimum Rear Yard:           | a. Twenty-five (25) feet  |
| 7. Maximum Lot Coverage:        | Sixty percent (60%) of lot area   |
| 8. Maximum Floor Area Ratio:    | No requirements   |
| 9. Minimum Floor Space Required | <ul style="list-style-type: none"> <li>a. Any single family use built in this district shall conform to the requirements specified in Section 11-150(b), subsections 9, 10, and 11 respectively.</li> <li>b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-170(b), subsections 9, 10, and 11 respectively.</li> </ul>   |

**B. Non-Residential Uses**

- |                        |                       |
|------------------------|-----------------------|
| 1. Minimum Lot Area:   | No requirements       |
| 2. Minimum Lot Depth:  | No requirements       |
| 3. Minimum Lot Width:  | No requirements       |
| 4. Minimum Front Yard: | Twenty-five (25) Feet |

- |                              |   |
|------------------------------|---|
| 5. Minimum Side Yard:        | None required except as noted in [subsection] 11-230(e)(2)a.—11-230(e)(2)e. |
| 6. Minimum Rear Yard:        | Twenty-five (25) Feet   |
| 7. Maximum Lot Coverage:     | Sixty percent (60%)   |
| 8. Maximum Floor Area Ratio: | No requirements   |

(c) *Height Limitations.* Height limitations according to adopted building code

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
  - b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
  - d. Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the street center line.
  - e. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.
  - f. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)

- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet except as provided for in subsection 11-230(e)(1)e.,f.. (Ord. No. 2022-4379, 2/21/2022)
- a. Special side yard requirements for garages and carports on corner lots are provided in [subsection] 11-230(f)(5) following.
  - b. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-230(f)(5) following.
  - c. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - d. Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
  - e. For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in [subsection] 11-230(e)(2)a.
- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one (1) side lot line with the mid-point of the opposite lot line.
- a. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
- (f) *Accessory building standards.* Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (1) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (2) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.

- (3) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- (4) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- (5) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- (6) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this Section.
- (7) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (8) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (12) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (13) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (14) Reserved. (Ord. No. 2019-4257, 8/19/2019)

### SECTION 11-CA. CENTRAL AREA DISTRICT

#### 11-240. CA Central Area District.

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

#### A. Residential Uses

1. Minimum Lot Area:
  - a. Seven thousand (7,000) square feet of lot area for a single-family detached residence
  - b. Three thousand (3,000) square feet of lot area for each duplex unit

- c. Two thousand five hundred (2,500) square feet of lot area for each single-family attached unit
  - d. Seven hundred fifty (750) square feet of lot area for each apartment unit
  - e. Except that a lot having less area which was an official an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
- 2. Minimum Lot Depth: One hundred (100) Feet
- 3. Minimum Lot Width:
  - a. Fifty (50) feet for single-family detached, duplex or apartment development
  - b. Twenty-five (25) feet for single-family attached development
- 4. Minimum Front Yard:
  - a. No requirements for structures forty (40) feet or less in height.
  - b. Any portion of a structure above a height of forty (40) feet shall be set back one (1) foot for each two (2) feet in height above forty (40) feet. No front setback in excess of one hundred (100) feet from the opposite street right-of-way line shall be required.
- 5. Minimum Side Yard:
  - a. Ten percent (10%) of the width of the lot but not less than five (5) feet, however, no side yard in excess of ten (10) feet shall be required for single-family detached residential or duplex uses.

b. For apartment uses, one (1) foot setback for each two (2) feet of building height above forty (40) feet if adjoining property is zoned A-3 or under any non-residential district. If adjoining property or property immediately across the street is zoned duplex, single-family or Apartment 1 or 2, the side yard setback shall be ten (10) feet plus two (2) feet additional for each one (1) foot of height above twenty-eight and three-fourths (28.75) feet for apartment development. No side yard shall be required in excess of fifty (50) feet.

c. No requirements for single-family attached residential uses.

6. Minimum Rear Yard:

a. Twenty-five (25) feet for single-family or duplex use.

b. One (1) foot for each two (2) feet of height above forty (40) feet for apartment development if adjoining property is in an A-3 or non-residential zoning district. If adjoining property or property across an alley is in a duplex, single family or apartment 1 or 2 zoning district, a rear yard of fifteen (15) feet plus two (2) feet of additional setback for each one (1) foot of height above twenty-eight and three-fourths (28.75) feet shall be required. No rear yard in excess of fifty (50) feet shall be required.

7. Maximum Lot Coverage:

One hundred percent (100%) of lot area

8. Maximum Floor Area Ratio:

6:1

Dedicate a minimum of thirty percent (30%) of interior frontage area of each building first floor for commercial and retail purposes.

9. Minimum Floor Space Required

a. Any single family use built in this district shall conform to the requirements specified in Section 11-150, subsections (b)9, 10, and 11 respectively.

b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-170, subsections (b)9, 10, and 11 respectively.

B. Non-Residential Uses:

- |                        |  |
|------------------------|--|
| 1. Minimum Lot Area:   | No requirements  |
| 2. Minimum Lot Depth   | No requirements  |
| 3. Minimum Lot Width:  | No requirements  |
| 4. Minimum front yard: | <p>a. No requirements for structures forty (40) feet or less in height.</p> <p>b. Any portion of a structure above a height of forty (40) feet shall be set back one (1) foot for each two (2) feet in height above forty (40) feet. No front setback in excess of one hundred (100) feet from the opposite street right-of-way line shall be required.</p>  |
| 5. Minimum Side Yard:  | <p>One (1) foot setback for each two (2) feet of building height above forty (40) feet if adjoining property is zoned A-3 under any non-residential district. If adjoining property or property immediately across the street is zoned duplex, single-family or apartment 1 or 2, the side yard setback shall be ten (10) feet plus two (2) feet additional for each one (1) foot of height above 28.75 feet. No side yard shall be required in excess of fifty (50) feet.</p> |

6. Minimum Rear Yard: One (1) foot for each two (2) feet of height above forty (40) feet for apartment development if adjoining property is in an A-3 or non-residential zoning district. If adjoining property or property across an alley is in a duplex, single family or apartment 1 or 2 zoning district, a rear yard of fifteen (15) feet plus two (2) feet of additional setback for each one (1) foot of height above twenty-eight and three-fourths (28.75) feet shall be required. No rear yard in excess of fifty (50) feet shall be required.

7. Maximum Lot Coverage: One hundred percent (100%) of lot area

8. Maximum Floor Area Ratio: 10:1

(c) *Height limitations.* Height limitations according to adopted building code.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

(1) *Front yard.* Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard of the entire block.

a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.

b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.

c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.

d. Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island but no closer than forty (40) feet from the street center line.

- e. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.
  - f. Where a building is placed on a corner lot with the front facing the length dimension of the lot instead of the width dimension, the setbacks for the newly established yard-designations shall be as follows: the front yard setback shall be a minimum of ten (10) feet, the rear yard setback shall be a minimum of six (6) feet, and both side yard setbacks shall be a minimum of twenty-five (25) feet. (Ord. No. 2022-4379, 2/21/2022)
- (2) *Side yard.* Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of ten (10) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
- a. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - b. For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in [Section] 11-240(e)(2).
- (3) *Rear yard.* No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
- a. No rear yard is specified for non-residential uses except that where a non-residential use backs upon a common district boundary line, whether separated by an alley or not, dividing this district from any residential district, a minimum rear yard of fifteen (15) feet shall be provided for the non-residential use.
  - b. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.

(f) *Accessory building standards.*

- (1) Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
- (2) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
- (3) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
- (4) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
- (5) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
- (6) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- (7) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- (8) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (9) Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
- (10) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (12) Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- (13) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (14) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (15) Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall

be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

### SECTION 11-HC. HEAVY COMMERCIAL DISTRICT

#### 11-250. HC Heavy Commercial District.

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

#### A. RESIDENTIAL USES:

1. Minimum Lot Area:
  - a. Seven thousand (7,000) square feet of lot area for a single-family detached residence
  - b. Three thousand (3,000) square feet of lot area for each duplex unit
  - c. Two thousand five hundred (2,500) square feet of lot area for each single-family attached unit
  - d. One thousand five hundred (1,500) square feet of lot area for each apartment unit
  - e. Except that a lot having less area which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling, and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirement.
2. Minimum Lot Depth: One hundred (100) feet
3. Minimum Lot Width:
  - a. Fifty (50) feet for single-family detached, duplex or apartment development
  - b. Twenty-five (25) feet for single-family attached

- |                                 |   |
|---------------------------------|---|
| 4. Minimum Front Yard:          | Twenty-five (25) feet   |
| 5. Minimum Side Yard:           | <p>a. Ten percent (10%) of the width of the lot but not less than five (5) feet, however, no side yard in excess of ten (10) feet shall be required for single-family detached residential or duplex uses.</p> <p>b. Fifteen (15) feet for apartment and non-residential uses.</p> <p>c. No requirements for single-family attached residential uses except as noted in [subsection] 11-250(e)(2)a.</p> |
| 6. Minimum Rear Yard:           | Twenty-five (25) feet   |
| 7. Maximum Lot Coverage:        | Sixty percent (60%) of lot area   |
| 8. Maximum Floor Area Ratio:    | No requirements   |
| 9. Minimum Floor Space Required | <p>a. Any single family use built in this district shall conform to the requirements specified in Section 11-150, subsections (b)9, 10, and 11 respectively.</p> <p>b. Any duplex (dual family) use built in this district shall conform to the requirements specified in Section 11-170, subsections (b)9, 10, and 11 respectively.</p>  |
| <br>B. Non-Residential Uses:    |   |
| 1. Minimum Lot Area:            | No requirements   |
| 2. Minimum Lot Depth:           | No requirements   |
| 3. Minimum Lot Width:           | No requirements   |
| 4. Minimum Front Yard:          | Twenty (20) feet  |
| 5. Minimum Side Yard:           | None required except as noted in [subsection] 11-250(e)(2)a.—11-250(e)(2)e.   |

- |                              |  |
|------------------------------|--|
| 6. Minimum Rear Yard:        | None required except as noted in [subsection] 11-250(e)(3)b. |
| 7. Maximum Lot Coverage:     | Eighty percent (80%)   |
| 8. Maximum Floor area ratio: | 4:1  |

(c) *Height limitations.* Four (4) Standard Stories.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

- (1) *Front yard.* Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- a. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
  - b. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
  - c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
  - d. Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the street center line.
  - e. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one (1) frontage on the plat or by ordinance in which event only one required front yard need be observed.
- (2) *Side yard.* On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in [subsection] 11-250(f)(7) following. (Ord. No. 2019-4266, 9/16/2019)
- a. Detached garages or similar residential accessory buildings shall be located not less than ten (10) feet to the rear of the main building and shall be not less than three (3) feet from the side property line except as noted in [subsection] 11-250(f)(7) following.

- b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - c. Where apartment buildings are arranged so as to create courts or as parallel buildings and where the long dimension of the building or the main entrances or exits to the building are other than parallel to the front lot line, a side yard shall be provided on each side of such building having a minimum width of fifteen (15) feet. The effect of such side yard shall be that the front or rear faces of all buildings arranged as courts or parallel structures on lots or tracts shall be a minimum of thirty (30) feet apart.
  - d. For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided.
- (3) *Rear yard.* In [subsection] 11-250(e)(2). No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
- a. No rear yard is specified for non-residential uses except that where a non-residential use backs upon a common district boundary line, whether separated by an alley or not, dividing this district from any residential district, a minimum rear yard of fifteen (15) feet shall be provided for the non-residential use.
- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
- a. Cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed a total of thirty-six (36) feet above average grade line around the building.
- (f) *Accessory building standards.*
- (1) Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
  - (2) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (3) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (4) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (5) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.

- (6) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
- (7) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.
- (8) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (9) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 1-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (12) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (13) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (14) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (15) Reserved. (Ord. No. 2019-4257, 8/19/2019)

### SECTION 11-LI. LIGHT INDUSTRIAL DISTRICT

#### **11-260. LI Light Industrial District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

- |                        |   |
|------------------------|---|
| 1. Minimum Lot Area:   | No requirements   |
| 2. Minimum Lot Depth:  | No requirements   |
| 3. Minimum Lot Width:  | No requirements   |
| 4. Minimum Front Yard: | Twenty-five (25) Feet   |
| 5. Minimum Side Yard:  | None required except as noted in [subsection] 11-260(e)(2)(a) and 11-260(e)(2)(c) |

- |                              |   |
|------------------------------|---|
| 6. Minimum Rear Yard:        | No requirements except as noted in [subsection] 11-260(e)(3)(b) |
| 7. Maximum Lot Coverage:     | One hundred percent (100%) of lot area                          |
| 8. Maximum Floor Area Ratio: | 4:1   |

(c) *Height limitations.* Height limitations according to adopted building code.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

(1) Front Yard.

- a. Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- b. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- c. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
- d. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- e. Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the street center line.
- f. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed.

(2) *Side yard.*

- a. On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in [Section] 11-260(f)(7) following. (Ord. No. 2019-4266, 9/16/2019)

- b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.
  - c. For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in [Section] 11-260(e)(2).
- (3) *Rear yard.*
- a. No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
  - b. No rear yard is specified for non-residential uses except that where a non-residential use backs upon a common district boundary line, whether separated by an alley or not, dividing this district from any residential district, a minimum rear yard of fifteen (15) feet shall be provided for the non-residential use.
  - c. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (4) *Height.* Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2 ½) stories when set back from all property lines a distance equal to twice the height of the building.
- (f) *Accessory building standards.*
- (1) Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
  - (2) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (3) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (4) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (5) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (6) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (7) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the

property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

- (8) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (9) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (12) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (13) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (14) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (15) Reserved. (Ord. No. 2019-4257, 8/19/2019)

**SECTION 11-HI. HEAVY INDUSTRIAL DISTRICT**

**11-270. HI Heavy Industrial District.**

(a) *Uses permitted.* Any use indicated as permitted in this district on the Use Schedule [Section] 10-200.

(b) *Lot area requirements.*

- |                          |  |
|--------------------------|--|
| 1. Minimum Lot Area:     | No requirements  |
| 2. Minimum Lot Depth:    | No requirements  |
| 3. Minimum Lot Width:    | No requirements  |
| 4. Minimum Front Yard:   | Twenty (20) Feet   |
| 5. Minimum Side Yard:    | None required except as noted in [Section] 11-270-610 and 11-270-612 |
| 6. Minimum Rear Yard:    | No requirements except as noted in [subsection] 11-270(e)(3)c.       |
| 7. Maximum Lot Coverage: | One hundred percent (100%)   |

8. Maximum Floor Area Ratio: 6:1

(c) *Height limitations.* Height limitations according to adopted building code.

(d) *Off-street parking and loading.* Off-street parking and loading shall be provided according to the parking schedule [Section] 12-200.

(e) *Special requirements.*

(1) *Front yard.*

- a. Where the frontage on one (1) side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the district having the deepest front yard for the entire block.
- b. Where a building line has been established by plat or ordinance and such line requires a greater front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by the other ordinance or plat.
- c. Where a building line is shown on a plat recorded with the County Clerk after date of adoption of this ordinance, and such building line provides a front yard of twenty (20) feet or more in depth and is part of a plan for the orderly development of a subdivision either with a uniform or staggered building line, the building line shown on said plat shall be interpreted as establishing the front yard requirements for the lots shown on the plat.
- d. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
- e. Gasoline service station pump islands may be located within eighteen (18) feet of the front property line, measured to the front face of the island, but no closer than forty (40) feet from the street center line.
- f. Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one (1) required front yard need be observed.

(2) *Side yard.*

- a. On a corner lot, the side yard adjacent to a side street shall not be less than ten (10) feet. Special side yard requirements for garages and carports on corner lots are provided in [Section] 11-270(f)(6) following. (Ord. No. 2019-4266, 9/16/2019)
- b. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, roofs and other architectural features projecting not to exceed thirty-six (36) inches into the required side yard.

- c. For non-residential uses, no side yard is specified for interior lots except where a retail use abuts upon a residential district boundary line in which event a minimum ten (10) foot side yard shall be provided on the side adjacent to such residential district and except as provided in [Section] 11-270(e)(2)a.
- (3) *Rear yard.*
- a. No dwelling structure may be located nearer than twenty-five (25) feet to the rear property line and such dwelling structure and all accessory buildings shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line erected joining the mid-point on one side lot line with the mid-point of the opposite lot line.
  - b. Every part of a required rear yard shall be open and unobstructed except for permitted accessory buildings and ordinary projections of window sills, eaves, belt courses, cornices and other architectural features projecting not to exceed four (4) feet into the required rear yard.
  - c. No rear yard is specified for non-residential uses except that where a non-residential use backs upon a common district boundary line, whether separated by an alley or not, dividing this district from any residential district, a minimum rear yard of fifteen (15) feet shall be provided for the non-residential use.
- (4) *Height.*
- a. Permitted institutions such as schools and churches including domes, church steeples and spires, may be erected to exceed two and one-half (2½) stories when set back from all property lines a distance equal to twice the height of the building.
- (f) *Accessory building standards.*
- (1) Accessory uses located in the main building or in structures attached to the main building shall observe the same front, side and rear yard requirements as are specified for the main building.
  - (2) Detached accessory buildings within the front fifty percent (50%) of the lot shall observe the same front yard as the main building.
  - (3) Detached accessory buildings shall not be located nearer than three (3) feet to any interior side lot line.
  - (4) Detached accessory buildings on a corner lot shall not be located nearer than ten (10) feet to a side lot line along a side street.
  - (5) Detached accessory buildings shall not be located nearer than three (3) feet to any rear lot line.
  - (6) Detached accessory building shall not be located nearer than ten (10) feet to a residential structure.
  - (7) Automobile storage spaces located in the open or in a main or accessory building so as to face upon or be entered directly from a street or alley, shall not be nearer than twenty (20) feet to the property side lot line adjacent to such street or forty (40) feet from the opposite side of such alley, regardless of any building line platted to a lesser setback and regardless of any other provision of this section.

- (8) No detached accessory building shall be used as a place of habitation unless it is a bona fide guesthouse or servant's quarters as provided for and defined elsewhere in this ordinance.
- (9) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) Reserved. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (12) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (13) Reserved. (Ord. No. 2019-4256, 8/19/2019)
- (14) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- (15) Reserved. (Ord. No. 2019-4257, 8/19/2019)

### **SECTION 11-PD. PLANNED DEVELOPMENT DISTRICT**

#### **11-280. PD Planned Development District.**

The purpose of this district is to accommodate planned associations of uses developed as integral land use units such as industrial parks or industrial districts, office, commercial or service centers, shipping centers, residential developments of multiple or mixed housing, or any appropriate combination of uses which may be planned, developed and operated as integral land use units either by a single owner or combination of owners.

(a) *Application.* An application for a Planned Development District may be made to the City Plan Commission in the same manner that an application for any amendment to the zoning ordinance is made. Applications for approval of a Planned Development District shall be processed according to the procedure specified in Section 19 and a site plan and related data shall be submitted for approval in accordance with the requirements of [subsections] 11-280(d) and (e).

- (1) The City Council, after public hearing and proper notice to all parties affected and after recommendation by the City Plan Commission, may authorize the creation of a Planned Development District on sites of five (5) acres or more to accommodate various types of developments and combinations of developments.

(b) *Uses permitted.* A Planned Development District may be approved for any use or combination of uses listed in the Use Schedule 10-200, shown under PD District. The uses permitted in any specific Planned Development District shall be enumerated in the ordinance establishing such district.

(c) *Height, floor-area ratio, density, and parking and loading standards.* The maximum height, lot width, lot depth, floor-area ratio and lot area, and the minimum off-street parking and loading requirements for uses proposed shall be established for each Planned Development District, and such standards and requirements shall comply with or be more restrictive than the standards established in the following districts for the specified type uses:

|                                  |   |
|----------------------------------|---|
| <i>GENERAL USE CATEGORY</i>      | <i>MAXIMUM HEIGHT, LOT WIDTH, LOT DEPTH, FLOOR-AREA RATIO OR LOT AREA AND MINIMUM OFF-STREET PARKING AND LOADING STANDARDS SHALL BE ESTABLISHED BY THE FOLLOWING:</i> |
| Residential                      | A-3   |
| Retail and Personal Service Uses | SC  |
| Office                           | SC  |
| Industrial or Manufacturing      | LI  |
| Commercial Services              | HC  |

(d) *Procedure for establishing standards.* In approving the development plan and the ordinance establishing the Planned Development District, the City Council shall, after recommendation by the City Plan Commission, specify such maximum height, floor-area ratio, density and minimum off-street parking and loading standards within the limits of those specified in the districts listed for the specific uses involved as is appropriate for the development. The Council shall, after receiving the recommendation of the City Plan Commission, establish the standards for yards, signs, building spacing, site coverage, access, screening walls or landscaping, building area, open space, pedestrian ways, public or private streets and alleys to be observed in a Planned Development District and such standards shall be specified in the ordinance establishing the district.

(e) *Development schedule.* An application for a Planned Development District shall, if the applicant desires or the City Plan Commission or City Council requires, be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer and his successors in interest.

- (1) Annually, where a development schedule has been required, the Building Inspector shall report to the City Plan Commission the actual development accomplished in the various Planned Development Districts as compared with the development schedule.
- (2) The City Plan Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings under Section 19 to amend the Zoning District Map or the Planned Development District by removing all or part of the Planned Development District from the Zoning District Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the City Plan Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

(f) *Development plan required.* An application for a Planned Development District shall include and be accompanied by a development plan which shall become a part of the amending ordinance and shall be referenced on the Zoning District Map. Changes in the development plan shall be considered the same as changes in the Zoning District Map and shall be processed as required in Section 19, except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor-area ratio, height or coverage of the site, or which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site as indicated on the approved development plan may be authorized by the Director of Planning and Zoning. Any applicant may appeal the decision of the Director of Planning and Zoning to the City Plan Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

(1) The Development Plan Shall Include:

- a. A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for education or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five (5) feet, or spot grades where the relief is limited.
- b. Where multiple types of land use are proposed, a land use plan delineating the specific areas to be devoted to various uses shall be required.
- c. Where building complexes are proposed, a plot plan showing the location of building site and the minimum distance between building sites and between building sites and the property line, street line and/or alley line shall be submitted. For buildings more than one (1) story in height, except single family and two family residences, elevations and/or perspective drawings may be required in order that the relationship of the buildings sites to adjacent property may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light and air.
- d. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site.
- e. A designation of the maximum building coverage of the site shall be indicated upon the site plan.
- f. Screening and landscaping plan shall be required where such treatment is essential to the proper arrangements of the development in relation to adjacent property. Such plan shall, when required, include screening walls, ornamental planting, playgrounds, wooded areas to be retained, lawns and gardens if such are determined to be necessary by the City Council.

- g. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the Director of Planning and Zoning and interpretation by the Building Inspector.

Every Planned Development District approved under the provisions of this ordinance shall be considered as an amendment to the zoning ordinance as applicable to the property involved. In carrying out the development of a Planned Development District, the development conditions and the development schedule, if required, shall be complied with and such conditions as are specified for the development of a Planned Development shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy and compliance as required by Section 17.

(2) *[Miscellaneous requirements.]*

- a. Maximum height of carport: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4255.1, 8/19/2019)
- b. Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- c. All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- d. Maximum height of storage building: Eighteen (18) feet (to allow for recreational vehicles). (Ord. No. 2019-4256, 8/19/2019)
- e. Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- f. All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations Applicable to Use Schedule shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4256, 8/19/2019)
- g. Swimming pools (private) shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required. (Ord. No. 2019-4257, 8/19/2019)

## SECTION 11-MH. MANUFACTURED HOME DISTRICT

### 11-290. MH Manufactured Home District.

The manufactured home is recognized as a special form of housing and is therefore subject to the specific and special standards as herein provided.

(a) *Types of pre-fabricated homes.* (Ord. 2016-4172, 10/17/2016)

Types of Pre-Fabricated Homes are recognized by this ordinance as follows:

- (1) Manufactured Homes, hereinafter sometimes referred to as MH, as defined in Section 10-301(9).
- (2) Modular Home, herein classified as a single-family dwelling and as defined in Section 10-301(9.2).

(b) *Types of pre-fabricated home development.* (Ord. 2016-4172, 10/17/2016). Three (3) types of Pre-Fabricated Home Development are provided for by this ordinance as follows:

- (1) A Manufactured Home Park is a unified development of Manufactured Home sites, plats or transient stands arranged on a large tract under single ownership.
- (2) A Manufactured Home Subdivision shown on a subdivision plat approved by the City Planning and Zoning Commission and filed for record designed specifically for MH development. This type of development allows for the separate ownership of each lot.
- (3) Single Family Lot. A lot in the MH District intended for single family use, shown on a subdivision plat approved by the City Planning and Zoning Commission and City Council. (Ord. 2018-4219, 07/16/2018)

(c) *Application.*

- (1) Prior to issuance of any building permit for a Manufactured Home Park a site plan shall be approved by the City's Planning and Zoning Commission and City Council. (Ord. 2016-4172, 10/17/2016)
- (2) Prior to issuance of any building permit on a Manufactured Home Subdivision, such subdivision shall be approved by the City's Planning and Zoning Commission and City Council and shall comply with the normal requirements for platting and with the provisions of this ordinance. (Ord. 2016-4172, 10/17/2016)
- (3) Once approved, Manufactured Homes, Parks and Subdivisions must comply with City's Subdivision Ordinance regarding street standards, drainage, utilities, etc. (Ord. 2016-4172, 10/17/2016)
- (4) Single Family Lots shall conform to the requirements specified in Section 11-160, Subsections (b)(1)—(7) respectively. (Ord. 2018-4219, 07/16/2018)

(d) *Uses permitted.*

- (1) The uses designated as permitted in the Manufactured Home District in Section 10-200 shall be permitted in a Manufactured Home Park. In addition to such uses a caretaker's home and office shall be permitted, but only one such facility shall be permitted for each Manufactured Home Park development, except as otherwise provided in Section 11-902 hereof. (Ord. 2016-4172, 10/17/2016)
- (2) Only the uses designated as permitted in the MH District in Section 10-200 shall be permitted in the MH Subdivision.

(e) *Manufactured home development standards.*

(1) No MH or other structure permitted in the MH District may be erected, altered, placed, moved or converted on any lot or tract unless it is in conformity with all minimum area regulations specified in this subsection.

(2) [Table of Regulations - Manufactured Home Park / Subdivision.]

|                                | <i>MANUFACTURED HOME<br/>PARK</i> | <i>MANUFACTURED HOME<br/>SUBDIVISION</i> |
|--------------------------------|-----------------------------------|--|
| Max Density (unites/gross ac.) | 12                                | 8  |
| Min. Open Space (sq.ft./unit)  | 280                               | —  |
| Min. Site Area (ac.)           | 5                                 | 8  |
| Min. Site Width (ft.)          | 300                               | 300                                      |
| Minimum Pad/Lot Area           | 1,750                             | 4,500                                    |
| Minimum Pad/Lot Width          | 25 ft.                            | 45 ft.                                   |
| Minimum Yard:                  |                                   |  |
| Street                         | 20 ft.                            | 20 ft.                                   |
| Street (corner)                | 20 ft.                            | 20 ft.                                   |
| Side (single)                  | 10 ft.                            | 5 ft.                                    |
| Side (total)                   | 20 ft.                            | 20 ft.                                   |
| Rear                           | 10 ft.                            | 10 ft.                                   |
| Minimum Building Separation    |                                   |  |
| Broad Side to Broad Side       | 20 ft                             | —  |
| Narrow Side to Narrow Side     | 10 ft.                            | —  |
| Building to Access Drive       | 5 ft.                             | —  |
| Minimum Internal Access Drive  | 25 ft.                            | —  |
| Coverage                       | 30%                               | 30%                                      |
| Off-Street Parking             | See Sec. 12-200                   | See Sec. 12-200                          |

(3) Reserved.

(4) Reserved.

(5) Reserved.

(6) The tongue or towing device of a structure shall not be included in determining the structure's length dimension.

(7) Reserved.

(8) Developers shall designate parts of development by name listed on plat plan (i.e., Manufactured Home Subdivision or Manufactured Home Park.

(9) Reserved.

(10) Reserved.

(f) *Development standards.*

- (1) Single-family residential development in the "MH" District is limited to no more than twenty (20%) percent of the total lots in a manufactured home subdivision. Single-family residential development is not allowed in an MH park or subdivision. (Ord. 2016-4172, 10/17/2016)
- (2) Sanitation, fire protection and utility services shall be provided to each lot, tract, plot or stand in the MH developments in accordance with the City Health Department requirements or any ordinances or codes of the City regulating sanitation, fire protection and utility service to MH developments.
- (3) Open playground space within the MH Park or Subdivision shall be provided at a ratio of two hundred fifty (250) sq. ft. for each of the first twenty (20) units or lots provided and at a ratio of one hundred twenty-five (125) sq. ft. for each additional unit or lot provided.
- (4) Street and drive surfacing, drainage and garbage collection right-of-ways, fire lanes and utility easements shall be provided as may be required by the City.

(g) *Definitions* - See Section 10-300.

(h) *Site requirements.* All interior side setback requirements shall be free and unobstructed except for normal vegetation including trees, shrubbery, etc. Improvements such as asphalt, concrete, etc., shall not be permitted in easement areas.

(i) Reserved.

(j) *General provisions.*

- (1) Carports shall not be included as coverage in MH District. Carports in MH developments must have a minimum of two sides open and may not be enclosed at any time. Construction of carports must comply with all applicable City codes. At no time shall carports, or any portion thereof, be constructed in any setback area. (Ord. 2016-4172, 10/17/2016)
- (2) A community or activity building may be constructed for use as a meeting hall, washateria, mailbox area, office, etc. Such building shall comply with all applicable City codes. At no time shall such building be used as a dwelling.
- (3) Portable or accessory buildings shall be permitted, however, said buildings shall be included in percentage coverage computation. Utilities may be connected to such building. At no time may said building be altered to be used as a dwelling unit either temporary or permanent. (See definition of dwelling unit in Section 20-120)
- (4) For purposes of this ordinance there shall be one (1) single family dwelling unit or MH per lot and the dwelling or MH shall comply with the development standards outlined in Section 11-290(e). Multiple lots may be purchased and replatted to make one large lot. However, until a replat is approved and accepted by the City Planning Commission and City Council, placement of a dwelling unit or MH on said lots must comply with [Section] 11-290(e)(1)—(10). (Ord. 2016-4172, 10/17/2016)

- (5) Placement of individual MHs shall comply with the development plan required in Section 11-290(e)(8). Recreational Vehicles (as defined in Section 20-100) shall not be placed in a MH park or subdivision designated on the plan or plat.
- (6) Reserved.
- (7) Utility easements may not be infringed upon by improvements of any type but may be used in satisfying setback requirements.
- (8) Maximum height of carport: Eighteen (18) feet. (Ord. No. 2019-4255.1, 8/19/2019)
- (9) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4255.1, 8/19/2019)
- (10) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification. (Ord. No. 2019-4255.1, 8/19/2019)
- (11) Maximum height of storage building: Eighteen (18) feet.
- (12) Storage Building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district. (Ord. No. 2019-4256, 8/19/2019)
- (13) Reserved.

(k) *Non-conforming use.* All Manufactured Home Parks or Subdivisions in existence on the effective date hereof which have been duly permitted and approved prior to such date shall be deemed to be in compliance herewith, provided however, that all terms, requirements and provisions of this ordinance shall be applicable to any extension, alteration or addition to such pre-existing park or subdivision.

(l) *Permit required.* Any person seeking to alter or expand a Manufactured Home Park or Subdivision or construct a new Park or Subdivision under the provisions hereof shall obtain a written permit from the City Building Inspector of the City of Aransas Pass for the specific purposes proposed and shall comply with all applicable rules and regulations for the City of Aransas Pass.

(Ord. No. 4408, § 8)

## SECTION 11-RVO. RECREATIONAL VEHICLE OVERLAY DISTRICT

### 11-300. RVO Recreational Vehicle Overlay District.

Recreational vehicles are recognized as a unique form of temporary worker housing and tourist lodging. Recreational vehicle parks are distinguished from manufactured home parks and subdivisions by their mix of short-term and long-term occupants, regulatory standards for construction, and floodplain, and emergency management considerations as vehicles. The purpose of this district is to establish specific and special standards applicable to recreational vehicle parks and subdivisions to

implement the City's comprehensive plan, minimize conflicts with neighboring development, promote the attractive development of the City's major commercial corridors, and protect the health, safety, and welfare of park patrons and City residents.

(a) *Uses permitted in overlay.*

- (1) Portions of the City's zoning map may be designated as a "Recreational Vehicle Overlay" District. Areas designated with the overlay are subject to the provisions and regulations of the underlying zoning district, as well as requirements of this Section for the development or recreational vehicle parks and subdivisions.
- (2) Recreational vehicle parks as defined in Section 10-300(6.1) shall be permitted subject to Chapter 5, Article X, Sections 5-140 through 5-180 of the City's Code of Ordinances.
- (3) Recreational vehicle subdivisions as defined in Section 10-301(6.2) shall be permitted subject to the City's Subdivision Ordinance. This type of development is shown on a subdivision plat approved by the City Planning and Zoning Commission and filed for record designed specifically for RV development.
- (4) The uses designated as permitted in this underlying zoning district in Section 10-200 shall be permitted.

(b) *Recreational vehicle park application.*

- (1) Prior to issuance of any building permit for a new Recreational Vehicle Park, a site plan shall be approved by the City's Planning and Zoning Commission and City Council.
- (2) Alterations, modifications, or expansions within the extent of an existing approved site shall be reviewed and approved administratively during the building permit review process.

(c) *Recreational vehicle park development standards.*

|  |                 |
|--|-----------------|
| <i>Recreational Vehicle Park Minimum Yard:</i>               |                 |
| Street   | 20 ft.          |
| Street (corner)  | 20 ft.          |
| Side (single)  | 10 ft.          |
| Side (total)   | 20 ft.          |
| Rear   | 10 ft.          |
| Minimum Building Separation; RV and Building to Access Drive | 5 ft.           |
| Coverage   | 30%             |
| Off-Street Parking   | See Sec. 12-200 |

- (1) RV park, size, density, and individual site and pad dimensions shall comply with standards in Chapter 5, Article X, Section 5-140 through 5-180 of the City's Code of Ordinances.
- (2) RV parks shall comply with design standards in Chapter 5, Article X, Sections 5-140 through 5-180 of the City's Code of Ordinances.

(d) *Recreational vehicle subdivision application.* Prior to the issuance of any building permit in a Recreational Vehicle Subdivision, such subdivision shall be approved by the City's Planning and Zoning Commission and City Council and shall comply with the normal requirements for platting and with the provisions of Ordinance No. 2016-4172.

(e) *Recreational vehicle subdivision development standards.*

|   |                    |
|---|--------------------|
| <i>Recreational Vehicle Subdivision</i> |                    |
| Max Density (unit/gross acre)           | 8                  |
| Minimum Open Space (square foot/unit)   | -                  |
| Minimum Site Area (ac)                  | 8                  |
| Minimum Site Width (ft.)                | 300                |
| Minimum Pad/Lot area                    | 4,500              |
| Minimum Yard:                           |                    |
| Street                                  | 20 ft.             |
| Street (corner)                         | 20 ft.             |
| Side (single)                           | 5 ft.              |
| Side (total)                            | 20 ft.             |
| Rear                                    | 10 ft.             |
| Minimum Building Separation:            |                    |
| Broad Side to Broad Side                | -                  |
| Narrow Side to Narrow Side              | -                  |
| Building to Access Drive                | -                  |
| Minimum Internal Access Drive           | -                  |
| Coverage                                | 30%                |
| Off-Street Parking                      | See Section 12-200 |

- (1) Recreational Vehicle Subdivisions shall comply with City's Subdivision Ordinance regarding street standards, drainage, utilities, etc.
- (2) Restroom facilities shall be required in RV Subdivisions. Restroom facilities are defined as a separate unit for male and female person, which shall consist of a commode, shower and lavatory for each sex. The term means unit for both sexes and pair of units constitutes one restroom facility. The number of restroom facilities required shall be determined by the following scale:

|  |                       |
|--|-----------------------|
| 1 to 20 spaces                                 | 1 restroom facility   |
| 21 to 50 spaces                                | 2 restroom facilities |
| 51 to 100 spaces                               | 3 restroom facilities |
| 1 restroom facility per 100 spaces thereafter. |                       |

(f) *Relationship to major corridors.*

- (1) The recreational vehicle park or subdivision use shall be set back a minimum distance of one hundred and fifty (150) feet from the edge of the right-of-way of the following major corridors:  
 W. Wheeler Ave.  
 North and South Commercial Street

State Highway 361

State Highway Business 35-L

State Highway 35 Bypass

County Road 1069

North and South Avenue A

West Cleveland Boulevard

Harrison Boulevard

- (2) The setback shall apply to any permanent structure serving the recreational vehicle park or subdivision and individual sites. Signage and accesses or roadways may encroach on the setback from the major streets.
  - (3) The recreational vehicle park or subdivision shall be screened from the major corridor. An approved landscaping plan along the major corridor shall be provided in accordance with Chapter 5.5 of the City's Code of Ordinances.
  - (4) Applicant may request a reduction in the minimum setback or waiver of the landscaping plan requirement along the major corridor. Applicant must demonstrate that the recreational vehicle park or subdivision will be adequately screened or mitigated by landscaping, topographic features, or other uses and buildings on the site. The applicant shall make this request in writing and include the appropriate documentation such as plans, section, or renderings to demonstrate screening. The request must be considered and approved by the City Planning and Zoning Commission and the City Council.
- (g) *RV development standards.*
- (1) No RV or other structure permitted in the RVO District may be erected, altered, placed, moved or converted on any lot or tract unless it is in conformity with all minimum area regulations specified in this subsection.
  - (2) The tongue or towing device of a structure shall not be included in determining the structure's length dimension.
  - (3) It is recognized by this ordinance that some RV structures are modified versions and have tip-outs, tilt-outs or slide-outs which enlarge the width of the structure when activated (i.e. the parked dimension is larger than the traveling dimension). In the case of such structure, lot requirements outlined in subsections (c) and (e), as applicable, shall be complied with and movable portions of the RV shall not infringe upon the side yard setback requirements or percentage coverage requirements, nor shall it cause any obstruction (i.e. movement of storage building, car, boat, etc.) into the side yard setback.
  - (4) Single-family residential development is not allowed in an RV Park or RV Subdivision, with the exception of permanent structures constructed to house on-site managers and staff.
  - (5) Sanitation, fire protection and utility services shall be provided to each site in RV Parks and RV Subdivisions in accordance with the City Code of Ordinances regulating sanitation, fire protection, and utility services to RV Parks and RV Subdivisions.

- (6) RV Parks and RV Subdivisions shall provide open playground space of not less than ten percent (10%) of the total square footage of the RV Park or RV Subdivision.
- (7) Street and drive surfacing, drainage, and garbage collection rights-of-way, fire lanes, and utility easements shall be provided as may be required by the City.
- (h) *Definitions.*
- (i) *Site and landscaping requirements.*
  - (1) All interior side setback requirements shall be free and unobstructed except for normal vegetation including trees, shrubbery, etc. Improvements such as asphalt, concrete, etc. shall not be permitted in easement areas.
  - (2) A ten (10) foot wide landscaping buffer shall be provided along all side or rear property lines abutting residential zoning district boundaries. The landscaping buffer may be increased to a maximum width of twenty-five (25) feet at the recommendation for the City's Planning and Zoning Commission with final approval by the City Council.
  - (3) An approved landscaping plan for the landscaping buffer shall be provided in accordance with Chapter 5.5 of the City's Code of Ordinances. The landscaping buffer shall be landscaped with plant material to achieve a minimum of 0.04 points per square feet of total landscaping buffer area in accordance with Chapter 5.5 of the City's Code of Ordinances.
- (j) *General provisions.*
  - (1) Carports in RV Parks and RV Subdivisions must have a minimum of two (2) side open and may not be enclosed at any time. Construction of carports must comply with all applicable City codes. At no time shall carports, or any portion thereof, be constructed in any setback area.
  - (2) A community or activity building may be constructed for use as a meeting hall, washateria, mailbox area, office, etc. Such building shall comply with all applicable City codes. At no time shall such building be used as a dwelling.
  - (3) An accessory building shall be permitted, however, said buildings shall be included in percentage coverage computation. Utilities may be connected to such building. At no time may said building be altered to be used as dwelling unit either temporary or permanent.
  - (4) Manufactured homes may not be placed on an individual site in an RV Park or RV Subdivision.
  - (5) Utility easements may not be infringed upon by improvement of any type, but may be used in satisfying setback requirements.
  - (6) Maximum height of carport is eighteen (18) feet to allow for recreational vehicles.
  - (7) Carport size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district.
  - (8) All accessory buildings in excess of one hundred twenty (120) square feet as defined in Section 10-300 Definition and Explanations shall obtain a WPI-8 through TDI or TWIA certification.
  - (9) Maximum height of storage building is eighteen (18) feet to allow for recreational vehicles.

- (10) Storage building size shall be restricted subject to lot size, home size, and setbacks already described under accessory buildings in the zoning ordinance for each district.
- (11) Private swimming pools shall not be located nearer than five (5) feet from a rear property line, and five (5) feet from a side property line. If swimming pool is near a door, measurement shall be taken from outward swing of door, plus five (5) feet. Properties with bulkheads will need to submit letter from an engineer that the swimming pool will not exceed pressure limits on tie-backs and wall. Engineer will note setbacks required.

(k) *Non-conforming use.* All RV parks and RV subdivisions in existence on the effective date hereof which have been duly permitted and approved prior to such date shall be deemed to be in compliance herewith, provided however, that all terms, requirements, and provisions of this Ordinance shall be applicable to any extension, alteration, or addition to such pre-existing RV park or RV Subdivision. (Ord. No. 4408, § 9)

**SECTION 12. OFF-STREET PARKING REQUIREMENTS**

**12-100. Off-street parking requirements.**

(a) *Purpose.* To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions. (Ord 2016-4143, 03/21/2016)

(b) *Standard parking space.* No parking space shall have a width of less than ten (10) feet or a depth of less than twenty (20) feet. Drive aisles for two-way traffic shall have a width of not less than twenty-four (24) feet. All drive aisles shall be exclusive of any drive-thru lane. (Ord 2016-4143, 03/21/2016)

**12-110. Schedules of minimum off-street parking and loading.**

**SCHEDULE OF MINIMUM OFF-STREET PARKING FOR SPECIFIED USES - ALL DISTRICTS EXCEPT CA.**

| <i>USE</i>   | <i>NUMBER OF PARKING SPACES</i> | <i>REQUIRED FOR EACH</i>  | <i>MINIMUM SPACES REQUIRED</i> |
|--|---------------------------------|---------------------------|--------------------------------|
| <b>RESIDENTIAL USES</b>                                  |                                 |                           |                                |
| Single Family Dwelling<br>(Ord 2014-4090, 10/06/2014)    | 2                               | Dwelling Unit             |                                |
| Duplex or Apartment Dwelling Unit                        | 2                               | Dwelling Unit             |                                |
| Boarding or Rooming House<br>(Ord 2014-4090, 10/06/2014) | 2                               | Dwelling or Rooming Unit  |                                |
| Manufactured Home or Recreational Vehicle                | 2                               | Lot, Plot, Tract or Stand |                                |

| <i>USE</i>   | <i>NUMBER OF<br/>PARKING<br/>SPACES</i> | <i>REQUIRED FOR EACH</i>           | <i>MINIMUM<br/>SPACES<br/>REQUIRED</i> |
|--|---|------------------------------------|--|
| Hotel, Motel or Tourist Court                              | 1                                       | Guest Room or Residence Unit       |  |
| <b>INSTITUTIONAL AND SPECIAL USES</b>                      |   |                                    |  |
| Church   | 1                                       | 4 Seats in Sanctuary or Auditorium |  |
| College, University or Private School                      | 1                                       | 4 Day Students                     |  |
| Public Community, Health or Welfare Center                 | 1                                       | 200 Sq. Ft. of Floor Area          |  |
| Day Camp, Kindergarten or Day Nursery                      | 1                                       | 10 Pupils                          |  |
| Fraternity or Sorority                                     | 1                                       | 2 Members or Residents             |  |
| Institution for Alcoholic Narcotic or Psychiatric Patients | 1                                       | 2 Employees or Attendants          | 4                                      |
| Hospital, General Acute Care                               | 1                                       | Each Bed                           |  |
| Hospital, Chronic Care                                     | 1                                       | 6 Beds                             |  |
| Institution, Religious, Charitable or Philanthropic        | 1 plus 1                                | 2 Employees<br>10 Residents        |  |
| Nursing or Convalescent Home                               | 1                                       | 6 Beds                             |  |
| Institutional Home for Aged                                | 1                                       | 3 Residence Units                  |  |
| Residence Home for Aged                                    | 1                                       | Dwelling Unit                      |  |
| Place of Public Assembly                                   | 1                                       | 4 Seats                            |  |
| School - Elementary  | 1                                       | 25 Students                        |  |
| School - Junior High                                       | 1                                       | 18 Students                        |  |
| School - Senior High                                       | 1                                       | 5 Students                         |  |
| Lodge or Fraternal Organization                            | 1                                       | 200 Square Feet of Floor Area      | 10                                     |
| <b>FOOD AND BEVERAGE SERVICES</b>                          |   |                                    |  |
| Eating or Drinking Place - Service to Auto                 | 8 minimum plus 1                        | 50 Square Feet of Floor Area       |  |
| Eating or Drinking Place No Service to Auto                | 1                                       | 100 Square Feet of Floor Area      |  |
| <b>OFFICE, PROFESSIONAL OR FINANCIAL USES</b>              |   |                                    |  |

| <i>USE</i>                                       | <i>NUMBER OF<br/>PARKING<br/>SPACES</i> | <i>REQUIRED FOR EACH</i>  | <i>MINIMUM<br/>SPACES<br/>REQUIRED</i> |
|--|---|---|--|
| Bank or Savings and Loan Office                  | 1                                       | 300 Square Feet of Floor Area                                     |  |
| Clinic or Doctor's Office                        | 1                                       | 150 Square Feet of Floor Area                                     |  |
| Office, General                                  | 1                                       | 300 Square Feet of Floor Area                                     |  |
| Dance, Display, Drama or Music Studio            | 1                                       | 200 Square Feet of Floor Area                                     |  |
| Veterinarian Office or Clinic                    | 1                                       | 300 Square Feet of Floor Area                                     |  |
| School, Business, Trade or Craft                 | 1                                       | 4 Day Students  |  |
| <b>PERSONAL SERVICE AND RETAIL USES</b>          |   |   |  |
| Personal Service Shop or Establishment           | 1                                       | 200 Square Feet of Floor Area                                     |  |
| Retail Stores or Shops-In Buildings              | 1                                       | 200 Square Feet of Floor Area                                     |  |
| Open Retail Sales                                | 1                                       | 600 Square Feet of Site Area Exclusive of Buildings               |  |
| <b>RECREATION, SOCIAL AND ENTERTAINMENT USES</b> |   |   |  |
| Commercial Amusements                            | 1 or 1                                  | 3 Guests<br>100 Square Feet of Floor Area<br>Whichever is Greater |  |
| Bowling Alley                                    | 5                                       | Per Lane  |  |
| Private Club or Night Club                       | 1                                       | 100 Square Feet of Floor Area                                     |  |
| Theatre  | 1                                       | 4 Seats   |  |
| <b>MOTOR VEHICLE AND MACHINERY USES</b>          |   |   |  |
| Auto Laundry                                     | 1                                       | 250 Square Feet of Floor Area (Ord. 2017-4181, 03/06/2017)        | 2                                      |
| Auto Repair, Garage or Shop                      | 1                                       | 500 Square Feet of Floor Area                                     | 5                                      |

| <i>USE</i>   | <i>NUMBER OF PARKING SPACES</i> | <i>REQUIRED FOR EACH</i>        | <i>MINIMUM SPACES REQUIRED</i> |
|--|---------------------------------|---------------------------------|--------------------------------|
| Vehicle or Machinery Sales-Indoor                                    | 1                               | 500 Square Feet of Floor Area   | 5                              |
| Auto Parts and Accessory Sales-Indoor                                | 1                               | 200 Square Feet of Floor Area   |                                |
| Auto Parts and Accessory Sales-Outdoors                              | 1                               | 1,000 Square Feet of Floor Area |                                |
| Vehicle or Machinery Sales- Outdoor                                  | 1                               | 1,000 Square Feet of Floor Area |                                |
| <b>STORAGE, WHOLESALE AND MANUFACTURING USES</b>                     |                                 |                                 |                                |
| Brick or Lumber Yard or Similar Area                                 | 1                               | 1,000 Square Feet of Site Area  |                                |
| Open Storage of Sand, Gravel, Petroleum Products, etc.               | 1                               | 2,000 Square Feet of Site Area  |                                |
| Warehouse and Enclosed Storage, Wholesale or Manufacturing Operation | 1                               | 1,000 Square Feet of Site Area  |                                |

(Ord. No. 4408, § 10)

**12-120. Special off-street parking provisions—Non-residential districts.**

(a) No required off-street parking space shall be located in the required front yard in any single family, duplex, A-1, A-2, or AG District.

(b) In the A-3 District, surface parking may extend to the front property line.

(c) Off-street parking shall be provided on the same site as the use it is to serve. (Ord. 2017-4193, 08/07/2017)

(d) In the CA District, off-street parking shall be provided for all residential uses at a ratio of one (1) space for each dwelling unit.

(e) Only one (1) commercial motor vehicle shall be parked out of doors overnight at residence. "Commercial motor vehicle" shall be defined as a vehicle licensed as commercial, or a vehicle that has a Texas Department of Licensing and Regulations number. (Ord. 2017-4193, 08/07/2017)

**12-130. Special off-street parking provisions—Non-residential districts.**

(a) In all non-residential districts, surface parking may extend to the front property line.

(b) City shall allow a twenty-five (25) percent reduction in the required number of parking spaces for a premises served by a shared access and parking agreement. In the event the agreement is terminated, each development must comply with the parking requirements in force at the time of termination. The agreement must be filed in the respective (Aransas, Nueces, and/or San Patricio) County Deed records. (Ord. 2017-4194, 08/07/2017)

(c) In the CA District, off-street parking space for all uses, other than single family, two-family and multiple family uses, shall be provided at the ratio of one (1) space for each seven hundred fifty (750) square feet of floor area exceeding two thousand (2,000) square feet. No off-street parking is required for buildings containing less than two thousand (2,000) square feet of floor area.

**12-140. [Off-street loading space].**

Off-street loading space shall be provided on each lot in accordance with the following: (Ord. 2016-4143; 03/21/2016)

(a) All retail, commercial and industrial structures shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive. Such space shall not have a width of less than twelve (12) feet or a depth of less than thirty-five (35) feet for each twenty thousand (20,000) square feet of floor space or fraction thereof in excess of three thousand (3,000) square feet in the building or on the lot. (Ord 2016-4143, 03/21/2016)

(b) Kindergartens, day schools and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.

**12-150. Parking access.**

(a) In all districts except the R and D District, no vehicular access to property from a public street shall be permitted except on well-defined driveways having a maximum width of forty (40) feet. Such driveways shall be located in minimum distance of five (5) feet from side property lines, and where two or more driveways are provided, such driveways shall be a minimum distance of ten (10) feet apart.

(b) No portion of any parking space or any necessary maneuvering area serving such parking space, shall be located all or in part on any right-of-way for a public street or alley. The boundaries of all off-street parking areas, including parking and maneuvering space, shall be defined by a curb or wheel-stop and a minimum height of four (4) inches except for approved access driveways

**SECTION 12-MFE. MOBILE FOOD ESTABLISHMENT**

**12-200. Mobile food establishment special requirements.**

**(Ord 2022-4386, 04/18/2022)**

(a) *Definitions.* The following words, terms or phrases, when used in this Ordinance shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ice cream truck* means a motor vehicle in which ice cream, popsicles, ice sherbets, or other frozen desserts of any kind or carried for the purpose of retail sale on the streets of the City.

*Mobile food establishment* means an operator of a vehicle mounted, self or otherwise propelled, self-contained food service operation designed to be readily moveable (including, but not limited to, catering trucks, trailers, push carts, and roadside vendors) used to store, prepare, display, serve or sell

food that requires temperature control. The mobility of a mobile food establishment unit must be completely maintained at all time. No drive-through service shall be permitted from a mobile food establishment.

(b) *Scope.* This ordinance shall regulate all mobile food establishments operating within the City's corporate limits.

(c) *Registration-permit requirements.*

- (1) No person shall operate a mobile food establishment who does not possess a valid, current mobile food establishment permit.
- (2) A mobile food establishment shall make application on a form provided by the Building Department and shall provide all of the information listed in subsection (c)(2)(a)—(n) as part of this application:
  - a. The name and address of the owner and/or operator
  - b. If the applicant represents a corporation, association, or partnership, the names and addresses of the officers or partners;
  - c. Name which the food vending operation will operate;
  - d. State sales tax identification number;
  - e. A description of the vehicle to be used in the mobile food vending operation along with the license or registration and vehicle identification number of the vehicle;
  - f. Proof of food vending general liability insurance;
  - g. The proposed schedule for the mobile food establishment, including dates, and starting and ending times of the vending period;
  - h. Except ice cream trucks, the locations within the City where the mobile food establishments will operate. Should such locations not yet be established, an updated list of locations shall be provided to the Planning department at the time of issuance of permit;
  - i. A site plan for each proposed location;
  - j. A maintenance plan, including litter pick up and cleaning in the vicinity of where the mobile food establishment will operate;
  - k. An original written instrument, executed by each real property owner, verifying that the mobile food establishment is authorized to operate at such location or locations. Should the mobile food establishment acquire additional locations, an updated list shall be provided to the code enforcement along with written permission from the real property owner;
  - l. Any person who has not been convicted of a misdemeanor involving moral turpitude within the 3-year period immediately preceding the date of that person's application for registration shall be ineligible to receive a mobile food establishment permit or mobile for court permit. In these circumstances, the building department shall reject the application and shall not issue a permit to that permit;
  - m. Payment of application fee for mobile food establishment permit; and

- n. Any other information reasonable required by the Planning Director.
- (3) If the application is rejected for any reason, the applicant must wait 12 months form date of denial before a subsequent application can be filed.
- (4) Upon receiving a completed application for a mobile food court permit or mobile food establishment permit, the administrator may make appropriate inspection of the location, equipment, vehicle, and other reasonable inspections concerned and shall issue a permit only if:
  - a. The application complies with subsection (b) and
  - b. Any inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and city ordinances governing the proposed mobile food establishment operation.
- (d) *Permit fees.* Applicants are required to pay a non-refundable mobile food establishment permit fee.
  - (1) The annual permit fee shall be one hundred fifty dollars (\$150.00) per mobile food establishment unit. An annual permit may be renewed every twelve (12) months.
  - (2) A permit to operate for one (1) to seven (7) days shall be twenty-five dollars (\$25.00) per mobile food establishment unit.
- (e) *Permit issuance, display and renewal.*
  - (1) Once the permit is approved by the Planning Department, Building Department, and Fire Marshall, a permit sticker will be displayed.
  - (2) Permit sticker shall be prominently displayed in a conspicuous place visible to the general public at all times.
  - (3) A mobile food establishment assessment must be conducted and approved by the Building Official and Fire Marshall or their appointed designee prior to permit issuance or renewal.
    - a. Inspections. Mobile food establishment shall comply with the:
      - (A) National Fire Protection Association ("NFPA") 96-2017 Edition;
      - (B) 2018 International Plumbing Code, if applicable;
      - (C) 2017 National Electric Code, if applicable
  - (4) The City may inspect a mobile food establishment during regular business hours and at other reasonable times to determine compliance with this ordinance. After conducting an inspection, the City shall inform the mobile food establishment of its findings. If a violation is found, the City shall close the unit or prescribe a reasonable time period for correction of any violation. Reinspections at prescribed intervals will be conducted to determine whether required corrections have been made.
  - (5) Permit is issued for location designated in application.
  - (6) A permit may not be transferred or assigned to another person or entity without written permission from the City.

(f) *Allowed areas of operation.*

- (1) Mobile food establishment located in authorized residential districts are only allowed in designated public open spaces, such as a park.
- (2) Restrictions include that a mobile food establishment:
  - a. May not be located within one hundred (100) feet of residential use.
  - b. May not located within fifty (50) feet of street intersections.
  - c. May not be located within five hundred (500) feet of any school.
  - d. May not cause any obstruction to the smooth flow of pedestrian or vehicular traffic within a street or parking lot.
  - e. May not occupy a required parking space of a permanent business.
  - f. A mobile food establishment unit shall be separated from existing buildings and other mobile food establishment units by a minimum of ten (10) feet. Vendors may not set up in a fire lane.

(g) *Hours of operation.* A mobile food establishment may not operate between 10:00 p.m. - 7:00 a.m. in a residential zoned area, unless otherwise authority by the City to do so.

(h) *Signage.* Signage for a mobile food establishment:

- (1) Shall not extend beyond vehicle or unit edges;
- (2) Must identify the vehicle with character at a minimum of three (3) inches high the name of the mobile food establishment and a brief description of the nature of the business if not included in the name; and
- (3) Shall display at all times in a conspicuous place where it can be read by the general public a copy of a Texas sales and use tax certificate.

(i) *Structural requirements for a mobile food establishment.*

- (1) A mobile food establishment shall:
  - a. Maintain the vehicle in a clean, undamaged condition, both inside and outside, and in good working order;
  - b. Display on the vehicle its current license plates and registration;
  - c. Not be equipped with any sound amplification device;
  - d. Be equipped with four-way hazard lights; and
  - e. The left and right outside rear mirrors must be equipped with two (2) outside wide-angle mirrors, one (1) located on the front of the vehicle and one (1) location on the rear of the vehicle.
- (2) The operator is responsible for maintaining the area of operation in a neat and clean condition. Trash receptacle must be provided within twenty (20) feet for use by customers and at least a 20-gallon capacity and composed of a leak-proof, nonabsorbent material.

(3) Seating areas cannot occupy required parking spaces of a permanent business or obstruct the flow of traffic or a right-of-way.

(j) *Overnight parking.* A mobile food establishment must be removed daily, unless authorized by property owner, but may be allowed to remain on-site during the weekend hours (Friday evening at 5:00 p.m. to Monday morning at 8:00 a.m.), provided any and all health concerns would be addressed.

(k) *Noise level.* A mobile food establishment must comply with the City's noise ordinance as stated in Section 18-1 through Section 18-3 of the Aransas Pass Code of Ordinances.

(l) *Permit revocation.* Nothing in this ordinance shall prevent the City from immediately revoking a mobile food establishment permit should such vendor be in violation of this ordinance.

(m) *Penalty.* Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with or who resist the enforcement of any of the provisions of this Ordinance shall be fined not more than one thousand dollars (\$1,000.00) per violation.

**SECTION 13. SPECIAL ACCESS STANDARDS**

**13-100. Purpose.**

(a) *[Purpose.]* To facilitate the adequate provision of transportation; to lessen the congestion in the streets; and to secure safety from fire, panic and other dangers, minimum standards of primary access to various uses are herein established with due regard to the traffic demands created by such various use on different classification of streets as established by the major thoroughfare plan of the City.

(b) *[General.]* All buildings or structures shall be set back from the street right-of-way line a minimum distance equal to the front and side yards specified in Sections 11-120—11-290 or the setbacks from street centerline specified in this section, whichever is greater.

(1) *One family and two family dwelling uses.*

a. The standard right-of-way for streets providing the primary means of access to one (1) family and two (2) family dwellings shall be:

For Minor Streets - Fifty (50) feet

For Secondary Streets - Sixty (60) feet

For Major Streets - Eighty (80) feet

b. No permit for the erection of any one family or two family dwelling shall be issued on a street of lesser standards than specified by [Section] 13-100(b)(1)(a) unless the dwelling and all accessory buildings are set back from the centerline as follows:

| <i>Street</i>    | <i>Minimum Front Setback From Centerline of Street</i> | <i>Minimum Side Setback From Centerline of Side Street</i> |
|------------------|--|--|
| Minor Street     | 40 Feet  | 35 Feet  |
| Secondary Street | 50 Feet  | 40 Feet  |
| Major Street     | 60 Feet  | 50 Feet  |

(2) *Multiple family dwelling and institutional uses not exceeding two and one-half (2½) stories in height.*

- a. The standard right-of-way for streets providing the primary means of access to multiple family dwellings and institutional uses no exceeding two and one-half (2 ½) stories in height shall be:

For Minor Streets - Fifty (50) feet

For Secondary Streets - Sixty (60) feet

For Major Streets - Eighty (80) feet

- b. No permit for the erection of any multiple family dwelling or institutional use not exceeding two and on-half (2 ½) stories in height shall be issued on a street of lesser standards than specified by [Section] 13-100(b)(2)(a) unless the dwellings and all accessory buildings are set back from the centerline of such streets as follows:

| <i>Street</i>    | <i>Minimum Front Setback From Centerline of Street</i> | <i>Minimum Side Setback From Centerline of Side Street</i> |
|------------------|--|--|
| Minor Street     | 45 Feet  | 40 Feet  |
| Secondary Street | 50 Feet  | 45 Feet  |
| Major Street     | 60 Feet  | 55 Feet  |

(3) *Multiple family dwelling and institutional uses exceeding two and one-half (2½) stories in height.*

- a. The standard right-of-way for streets providing the primary means of access to retail, commercial, service and industrial uses shall be:

For Minor Streets - Sixty (60) feet

For Secondary Streets - Sixty (60) feet

For Major Streets - Eighty (80) feet

- b. No permit for the erection of any multiple family dwelling or institutional use exceeding two and one-half (2 ½) stories in height shall be issued on a street of lesser standard than specified by [Section] 13-100(b)(3)(b) unless all buildings are set back from the centerline as follows:

| <i>Street</i>    | <i>Minimum Front Setback From Centerline of Street</i> | <i>Minimum Side Setback From Centerline of Side Street</i> |
|------------------|--|--|
| Minor Street     | 40 Feet  | 35 Feet  |
| Secondary Street | 45 Feet  | 40 Feet  |
| Major Street     | 60 Feet  | 55 Feet  |

(4) *Retail, commercial, service and industrial uses except in the CA district.*

- a. The standard right-of-way for streets providing the primary means of access to retail, commercial, service and industrial uses shall be:

For Minor Streets - Sixty (60) feet

For Secondary Streets - Seventy (70) feet

For Major Streets - Eighty (80) feet

- b. No permit for any retail, commercial, service or industrial use shall be issued on any street of lesser standard than specified by [Section] 13-100(b)(4)(a) unless all buildings are set back from the centerline as follows:

(5) *For retail uses in SC district, add twenty (20) feet to setback from centerline.*

| <i>Street</i>    | <i>Minimum Front Setback From Centerline of Street</i> | <i>Minimum Side Setback From Centerline of Side Street</i> |
|------------------|--|--|
| Minor Street     | 50 Feet  | 40 Feet  |
| Secondary Street | 60 Feet  | 45 Feet  |
| Major Street     | 70 Feet  | 60 Feet  |

(6) *For commercial and industrial uses.*

| <i>Street</i>    | <i>Minimum Front Setback From Centerline of Street</i> | <i>Minimum Side Setback From Centerline of Side Street</i> |
|------------------|--|--|
| Minor Street     | 30 Feet  | 30 Feet  |
| Secondary Street | 35 Feet  | 35 Feet  |
| Major Street     | 50 Feet  | 50 Feet  |

In those cases where the City Council has established a specific right-of-way line for a street the setbacks as required in Sections 11-120—11-290 shall apply and shall be measured from the specified right-of-way line and the setback provisions of Section 13-100 shall not apply.

**SECTION 13A. HO HARBOR OVERLAY DISTRICT**

**13-200. 13A-HO Harbor Overlay District.**

(a) *Purpose.* The purpose of the Harbor Overlay District is to create a unique mixed use development that will enhance the area and promote activity on the Conn Brown Harbor peninsula while preserving an environmentally sensitive area.

(b) *Development.* Development within the Harbor Overlay District must be in accordance with the approved Development Plan shown and attached as Exhibit A. (Ordinance No. 2015-4120, September 8, 2015)

(c) *Uses.* All uses permitted in this district must comply with the uses permitted in the "GB" General Business District.

(d) *Additional uses.* The following uses are in addition to the uses permitted by right in the "GB" General Business District.

- (1) Marinas;
- (2) Outside storage of boats and boat trailers within this overlay district must be screened from public view.
- (3) Enclosed boat storage is an allowed use provided that all associated activity occurs within the boundaries of the tract of land.

(e) *Prohibited uses.* The following uses are prohibited within the overlay district.

- (1) Animal Clinic or Hospital, with or without outside runs;
- (2) Bar, Lounges, or taverns;
- (3) Billiards Parlor;
- (4) Book, Handcraft Binding;
- (5) Brick Yard and Similar Building Material Sales;
- (6) Cabinet and Woodwork Shop, Custom;
- (7) Cemetery;
- (8) Cleaning Shop, Commercial or Small Custom Shop;
- (9) Convent or Monastery;
- (10) Dance Hall or Night Club;
- (11) Eating establishments with drive-in or curbside service;
- (12) Institution for Care of Alcoholic;
- (13) Laboratory, Medical or Dental;
- (14) Motor Vehicle and Related Uses, except that Parking, Commercial Lot or
- (15) Garage will be allowed;
- (16) Mortuary;
- (17) Nursing Home or Residence Home;
- (18) Pawn Shop;
- (19) Salvage and Reclamation.
- (20) Second-Hand Store, Used;
- (21) Storage, Processing and Commercial Uses
- (22) Tool Rental; and
- (23) Welfare or Health Center

(f) *Height.* The maximum heights permitted within the Harbor Overlay District is fifty-four (54) feet for the hotel and commercial development; one hundred (100) feet for the condominium development and fifty (50) feet for single-family and townhouse development.

(g) *Residential lot standards.* Standards for residential lots must comply with the following:

- (1) Lot width - Each residential lot must have a width of not less than forty (40) feet.
- (2) Lot depth - Each residential lot must have a lot depth of not less than seventy-seven (77) feet.

(h) *Setbacks.* Setbacks for each type of development is shown in the details attached and labeled as Exhibit C. (Ordinance No. 2015-4120, September 8, 2015)

(i) *Pedestrian walkway.* A pedestrian walkway of not less than ten (10) feet in width shall be constructed and located in accordance with the attached phasing plan (Exhibit B). (Ordinance No. 2015-4120, September 8, 2015)

(j) *Architectural control committee.* Development within the Harbor Overlay District must be reviewed and approved by the Architectural Control Committee (ACC) prior to the issuance of any building permit. The ACC shall comprise of five (5) members of which two (2) members will be current City Council members appointed by the City Council. The ACC must approve or reject the proposed development within ten (10) business days after a complete submittal is received. Failure to meet the ten (10) business day deadline, the development shall be deemed approved and a building permit shall be issued.

(k) *Parking.* Parking for each use must be in compliance with the parking regulations as listed in Section 12 of the Zoning Ordinance, as amended.

(l) *Roadway sections.* Roadway sections must comply with City design standards and be consistent with cross sections as shown in Exhibit D. (Ordinance No. 2015-4120, September 8, 2015)

(m) *Existing uses.* Uses existing in the Harbor Overlay District at the time this ordinance and not consistent with Conditions 3 and 4 shall be considered as nonconforming uses. As a nonconforming use, the existing use may be allowed to continue as long as it remains in operation. If the use ceases operation for a period of ninety (90) days or more, the use shall be considered as abandoned and not allowed to reopen. Destruction of a nonconforming use/structure, whether intentionally or unintentionally, equal to or greater than fifty-one percent (51%) shall not be allowed to rebuild and the nonconforming use/structure shall be deemed closed. The nonconforming use/structure may be allowed to make repairs equal to or less than fifty percent (50%) of the original value to maintain the structure in a safe and working condition. The nonconforming use may not expand its operations, increase the square footage of the existing buildings; and/or expand its paved area or outside storage area. All existing outside storage area must be screened from public view within one hundred eighty days (180) days after the passage of this ordinance.

ARTICLE IV

ZONING REGULATIONS

**Section 14. Creation of a Building Site**

- 14-100. Purpose.
- 14-101. Permit.

**Section 15. Non-Conforming Uses**

- 15-110. General.
- 15-120. Change of Use.
- 15-130. Nonconforming Use—Discontinued, Abandoned, or Unused.
- 15-135. Inspection Required—Beyond 12-Month Allowable Time Period.
- 15-140. Damage by Natural or Accidental Causes—Valuation.
- 15-150. Replacement of Existing Manufactured Home.

**Section 16. Board of Adjustment**

- 16-110. Organization.
- 16-120. Function.
- 16-130. Notice of Hearing.
- 16-140. Procedure.
- 16-150. Jurisdiction.
- 16-160. Actions of the Board.
- 16-170. Administrative Adjustments.

**Section 17. Certificate of Occupancy and Compliance Required**

- 17-100. Certificate to be issued by building inspector.

**Section 18. Completion of Construction**

- 18-100. In General.

**Section 19. Procedure for Changes and Amendments**

- 19-100. General Procedures.
- 19-101. City Council—Authority to Amend.
- 19-102. Planning and Zoning Commission—Public Hearing Requirement.
- 19-103. City Council—Public Hearing Requirement.
- 19-104. Proposed Amendment—Denial or Protest.
- 19-105. Limit on Refiling.

**Section 20. General Definitions**

- 20-100. Definitions.

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**Section 21. Penalty for Violation**

21-100. Penalty.

**Section 22. Validity**

22-100. Validity.

**Section 23. Effective Date**

23-100. Effective.

**SECTION 14. CREATION OF A BUILDING SITE****14-100. Purpose.**

In order to make possible the provision of adequate access, and to facilitate the provision of water, sewer, drainage and similar utilities, parks, schools and other public requirements; to secure safety from fire, panic and other danger; to provide adequate light and air and to avoid undue concentration of the population, a building site shall be created as set forth herein.

**14-101. Permit.**

No permit for the construction of a building or buildings upon any tract or lot shall be issued until a building site, building tract or building lot has been created by compliance with one (1) of the following conditions:

(a) The lot or tract is part of a plat of record, properly approved by the City Planning and Zoning Commission, and filed in the Plat Records of the county in which the lot or tract is located and having access to a dedicated public street having well defined and undisputed right-of-way lines.

(b) The site, lot or tract is all or part of a site plan officially approved by the City Planning and Zoning Commission, which site plans shows all existing utility and drainage easements, alley, streets and other public improvements necessary to meet the normal requirements for platting and such easements, alleys, streets and building lines, as are required and have been properly dedicated, and the necessary public improvements which have been provided. In the case in which a developer wishes to build a single structure across multiple lots, the following conditions must be met:

(1) For residential use the separate lots must be combined on the appraisal district level and taxed as a single property. The site plan submitted for permitting must treat the multiple lots as one (1) and show the building lines in relation to the exterior property lines as required by zoning regulations. This site plan shall be accepted as a commitment by the owner and developer to maintain the aforementioned setbacks.

(2) For commercial or industrial use the separate lots must be replatted into one (1) lot.

(c) The plot, tract, or lot faces upon a dedicated street with well-defined and undisputed right-of-way lines and was separately owned prior to August 24, 1968, or prior to annexation to the City of Aransas Pass, whichever is applicable in which event a building permit for only one (1) main building may be issued on each such original separately owned parcel without first complying with either section 13-101(a) or (b) preceding.

(d) The tract is not separately platted but is part of a block or tract previously platted as an industrial or commercial subdivision wherein only streets, easements and blocks are delineated and such plat has been approved by the City Planning and Zoning Commission and filed for record in which case no specific lot delineation shall be required.

(Ord. 2018-4220, 07/16/2018)

**SECTION 15. NON-CONFORMING USES**  
**(Ord. 2016-4155, 07/18/2016)**

**15-110. General.**

Any use of property that does not conform to the regulations prescribed in the preceding section of this ordinance and which shall have been in existence prior to the adoption of this ordinance shall be called a non-conforming use. Any use that may be made non-conforming after adoption of this ordinance due to amendment of the ordinance through annexation and which is not a violation of the ordinance shall also be considered a non-conforming use.

(Ord. 2016-4155, 07/18/2016)

**15-120. Change of use.**

Any non-conforming use of land or structures may be continued for definite periods of time subject to such regulations as the Board of Adjustment may require for immediate preservation of the adjoining property. The Board of Adjustment may grant a change of occupancy from one (1) non-conforming use to another, providing the use is within the same, or higher or more restricted zoning classification as the original non-conforming use and such change of use and occupancy will not tend to prolong and continue the non-conforming use. In event a non-conforming use of a building may be changed to another use or the same or more restricted classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned.

(Ord. 2016-4155, 07/18/2016)

**15-130. Nonconforming use—Discontinued, abandoned, or unused.**

Whenever a nonconforming use is discontinued, abandoned, or unused for twelve (12) consecutive months or more, all nonconforming rights shall cease and the use of the premises shall be in conformity with this Ordinance and all applicable codes of the City. The term "discontinue" shall mean that the property or structure is vacant of that use or has changed from the use that was in place on the effective date of the Ordinance.

(Ord. 2016-4155; 07/18/2016)

**15-135. Inspection required—Beyond 12-month allowable time period.**

If the owner of a nonconforming structure in which a use is permitted as listed in the Zoning Use Tables within this ordinance wishes to continue using said structure beyond the 12-month allowable time period as designated in Subsection 15-130, an inspection will be required to determine whether it meets all applicable building code and construction standards the City has adopted. The structure may continue use if it is determined to have met the City's adopted standards.

(Ord. 2016-4155, 07/18/2016)

**15-140. Damage by natural or accidental causes—Valuation.**

Whenever the structure in which a nonconforming use is housed, operated or maintained is damaged by natural or accidental causes to the extent of more than fifty percent (50%) of the value of the structure on the date of the damage, the right to operate such nonconforming use shall cease. In the event that a structure in which a nonconforming use is housed, operated or maintained is partially destroyed, such that the damage does not exceed fifty percent (50%) of the value of the structure on the date of the damage, the nonconforming use shall be allowed to continue, and the structure may be rebuilt upon issuance of a building permit. Repairs or reconstruction shall be substantially completed within twelve (12) months of the date of such damage. Valuation shall be based upon the calculation of physical reproduction costs made from material and labor, the quantities and prices of materials, and the hours and costs of labor as of the date immediately prior to damage reasonably required to reproduce the building or structure in its condition as of the time of damage.

(Ord. 2016-4155, 07/18/2016)

**15-150. Replacement of existing manufactured home.**

If the nonconforming manufactured home is owner-occupied, the owner may replace the existing manufactured home with another newer manufactured home. The manufactured home must be replaced within six (6) months of the older manufactured home being removed. The replacement manufactured home must be no older than seven (7) years from the date the replacement unit is set on the lot.

(Ord. 2016-4155, 07/18/2016)

**SECTION 16. BOARD OF ADJUSTMENT****16-110. Organization.**

There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed by resolution of the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Two (2) members shall serve two (2) years, as heretofore appointed, and three (3) members, as heretofore appointed, shall serve three (3) years and thereafter each member reappointed or each new appointee shall serve for a full term of two (2) years unless removed as hereinabove provided. Provided, however, that the Council may appoint two (2) alternate members of the Board of Adjustment who shall serve in the absence of one (1) or more of the regular members when requested to do so by the Mayor or City Manager, as the case may be, so that all cases to be heard by the Board of Adjustment will always be heard by five (5) members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

**16-120. Function.**

The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance. Meeting of the Board shall be held at the call of the Chairman and at

such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Appeals to the Board of Adjustment can be taken by any person aggrieved or by an officer, department or board of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof and a two hundred dollar (\$200.00) fee. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

**16-130. Notice of Hearing.**

The Board of Adjustment shall hold a public hearing on all appeals made to it and written notice of all such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred (200) feet of the property on which the appeal is made, such notice shall be given not less than the tenth (10th) day before the date set for hearing to all such owners who have rendered their said property for City taxes as the ownership appears on the last City tax roll. Such notice may be served by depositing the same properly addressed and postage paid in the City Post Office. Notice shall also be given by publishing the same in the official publication of the City before the fifteenth (15th) day prior to the date set for hearing which notice shall state the time and place of such hearing.

**16-140. Procedure.**

At a public hearing relative to any appeal for a variance, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to justify the action of the Board of Adjustment on any appeal. Any special exception or variance granted or authorized by the Board of Adjustment under the provisions of this ordinance shall authorize the issuance of a building permit, or a certificate of occupancy, as the case may be, for a period of one hundred eighty (180) days from the date of the favorable action of the Board unless said Board shall in its action approve a longer period of time and so show such specific long period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been issued within said one hundred eighty (180) day period or such extended period as the Board may specifically grant, then the

special exception or variance shall be deemed to have been waived and all rights thereunder terminated. Such terminating and waiver shall be without prejudice to a subsequent appeal to said Board in accordance with regulations herein contained.

**16-150. Jurisdiction.**

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards authorize the following special exceptions to the regulations herein established:

- (1) The reconstruction, extension, alteration, or enlargement of a building occupied by non-conforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the eventual return of such property to a conforming use.
- (2) Permit such modifications of the height, yard, area, coverage, floor area ratio and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modifications.
- (3) Decide any question involving the interpretation of any provisions of this ordinance wherein uncertainty has arisen concerning the intent of specific requirements of the ordinance having due regard for the purpose of the zoning ordinance as set out in section 2-100 herein.
- (4) Require the discontinuance of non-conforming uses under any plan whereby the full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance, and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Board shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuation or maintenance of any non-conforming use within the City.
- (5) Grant a special exception for signs as it relates to location and height. The special exception does not include modifying the allowable square footage of a sign. When determining whether to grant or deny a special exception, the Board may consider the location and height of the surrounding signs. The Board may impose conditions, such as increased setbacks, to protect abutting residential areas, scenic views and/or major thoroughfares. The action of the Board should take into account potential adverse impacts to surrounding properties.

(Ord. No. 2016-4150, 06/06/2016)

**16-160. Actions of the Board.**

In exercising its powers the Board may, in conformity with the provisions of the Statutes of the State of Texas as existing or hereafter amended, revise or affirm, wholly or partly, or may modify the order,

requirement, decisions, or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.

- (a) The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said ordinance.
- (b) Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or Board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the ground of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the Office of the Board and not thereafter.

**16-170. Administrative adjustments.**

The Director of Development Services has the authority to vary the requirements established by this Zoning Ordinance. The administrative adjustment authorized cannot exceed ten percent (10%). (Ord. No. 2016-4150, 06/06/2016)

**SECTION 17. CERTIFICATE OF OCCUPANCY AND COMPLIANCE REQUIRED**

**17-100. Certificate to be issued by Building Inspector.**

No building or portion thereof hereafter erected, converted, or altered shall be used, occupied, or changed in use and no land may be used or change in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector of the City stating that the building or portion thereof or the proposed use of land or building complies with the provisions of this ordinance and other building laws of the City. Failure to comply with the provisions of this ordinance and other building laws shall constitute a basis to deny or disconnect City utilities or to require private utility companies to do likewise.

- (a) A certificate of occupancy and compliance shall be applied for coincident with the application for a building permit and will be issued before occupancy and connection of utilities to such building provided such construction or change has been made in complete conformity to the provisions of this ordinance and other building laws.
- (b) A record of all Certificates of Occupancy shall be maintained on file in the office of the Building Inspector of the City and copies shall be furnished for a fee on written request to any person having a proprietary or tenancy interest in the building or land affected.

**SECTION 18. COMPLETION OF CONSTRUCTION**

**18-100. In general.**

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction or designated use of a building actually under construction within

the City on the effective date of this ordinance and which entire building shall be completed within one (1) year from the effective date of this ordinance or which building shall be maintained under continuous construction even though not completed within one (1) year. Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued while such permit is valid and provided the building shall have been started within six (6) months of the date of issuance of the permit and which building shall be completed within one (1) year from the effective date of this ordinance or which building shall be maintained under continuous construction even though not completed within one (1) year.

## **SECTION 19. PROCEDURE FOR CHANGES AND AMENDMENTS**

### **19-100. General procedures.**

Any person or corporation or group of persons having a proprietary interest in any property, upon proof of such interest, may petition the governing body for a change or amendment to the provisions of this ordinance or the City Planning and Zoning Commission may on its own motion, institute proposals for change and amendment in the public interest. All petitions for the amendment of this ordinance shall bear the signature of the owners of all property within the area of request and be accompanied by the appropriate fee as stated in Section 24-27 - Development Services Fees, City of Aransas Pass Code of Ordinances.

(Ord. 2016-4171, 10/17/2016)

### **19-101. City Council—Authority to amend.**

The City Council may from time to time amend, supplement or change by ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendment, supplement or change, the City Council shall submit the same to the City Planning and Zoning Commission for its recommendation and report.

### **19-102. Planning and Zoning Commission—Public hearing requirement.**

The City Planning and Zoning Commission shall hold a public hearing on any application for any amendment, supplement or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the City Planning and Zoning Commission for the below listed procedures (Section 102 (a)—(e)) shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given no less than the tenth (10th) day before the date set for the public hearing by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the last approved City tax roll.

Procedures that require public notices to be mailed as well as published:

- (a) Variance or Appeal of Administrative Decision
- (b) Conditional Use Permit
- (c) Zoning Map Amendment

- (d) Land subdivision:
  - (1) Public Notice Plat
  - (2) Plat Time Extension Request
  - (3) Plat Appeal
  - (4) Hardship Variance Request
- (e) Planned Development:
  - (1) Initial Approval (Rezoning)
  - (2) Major Amendment

**19-103. City Council—Public hearing requirement.**

A public hearing shall be held by the City Council before adopting any proposed text amendment, supplement, or change to the City of Aransas Pass Zoning Ordinance. Prior to the fifteenth (15th) day before the hearing notice of the time and place of such hearing shall be published in the official newspaper of the City.

**19-104. Proposed amendment—Denial or protest.**

If such proposed amendment, supplement or change has been denied by the City Planning and Zoning Commission, or if a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred (200) feet here from or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths ( $\frac{3}{4}$ ) vote of the members of the City Council.

**19-105. Limit on refiling.**

(a) Any modification proposed by the applicant to the original Zoning Map amendment application shall be treated as a completely new request requiring the preparation and submission of a new application.

(b) If an applicant withdraws the application after Planning and Zoning Commission has held a public hearing and made a recommendation on the application, no further applications for rezoning all or part of the property to the same district may be submitted for twelve (12) months from the date of the recommendation unless a waiver is granted as provided below.

(c) If the City Council denies a request for a Zoning Map amendment, no further applications for rezoning all or part of the property for twelve (12) months from the date of the final decision unless a waiver is granted as provided below.

(d) The applicant may request that the Planning and Zoning Commission waive the requirement stated above or that the City Council waive the requirement stated above upon finding of changed conditions or significant new information. A City-initiated Zoning Map amendment application shall not be limited by this waiting period.

(e) If the waiver is granted and the applicant files a Zoning Map amendment application before the expiration of the above waiting period, the application fee shall be one hundred fifty percent (150%) of the standard application fee.

## SECTION 20. GENERAL DEFINITIONS

### 20-100. Definitions.

Certain words in this ordinance not heretofore defined are defined as follow.

Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "lot" includes the words "plot" or "tract"; and the word "shall" is mandatory and not discretionary. (Ord. 2016-4171, 10/17/2016)

*Accessory building (nonresidential):* A subordinate building to the main building, the use of which is incidental and related to the main use and which is located on the same lot.

*Alley:* A public space or thoroughfare which affords a secondary means of access to property abutting thereon.

*Apartment:* A dwelling unit in a multiple family dwelling or apartment house arranged, designed or occupied as a place of residence by a single family.

*Area of lot:* The square foot area of a lot within the bounding property lines and exclusive of dedicated streets or alleys.

*Area regulations:* The regulations controlling minimum lot area, lot width, lot depth, front yard, side yard, rear yard, coverage and floor area ratio.

*Basement:* That portion of a building between floor and ceiling so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling. A basement shall not be counted in computing the number of stories.

*Block:* An area enclosed by streets or if said word is used as a term of measurement, it shall mean the distance along a side of a street between two (2) intersecting streets or if the street is of a dead-end type, a block shall be considered to be measured between the nearest intersecting street and the end of such dead-end street.

*Board:* The Zoning Board of Adjustment as provided for in Section 15.

*Building:* Any structure designed, built or intended for the shelter or enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. When separated by an absolute fire separation, each portion of such structure so separated shall be deemed a separate building. This definition shall include structures wholly or partly enclosed with an exterior wall.

*Building bulk:* The relationship between the total mass of a building and the site on which it is located. As herein specified, building bulk refers to floor area ratio.

*Building line:* A line parallel or approximately parallel to the street line at a specified distance therefrom, marking the minimum distance from the street line that a building may be erected. For existing buildings, the building line shall be the exterior wall or omitted wall line which is closest to the street.

*Centerline, street or Alley:* A line erected midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline shall be determined by the Director of Public Works.

*City:* The word "City" shall mean the legal government of Aransas Pass, Texas.

*City Council:* The official Governing Body of the City.

*Cottage unit:* A cottage unit is any fixed building, structure or part thereof located in a tourist court and used as sleeping quarters or temporary dwelling place by one (1) or more persons living together as one (1) family.

*Court:* An open space bounded on more than two (2) sides by the walls of a building.

*Court, inner:* A court entirely surrounded by the exterior walls of a building. Such walls may have openings for access, light and air.

*Court, outer:* A court having one (1) side open to a street, alley, yard or other permanent open space.

*Coverage:* The percent of lot area which is covered by a roof, floor or other structure and is not open to the sky. Roof eaves to the extent of two (2) feet and ordinary projections from the building not exceeding twelve (12) inches shall not be counted in computing coverage.

*Density:* The relationship of dwelling units to the area of the lot or tract upon which a residential structure is located or erected.

*Development schedule:* A chronological estimate of the rate and order of development.

*Dwelling unit:* A building or portion of a building which is arranged, occupied or intended to be occupied as a single living quarters and includes facilities for food preparation and sleeping.

*Family:* A family is any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood, marriage or adoption.

*Floor area:* The total square foot area of all floors in the building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.

*Floor Area Ratio (F.A.R.):* The ratio between the total square feet of floor area and the total square feet of land in the lot.

*Frontage, lot:* The length of street frontage between property lines or lease lines.

*Frontage, street:* The length of all property on one (1) side of a street between two (2) intersecting streets measured along the line of the street, or if the street is dead-ended, then the length of all property abutting on one (1) side between an intersecting street and the end of the dead-end street.

*Grade:* The average elevation of the highest and lowest elevations measured at the finished surface of the ground at any of the exterior corners of the building or structure.

*Height:* The vertical distance measured from grade to (1) the highest point of any flat roof surface, (2) to the top deck line of mansard roofs, or (3) to the mean height level between eaves and ridge for hip and gable roofs, (4) the top of any elevator, penthouses or bulkheads, mechanical equipment rooms, cooling towers, tanks and ornamental cupolas and domes or other structures erected on the roof of a building.

*Institutional use:* Schools, churches, colleges, lodges, hospitals, convents, welfare homes and similar establishments to those listed in Section 10-204.

*Legal height:* The maximum height of a building imposed by any other ordinance which is effective.

*Lot:* Land which is occupied or intended to be occupied by a building and its accessory building and including such open spaces as are required under this ordinance and having frontage on a dedicated street with well-defined and undisputed right-of-way lines.

*Lot, corner:* A lot situated at the intersection of two (2) dedicated streets and having frontage along both streets extending from the intersection.

*Lot, double frontage:* A lot having frontage on two (2) or more dedicated streets other than a corner lot.

*Lot lines:* The accepted property or lease lines bounding a lot as defined herein.

*Lot line, interior:* A lot line delineating the division between two (2) contiguous lots on the interior of a block and not adjacent to a street.

*Lot, percentage of:* Determination of any percentage of a lot such as the rear fifty percent (50%) shall be done by finding the point on each side lot line which corresponds to that percentage of the length of such line and connecting the two (2) points. The area so delineated shall be interpreted as representing that portion of the lot specified.

*Lot of record:* A lot which is part of a subdivision plat which has been recorded in the office of the County Clerk.

*Lot width:* The width of a lot at the required front yard line or at the building line if such is established at a greater distance from the street than the required front yard line.

*Main building:* The building or buildings on a lot which are occupied by the primary use.

*Manufactured home:* A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development Title 6 construction standards commonly known as "the HUD- code." The red Certification Label (sometimes called the HUD Label) can be located on the tail end of each transportable section of the home. The Data Plate will be located inside of the home. Regulation states that the Data Plate be affixed inside the home on or near the main electrical breaker box, or other readily visible/accessible location. The unit is transportable in one (1) or more sections, which, in the traveling mode, are eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on site, are three hundred twenty (320) or more square feet, and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities for plumbing, heating, air-conditioning, and electrical systems. The term does not included recreational vehicles. (Ord. 2016-4171, 10/17/2016)

*Occupancy:* Occupancy as used herein pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

*Omitted wall line:* A line enclosing the exterior vertical elements of a structure or the outer edge of any floor, deck, balcony, walkway, bridge, stairway or such other structures as may cover the land contrary to the definition of open space. In the case of structures, composed of a roof and open sides, the omitted wall line is the exterior line of such roof. For ordinary roof eaves, the omitted wall line shall be two (2) feet inside of the eave line.

*Open space:* An area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves.

*Openings for light and air:* Any windows, window walls, or glass panels located in the building, but not including doors which are used only for ingress or egress.

*Permanent community open space:* Parks, school playgrounds, community centers, golf courses, parkways, water areas or similar areas which are dedicated to the City or which are created as private open space under a permanent agreement for maintenance and responsibility which agreement is accepted by the City Council and approved by the City Attorney.

*Sign:* Any structure or object which is placed, arranged, colored, designed or constructed for the purpose of advertising or attracting attention to a building, business, product, activity or service.

*Accessory sign:* A sign which is an accessory use of land and which directs attention to a business, product, and activity or service which is conducted, sold or offered on the premises where the sign is located.

*Flashing sign:* A sign or part thereof operated so as to create flashing; changes in light intensity, color or copy; or intermittent light impulses more frequently than once in every four (4) seconds.

*Moving sign:* A sign or any part thereof which moves, rotates, or gives the perception of motion.

*Story, standard:* The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.

*Street:* Any thoroughfare other than an alley and not less than thirty (30) feet in width, which has been dedicated to the public for public use and which affords primary access to abutting property.

*Street line:* A dividing line between a lot, tract or parcel of land and a contiguous street.

*Structure:* A structure shall be interpreted the same as a building, but shall, in addition, include such items as a freestanding ground sign and pylon when erected on a base and not made integral with a building.

*Recreational vehicle:* Described as any building or structure that is erected in its entirety inside and out, save and except the connections of outside utilities, if needed; is portable; is either self-propelled or must be towed and shall have a body width not to exceed eight (8) feet and a body length not to exceed forty (40) feet. The aforementioned body width and length do not include expandable accessories which

may be a part of the structure and when utilized may make the RV wider or longer. However, such an RV must comply with all applicable requirements of Section 11-MH governing RV or move to MH Park or Subdivision.

*Use, nonresidential:* Any use other than a single family, two (2) family, multiple family residence or rooming house and bonafide accessory uses as listed in Sections 10-201 and 10-202.

*Use, residential:* A single family, two (2) family or multiple family residence together with bonafide accessory uses as listed in Sections 10-201 and 10-202.

*Use, retail or Commercial:* Any use listed or similar to a use listed in Sections 10-206, 10-207, 10-208, 10-209, 10-210, 10-212, 10-213, and 10-214.

*Wall, exterior:* The exposed or outer most wall of the structure.

*Yard:* An open space on the lot on which a building is situated and which is open and unobstructed to the sky.

*Yard, front required:* A yard facing and abutting a street and extending across the front of the lot between the side lot lines and having a minimum horizontal depth measured from the street right-of-way equal to the depth of the minimum front yard specified for the district in which the lot is located. The required front yard line represents the line in front of which no building or structure may be erected.

*Yard, rear required:* A yard, except for accessory buildings as herein permitted, extending across the rear of the lot between side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located.

*Yard, side required:* A yard located on a lot and extending from the required front yard to the required rear yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located. Any lot line which is not a rear or front lot line shall be deemed a side lot line. Where a lot has only three (3) lot lines, those lot lines which do not front upon a street shall be deemed side lot lines.

*Zoning district:* A classification within which the regulations specified herein are uniform and which is assigned to a particular area of the City by delineation upon the Zoning District Maps which are a part of this ordinance.

*Zoning district map:* The official, certified map or maps upon which the boundaries of the various zoning districts are shown and which are an integral part of this zoning ordinance and together with this zoning text make up the zoning ordinance for the City.

## SECTION 21. PENALTY FOR VIOLATION

### 21-100. Penalty.

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than two thousand dollars (\$2,000.00) and each

day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any 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, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as herein provided. The City likewise shall have the power to enforce the provisions of this ordinance through civil court action as provided by State Law, including recovery of damages and injunctive relief upon application to the appropriate District Court.  
(Ord. 2022-4385, 04/18/2022)

## **SECTION 22. VALIDITY**

### **22-100. 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 23. EFFECTIVE DATE**

### **23-100. Effective.**

This zoning ordinance shall become effective immediately on and after its passage by the City Council, subject to the following qualifications:

- (a) Any construction now in progress and construction for which building permits have been issued in accordance with the prior ordinance, shall be unaffected by this Ordinance.
- (b) Pending applications for zoning change or amendments of any Use District made under the prior ordinance, shall be processed, and if the City Council is of the opinion that a zoning change is justified and should be made, then such change or amendment shall be classified and placed into the proper Use District where such use and occupancy is permitted as contained in this Ordinance.
- (c) In the event construction drawings are presented to the Chief Building Inspector of the City showing development proposed under the terms of the prior zoning ordinance within thirty (30) days from the passage of this Ordinance, and in the event the denial of a building permit for such construction would cause a loss or hardship, the City Council may consider the case on the facts and if it is of the opinion that the general zoning scheme and public interest will not be adversely affected thereby, it may grant a permit for development and construction.

**CODE COMPARATIVE TABLE**

**ORDINANCES**

This table gives the location within this Code of those ordinances adopted since the 2023 Code, as updated through June 1, 2023, which are included herein. Ordinances adopted prior to such date were incorporated into the 1968 Code, as supplemented. Ordinances adopted since June 1, 2023, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

| <b>Legislation<br/>Number</b> | <b>Date</b> | <b>Section</b> | <b>Section<br/>this Code</b> |
|-------------------------------|-------------|----------------|------------------------------|
| 4408                          | 12- 5-2022  | 3              | 3-100                        |
|                               |             | 4              | 4-115                        |
|                               |             | 5              | 5-100—5-102                  |
|                               |             | 7              | 10-300                       |
|                               |             | 8              | 11-290                       |
|                               |             | 9              | 11-300                       |
|                               |             | 10             | 12-110                       |
| 2023-4411                     | 1- 3-2023   |                | 11-120(b)                    |
| 2024-4460                     | 8-19-2024   | 2(Exh. A)      | 10-200, 10-300               |

