

CITY OF SANCTUARY

ZONING ORDINANCE 1

October 2003

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AMENDMENT 1 ADDED OCTOBER 4, 2008

AMENDMENT 2 ADDED AUGUST 5, 2010

AMENDMENT 3 ADDED APRIL 2, 2009

AMENDMENT 4 ADDED JANUARY 5, 2021

CITY OF SANCTUARY, TEXAS

ORDINANCE NO. |

AN ORDINANCE OF THE CITY OF SANCTUARY, TEXAS, ADOPTING A COMPREHENSIVE ZONING PLAN AND DIVIDING THE CITY INTO SEVERAL DISTRICTS; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING, AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR SPECIAL USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; PROVIDING FOR CERTIFICATES OF OCCUPANCY AND COMPLIANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANCTUARY, TEXAS, THAT A COMPREHENSIVE ZONING ORDINANCE AND MAP ARE HEREBY PASSED AND APPROVED WHICH SHALL PROVIDE AS FOLLOWS:

SECTION 1. AUTHORITY

This ordinance is prepared under the authority of Chapter 211, Texas Local Government Code, V.T.C.A., to promote health, safety, and morals and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

SECTION 2. PURPOSE

Zoning Regulations and Districts are herein established in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City. They are designed to lessen 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, and to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each 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.

SECTION 3. ADMINISTRATION, ENFORCEMENT, AND FEES

3.1 ADMINISTRATION

The Mayor and/or designee is hereby designated by the City Council as the administrative official to supervise the administration and enforcement of this ordinance. The Mayor and/or designee may be provided with the assistance of such other persons or consultants as the Mayor may direct.

If the administrative official finds that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with, or to prevent violation of its provisions.

3.2 VIOLATION AND PENALTIES

The owner or general agent of a building or premises where a violation of any provision of the regulations of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which such violation shall exist shall be guilty of a misdemeanor punishable by a fine as provided for in general penalty provision found in the City of Sanctuary Code of Ordinances.

3.3 INTERPRETATION AND APPEALS

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official and that such questions shall be presented to the zoning board of adjustment (as defined in Section 5 of this document) only on appeal from the decision of the administrative official, and that recourse from the decisions of the zoning board of adjustment shall be to the courts, as provided by law.

3.4 CITY COUNCIL DUTIES

It is further the intention of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall serve as the Planning and Zoning Commission as provided in this Ordinance.

3.5 FEES

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for the administration, permits, certificates of occupancy, zoning change requests, zoning board of adjustment appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning administrative official, and may be altered or amended only by action of the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 4. PLANNING AND ZONING COMMISSION

4.1 ORGANIZATION

The City Council shall serve as the Planning and Zoning Commission as referenced in the Texas Local Government Code, §211.007. All references to the Planning and Zoning Commission in this Ordinance shall refer to the City Council acting in that capacity. A quorum for the conduct of business shall consist of three members and/or alternate members of commission. The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

4.2 DUTIES AND AUTHORITY

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

- A. Formulate and adopt a city plan for the orderly growth and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- B. Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings relating to the creation, amendment, and implementation of zoning regulations and districts as authorized under state law.
- C. Exercise all powers of a commission as to approval or disapproval of plans, plats, or re-plats as authorized under state law.
- D. Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.
- E. Study and make recommendations regarding the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.
- F. Initiate, in the name of the City, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change of zoning district boundaries on the area-wide basis.
- G. Formulate policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the City.

4.3 WITHDRAWAL

Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered, if such proposal is withdrawn, the City Council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

SECTION 5. ZONING BOARD OF ADJUSTMENT

5.1 CREATION, MEMBERSHIP AND PROCEDURES

- A. Creation: There is hereby created a board of adjustment to be composed of five regular members of two alternate members who shall be qualified electors of the city. It is the declared policy of the City Council that it will consider and appoint only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment and availability to prepare for and attend meetings.
- B. Terms of office: The members shall serve for a period of two years and until their successors are duly appointed and qualified. Three regular and one of the alternate members shall be appointed to serve until the last day of May of the next odd-numbered year. The regular members of the board shall be identified by place numbers one through five and all members shall be appointed by the City Council. Board members may be appointed to succeed themselves.
- C. Vacancies: Vacancies shall be filled for unexpired terms; no member shall be appointed for a term in excess of two years. A vacancy in a term of office shall occur whenever the council finds that a member has resigned or has not maintained the qualifications required for appointment.
- D. Organization: The board shall elect a chairman from among its members to preside at meetings. Such chairman, or in his absence an acting chairman elected from among the members, may administer oaths and compel the attendance of witnesses. The board shall designate the time and place of its meetings. The board shall adopt its own rules of procedure and keep a record of its proceedings in accordance with state law and these regulations. Newly appointed members shall be installed at the first regular meeting after their appointment.
- E. Meetings and quorum: Four members of the board shall constitute a quorum for the conduct of business. The members of the board shall regularly attend meetings and public hearings of the board and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties. All meetings shall be open to the public. Minutes shall be kept showing the vote of each member on each question or the absence or failure of each member to vote. Such minutes shall be a public record and shall be retained for at least five years.
- F. Duties and powers: The Board Of Adjustment shall have the powers and exercise the duties of a board in accordance with Texas Local Government Code §211.009. Board members are representatives of the city and shall have the right to inspect premises where required in the discharge of their responsibilities under the laws of the state and the ordinances of this city. The board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications and to that end shall have the necessary authority to ensure continuing compliance with its decision:
 - 1. Interpretation: To render an interpretation of the zoning regulations or the manner of their application where it is alleged that there is error in any order, requirement or determination made by the enforcing officer in the administration of such provisions. In reaching its decision, the board shall establish firm guidelines for future administrative actions on like manners;

2. Special exception: To decide upon those applications for a special exception to use or develop property when the same is authorized under these regulations subject to board approval;
 3. Variance: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest. Such variances shall not be authorized unless the board makes an affirmative finding to all the following requirements:
 - a. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
 - b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
 - c. That the relief sought will not injure the permitted use of adjacent conforming property;
 - d. That the granting of the variance will be in harmony with the spirit and purposes of these regulations.
- G. Interpretation request; variance appeal: A request for interpretation of regulations or an appeal for variance from development controls may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by a decision of the enforcing officer. Such appeal shall be taken within 15 days after the decision has been rendered by filing with the enforcing officer a notice of appeal specifying the grounds thereof. The enforcing officer shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- H. Stay of proceedings: An appeal shall stay all proceedings of the action appealed from, unless the enforcing officer, after the notice of appeal has been filed with him, certifies to the board that by reason of facts stated in his certificate a stay would, in his opinion, cause imminent peril to life or property, in such case, proceedings shall not be stayed except by a restraining order which may be granted by the board or by a court of record on application on notice to the enforcing officer and on due cause shown.
- I. Form of appeal or application: The appeal or application shall be in such form and shall contain such information as the board may require under its rules of procedure. It shall be accompanied by the required fee. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the board and shall not be reviewed or scheduled for hearings until brought to completion.
- J. Notice of hearing: Official written notice of public hearing on every application for a variance or special exception or for an interpretation of regulations applying solely to an individual property shall be sent to all owners of property, of the person rendering the same for taxes, affected by such application, located within 200 feet of any property affected thereby, excluding any intervening public street, at least ten days before such hearing is held. Such notice shall be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings shall also be given by causing publication of the time and place of such hearing in the official newspaper at least ten days prior thereto, together with a brief description of the subject matter of the hearing.
- K. Hearing:
1. Upon the hearing, any party may appear in person or by attorney or agent. Evidence supporting the grant or denial of an appeal shall be submitted only through the enforcing officer or to the board in public meeting.
 2. Any appeal or application may be withdrawn upon written notice to the enforcing officer, but no appeal shall be withdrawn after posting of hearing notice and prior to board action thereon without formal consent of the board.
 3. The board shall make its decision on any application on any application within 45 days from the time the initial hearing is held or the application will be deemed to have been denied.
- L. Decision and Voting:

1. Every decision of the board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the board is authorized to pass under these regulations shall be construed as limitations on the power of the board to act.
2. Nothing contained in this section shall be construed to empower the board to change the terms of these regulations, or to effect changes in the zoning districts. The powers of the board shall be so applied that the terms of these regulations will be strictly enforced.
3. In exercising its powers, the Board of Adjustment, in conformity with the provisions of Texas Local Government Code §211.008-211.010, may modify in whole or in part any 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.
4. The concurring vote of four members of the board shall be necessary to reverse, on appeal, any order, requirement, decision or determination of the enforcing officer, or to approve any application upon which it is required to pass under these regulations or to effect any variance in such regulations.
 - e. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the board.
 - f. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

M. Approval of request:

1. In approving any request, the board may designate such conditions including time limits, if appropriate, in connection therewith in order to secure substantially the objectives of the regulation or provision to which variance is granted and provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted.
2. When necessary, the board may require guarantees, in such form as it deems proper, to insure that conditions designated in connection therewith are being or will be complied with.
3. Upon approval of a variance, the applicant shall apply for occupancy or construction permits within 60 days after the board's decision, unless a greater time is requested in the application and is authorized by the board. Any approval may be granted one emergency extension of 60 days on written request filed with the board before expiration of the original approval. Failure of the applicant to apply for occupancy or construction permits within the authorized time period shall void the right to secure such permits except upon the filing of a new application or appeal.

N. Denial of request. No application for variance or special exception shall be considered within one year of denial of a request for a variance on the same property.

O. Appeal of board action. Any person or persons, jointly or separately, or any taxpayer, or any officer, department, board or bureau of the city aggrieved by any decision of the zoning board of adjustment may present to the appropriate court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten days after the filing of the decision complained of in the offices of the board and not thereafter.

SECTION 6. CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

6.1 DECLARATION OF POLICY

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map;
- B. To recognize changed or changing conditions or circumstances in a particular locality;
- C. To recognize changes in technology, style of living, or manner or doing business.

6.2 AUTHORITY TO AMEND ORDINANCE

The City Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and/or the zoning map or any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, the City Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

6.3 PUBLIC HEARING AND NOTICE

- A. Upon filing of an application for an amendment to the zoning ordinance and/or map, the Planning and Zoning Commission shall call a public hearing on said application.
- B. Written notice of such hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within 200 feet of the property on which the change in classification is proposed, such notice, mailed first-class return receipt requested, to be given not less than ten days before the date of such hearing, to all owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the City Post Office. Where property lying within 200 feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City tax roll, notice to such owners shall be given by one publication in the official newspaper at least 15 days before the time of the hearing. Also, the City Secretary shall have the property, lot or tract posted with a sign at least 18 by 24 inches in size that shall state "Zoning change Requested for information call City Hall" and the telephone number shall be listed. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.
- C. If, at the conclusion of the hearing, the Planning and Zoning Commission recommends amendment of this ordinance to the City Council, said recommendation shall be by resolution of the Planning and Zoning Commission carded by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
- D. Withdrawal: Any proposal or application may be withdrawn by the proponent after the commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the City Council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

APPLICATION NOT TO BE CONSIDERED FOR ANOTHER SIX MONTHS AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be considered within six months of denial of a request by the City Council for the same classification on the same property.

6.4 ACTION OF THE CITY COUNCIL

- A. If the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be disapproved, the City Council may refuse to adopt the amendment by a simple majority vote of the council members present and voting.
- B. When the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved, the City Council may disapprove the petition or application for amendment by a simple majority vote of the City Council members present and voting. In the event of a tie vote of the City Council members present and voting, the Mayor may cast the deciding vote.
- C. In the case of a protest against an amendment to the ordinance signed by the owners of 20% or more either of the area of the lots or land immediately adjoining the area included in the proposed change and extending 200 feet from that area, such amendment shall not become effective except by the favorable vote of a simple majority of all members of the City Council of the City of Sanctuary.
- D. In making its determination, the City Council shall consider the following factors:
 - 1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
 - 2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
 - 3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances that may make a substantial part of such vacant land unsuitable for development.
 - 4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed changes.
 - 5. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
 - 6. Any other factors which will substantially affect the public health, safety, morals or general welfare.

6.5 EFFECT OF DENIAL OF PETITION

In case the application for an amendment to the Zoning Ordinance is denied by the City Council, said application shall not be eligible for reconsideration for six months subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the City Council, to be eligible for consideration within one year of the denial of the original application.

In the event of a reapplication affecting the same land is for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.

6.6 CHANGES IN ZONING REGULATIONS

All changes in zoning regulations require a public hearing. The notice of the required public hearing shall be given by publication in the official newspaper of the City, stating the time and location of the public hearing, which time shall not be earlier than 15 days from the date of such publication.

SECTION 7. COMPLIANCE WITH ZONING REGULATIONS

7.1 COMPLIANCE WITH ZONING REGULATIONS REQUIRED

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

7.2 BUILDING PERMITS PROHIBITED WITHOUT PLAT

No permit for the construction or placement of a building or buildings upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and City Council and filed in the Plat Records of county or counties in which the plot or tract is located.

7.3 EXCLUSIONS

Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this ordinance and which entire building shall be completed within one year from the date of passage of this ordinance.

7.4 ONE MAIN BUILDING ON A LOT OR TRACT

Only one main building for one family or two family use with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street or approved place other than an alley, which street or approved place shall have a minimum width of 25 feet. Where a lot is used for retail and dwelling purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking, and density requirements applicable to the uses and districts. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the City Council. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

SECTION 8. ZONING DISTRICT MAP

8.1 ZONING DISTRICT BOUNDARIES DELINEATED ON ZONING DISTRICT MAP

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Sanctuary, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.

8.2 REGULATIONS FOR MAINTAINING ZONING DISTRICT MAP

Two original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:

- A. One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
- B. One copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits and for enforcing the Zoning Ordinance. A written record (logbook) shall be kept by the Building Official of all changes made to the Zoning District Map.

- C. Reproductions of the official Zoning District Map may be made for information purposes.

SECTION 9. ZONING DISTRICT BOUNDARIES

9.1 RULES FOR DETERMINING DISTRICT BOUNDARIES

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

- A. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in 9.1.A. through 9.1.D. above shall be construed. Distances not specifically indicated on the original Zoning Map shall be determined for the graphic scale on the map.
- F. Boundaries indicated as parallel to or extensions of features indicated in 9.1.A through 9.1.E. above shall be construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.
- G. Whenever a street, alley or other public way is vacated by official action of the City Council, or whenever a street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- H. Physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections 9.1.A. through 9.1.G., or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified A - Agricultural District, temporarily. In an area determined to be temporarily classified as A - Agricultural District, no person shall construct, add or to alter any building or structure or cause the sale to be done, nor shall any use be located therein or on the land which is not permitted in an A - Agricultural District, unless and until such territory has been zoned to permit such use by the City Council. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

SECTION 10. ZONING OF ANNEXED TERRITORY

10.1 PERMANENT ZONING CONCURRENT WITH ANNEXATION

An area or areas being annexed to the City of Sanctuary shall ordinarily be given permanent zoning concurrently with the annexation.

SECTION 11. ZONING DISTRICTS ESTABLISHED

11.1 ZONING DISTRICTS IDENTIFIED

The City of Sanctuary, Texas, is hereby divided into zoning districts as listed in this section.

ABBREVIATED DESIGNATION

ZONING DISTRICT NAME

A	AGRICULTURAL DISTRICT
SF-E	SINGLE FAMILY RESIDENTIAL DISTRICT - ESTATE
SF-1	SINGLE FAMILY RESIDENTIAL DISTRICT - 1
SF-2	SINGLE FAMILY RESIDENTIAL DISTRICT - 2
D	TWO FAMILY RESIDENTIAL (DUPLEX) DISTRICT
TH	TOWNHOUSE RESIDENTIAL DISTRICT
MH-1	MANUFACTURED HOME DISTRICT
MH-2	MANUFACTURED HOME PARK DISTRICT
MF	MULTIFAMILY DISTRICT
C-1	COMMERCIAL DISTRICT - OFFICE, LIGHT RETAIL, AND NEIGHBORHOOD SERVICES
C-2	COMMERCIAL DISTRICT - GENERAL
C-3	HEAVY COMMERCIAL DISTRICT
I-1	MANUFACTURING/INDUSTRIAL DISTRICT - LIGHT
I-2	MANUFACTURING/INDUSTRIAL DISTRICT - HEAVY
PD	PLANNED DEVELOPMENT DISTRICT
FP	FLOOD PLAIN DISTRICT

11.2 DESCRIPTION AND PURPOSE OF ZONING DISTRICTS

A - Agricultural District: This district provides for the continuance of farming, ranching, and gardening activities on land being utilized for these purposes. When land in an Agricultural District is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Comprehensive Plan. See Section 12 for A - Agricultural District regulations.

SF-E - Single Family Residential District - Estate: The SF-E district provides for residential development on large lots with a minimum building site of 35,000 square feet. Density in this district will usually be no greater than one unit per gross acre. See Section 13 for SF-E - Single Family Residential District- Estate regulations.

SF-1 - Single Family Residential District - 1: The SF-1 district provides for a minimum residential building site of 10,000 square feet. Density in this district will usually be no greater than four units per gross acre. See Section 14 for SF-1 - Single Family Residential District regulations.

SF-2 - Single Family Residential District - 2: The SF-2 district provides for a minimum residential building site of 7,500 square feet and permits residential development of densities ranging from four to six units per gross acre. See Section 15 for SF-2 - Single Family Residential District regulations.

TH - Townhouse Residential District: The TH district provides for stable, quality residential development, including townhouses, zero lot line homes, garden (patio) home, and similar residential development with densities ranging from four to twelve units per gross acre. See Section 16 for TH - Townhouse Residential District regulations.

D - Two Family Residential (Duplex) District: The D district provides for stable, quality residential development, including duplex, garden (patio) home, and similar residential development with densities ranging from four to twelve units per gross acre. See Section 17 for D - Two Family Residential (Duplex) District regulations.

MH-1 - Manufactured Home District: The MH-1 district provides an area for the placement of manufactured home and modular home units in subdivisions in which most lots and housing units are

owner-occupied. Densities in this district will be comparable to that of the SF-2 District. See Section 18 for MH-1 - Manufactured Home Subdivision District regulations.

MH-2 - Manufactured Home Park District: The MH-2 district establishes a category in which manufactured home park development with a maximum density of six units per gross acre can occur. See Section 19 for MH-2 - Manufactured Home Park District regulations.

MF - Multiple family District: The MF district permits multifamily developments of maximum densities of 15 units per acre, except under special mitigation conditions. See Section 20 for MF - Multiple-Family Residential District regulations.

C-1 - Commercial District - Office, Light, Retail, and Neighborhood Services: Retail, commercial, and office uses developed under the standards of the C-1 District are designed to provide a compatible relationship between the C-1 development and adjacent residential areas. See Section 21 for C-1 Commercial District - Office, Light Retail, and Neighborhood Services regulations.

C-2 - Commercial District - General: Uses that require considerable space for display, sales, or open storage, or by the nature of the use are generally not compatible with residential uses are located in the C-2 Commercial District. See Section 22 for C-2 - General Commercial District regulations.

C-3 - Commercial District - Heavy: Uses which require considerable space for display, sales, or open storage, or by the nature of the use are generally not compatible with residential uses, and not compatible with general commercial district regulations are located in the C-3 Commercial District. See Section 23 for C-3 - Heavy Commercial District regulations.

I-1 - Manufacturing/Industrial District Light: The Light Manufacturing / Industrial District is established to accommodate uses of a non-nuisance type located in relative proximity to residential and C-2 and C-3 business areas. Development in the I-1 district is limited primarily to certain wholesale, jobbing and warehouse uses and certain specialized manufacturing and research uses of a type that will not create nuisances. See Section 24 for I-1 - Manufacturing/Industrial District - Light regulations.

I-2 - Manufacturing/Industrial District - Heavy: The Heavy Manufacturing/Industrial District is established to accommodate industrial uses not appropriate for inclusion in the I-1 district and likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses. See Section 25 for I-2 - Manufacturing/Industrial District - Heavy regulations.

FP - Flood Plain District: Zoning districts located in flood hazard areas which are subject to periodic inundation shall be preceded by the prefix FP, indicating a sub-district. Areas designated FP may be used only for those uses listed in the provisions of Section 26 until a use in any area or any portion thereof located in FP sub-district has been approved by the City Council. Approval shall only be given after engineering studies determine that the area, or any portion thereof, is suitable for uses in the district, and building construction or development would not create an obstruction to drainage nor a hazard to life or property, and that such construction is not contrary to the public interest. See Section 26 for FP - Flood Plain District regulations.

SECTION 12. A - AGRICULTURAL DISTRICT

12.1 GENERAL PURPOSE AND DESCRIPTION

The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

12.2 PERMITTED USES

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

- A. Single-family dwellings on building lots of two acres or more in areas where said dwellings can be adequately served by city utilities, septic tanks, or water wells located on the building lot;
- B. Telephone exchange and utility service building, provided no public business and repair or outside storage facilities are maintained; gas lines; and gas regulating stations;
- C. Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servants quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent of the gross land area of tract;
- D. Temporary metal buildings of less than 600 square feet which are used for tool and supply storage;
- E. Riding Academy or other equestrian related activities;
- F. Other uses as listed in Section 27 of this ordinance.

12.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in the Agricultural District, when granted in accordance with Section 28:

- A. Uses listed in Section 27 of this ordinance.

12.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

12.5 PARKING REQUIREMENTS

Two parking spaces with a gravel or better surface behind the front yard line for single-family dwelling units and HUD Code manufactured homes. Other off-street parking space requirements are set forth in Section 29.

SECTION 13. SF-E - SINGLE FAMILY RESIDENTIAL - ESTATE DISTRICT

13.1 GENERAL PURPOSE AND DESCRIPTION

The Single Family Residential - Estate District is designed to accommodate single-family residential development on large lots. The district can be appropriately located in proximity to agricultural and standard single-family residential uses. Densities in this district will not usually exceed one unit per gross acre.

13.2 PERMITTED USES

A building or premise in an SF-E District shall be used only for the following purposes:

- A. Uses as listed in Section 27 of this ordinance.

13.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in an SF-E District, when granted in accordance with Section 28:

- A. Uses as listed in Section 27 of this ordinance.

13.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

13.5 PARKING REQUIREMENTS

Two covered, enclosed spaces behind the front yard line for a single-family dwelling. Other off-street parking spaces regulation are set forth in Section 29.

13.6 MINIMUM BUILDING SIZE AND MASONRY CONTENT

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

SECTION 14. SF-1 - SINGLE FAMILY RESIDENTIAL DISTRICT - 1

14.1 GENERAL PURPOSE AND DESCRIPTION

The Single Family Residential District - I is designed to accommodate the standard single-family residential development. The district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses. Densities in this district will not usually exceed four units per gross acre.

14.2 PERMITTED USES

A building or premise in an SF-1 District shall be used only for the following purposes:

- A. Uses as listed in Section 27 of this ordinance.

14.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in an SF-1 District, when granted in accordance with Section 28:

- A. Uses as listed in Section 27 of this ordinance.

14.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

14.5 PARKING REQUIREMENTS

Two covered, enclosed parking spaces behind the front yard line for a single-family dwelling. Other off-street parking space regulations are set forth in Section 29.

14.6 MINIMUM BUILDING SIZE AND MASONRY CONTENT

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

SECTION 15. SF-2 - SINGLE FAMILY RESIDENTIAL DISTRICT - 2

15.1 GENERAL PURPOSE AND DESCRIPTION

The Single Family Residential District-2 is intended to provide for medium density single-family residential development. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas. Density in this district will usually not exceed four units per gross acre.

15.2 PERMITTED USES

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

- A. Uses as listed in Section 27 of this ordinance.

15.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in an SF-2 district, when granted in accordance with Section 28:

- A. Uses as listed in Section 27 of this ordinance.

15.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

15.5 PARKING REQUIREMENTS

One covered parking space behind the front yard line for a single-family dwelling. Other off-street parking space regulations are set forth in Section 29.

15.6 MINIMUM BUILDING SIZE AND MASONRY CONTENT

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

SECTION 16. TH - TOWNHOUSE RESIDENTIAL DISTRICT

16.1 GENERAL PURPOSE AND DESCRIPTION

The purpose of the Townhouse Residential District is to promote stable, quality residential development of slightly increased densities where single family structures are attached on separate lots or where zero lot lines are allowed. Consistent with the City's Comprehensive Plan, this district may be used as a "buffer" district between low density and high-density districts or between residential and non-residential districts.

16.2 PERMITTED USES

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

- A. Uses as listed in Section 27.

16.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in the TH District, when granted in accordance with Section 28:

- A. Uses as listed in Section 27.

16.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

16.5 PARKING REQUIREMENTS

Two off-street parking spaces shall be provided behind the front building line. Other off-street parking space regulations are set forth in Section 29.

16.6 MINIMUM BUILDING SIZE AND MASONRY CONTENT

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

SECTION 17. D -TWO FAMILY RESIDENTIAL (DUPLEX) DISTRICT

17.1 GENERAL PURPOSE AND DESCRIPTION

The purpose of the Two Family Residential (Duplex) District is to promote stable, quality residential development of slightly increased densities. Consistent with the City's Comprehensive Plan, this district may be used as a "buffer" district between low density and high-density districts or between residential and non-residential districts.

17.2 PERMITTED USES

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

- A. Uses as listed in Section 27.

17.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in the D District, when granted in accordance with Section 28:

- A. Uses as listed in Section 27.

17.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

17.5 PARKING REQUIREMENTS

One covered enclosed parking space shall be provided behind the front building line for each residential living area. Other off-street parking space regulations are set forth in Section 29.

17.6 MINIMUM BUILDING SIZE AND MASONRY CONTENT

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

SECTION 18. MH-1 - MANUFACTURED HOME DISTRICTS

18.1 GENERAL PURPOSE AND DESCRIPTION

The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single-family subdivision.

18.2 PERMITTED USES

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

- A. Uses as listed in Section 27.

18.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in the MH-1 District, when granted in accordance with Section 28:

- A. Uses as listed in Section 27.

18.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations

18.5 PARKING REQUIREMENTS

Two parking spaces with a gravel or better surface shall be provided behind the front building line plus additional spaces for accessory uses as required in Section 29.

18.6 ADDITIONAL RESTRICTIONS APPLICABLE TO MH-1 DISTRICT

- A. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1976 and all manufactured homes will be subject to inspection by the Building Official.
- B. All manufactured homes shall be set on a solid slab structure with a minimum compressive strength of 3,000 psi, 4" thickness with #3 reinforcing at 12" on center each way, and grade beams 12" wide and 18" deep. Additional rooms and enclosed porches shall be constructed on a similar solid slab.
- C. Tie-downs will be required and will be secured prior to occupancy.
- D. Underpinning and skirting of masonry material and compatible color is required and will be installed prior to occupancy.
- E. Accessory buildings will be either manufactured or constructed in accordance with City codes.
- F. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

SECTION 19. MH-2 - MANUFACTURED HOME PARK DISTRICT

19.1 GENERAL PURPOSE AND DESCRIPTION

The Manufactured Home Park District is intended to provide for quality mobile home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

19.2 PERMITTED USES

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

- A. Manufactured home park of not less than one nor more than ten acres in size;
- B. Uses normally accessory to a manufactured home park including office and/or maintenance buildings for management and maintenance of the park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities, and recreation areas for use by the residents of the park;
- C. Other uses as listed in Section 27 of this ordinance.

19.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in the MH-2 District when granted in accordance with Section 28:

- A. Boat and recreational vehicle and travel trailer storage yard;
- B. Other uses as listed in Section 27 of this ordinance.

19.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

19.5 PARKING REQUIREMENTS

Two parking spaces with a gravel or better surface shall be provided behind the front building line plus additional spaces for accessory uses as required in Section 29.

19.6 ADDITIONAL RESTRICTIONS APPLICABLE TO MANUFACTURED HOME PARK DISTRICT

- A. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1976 and all manufactured homes will be subject to inspection by the Building Official.
- B. Tie-downs will be required and will be secured prior to occupancy.
- C. Underpinning and skirting of compatible color is required and will be installed prior to occupancy.
- D. Accessory buildings will be either manufactured or constructed in accordance with City codes.
- E. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

SECTION 20. MF - MULTIPLE FAMILY RESIDENTIAL DISTRICT

20.1 GENERAL PURPOSE AND DESCRIPTION

The Multifamily Residential District is intended to provide for medium to higher density residential development. This district functions as a buffer or transition between major streets, non-residential areas, or higher density residential areas and lower density residential areas. Density in this district does not ordinarily exceed 15 units per gross acre but can reach a maximum of 25 units per gross acre if special fire protection requirements are observed (see Section 20.8).

20.2 PERMITTED USES

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

- A. Three or more single family attached dwelling units, provided that no more than seven dwelling units are attached in one continuous row or group.
- B. Other uses as listed in Section 27 of this ordinance.

20.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted when granted in accordance with Section 28:

- A. Uses as listed in Section 27.

20.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

When buildings exceed one story in height, such buildings shall be constructed in accordance with existing building and fire codes.

20.5 PARKING REQUIREMENTS

Two and one-half off-street parking spaces shall be provided per unit. Required parking may not be provided within the required front yard. Other off-street parking space regulations are set forth in Section 29.

20.6 REFUSE FACILITIES

Every dwelling unit in a multifamily complex shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six cubic yards of refuse container per 30 multifamily dwelling units. For complexes with less than 30 units, no less than four cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six feet nor more than eight feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy City public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

20.7 SCREENING FENCE

The builder shall install border fencing of wood, painted metal or masonry, of not less than six feet in height at the time of construction of any multifamily complex along the property line on any perimeter not abutting a public street or right-of-way. The owner of the complex shall maintain this fence throughout the existence of the multifamily complex.

20.8 SPECIAL FIRE PROTECTION REQUIREMENTS

Whenever densities of greater than 15 units per acre are present, each building in the development shall, at the time of the construction, and thereafter, be operated in accordance with currently applicable building and fire safety codes.

In addition, each unit in any multi-story design, regardless of density, shall be provided with two points of entry and exit with each providing separate access to places of safety in the event of fire and other emergency.

SECTION 21. C-1 - COMMERCIAL DISTRICT

21.1 GENERAL PURPOSE AND DESCRIPTION

The Commercial District 1 is intended for office facilities, neighborhood shopping facilities, and retail and commercial facilities of a service character. The C-1 District is established to accommodate the daily and frequent needs of the community. The following regulations shall be applicable to all uses in the district:

- A. The business shall be conducted wholly within an enclosed building;
- B. Required yards shall not be used for display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or waste material;
- C. All merchandise shall be sold at retail on the premises; and

- D. Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

21.2 PERMITTED USES

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

- A. Discount, variety, or department store of not greater than 10,000 square feet floor space;
- B. Food store with floor space not greater than 10,000 square feet
- C. Gasoline service station (no garage or automobile repair facilities);
- D. Other uses as listed in Section 27 of this ordinance.

21.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in the C-1 District, when granted in accordance with Section 28:

- A. Other uses as listed in Section 27 of this ordinance

21.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations

21.5 PARKING REQUIREMENTS

Off-street parking and loading shall be provided as set forth in Section 29.

SECTION 22. C-2 - GENERAL COMMERCIAL DISTRICT

22.1 GENERAL PURPOSE AND DESCRIPTION

The General Commercial District 2 is intended to provide a zoning category similar to the C-1 District, except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of service and repair uses is permitted.

22.2 PERMITTED USES

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

- A. Uses as listed in Section 27.

22.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in a C-2 District, when granted in accordance with Section 28

- A. Uses as listed in Section 27.

22.4 HEIGHT AND AREA REGULATION

See Appendix 1 for Area, Setback, Height, and Coverage Regulations

22.5 PARKING REQUIREMENTS

Off-street parking requirements shall be provided in accordance with Section 29.

SECTION 23. C-3 - HEAVY COMMERCIAL DISTRICT

23.1 GENERAL PURPOSE AND DESCRIPTION

The Heavy Commercial District 3 is intended to provide a zoning category similar to the C-2 District, except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of storage and repair uses is permitted.

23.2 PERMITTED USES

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

- A. Uses as listed in Section 27.

23.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in a C-3 District, when granted in accordance with Section 28:

- A. Other uses as listed in Section 27 of this ordinance.

23.4 HEIGHT AND AREA REGULATION

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

23.5 PARKING REQUIREMENTS

Off-street parking requirements shall be provided in accordance with Section 29.

SECTION 24. I-1 - MANUFACTURING/INDUSTRIAL DISTRICT - LIGHT

24.1 GENERAL PURPOSE AND DESCRIPTION

The Light Manufacturing/Industrial District 1 is established to accommodate those uses which are a non-nuisance type located in relative proximity to residential areas, and to preserve and protect land designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the I-1 District is limited primarily to certain storage, wholesale, and industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the I-2 District may be permitted in the I-1 District.

Uses permitted in the I-1 District are subject to the following conditions:

- A. All business, servicing, or processing, except for off-street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed areas.
- B. All storage within 100 feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of screening.
- C. Permitted uses in the I-1 District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.
- D. Permitted uses in the I-1 District shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.

- E. Permitted uses in the I-1 District shall not create fire hazards on surrounding property.

24.2 PERMITTED USES

The following uses shall be permitted in the I-1 District:

- A. Uses as listed in Section 27.

24.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in the I-1 District when granted in accordance with Section 28:

- A. Machine shops and fabrication of metal not more than ten gauge in thickness.
- B. Accessory uses, including but not limited to temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- C. Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings.
- D. Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
- E. Other uses as listed in Section 27 of this ordinance.

24.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations.

24.5 PARKING REQUIREMENTS

Off-street parking requirements shall be provided in accordance with the Special Uses set forth in Section 29.

SECTION 25. I-2 - MANUFACTURING/INDUSTRIAL DISTRICT - HEAVY

25.1 GENERAL PURPOSE AND DESCRIPTION

The Heavy Manufacturing/Industrial District 2 is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses that might impede the development and use of lands for industrial purposes.

Uses permitted in the I-2 District are subject to the following conditions:

- A. All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated.
- B. All storage within 100 feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively, screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
- C. All uses permitted in the I-2 District must meet the following performance standards and any appropriate City ordinances:
 - 1. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to emission of particulate matter;

2. **Particulate Matter:** No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;
3. **Dust, Odor, Gas, Fumes, Glare, or Vibration:** No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;
4. **Radiation Hazards and Electrical Disturbances:** No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;
5. **Noise:** No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise at the property line shall not exceed 75 db(A) permitted for a maximum of 15 minutes in any one hour, said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other City ordinances pertaining to noise; and
6. **Water Pollution:** No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

25.2 PERMITTED USES

The following uses shall be permitted:

- A. Uses as listed in Section 27.

25.3 PERMITTED SPECIAL USES

The following Special Uses shall be permitted in the I-2 District when granted in accordance with Section 28:

- A. Uses as listed in Section 27.
- B. Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes may be permitted by the City Council after public hearing and review of the particular operational characteristics of each such use, and other pertinent data affecting the community's general welfare. Approval of uses under this section shall be made in accordance with Section 28.

25.4 HEIGHT AND AREA REGULATIONS

See Appendix 1 for Area, Setback, Height, and Coverage Regulations

25.5 PARKING REQUIREMENTS

Required off-street parking shall be provided in accordance with the Special Uses set forth in Section 29.

SECTION 26. FP - FLOOD PLAIN DISTRICT

26.1 GENERAL PURPOSE AND DESCRIPTION

The Flood Plain District is designed to provide for the appropriate use of land that has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and

provide protection from flooding portions of certain districts. Such areas are designated with a Flood Plain Prefix, FP.

26.2 PERMITTED USES

The permitted uses in that portion of any district having a Flood Plain (FP) prefix shall be limited to the following:

- A. Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings;
- B. Off-street parking incidental to any adjacent main use permitted in the district;
- C. Electrical substation;
- D. All types of local utilities including those requiring special use permits;
- E. Parks, playgrounds, public golf courses (no structures), and other recreational areas;
- F. Private open space as part of a Planned Residential Development;
- G. Structures, installations, and facilities installed, operated, and maintained by public agencies for flood control purposes;
- H. Bridle trail, bicycle, or nature trail.

26.3 CITY COUNCIL APPROVAL REQUIRED

No structure shall be erected in that portion of any district designated with a Flood Plain, FP, prefix until and unless such structure has been approved by the City Council after engineering studies have been made and it is ascertained that such building or structure is not subject to damage by flooding and would not constitute an encroachment, hazard, or obstacle to the movement of flood waters and that such construction would not endanger the value and safety of other property or public health and welfare.

SECTION 27. SCHEDULE OF USES

27.1 CATAGORIES AND DEFINITIONS - SEE AMENDMENT #4

Accessory Building to Main Use: A structure or building, the use of which is incidental to the principal use of the main building(s), and which is attached thereto or located on the same premises.

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

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

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

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

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 bowling alley or billiard parlor.

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

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

Apparel & Other Finished Textile Products: Products made from a woven fabric; cloth; fibrous material, usually at a textile mill.

Arcade: An establishment in which there are located six or more coin operated skill or pleasure machines.

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

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

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

Asphalt Manufacture/Refining: An establishment, which manufactures asphalt and asphalt by products.

Auction (Not to include Auto, Truck & Trailer): Public sale of property to the highest bidder.

Auto Laundry: See Car Wash.

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

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

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

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

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

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

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

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

Auto Service Station: A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquified petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on-premise motor vehicle trade provided that the

above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as an automobile/trailer repair minor. Service stations shall not allow automobiles that are inoperative or are being repaired to remain outside such service station for a period greater than seven days.

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

Bakery & Confectionery, Retail Sales: An establishment for preparing, cooking, baking and selling of products on the premises.

Bakery & Confectionery, Commercial: An establishment for preparing, cooking or baking of products primarily intended for off-premise distribution.

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

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

Barber School/College: A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes, Art. 8407, meeting standards established in Section 9 of said Texas Barber Act.

Beauty Culture School/Cosmetology Specialty Shop: A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Annotated Civil Statutes, Art. 8451.

Beauty Shop: A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Annotated Civil Statutes, Art. 8451, is practiced.

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

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

Boat/Boat Trailer: A recreational watercraft including, but limited to powerboats, cruisers, houseboats, sailboats, jet skis.

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

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

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

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

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

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

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

Building Materials, Inside Sales: A building used for the sale of new building supplies and materials such as; hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

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

Building Materials, Outside Sales: An open area used for the sale of new building supplies and materials such as; lumber, pipe, brick etc. of which are oriented to the retail customer, rather than contractor or wholesale customer.

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

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

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

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

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

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

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

Carport: An opened sided covering, normally used for automobiles, boats, recreational vehicles, lawn mowers, etc.

Car Wash: Commercial facility or structure used to wash motorcycles, automobiles, vehicles and trucks.

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

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

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

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

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

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

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

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

Cleaning and Dyeing; Dry Cleaning Plant: An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Custom Personal Service Shop: Includes such uses as tailor/seamstress, shoe repair, barber/beauty salon, tanning salon, nail salon, or travel consultant.

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

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

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

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

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

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

Dry Cleaning: An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents. (Also see Cleaning & Dyeing)

Duplex: Two family dwelling units attached or detached on a single platted lot having separate accommodations.

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

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

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

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

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

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

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

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

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

Family Home: A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who

have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:

Not more than six disabled persons and two supervisory personnel may reside in a family home at the same time. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision. All applicable licensing requirements must be met.

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

Farm Equipment Sales, Indoor: The retail sale of farm equipment within a building.

Farm Equipment Sales, Outdoor: A facility for the use of outdoor retail sale of farm equipment.

Farm Equipment Repair & Service, Major: A facility for major repairs of farm equipment.

Farm Equipment Repair & Service, Minor: A facility for minor repairs and servicing of farm equipment.

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

Feed & Farm Supply, Inside Sales/Storage: An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

Feed & Farm Supply, Outside Sales/Storage: An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

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

Fertilizer Manufacture: A facility where natural or synthetic materials are manufactured to be used to fertilize the soil. **Fiberglass Manufacture:** An establishment where fiberglass is manufactured.

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

Fiberglass Manufacture: An establishment where fiberglass is manufactured.

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

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

Food/Grocery Store: An establishment that displays and sells staple items.

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

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

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

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

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

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

Furniture/Appliance Service & Repair: The maintenance and rehabilitation of furniture and appliances.

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

Garage, Private: A structure or portion thereof for the accessory use of storing or parking of private motor vehicles owned by the occupant of the premises.

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

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

Gas Manufacture: A facility where gaseous products are manufactured.

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

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

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

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

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

Golf Course/Driving Range: An area of 20 acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

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

Greenhouse/Plant Nursery, Commercial: A place, often including artificially heated and/or cooled buildings, where trees or plants and supplies are raised and/or sold including related storage of equipment for residential and commercial landscaping.

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

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

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

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

Hatchery: A facility for hatching eggs (i.e. poultry or fish).

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

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

Home Occupation: An occupation carried on in the home by a member of the occupant's family without structural alteration of the building, without the use of a sign to advertise the occupation, without the installation of machinery other than customary to a normal household operation. Such occupation shall not create obnoxious noise or other obnoxious conditions to abutting residential property or increased traffic generation.

Hospital: May be a public or private, profit or non-profit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its in-patient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors' offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the use of artificial services, pharmacies and similar uses; provided, however, that any such accessory use is so use-wide related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or complex; and provided further, that the floor area occupied by all accessory uses does not exceed one-third of the total floor area. Whether or not a questionable use is similar or an integral part of the total purpose shall be subject to determination by the Board of Adjustment. Hospital related X-ray and laboratory facilities shall not be considered accessory uses in computation of area occupancy. This facility shall be licensed by the State of Texas.

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

Household Appliance Products: A facility that manufactures household appliance products.

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

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

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

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

Junkyard/Salvage Yard: A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes an automobile wrecking yard and automobile parts yard. A "junkyard" does not include such uses conducted entirely within an enclosed building.

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

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

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

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

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

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

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

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

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

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

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

Machinery Sales & Service, Heavy: A facility for selling, servicing, and repairing heavy machinery.

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

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

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

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

Massage Establishment: Any place of business in which massage therapy is practiced by a massage therapist, as defined by State law. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, myotherapy, or any derivation of those terms. This term shall not include, however, duly licensed beauty parlors and barber shops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operate only under such a physician's direction.

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

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

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

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

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

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

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

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

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

Motor Home: A motorized vehicle designed to permit temporary occupancy for dwelling or sleeping purposes, not to exceed 30 days.

Move-In House: A new or used house, building, or structure, being transported from a location within or outside of the city to another location within the city.

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

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

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

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

Nursery School/Kindergarten: A childcare facility offering a program four hours or less per day for children who have passed their second birthday but who are under seven years old.

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

Office; Professional/General Administrative: A room or group of rooms used for the provision of executive management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel,

secretarial services, telephone answering, and business offices of public utilities, organizations, and association but excluding medical offices.

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

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

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

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

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

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

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

Paper Products Manufacture: Manufacture of paper goods.

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

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

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

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

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

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

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

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

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

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

Pipe Sales & Supply. A facility that sells pipe and related pipe supplies.

Plastic Products Manufacture (Not Including Processing of Raw Materials): A manufacturing facility that produces processing of raw materials.

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

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

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

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

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

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

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

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

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

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

Radio/Television/Microwave Tower, Amateur: Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.

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

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

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

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

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

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

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

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

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

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

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

Retail Shops/Stores: An establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

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

- (a) cafeteria and/or dining room
- (b) library
- (c) game room
- (d) swimming pool and/or Jacuzzi
- (e) exercise room
- (f) arts and crafts facilities
- (g) greenhouse
- (h) housekeeping service
- (i) transportation service
- (j) snack bar with a maximum of 350 square feet per 100 dwelling units
- (k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a minimum of 450 square feet per 100 dwelling units.
- (l) convenience retail shop with minimum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts.

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

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

School Public; Primary/Secondary: An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the

Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

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

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

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

Self-Storage, Mini-Warehouse: A facility designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

Servant's/Caretakers/Guard's Residence: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than fifty percent of his/her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed 600 square feet.

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

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

Sewage Pumping Station: A facility for pumping sewage.

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

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

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

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

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

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

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

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

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

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

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

Steel Fabrication: A facility that fabricates steel products; bending cuffing, grinding, and polishing.

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

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

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

Studio, Radio/Television: A place maintained and equipped for the transmission or making of radio or television programs. **Taxidermist:** An establishment that prepares, stuffs, and mounts the skins of animals and especially vertebrates.

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

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

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

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

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

Theatre, Outdoor: An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons.

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

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

Tire Recapping/Retreading/Vulcanizing: A business that has the capability to mechanically remove the remaining old tread from used casing and apply a new tread of rubber and/or chemically treat worn tires to produce a useable tire.

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

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

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

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

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

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

Trailer Sales, New: Building(s) and associated open area used for the display or sale of primarily new trailers, to be sold on premises, and where no repair work is done except minor reconditioning of trailers be displayed and sold on the premises. No dismantling of trailers for sale or keeping of used trailers parts or junk on the premises.

Trailer Sales, Used: Building(s) and associated open area used for the display or sale of primarily used trailers, to be sold on premises, and where no repair work is done except minor reconditioning of trailers be displayed and sold on the premises. No dismantling of trailers for sale or keeping of used trailers parts or junk on the premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wrecking/Junk/Salvage Yard: A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes an automobile wrecking yard and automobile parts yard. A "junkyard" does not include such uses conducted entirely within an enclosed building.

Yeast Manufacture: A business that manufactures yeast.

Zero Lot Line House: A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

27.2 ALLOWABLE USES SEE AMEENDMENT #4 FOR ALL CHANGES TO THIS TABLE

See tables on following pages.

- X Designates use permitted in district indicated.
- C Designates use that may be approved as Special Use Permit
- Designates use prohibited in district indicated.

Additional regulations relating to use of land and buildings in individual zoning districts are listed in Section 10 through Section 26 and Section 28 of this ordinance.

TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Accessory Building to Main Use	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Acetylene Gas Manufacture or Storage													X	X
Advertising Displays, Manufacture													X	X
Air Conditioning and Refrigeration Contractor											C	X	X	X
Airport, Landing Field	C	C											C	C
Amusement, Commercial - Indoor										C	C	X	X	X
Amusement, Commercial - Outdoor	C										C	C	X	X
Antique Shop										X	X	X		
Apparel & Other Finished Textile Products												X		
Arcade													X	X
Arsenal										C	C	C	C	C
Arts & Crafts Store, Indoor Sales														C
Art & Crafts Store, Outdoor Sales										X	X	X	X	X
Asphalt Manufacture/ Refining														
Auction (Not Auto, Truck or Trailer)										C	C	C	C	C
Auto Leasing										C	C	X	X	X
Auto Paint & Body Shop												C	X	X

TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Auto Parts Sales - Inside										X	X	X	X	X
Auto Parts Sales - Outside													C	C
Auto Repair - Major												C	X	X
Auto Repair - Minor											X	X	X	X
Auto Sales - New											C	X	X	X
Auto Sales - Used											C	X	X	X
Auto Service Station										C	X	X	X	X
Auto Wrecking Yard/ Salvage Yard														C
Bakery & Confectionary - Retail										X	X	X	X	X
Bakery & Confectionary - Commercial												X	X	X
Bank/ Savings & Loan/ Credit Union										X	X	X	X	X
Barber Shop										X	X	X	X	X
Barber School/ College										X	X	X	X	X
Beauty Culture School/ Cosmetology Spec. Shop										X	X	X	X	X
Beauty Shop										X	X	X	X	X
Billboard - Advertising												C	C	C
Boarding/ Rooming House									C	X	X			

TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Boat/ Boat trailer Parking	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Boats - Building or Repair													X	X
Boat Sales & Storage											C	X	X	X
Boiler Works													X	X
Book Binding, except hand binding													X	X
Bottling Works													X	X
Brick/ Tile/ Pottery/ Terra Cotta Manufacture													C	X
Brooms/ Brushes, Manufacture													X	X
Building Materials – Inside Sales										X	X	X	X	X
Building Materials – Inside Storage											C	C	X	X
Building Materials – Outside Sales											C	X	X	X
Building Materials – Outside Storage											C	C	X	X
Bus Terminal											X	X	X	X
Business Service										X	X	X	X	X
Cabinet & Upholstering Shop											C	X	X	X
Cameras/ Photographic Equipment										C	C	X	X	X
Candle Manufacture												C	X	X

TYPE OF USE	A	SF-E	SF- 1	SF- 2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Carpet Manufacture or Cleaning												C	X	X
Carport	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Car Wash											X	X	X	X
Celluloid Manufacture													X	X
Cement/ Lime/ Gypsum/ Plaster of Paris Mfr.														C
Cemetery/ Mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Ceramics/ Stone/ Glass/ Marble/ Porcelain Mfr.													X	X
Chemical Manufacturing														C
Childcare Center										C	C	C		
Church/ Parsonage/ Rectory/ Place of Worship	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Civic Center	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cleaning & Dyeing, Dry Cleaning Plant													X	X
Cleaning & Dyeing – Small Plant or Shop										C	X	X	X	X
Clinic – Medical or Dental										X	X	X	X	X
Club, Private											C	C	C	C
College/ University	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Community Center - Private	C	C	C	C	C	C	C	C	C	C	C	C	C	

TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Community Center - Public		X	X	X	X	X	X	X	X	X	X	X	X	X
Construction Yard - Temporary	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Continuing Care Facility										C	C	X		
Concrete Plant														
Contractor's Shop/ Storage Yard	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Convenience Store										X	X	X	X	X
Cosmetic Manufacture														
Cotton Gin													X	X
Cotton Seed Oil Manufacture														X
Country Club - Private	C	C	C	C	C	C	C		C					X
Custom Personal Service Shop										X	X	X	X	X
Dairy Processing/ Manufacturing Products	C													
Discount/ Variety/ Department Store													C	X
Distillation of Bones/ Wood/ Coal										X	X	X	X	X
Dormitory														C
Drapery/ Needlepoint/ Weaving Shop									C	X	X			
Drugs/ Pharmaceutical Products Manufacture									X	X	X	X	X	X
													C	X

TYPE OF USE	A	SF-E	SF- 1	SF- 2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Dry Cleaning										X	X	X	X	X
Duplex						X			X	X	X			
Electrical Appliances/ Supplies/ Machinery													X	X
Electrical Power Generating Plant	C												X	X
Electronic Products - Assembly												C	X	X
Electronic Products- Manufacture												C	X	X
Electrical Substation	X	C	C	C	C	C	C	C	C	C	C	C	X	X
Emory Cloth/ Sandpaper Manufacture													C	X
Exhibition Area	X									C	C	C	C	C
Explosives/ Fireworks Manufacture/ Storage														C
Fairgrounds	C										C	C	C	C
Family Home	C	C	C	C	C	C			C					
Farm/ Ranch/ Orchard	X	C											C	C
Farm Equipment Sales - Indoor	C										C	C	X	X
Farm Equipment Sales - Outdoor	C										C	C	X	X
Farm Equipment Repair & Service - Major	C										C	C	X	X
Farm Equipment Repair & Service - Minor	C										C	C	X	X

TYPE OF USE	A	SF-E	SF- 1	SF- 2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Fat Rendering														C
Feed & Farm Supply – Inside Sales & Storage	C										X	X	X	X
Feed & Farm Supply – Outside Sales & Storage	C										C	C	X	X
Feedlot/ Livestock	C													
Fertilizer Manufacture														
Fiberglass Manufacture														C
Field/ Sales Office	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Flea Market	C									C	C	C	C	C
Florist										X	X	X	X	X
Food/ Grocery Store										X	X	X	X	X
Food Products Processing										X	X	X	X	X
Forge Plant/ Foundry/ Blast Furnace											C	C	C	X
Franchised Utility – Public or Private	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fraternal Organization/ Lodge/ Civic Club	X									X	X	X	X	X
Fur Goods Manufacture														
Furniture/ Appliance Store													X	X
Furniture/ Appliance Service & Repair										C	X	X	X	X

TYPE OF USE	A	SF-E	SF- 1	SF- 2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Furniture & Upholstery Manufacture													X	X
Garage - Private	X	X	X	X	X	X	X	X						
Garbage/ Offal or Dead Animal Reduction														C
Garden Center – Retail Sales										C	X	X	X	X
Gas Manufacture														C
Gas Metering Station	X	C	C	C	C	C	C	C	C	C	C	C	C	X
General Commercial Plant													C	C
General Merchandise Store										C	X	X	X	X
Glass Products													X	X
Glue/ Gelatin Manufacture														C
Golf Course/ Driving Range	X										C	C	X	X
Grain Elevator	C													C
Greenhouse Plant/Nursery – Commercial	X									C	X	X	X	X
Greenhouse Plant/Nursery – Non-Commercial	X	X	X	X	X	X	X							
Guest House									C	X	X			
Gymnastic/ Dance Studio										C	X	X	X	X
Handicraft Shop										X	X	X	X	X

TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Hatchery	C													C
Health Club/ Gymnasium										X	X	X	X	
Helipad/ Helistop	C	C								C	X	X	X	X
Home Occupation	X	X	X	X	X	X	X	X	X					
Hospital										X	X	X	X	C
Hospital – Chronic Acute Care/ Long Term Facil.										X	X	X	X	C
Household Appliance Products														
Household Appliance Service & Repair										C	X	X	X	X
Household Care Facility							C	C	X	X	X	X		
Ice Production – Dry or Natural														
Industrial Park												C	X	X
Junkyard/ Salvage Yard													X	X
Kenel	C													C
Laboratory – Medical/ Dental										C	C	C	X	X
Laboratory – Scientific/ Research										X	X	X	X	X
Landfill											C	C	X	X
Laundry & Cleaning - Commercial													C	C
										X	X	X	X	X

TYPE OF USE	A	SF-E	SF- 1	SF- 2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Laundry & Cleaning – Self-Service											X	X	X	X
Laundry Plant													X	X
Library		C	C	C	C	C	C	C	C	X	X	X	X	
Light Manufacturing													X	X
Liquified Petroleum Gas											C	C	X	X
Livestock Feed Yards	C													
Machinery Sales & Service - Heavy											C	C	X	X
Manufactured Housing – HUD Code							X	X						
Manufactured Home Park								X						
Manufactured Home Subdivision							X							
Manufactured Housing/ Mobile Home Display/ Sales							C	C			C	C	X	X
Massage Establishment										X	X	X		
Medical Supplies – Sales/ Service										X	X	X	X	
Metal Dealer – Crafted Persons										X	X	X	X	X
Metal Dealer - Secondhand														C
Mill; Grain/ Flour/ Food Products	C												C	C
Mines & Quarries														C

TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Mobile Home							C	C						
Mortuary Funeral Home											C	C	X	
Motel/ Motor Hotel/ Motor Lodge										C	C	C	X	X
Motorcycle Sales & Service										C	C	X	X	X
Motor Home	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Move-In House		C	C	C										
Multiple Family Residence									X					
Museum/ Art Gallery	C	C	C	C	C	C			C	X	X	X	X	
Musical Instrument Manufacture												C	X	X
Newspaper Printing												C	X	
Nursery School/ Kindergarten		C	C	C	C	C	C	C	C	C	X	X	X	
Office Center														
Office; Professional/ General Administrative										C	C	X	X	X
Office; Showroom/ Warehouse										X	X	X	X	X
Oil Field Service										C	C	X	X	X
Oil/ Gas/ Other Mineral Extraction	C												C	X
Oilcloth/ Linoleum Manufacture													C	C

TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Ore Reduction														C
Orthopedic/ Medical Appliance Manufacture												C	X	X
Paint/ Oil/ Shellac/ Turpentine/ Varnish Mfr.													X	X
Paper Products Manufacture														C
Park/ Playground/ Recreation Center – Private		C	C	C	C	C	C	C	C	C				
Park/ Playground/ Recreation Center - Public	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Parking Lot or Garage - Light										X	X	X	X	X
Parking Lot or Garage - Heavy													X	X
Pawn Shop												C	C	C
Personal Care Home – Custodial Care		C	C	C	C	C	C	C	C					
Pet Shop										C	X	X	X	X
Petroleum Products – Sales - Wholesale	C											C	C	C
Petroleum Products – Bulk Quantities	C											C	C	C
Pharmacy										X	X	X	X	X
Pipe Sales & Supply												C	C	X
Plastic Products Manufacture													C	X
Plumbing/ Heating/ Refrigeration/ AC Business											X	X	X	X

TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Plumbing Service											X	X	X	X
Portable Building Sales													X	X
Post Office; Government or Private										X	X	X	X	X
Print Shop										C	C	C	X	X
Prison/ Jail/ Place of Incarceration												C	C	C
Pump Sales/ Repair & Maintenance												C	X	X
Quick Oil Change Facility										C	X	X	X	X
Race Track	C												X	X
Racquetball Facilities										C	C	C	X	X
Radio/ Television/ Microwave Tower - Amateur	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Radio/ Television/ Microwave Tower – Comm.	C											C	C	C
Railroad Station	X										X	X	X	X
Railroad Team Track & Right-of-Way	X										X	X	X	X
Railroad Track and Right-of-Way	X										X	X	X	X
Registered Family Home		C	C	C	C	C	C	C	C	C	C	C		
Rehabilitation Care Facility												C	C	C
Rehabilitation Care Institution	C											C	C	C

TYPE OF USE	A	SF-E	SF- 1	SF- 2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Residence Hotel									X	C	C	C		
Rest Home/ Nursing Home										C	X	X	X	X
Restaurant/ Cafeteria w/Drive-In Service										C	X	X	X	X
Restaurant/ Cafeteria – Dine-In Only										C	X	X	X	X
Retail Shops/ Stores										C	C	X	X	X
Retirement Housing									X					
Rodeo Arena & Grounds	C											C	C	X
School Private; Primary/ Secondary	C	C	C	C	C	C	C	C	C	X	X	X	C	
School Public; Primary/ Secondary	C	C	C	C	C	C	C	C	C	X	X	X	C	
School, Trade/ Commercial	C									C	C	C	X	X
Scrap Metal Sales & Storage														C
Second Hand Store; Furniture & Clothing										C	C	X	X	X
Self-Storage, Mini-Warehouse												C	X	X
Servant's/ Caretakers/ Guard's Residence	C	C										C	C	C
Service, Retail										C	C	X	X	X
Service Yard of Governmental Agency										C	X	X	X	X
Sewage Pumping Station	X	X	X	X	X	X	X	X	X	X	X	X	X	X

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TYPE OF USE	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Swimming Pool - Private	X	X	X	X	X	X	X	X	X	C	C	C	C	C
Taxidermist										C	X	X	X	X
Telephone Exchange Station										C	C	C	X	X
Theatre - Indoor										C	C	C	C	C
Theatre - Outdoor	C										C	C	C	C
Tire Dealer - Inside Storage											C	X	X	X
Tire Dealer - Outside Storage													X	X
Tire Recapping/ Retreading/ Vulcanizing													C	C
Tool Rental										C	C	X	X	X
Tools/ Hardware Manufacture													C	X
Townhouse/ ROW Dwelling					X	X			X					
Toys/ Novelty Projects Manufacture												C	C	X
Trailer/ Travel Trailer/ Cattle Trailer/ Utility Trailer/ Etc.	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Trailer Rental											C	X	X	X
Trailer Sales - New											C	C	X	X
Trailer Sales - Used											C	C	X	X
Travel Trailer Park											C	C		

TYPE OF USE	A	SF-E	SF- 1	SF- 2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
Truck & Bus Leasing											C	C	X	X
Truck & Bus Repair													X	X
Truck/ Motor Freight Terminal												C	X	X
Truck Sales - New											C	X	X	X
Truck Sales - Used												C	X	X
Two Family Dwelling						X			X					
Veterinary Clinic – Inside Pens										C	C	X	X	X
Veterinary Clinic – Outside Pens											C	X	X	X
Water Pumping Station/ Well	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Water Storage - Elevated	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Water Storage - Ground	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Water Treatment Plant												X	X	X
Window Shade/ Awnings/ Ventetian Blind Mfr.													X	X
Wrecking/ Junk/ Salvage Yard														C
Yeast Manufacture														C
Zero Lot Line House					X	X			X					

SECTION 28. SPECIAL USE PERMIT

28.1 GENERAL PROVISION

- A. As permitted under the provisions of this ordinance; a property owner may petition the City for a special use of property, as authorized by the zoning district in which the property is located. Such a petition shall be considered by the Planning and Zoning Commission. After proper notice and a public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council regarding any application for a Special Use Permit. The Planning and Zoning Commission may require information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.
- B. An application for a Special Use Permit shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to minimum distance for 200 feet.
- C. After proper notice and a public hearing, the City Council may grant a permit for a special use of property as authorized by the zoning district in which the property is situated. The City Council may require information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.

28.2 SPECIAL USE PERMIT REGULATIONS

- A. In recommending that a special use permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys, and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of buildings.
- B. The City Council shall authorize issuance of a Special Use Permit only after determining that the proposed use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration.
- C. The City Council shall authorize issuance of a Special Use Permit only after determining that adequate provisions have been made for the paving of streets, alleys, and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of buildings.
- D. No Special Use Permit shall be granted unless the applicant, owner, and grantee of the Special Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the permit, as attached to the site plan drawing (or drawings) and approved by the City Council. No public hearing is necessary for site plan approval.
- E. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.
- F. When the City Council authorizes granting of a Special Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses.

28.3 CHILDCARE CENTERS

- A. No portion of a childcare center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
- B. Childcare centers shall be located adjacent to a street having a pavement width of 27 feet or greater.
- C. Site plan approval by the Planning and Zoning Commission shall be required for all childcare center sites, whether or not a Special Use Permit is required.
- D. Childcare centers located within any single family or two family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development. All childcare centers shall comply with the following standards:
 - 1. All vehicular entrances and exits shall be clearly visible from the street.
 - 2. All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
 - 3. Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. The Planning and Zoning Commission may waive this requirement if the childcare is provided for less than four hours per day for an individual person.
 - 4. In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When an off-premises outdoor play area is utilized, it must be located within 100 feet of the childcare facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
 - 5. No childcare center shall be part of a one family or two family dwelling.

28.4 CONSTRUCTION YARDS, FIELD OFFICES, AND OTHER TEMPORARY BUILDINGS.

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

28.5 RADIO, TELEVISION, AND MICROWAVE TOWERS

- A. No radio, television, or microwave tower shall be located within a distance equal to at least the height of such tower from any residential structure or from any area zoned residential, or shown as residential on the current Comprehensive Plan. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower (excluding support wires) to the closest point of such area or residence.
- B. No commercial, radio, television, or microwave reflector antenna support structure shall be closer to any residential district boundary line or any area shown as residential on the current Comprehensive Plan than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.
- C. The location of radio, television, or microwave reflectors, antennas, or support structures and associated foundations and any support wires shall be prohibited within any required front or side yard.

- D. All commercial communication operations or radio, television, or microwave reflectors, antennas, or structures shall be prohibited in residential districts.
- E. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited.

28.6 RESIDENCE HOTELS

Residential hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in Section 20. Residence hotels constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

28.7 MULTIFAMILY RESIDENCE

- A. Courts: Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of 30 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.
- B. Usable Open Space: Each lot or parcel of land that is used for multiple-family residences shall provide on the same lot or parcel of land usable open space in accordance with the table below.

USABLE OPEN SPACE REQUIREMENT PER DWELLING UNIT

Number of Bedrooms/
Sleeping Rooms

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

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

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

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

28.8 SERVICE STATIONS

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

28.9 SWIMMING POOLS

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

- A. A swimming pool erected below ground or above ground with a depth of two feet or greater may be constructed and operated when:
 - 1. The pool is not located in any required front or side yard abutting a street.
 - 2. A wall or fence, not less than six feet in height, with self-enclosing and self-latching gates that are lockable at all entrances, completely encloses either the pool area or the surrounding yard area.
 - 3. All lighting of the pool is shielded or directed to face away from neighboring residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties.
 - 4. No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers.
 - 5. The swimming pool is no closer than eight feet to any property line.

28.10 FENCES

- A. Metal fences shall not be allowed in the required front yard in any district.
- B. No fence shall exceed eight feet in height.
- C. Fences shall be constructed of customary urban fencing materials and shall be aesthetically consistent with buildings and fences in the area.

28.11 HOME OCCUPATION

The purpose of the home occupation provisions is to permit the conduct of home occupations that are compatible with the neighborhoods in which they are located. Home occupations are a permitted accessory use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:

- A. Only the members of the immediate family occupying the dwelling shall be engaged in the home occupation.
- B. The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.
- C. No more than 25% of the area of one story of the principal building shall be devoted to the home occupation.
- D. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
- E. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
- F. No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
- G. The home occupation shall not create any increase in vehicular flow or parking by more than two additional vehicles at a time and shall not create greater pedestrian traffic than normal for the district.

- H. No home occupation shall cause an increase in the use of any one or more utilities beyond the average of the residences in the neighborhood.
- I. No more than one advertising sign with a maximum of four square feet of a non-illuminating nature may be placed on the building.
- J. Examples of Uses: The following are examples of uses that can often be conducted within the limits of this section. Uses listed do not automatically qualify as a home occupation, nor does this listing limit the uses that may qualify as home occupations: Handicraft, dressmaking, preserving, accountant, artist, author, consultant, individual tutoring, millinery, and realtor.
- K. Prohibited Uses: The following uses have a tendency to violate the provisions for home occupation and thereby impair the character of residential area. Therefore, the uses specified shall not be permitted as accessory uses in residential districts: auto repairs, painting of vehicles or boats, private schools, photo studios, dance instruction, television repair, and child day care.
- L. Interpretation of Home Occupation: The Board Of Adjustment shall interpret the provisions of this section to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be subject to the provisions of the commercial zones of this ordinance.

SECTION 29. OFF STREET PARKING AND LOADING REQUIREMENTS

29.1 PURPOSE

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

29.2 SPECIAL OFF-STREET PARKING PROVISIONS - RESIDENTIAL DISTRICTS

- A. Required off-street parking shall be provided on the same site as the use it serves.
- B. No parking shall be allowed except on a paved concrete or bituminous parking space surface.
- C. No parking structure, including garages, carports, or similar structures, shall be located within the required front, side, or rear yards of a lot or tract. (Exception: Ten feet from the property line where paved alleys are provided by developer).

29.3 SIZE OF SPACE

- A. Each standard off-street surface parking space shall measure not less than ten feet by twenty feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk street, right-of-way, or adjacent property, the length of the standard space may be reduced to eighteen feet.
- B. Each small car off-street parking space shall measure not less than 9 feet by 18 feet, exclusive of access drives and aisles, and shall be of usable shape and condition. All small car parking spaces shall be grouped and located in specific areas so as not to be scattered throughout a parking lot.
- C. A maximum of 50% of the required parking for a general office or light manufacturing plant may be permitted as small car spaces upon approval of a site plan but only when both of the following conditions are met:
 - 1. Signage will identify the small car spaces; and

2. The entire grounds and building served by the small car spaces are occupied and controlled by one tenant who shall be responsible for policing the use of the small car spaces.
3. Each parking space (on-street or off-street) designed for parallel parking shall have a minimum dimension of eight feet by twenty-two feet.
4. Each standard parking space located in a parking garage shall measure not less than 10 feet by 20 feet, exclusive of access drives or aisles.

29.4 PARKING AREA STANDARDS

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties. For safety and fire-fighting purposes, free access through to adjacent parking areas shall be provided where practical.
- B. Except for single family and duplex uses, parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. No permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

29.5 OFF-STREET PARKING INCIDENTAL TO MAIN USE

Off-street parking shall be provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or in accordance with Section 29.5 and located within the same zoning district as the main use.

29.6 SCHEDULE OF PARKING REQUIREMENTS BASED ON USE

Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated. (Where a calculation results in requiring a fractional space, one additional space shall be required.)

- A. Bank, Savings and Loan or Similar Financial Establishment: One space for each 200 square feet of total floor area.
- B. Business or Professional Office, Studio: One parking space for each 300 square feet of floor area.
- C. Church or Other Place of Worship: One parking space for each four seats in the main auditorium.
- D. Clinic or Doctor's or Dentist's Office: One space for each 200 square feet of total floor area.
- E. Community Center, Library, Museum or Art Gallery: Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided as the basis of one space for each four seats that it contains.
- F. College or University: One space for each two students, plus one space for each classroom, laboratory or instruction area.
- G. Commercial Amusement (indoor):
 1. Bowling Alley: Six spaces for each lane.
 2. Racquetball or Handball Courts: Four spaces for each court.
 3. Indoor Tennis Courts: Six spaces for each court.
 4. Gymnasium, Skating Rinks, and Martial Arts Schools or Areas: One space for each three seats at maximum seating capacity, plus one space for each 200 square feet.
 5. Pool: One space for each 100 square feet of gross water surface and deck area.
 6. Weight Lifting or Exercise Areas: One space for each 100 square feet.

7. Bingo Parlors: One space for three seats (design capacity) or one per 100 square feet of total floor area, whichever is greater.
 8. Indoor Jogging or Running Tracks: One space for each 100 linear feet.
 9. All areas for subsidiary uses not listed above or in other parts of Section 29 (those uses such as restaurants, offices, etc., shall be calculated with the minimum specified for those individual uses - one space for each 1,000 square feet.
 10. Other: One space for each three persons accommodated (design capacity).
- H. Dance Hall, Assembly or Exhibition Hall (without fixed seats): One parking space for each 100 square feet of floor area used thereof.
- I. Day Nursery, Day Care, or Kindergarten School: One space per ten pupils/clients (design capacity).
- J. Flea Market: One and one-half spaces for each 200 square feet of floor area or market area.
- K. Fraternity, Sorority or Dormitory: One parking space for each two beds.
- L. Furniture or Appliance Store, Hardware Store, Wholesale Establishments, Machinery or Equipment Sales and Service, Clothing or Shoe Repair or Service: Two parking spaces plus one additional parking space for each 500 square feet of floor area over 1,000 square feet.
- M. Gasoline Service Station: One space for each 500 square feet of floor area.
- N. Golf Course: Minimum of 30 spaces.
- O. Health Care Facility: One space for each four rooms or beds, whichever is greater.
- P. Hospital: One space for each two beds.
- Q. Hotel or Motel: One parking space for each sleeping room, unit, or guest accommodation plus one space for each 300 square feet of commercial floor area contained therein.
- R. Lodge, or Fraternal Organization: One and one-fourth spaces per 200 square feet.
- S. Manufacturing, Processing or Repairing: One parking space for each two employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than one parking space for each 1,000 square feet of floor area, whichever is greater.
- T. Massage Establishment: One space for each 200 square feet of floor area.
- U. Mini-Warehouse: Four spaces per complex plus one space per 5,000 square feet of storage area.
- V. Mortuary or Funeral Home: One parking space for each 50 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
- W. Motor Vehicle Salesrooms and Used Car Lots: One parking space for each 500 square feet of sales floor for indoor uses or one parking space for each 1,000 square feet of lot area for outdoor uses.
- X. Office, General: One space for each 300 square feet of total floor area.
- Y. Office, Medical: One space for each 200 square feet of floor area.
- Z. Office-Showroom or Office-Warehouse: One space for each 1,000 square feet of floor area for storage and warehousing, plus one space for each 100 square feet of office, sales or display area.
- AA. Private Club:
1. If free standing or located in a shopping center of 150,000 square feet or less, one space for each ten square feet of bar, lounge and waiting areas, plus one space for each 100 square feet of remaining floor area,

2. If located in a shopping center of greater than 150,000 square feet, one space for each 100 square feet of gross floor area.
- BB. Private Country Club or Golf Club: One parking space for each 250 square feet of floor area or for every five members, whichever is greater.
- CC. Recreational Area or Building (other than listed): One space for each two persons to be normally accommodated in the establishment.
- DD. Restaurant, Cafeteria, Care or Similar Establishment: One parking space for every 100 square feet of floor area.
- EE. Retail Store or Personal Service Establishment, except as otherwise specified herein: One parking space for each 200 square feet of floor area.
- FF. Sanitarium, Convalescent Home, Home for the Aged or Similar Institutions: One parking space for each six beds.
- GG. School, Elementary and Middle: One parking space for each five seats in the auditorium or main assembly room, or one space for each classroom plus ten spaces, whichever is greater.
- HH. School, Secondary (grades 9 - 12): One parking space for each four seats in the main auditorium, or one space for each classroom plus one space for each two students accommodated in the institution, whichever is greater.
- II. Shopping Center: One space for each 200 square feet of floor area. The total floor area used for restaurants and cafeterias (but not including private clubs), which exceed ten percent of the shopping center floor area, shall require additional parking to be provided in accordance with the requirements for restaurants.
- JJ. Storage or Warehousing: One space for each two employees, or one space for each 1,000 square feet of total floor area, whichever is greater.
- KK. Theater, Auditorium (except school), Meeting Room, Sports Arena, Stadium, Gymnasium, or Other Places of Public Assembly: One parking space for each four seats or bench seating spaces.
- LL. Vehicle Repair Garage: Three spaces per service bay, plus one space per employee (maximum shift), plus one space per tow truck or other service vehicle.
- 29.7 OFF-STREET PARKING REQUIREMENTS FOR USES NOT LISTED

For those uses that are not matched with a parking requirement in Section 29.1 through Section 29.6, the following standards shall apply:

<u>General Use Category</u>	<u>Parking Space Requirements</u>
a. Educational & Institutional	One space per employee
b. Transportation, Utility & Communications Uses	One space per employee plus One space per stored vehicle
c. Accessory & Incidental Uses	One space per employee
d. Office & Professional Uses	One space per 300 square feet of gross floor area
e. Automobile & Related Uses	One space per employee plus One space per stored vehicle
f. Retail Uses	One space per 200 square feet of gross floor area
g. Service Uses	One space per 200 square feet of gross floor area
h. Wholesale Uses	Same as for "Storage or warehousing"
i. Contract Construction Uses	One space per employee

- j. Commercial, Manufacturing & Industrial Uses Same as for "Manufacturing, processing, or repairing"

29.8 RULES FOR COMPUTING NUMBER OF PARKING SPACES

In computing the number of parking spaces required for each of the uses in Sections 29.1 through Section 29.7, the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be rounded to the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- D. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

29.9 LOCATION OF PARKING SPACES

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

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

29.10 USE OF PARKING SPACES - ALL DISTRICTS

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

29.11 SPECIAL OFF-STREET PARKING REQUIREMENTS

In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements unless specific areas of different uses are delineated by floor or building segment.

- A. Wherever a parking lot is located across the street from or adjacent to residentially zoned property, and is designed so that headlight beams will shine into residences (whether or not such residences have been built at the time the parking lot is constructed), and irrigated earthen berm or a solid masonry wall or reinforced concrete fence of not less than three nor more than four

feet in height above the finished grade of the off-street parking area shall be erected and maintained so as to provide a headlight screen for the residential district.

- B. The off-street parking spaces designated for each apartment (multifamily) dwelling unit shall be located within 100 feet of the dwelling unit served by such spaces.
- C. In all residential district, no heavy load vehicle, truck trailer, truck tractor, mobile home, motor home, camper, trailer, boat, machinery, farm equipment or machinery or any other similar equipment or machinery (called collectively "equipment") shall be parked or left standing for more than two days out of any consecutive seven day period within the required front yard or within the side yard of a corner lot between the side building line and side property line on the side of the lot abutting a street or public right-of-way. In no event shall equipment, including motor vehicles, trucks, and vans be parked or left standing at any time on a surface other than a paved or gravel driveway or paved parking lot. The driveway shall be located either:
 - 1. between the street or alley on the one hand, and on the other a garage or carport;
 - 2. in the side yard adjacent to the mail building; or
 - 3. as a circular driveway serving the main entrance of the premises.

The driveway shall be no wider than the width of the garage, carport (or 20 feet, whichever is greater) or parking space that it serves. No more than 50% of the front yard shall be a driveway. In no event shall vehicles or equipment be parked or left standing closer than five feet from the front property line. Parking spaces in non-residential districts shall be provided with sufficient space for entering and exiting without backing onto a public street. Parking spaces on the perimeter of the parking lot and abutting a property line shall have a wheel stop barrier two feet from the end of the parking space.

29.12 DESIGN STANDARDS FOR PARKING STRUCTURES

- A. In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.
- B. The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards contained in the Subdivision Ordinance.
- C. Ramps shall not be constructed with slopes exceeding 15% and single lane entrances shall not be less than 12 feet wide at the street.
- D. Minimum of one car length shall be provided between an exit control gate and the inside edge of a sidewalk to minimize conflicts between exiting cars and pedestrians.
- E. Parking structure facades shall be left 50% open and interior light levels shall be maintained at ten footcandles to enhance security and safety. All parking structure lighting shall be designed so as not to reflect or shine on adjacent properties.
- F. Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinklered and mechanically ventilated.

29.13 OFF-STREET LOADING

- 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 private service drive.

At least one-half of such loading spaces shall have a minimum dimension of 10 feet by 40 feet, and the remaining spaces shall have a minimum dimension of 10 feet by 20 feet.

Where such loading spaces are located adjacent to a residential district, the spaces shall be enclosed on three sides.

Loading spaces shall be provided in accordance with the following schedule:

FOR ALL RETAIL, COMMERCIAL AND INDUSTRIAL USES

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 100,000	1 additional

FOR ALL HOTELS, OFFICE BUILDINGS, RESTAURANTS, AND SIMILAR ESTABLISHMENTS

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 50,000	None
50,000 to 150,000	1
150,000 to 300,000	2
300,000 to 500,000	3
500,000 to 1,000,000	4
Each additional 500,000	1 additional

- 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 motor vehicle for each ten students or children cared for by the establishment.
- C. Loading docks for any establishment that customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m., and is adjacent to a residential use or district, shall be designed and constructed so as to fully enclose the loading operation in order to reduce the effects of the noise of the operation on adjacent residences.
- D. Where adjacent to residential uses or district, off-street loading areas shall be screened from view of the residential use or district.

29.14 STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

- A. A stacking space shall be an area on a site measuring 8 feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces (from the right-of-way line).
- C. For each service window of a drive-through restaurant, a minimum of seven stacking spaces (from the right-of-way line) shall be provided.
- D. For kiosks, a minimum of three stacking spaces (from the right-of-way) for each service window shall be provided.

SECTION 30. ACCESSORY BUILDING REGULATIONS

30.1 HEIGHT

No accessory building shall exceed 25 feet in height, nor shall it be greater in height than the main structure.

30.2 AREA REGULATIONS FOR ACCESSORY BUILDINGS OR STRUCTURES IN RESIDENTIAL AND APARTMENT DISTRICTS

- A. Front Yard: Attached accessory buildings, including garages and carports, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the side yard or rear yard.
- B. Side Yard: There shall be a side yard not less than eight feet from any side lot line, alley line, or easement line, except that adjacent to a side street, the side yard shall never be less than 20 feet.
- C. Rear Yard: There shall be a rear yard not less than ten feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings located within the rear portion of a lot, as heretofore described, and shall not be located closer than 15 feet to the main building nor nearer than 8 feet to any side lot line.

SECTION 31. PLATTING PROPERTY IS PERMANENTLY ZONED

31.1 ZONING REQUIRED PRIOR TO APPROVAL OF PLAT

The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.

31.2 CONTEMPORANEOUS ACTION ON ZONING AND ANNEXATION

In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

SECTION 32. CLASSIFICATION OF NEW AND UNLISTED USES

32.1 PROCEDURE FOR CLASSIFYING NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate 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. The Zoning Administrator shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation to the City Council as to the zoning classification(s) into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer. The Planning and Zoning Commission shall make a recommendation to the City Council regarding the zoning districts within which such use should be permitted.
- B. The Planning and Zoning Commission and the City Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.
- C. The City Council shall by ordinance approve or make such determination concerning the classification of such use as is determined appropriate, based upon its findings.

SECTION 33. CREATION OF BUILDING SITE

33.1 PROCEDURE FOR CREATING BUILDING SITE/LOT

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with the following condition:

- A. The lot or tract is part of a plat of record, properly approved by the City Council and signed by the Mayor, and filed in the plat records of the county and counties in which the lot or tract is located.

SECTION 34. NON-CONFORMING USES AND STRUCTURES

34.1 USES IN EXISTENCE AT TIME OF ADOPTION OF ORDINANCE

A non-conforming status shall exist when a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the Zoning Ordinance.

34.2 EXPANSION OF NON-CONFORMING USE PROHIBITED

No non-conforming use or structure may be expanded or increased beyond the lot or tract upon which such non-conforming use is located as of the effective date of this ordinance except to provide off-street loading or off-street parking space upon approval of the City Council.

34.3 REPAIRS/NORMAL MAINTENANCE ON NON-CONFORMING USES PERMITTED

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

34.4 CHANGE OF NON-CONFORMING TO CONFORMING USE

Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.

34.5 ABANDONMENT/DISCONTINUATION OF NON-CONFORMING USE

Whenever a non-conforming use is abandoned, all non-conforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a non-conforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a non-conforming use for a period of six months shall be construed as conclusive proof of intent to abandon the non-conforming use. Any non-conforming use not involving a permanent type of structure that is moved from the premises shall be considered to have been abandoned.

34.6 ACCIDENTAL DESTRUCTION OF NON-CONFORMING USE

If a non-conforming structure or a structure occupied by a non-conforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except to the provisions of this ordinance. In the case of partial destruction of a non-conforming use not exceeding 60% of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the City Council, but the size and function of the non-conforming use shall not be expanded.

34.7 REPLACEMENT OF NON-CONFORMING HUD-CODE MANUFACTURED HOME

Notwithstanding any of the provisions of this section, a non-conforming HUD-Code manufactured home may be exchanged or replaced by another HUD-Code manufactured home, provided the newly located residential unit is owner-occupied.

SECTION 35. RULES OF CONSTRUCTION AND SPECIAL DEFINITIONS

35.1 GENERAL RULES OF CONSTRUCTION:

The following rules of construction shall apply to the interpretation of words used in this ordinance:

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural number.
- (c) Words in the plural number include the singular number.
- (d) The words "building" and "structure" are synonymous.
- (e) The words "lot", "plot" and "track" are synonymous.
- (f) The word "shall" is mandatory and not discretionary.

35.2 SPECIAL DEFINITIONS

Except to the extent a particular provision specifies otherwise, the following definitions shall apply throughout this ordinance:

Abutting Property: Property abutting upon a street shall also be understood as abutting property on the other side of the street.

Accessory Use or Building: A use or building subordinate to and detached from the main building and used for purposes customarily incidental to the primary use of the premises.

Adjacent shall mean "next to" or "closest to" but shall not necessarily mean "touching".

Alley: A public space or thoroughfare that affords only secondary means of access to property abutting thereon.

Antenna/Microwave Reflector. An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbital located transmitter or transmitter relay. This definition is meant to include but is not limited to what are commonly referred to as satellites that receive only earth stations.

Antenna, Radio or Television: The arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

Apartment: A room or suite of rooms in a multifamily dwelling or apartment house designed or occupied as a place of residence by a single family, individual or group of individuals.

Apartment House: Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as a home or place of residence by three or more families living in independent dwelling units.

Area of the Lot or Building Site: The area shall be the net area of the lot or site and shall not include portions of streets and alleys.

Basement: A building story that is partly underground, but having a least one-half of its height above the average level of the adjoining ground. A basement shall not be counted as a story in computing building height.

Block: An area enclosed by streets and occupied by or intended for buildings; where this word is used a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

Board of Adjustment: The Zoning Board of Adjustment of the City of Sanctuary.

Buildable Width: The width of the building site left to be built upon after the required side yards are provided.

Building: Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building, Detached: A building surrounded by yard or open space on the same building lot.

Building Ends: Those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building space regulations for multiple-family dwelling, the term "building end" shall mean the narrowest side of a building regardless of whether it fronts upon a street, faces the rear of the lot or adjoins the side lot line or another building.

Building, Front Of: The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

Building Inspector: The Building Official or person charged with the enforcement of the zoning and building codes of the City.

Building Line: A line parallel or approximately parallel to the street line at a specified distance there from constituting the minimum distance from the street line that a building may be erected.

Building Lot: A single tract of land located within a single block which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may not coincide with a lot of record. A "building lot" may be subsequently subdivided into two or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this ordinance.

Building, Main or Primary: A building in which is conducted the principal use of the lot on which it is situated.

Building Official: The Building Inspector.

Canopy: Any structure of a permanent fixed nature attached to or independent of the main structure, built and designed for the purpose of shielding from the elements, persons or chattels or a roof-like structure of a permanent nature which is supported by or projects from the wall of a structure.

Cellar. A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

Certificate of Occupancy and Compliance: An official certificate issued by the City through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued.

Contiguous: Shall mean "touching" or "in contact".

Court: An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Coverage: The percent of a lot or tract covered by the roof or first floor of a building.

Depth of Lot: The mean horizontal distance between the front and rear lot lines.

Depth of Rear Yard: The mean horizontal distance between the rear line of a building other than an accessory building and the rear lot line except as modified in the text of any section in this ordinance.

District: A section of the City for which the regulations governing the area, height or use of the land and buildings are uniform.

Duplex: A building designed for occupancy by two families living independently of each other within separate units that have a common wall and are under one roof.

Dwelling Unit: A building or portion thereof designed exclusively for residential occupancy, including one family, two family, and multiple family dwellings, except for buildings designed and used as hotels, boarding houses, rooming houses, and motels.

Family: An individual or group of two or more persons related by blood, marriage, adoption or guardianship including foster children, exchange students, and servants together with not more than two additional persons not related by blood, marriage or adoption to the previously identified individual or group, living together as a single housekeeping unit in a dwelling unit or a Family Home for the Disabled as defined by the Community Homes for Disabled Persons Location Act, Article 1011n of V.A.C.S., as it presently exists or may be amended in the future, but not including household care or rehabilitation care facilities.

Flood Plain: An area of land subject to inundation by a 100-year frequency flood, as shown on the flood plain map of the City of Sanctuary. The term "flood plain" is interchangeable with the term "flood hazard area".

Floor Area: The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.

Floor Area Ratio: The ratio of total building floor area to lot area.

Front Yard: See Yard.

Garage Sale: The sale of items normally accumulated by a household. No more than three garage sales shall be allowed for the same location in any 12-month period. The duration of the garage sale shall not exceed three consecutive days.

Gross Floor Area: The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level.

Heavy Load Vehicle (HLV): A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

Height: The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (a) the highest point of the roof's surface if a flat surface, (b) to the deck line of mansard roofs, or (c) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Industrialized Housing: A residential structure designed for use and occupancy by one or more families, constructed in one or more modular components built at a location other than the permanent residential site, designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term shall not mean or apply to; (a) housing constructed of sectional or penalized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Landscape Screen: Plant material of the evergreen variety, a minimum of six feet in height at the time of installation and planted on four foot centers. All such landscape screens shall be permanently maintained. Adequate facilities shall be provided for permanent watering at the time of installation.

Light Load Vehicles (LLV): A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight not greater than 11,000 pounds, and having no more than two axles, such as pick-up trucks, vans, recreational vehicles, campers and other similar vehicles, but not including automobiles and motorcycles.

Living Unit: The room or rooms occupied by a family and which includes cooking facilities.

Lot: An undivided tract or parcel of land under one ownership having frontage upon a public street or officially approved place, either occupied or to be occupied by a building or building group, together with accessory buildings, and used together with such yards and other open spaces as are required by this ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

Lot, Corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

Lot Coverage: The percentage of the total area of a lot occupied by the base (first story of floor) of a building located on the lot or the area determined as the maximum cross-sectional area of the building.

Lot Line, Front: That boundary of a building lot that is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

Lot Line, Rear: That boundary of a building lot that is most distant from or is most nearly parallel to the front lot line.

Lot Line, Side: That boundary of a building lot that is not a front lot line or a rear lot line.

Lot Lines: The line bounding a lot as defined herein.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the County Clerk of Parker County; or a parcel of land the deed for which is recorded in the Office of the County Clerk of Parker County prior to the adoption of this ordinance.

Lot or Building Site: Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

Lot Width: The width of a lot at the front building lines.

Main Building: The building or buildings on a lot that are occupied by the primary use.

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

Manufactured Home (HUD Code) Subdivision: A tract of land of not less than two acres to be used as a location primarily for owner-occupied HUD Code manufactured homes and which has been final platted of record in its entirety in accordance with the City of Sanctuary Subdivision Regulations and in accordance with the Section 18 of this ordinance.

Manufactured Modular Homes: "Modular Home" means a structure or building module as defined by statute and under the jurisdiction and control of the Texas Department of Labor and Standards, installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.

Manufacturing Processes: Uses restricted from other zoning districts but permitted in the I-1 and I-2 districts under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise or vibration in the adjacent area.

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

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

Non-Conforming Building or Use: A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is located.

Occupancy: The use or intended use of the land or buildings by proprietors or tenants.

Off-Street Parking Incidental to Main Use: Off-street parking spaces provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or within 200 feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.

Off-Street Parking Space: An area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley or other right-of-way. (See Section 29 for detailed descriptions and regulations.)

Open Space: Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material. Also see "Usable Open Space".

Open Storage: The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level, for more than 24 hours.

Parking Space: An all-weather surfaced area used for parking a vehicle, not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street, permitting free ingress and egress without encroachment on the street.

Planning and Zoning Commission: The duly appointed Planning and Zoning Commission of the City of Sanctuary.

Plat: A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Sanctuary and subject to approval by the Planning and Zoning Commission.

Radio, Television and Microwave Towers: Structures supporting antenna for transmitting or receiving any portion of the radio spectrum but excluding non-commercial antenna installations for home use of radio or television.

Residence: Same as dwelling; when used with district, an area of residential regulations.

Residential District: Any zoning district included in this ordinance in which residential use constitutes the primary permitted use classification, including the SF-E, SF-1, SF-2, MF, MH-1 and MH-2 district classification.

Room: A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

Screening Device: See "Landscape Screen".

Setback: The minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed porch and the side street.

Sign: An outdoor advertising device that is a structure, or that is attached to or painted on a building, or that is leaned against a structure for display on premises.

Site Plan: A detailed line drawing, to scale, showing scale used, north arrow, date and title of project, clearly describing the project and showing the following information:

- (g) Property lines, location and widths of all streets, alleys and easements.
- (h) Proper dimensions on all fundamental features such as lots, buildings, parking spaces and landscaped areas.
- (i) The location of setback lines, driveway openings and sidewalks.
- (j) All proposed buildings, freestanding sign locations, parking areas and open spaces.

- (k) All required landscaping, together with a description of type of material to be used.
- (l) A cross section of any required or proposed screening.
- (m) Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density of floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; and solid waste collection facilities.
- (n) Name, address and telephone number of the proponent.

Story. The height between the successive floors of a building from the top floor to the roof. The standard height for a story is 11 feet, 6 inches.

Street: Any thoroughfare or public driveway, other than an alley, more than 30 feet in width, which has been dedicated or deeded to the public or public use.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street; the right-of-way.

Street, Local or Residential: A street designed to serve properties abutting and in the immediate vicinity of the street, having a minimum right-of-way width of 50 feet in single family residential districts and 75 feet in all other districts.

Street, Major. A street designed to serve the entire community or substantial portions of the community, as well as traffic of non-local origin and destination, having a minimum right-of-way width of 100 feet.

Street, Secondary or Collector. A street designed to serve an area roughly one quarter mile distant from each side of the street, having minimum right-of-way width of 75 feet.

Structural Alterations: Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

Structure: (Same as Building.)

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

Tennis Court (Private): A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances, but excluding lighting for night play in residential areas except as may be otherwise provided or restricted by the Special Use Permit.

Thoroughfare: (Same as Street.)

Two Family Dwelling: A building designed for occupancy by two families living independently of each other within separate units that have a common wall and are under one roof.

Usable Open Space: An open area which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent, shall have no dimension of less than ten feet, and may include landscaping, walks, water features and decorative objects. Usable open space shall not include rooftops, accessory buildings, parking areas, driveways, turn-around areas, or right-of-way or easement for streets or alleys.

Variance: An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Wholesale: The sale of goods, merchandises, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.

Yard: An open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point 40 inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

Yard, Front: An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

Yard, Rear: An open, unoccupied space, except for accessory buildings as herein permitted extending across the rear of a lot from one side lot line to the other side lot line.

Yard, Side: An open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or front line shall be deemed a sideline.

Zoning District Map: The official certified map upon which the boundaries of the various zoning districts are drawn. **Zoning Ordinance:** This ordinance containing land use regulations for the City of Sanctuary.

SECTION 36. PENALTY FOR VIOLATIONS

Any person or entity violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed \$2,000.00 per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offence. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 37. VALIDITY, SEVERANCE AND CONFLICT

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the City of Sanctuary the terms of this ordinance shall control.

SECTION 38. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately upon passage.

SECTION 39. SAVINGS CLAUSE

All rights and remedies of the City of Sanctuary are expressly saved as to any and all violations of the provisions of any ordinances affecting health and safety which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

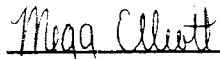
The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDAINED.

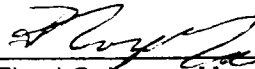
PASSED AND APPROVED by the City Council of the City of Sanctuary, Texas, on this 2nd day of October, 2003 by a vote of 4 to 0.

ATTEST:

SIGNED:



Megg Elliott, City Secretary



Floyd Galloway, Mayor

APPENDIX 1. DISTRICT REGULATIONS **DISTRICT REGULATIONS**

	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
MAXIMUM HEIGHT (feet)	35	35	35	35	35	35	35	35	45	45	50	50	50	50
SIDE YARD WIDTH	15	15	15	10	10	10	15	B	15	B	B	B	B	B
REAR YARD (feet)	50	40	30	25	20	20	B	B	20	B	B	B	B	B
FRONT* YARD (feet)	50	50	30	25	20	20	B	B	20	B	B	B	B	B
LOT AREA (sq ft)	40,000	35,000	10,000	7,500	3,000	6,000	7,500	A	A	B	B	B	B	B
LOT WIDTH (feet)	130	120	75	60	25	50	60	B	70	B	B	B	B	B
LOT DEPTH (feet)	250	200	100	100	100	90	100	B	150	B	B	B	B	B
MAXIMUM LOT COVERAGE	10%	35%	35%	40%	60%	60%	40%	B	50%	B	B	B	B	B
MIN. BLDG (sq ft)		1,500**	1,300**	1,000**	900**	900***	1,100**		800**					
MASONRY ***** CONTENT		PER HB 2439 THIS NO LONGER APPLIES							DNA					

Note: All dimensions shown in the table above are the minimum allowable (unless noted otherwise) for the given item.

A - Total lot area shall not be less than 9,000 square feet for dwelling unit construction. For each dwelling unit over three in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten units may be constructed per acre.

B - None required except where non-residential use abuts a residential lot in which case the requirements shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this ordinance.

* The front yard establishes the front building line

** Minimum square feet of living area

*** Minimum square feet per unit

**** 75% of the structure will be of masonry (hadite block shall not be used as an exterior finish which includes front & both sides)

NOTES TO APPENDIX 1

1. The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than required which was an official "lot of record" at the time of the adoption of this ordinance may be used for a one family dwelling.

No lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

2. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the yard.

On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on a final plat).

Where a building line has been established by a plat approved by the City Council or by ordinance and such line requires a greater or lesser 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 such ordinance or plat provided no such building line shall be less than 20 feet.

Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

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

On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped terrace or embankment may be maintained higher than three feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point 30 feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the front or side yard shall be measured from the future right-of-way.

3. Every part of a required side yard shall be open and unobstructed except for; (a) accessory buildings as permitted herein; (b) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve inches into the required side yard; and (c) roof eaves projecting not more than 36 inches into the required side yard. Balconies shall not project into the required side yard.

When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

4. The required rear yard shall be open and unobstructed from a point 30 inches above the average elevation of the graded rear yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into

the rear yard a distance not to exceed four feet. Balconies shall not project into the required rear yard.

5. Single family dwellings require building lots of two acres or more.

A one-story wing or extension may be built to within 15 feet of the rear lot line.

6. No lot containing multifamily units shall contain less than 10,000 square feet total or 1,500 square feet per dwelling unit, whichever is greater.

Minimum lot sizes for townhouses and zero lot line houses shall be 3,000 square feet per dwelling unit.

Minimum lot sizes for all other permitted uses shall be seventy 7,500 square feet or 1,500 square feet per living unit, whichever is greater.

7. Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be 20 feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than 60 feet.

8. If a side yard or rear yard is adjacent to a single-family residential district, there shall be a 25 foot setback and a 60 foot setback from the adjacent property line for buildings in excess of one story in height.

If more than one building is located on the same lot, there shall be a ten foot separation between buildings without openings (windows) and twenty feet between buildings with openings.

9. The height of any multifamily building sited on a lot adjacent to an area zoned for single family dwellings or where single family dwellings of one story in height exist shall be limited to one story for a distance of 60 feet from the single family district boundary or the land on which the single family dwelling is located.
10. The front yard setback shall be forty-five feet where parking is allowed in front of the building. Accessory buildings shall have a 60 foot front yard setback.
11. No side yard is required except that a side yard of not less than 15 feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.
12. No rear yard is required except that a rear yard of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting or across a rear alley or street from a residential district.
13. No building shall exceed 35 feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve feet beyond maximum building height.
14. A 25 foot front yard is required except that a front yard of not less than 50 feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.
15. No side yard is required except that a side yard or a side street yard of not less than 25 feet in width shall be provided on the side of the lot adjoining or across a street or alley from a residential or commercial district. In addition, a masonry or wood wall having a minimum height of six feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.
16. No rear yard is required except that a rear yard of not less than 50 feet in depth shall be provided upon that portion of a lot abutting or across a rear street or alley from a residential district, except

that such rear yard requirement shall be 25 feet in depth where the property in the residential district backs up to the rear street. In addition, a masonry or wood wall having a minimum height of six feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.

17. A building may be erected to a height of 80 feet if set back from all required yard lines a distance of one foot for each two feet of additional height above 45 feet. This requirement is in addition to all other relevant setback requirements.
18. Side yard requirements shall be the same as for the I-1 District except that a side yard or a side street yard of not less than 50 feet in width shall be provided on the side of the lot adjoining or across the street from a residential or commercial district.

**AMENDMENT ONE TO
CITY OF SANCTUARY
ORDINANCE NUMBER ONE
PLANNING AND ZONING**

THIS AMENDMENT PROVIDES FURTHER GUIDANCE ON TALL STRUCTURES WITHIN THE CITY, A SUBJECT NOT FULLY ADDRESSED IN THE CURRENT ORDINANCE.

WHEREAS Ordinance One, Planning and Zoning does not properly address the construction and limitations on non-occupied tall structures, this amendment is considered necessary. In this respect, Section 25.4 of said Ordinance shall be amended to read:

SECTION 25.4 HEIGHTS AND AREA REGULATIONS:

- A. See Appendix 1 for Area, Setback, Height, and Coverage Regulations.**
- B. In addition to information in A above, tall structures shall be further governed by the following. For purposes of this ordinance a “tall structure” is defined as an uninhabited structure, built for a specific purpose, which extends above allowable building heights. Such structures include, but are not limited to: flagpoles, windmills for wells or power production, antennas and some training structures.**

- C. Maximum structure height shall be limited as listed below: Height measured from ground level to top of structure.**

ZONES A, SF-E, SF-1, SF-2, TH, D, MH-1, MH-2: max allowable height forty (40) feet.

ZONES MF, C-1, C-2, C-3, I-1, I-2; max allowable height fifty five (55) feet.

- D. Structure shall be sited so that if toppled from the base, the structure will not fall within ten (10) feet of adjacent property lines, or any exposed utility easement.**
- E. The structure shall not generate noise above the level of thirty five (35) decibels, as measured at a point one hundred (100) feet from the base at ground level.**
- E. If lighted, such lighting shall be so designed or shielded that it does not directly shine on adjoining property. Use of strobe, or similar, lighting is prohibited.**

F. Structure shall be designed to resist wind gusts to seventy six (76) miles per hour.

EFFECTIVE DATE: THIS AMENDMENT SHALL BE EFFECTIVE TWO WEEKS AFTER PASSAGE. UPON PASSAGE IT SHALL BE INCORPORATED IN ORDINANCE NUMBER ONE, WHICH SHALL BE SO ANNOTATED.

PASSED AND APPROVED THIS 4th DAY OF ^{October}~~SEPTEMBER~~, 2008.

Cliff Scallan, Mayor

Megg Elliott, City Secretary

Megg Elliott

CITY OF SANCTUARY
P.O. BOX 125
AZLE, TEXAS 76098
817.221.6010

AMENDMENT 2 TO ORDINANCE #1: PLANNING AND ZONING

SECTION I: AUTHORITY

This amendment is prepared under the authority provided by the Texas Local Government Code, Chapter 211.

SECTION II: PURPOSE

To further delineate and define responsibilities of property owners, and protect residential areas by incursion caused by commercial or industrial properties.

SECTION III: EXPLANATION

For purposes of this section "Residential" refers to areas zoned as SF, D, TH, MF and MF;
"commercial/industrial" refers to areas zoned C and I.

SECTION IV: REQUIREMENTS

4.1 Fencing: Where Residential and Commercial Properties abut, the Commercial/Industrial property owner shall erect a proper privacy fence between the two properties. This fence shall be a minimum of six feet in height, be opaque, and be of well-maintained wood, metal, stone, brick or masonry.

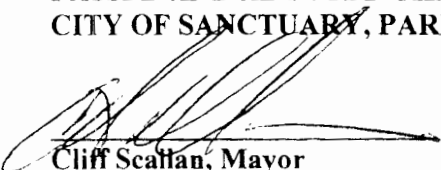
4.2 Lighting: Outdoor lighting shall be so constructed or designed that it does not directly shine on, or into, adjacent property.

4.3 General Maintenance: Residential property owners will keep the area between the building line and street, generally deemed the "front yard" or the "side yard," free of materials which may be deemed hazardous or be breeding grounds for vermin. Such areas will not be used for holding construction debris, junked vehicles or equipment, or for parking heavy agricultural or construction equipment. If such items are stored on the property, they will be stored behind the building line and enclosed by a six foot privacy fence.

SECTION V: EFFECTIVE DATE

This amendment shall take effect and be in full force on the fifth day of August 2010.

**PASSED AND ADOPTED THIS 5th DAY OF AUGUST 2010 BY THE BOARD OF ALDERMEN,
CITY OF SANCTUARY, PARKER COUNTY, TEXAS.**


Cliff Scallan, Mayor

ATTEST:


City Secretary

**CITY OF SANCTUARY
P.O. BOX 125
AZLE, TEXAS 76098**

ORDINANCE #64

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of The City of Sanctuary, Texas, does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Sanctuary are subject to periodic inundation, **which results in loss of life and property, health and safety hazards, disruption** of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development, which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be

affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA - see *Area of Special Flood Hazard*

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of Sanctuary.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Parker County," dated September 26, 2008, with accompanying Flood Insurance Rate Maps (FIRM) dated September 26, 2008, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Mayor or designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management. As a result of the lack of staffing and expertise, the City of Sanctuary has an interlocal agreement with Parker County to provide inspections and permitting required by this ordinance (Resolution 09-07, copy at Attachment 1). All wishing to situate or construct within the flood plain, will be required to contact the Parker County Health Department and obtain the necessary permits for construction, prior to consideration by the City of Sanctuary Planning and Zoning Commission.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

SECTION C. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and

proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(e) Maintain a record of all such information in accordance with Article 4, Section (B) (1).

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of

variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION E. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent The City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION F. THIS ORDINANCE RESCINDS AND REPLACES CITY OF
SANCTUARY ORDINANCE NUMBER 64, DATED 6 NOVEMBER 2008.**

APPROVED: _____

(Mayor)

PASSED: _____

2 April 2009

ORDINANCE BECOMES EFFECTIVE: _____

2 April 2009

I, the undersigned, Cliff Scallan, Mayor, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City Council, at a regular meeting duly convened on Thursday, 2 April 2009.

Megg Elliott

Megg Elliott
City Secretary

Atch: Interlocal Agreement

CITY OF SANCTUARY
ZONING ORDINANCE AMENDMENT

AN ORDINANCE OF THE CITY OF SANCTUARY AMENDING ORDINANCE NO. 1, ZONING ORDINANCE, SECTION 27.2, ALLOWABLE USES, 21.2, PERMITTED USES, 27.1, DEFINITIONS, AND SECTION 23, C-3 HEAVY COMMERCIAL DISTRICT; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

- WHEREAS,** the City of Sanctuary adopted regulations regarding Zoning within the city in 2003 under Ordinance No. 1 to ensure the safe and orderly development occurs within the City;
- WHEREAS,** the City Council seeks to protect the residents of single-family residential in the city limits by protecting their investments, quality of life, traffic safety and health; and
- WHEREAS,** the City Council finds the community wishes to amend the use classifications for intense commercial development within the city to buffer residential zoning classifications; and
- WHEREAS,** the City Council strives to further predictable use of land in the city limits with peaceful transitions between uses that are more and less intense or dense; and
- WHEREAS,** after notice and hearing required by law, a joint session of the Planning & Zoning Commission and City Council was held and a public hearing was conducted on December , 2020 to consider the proposed zoning ordinance amendment and the approval of the proposed change; and
- WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulating zoning in the City; and
- WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of the City of Sanctuary to adopt an ordinance regulating land use.

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Ordinance No. 1, Zoning Ordinance, Sections 27.2, Allowable Uses, 21.2, Permitted Uses, 27.1, Definitions, and Section 23, C-3, Heavy Commercial District of the City of Sanctuary's Zoning Ordinance is hereby amended to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 5th day of January, 2021, by a vote of 4 (ayes) to 0 (nays) to 1 (abstentions) of the City Council of Sanctuary, Texas.

CITY OF SANCTUARY:

by: Megg Galloway
Megg Galloway, Mayor

ATTEST:

Chris Stewart
Chris Stewart, City Secretary

City of Sanctuary

CODE OF ORDINANCES

ORDINANCE NO. 1, ZONING ORDINANCE

SECTION 21.2, PERMITTED USES

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

- ~~A. Discount, variety, or department store of not greater than 10,000 square feet floor space;~~
- ~~B. Food store with floor space not greater than 10,000 square feet;~~
- ~~C. Gasoline service station (no garage or automobile repair facilities);~~
- A. ~~Other~~ Uses as listed in Section 27 of this ordinance.

SECTION 27.1, DEFINITIONS

CBD Retail Establishment – Cannabidiol (CBD) is a substance derived from the cannabis plant that does not have the psychoactive properties that tetrahydrocannabinol (THC) does. A CBD Retail Establishment derives at least 50-percent of their sales from the sale of CBD products. Such establishments shall comply with all regulations set forth by the Texas Agriculture Code and Texas Administrative Code, and shall be permitted accordingly.

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

~~Not more than six disabled persons and two supervisory personnel may reside in a family home at the same time. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision. All applicable licensing requirements must be met.~~

Group Home – Also known as Community Home. A facility licensed by the State to provide shared residential living arrangements for the 24-hour protective care of the mentally and/or physically impaired, developmentally disabled, or victims of abuse or neglect. This term includes foster homes, congregate living facilities for persons 62 years of age or older, and maternity homes. This term does not include post-incarceration facilities for those who are a danger to themselves or others. Group Homes shall comply with all Texas Human Resources Code Chapter 123, as well as all state licensing.

SECTION 27.2, ALLOWABLE USES

Type of Use	A	SF-E	SF-1	SF-2	TH	D	MH-1	MH-2	MF	C-1	C-2	C-3	I-1	I-2
<u>CBD Retail Establishment</u>												X		
Convenience Store										X	X	X	X	X
Convenience Store, With a Drive-Through												C		
Family Home	E	E	E	E	E	E			E					
Food/Grocery Store										X	X	X	X	X
Food/Grocery Store, With a Drive-Through												C		
General Merchandise Store, With a Drive-Through												C		
Group Home (6 residents or less)	X	X	X	X	X	X								
Group Home (more than 6 residents)									X	X				
Retail Shops/Stores, With Drive-Through												C		