

## Appendix A - ZONING

### ORDINANCE NO. 819

An ordinance amending in its entirety the Zoning Ordinance of the City of Deer Park, Texas, No. 283, adopted October 24, 1963, as amended, this ordinance establishing zoning regulations and districts in the City of Deer Park, Texas, in accordance with a comprehensive plan, regulating and restricting the height, number of stories, size, type and character of construction of buildings and other structures, the area of lots and buildings that may be occupied, the size of lots, yards, courts and other open places, the density of population, the location and uses of buildings, structures and land for predevelopment, commerce, trade, industry, residences and other purposes; establishing the boundaries of such districts, regulating and restricting the occupancy, improvement, erection, placement, construction, removal, reconstruction, demolition, conversion, alteration, repair and use of buildings, structures, signs and land within such districts, providing uniform regulations for the several classes and kinds of uses, buildings and structures, the types and character of construction and uses within the several districts; adopting a map setting forth the several districts, adopting certain regulations, restrictions, limitations, performance standards and provisions applicable to such districts and requiring compliance with all of the provisions of this ordinance, defining terms used in this ordinance, and setting forth its purpose and objective, providing for vehicular loading and parking, providing for accessory buildings and uses for nonconforming uses of buildings, structures and land; providing for certain exceptions, modifications and special conditions to the uses established, providing the procedure to obtain specific use permits in certain instances, providing for completion of structures under construction at the time of passage of this ordinance; providing for administrative procedure and for the duties of the City Director of planning and inspections in connection with the administration of this ordinance; providing for building permits and certificates of occupancy; providing for pending litigation and prior violations; providing for a board of adjustment and the powers and procedure thereof; providing the procedure for amendments; providing for severability; prescribing a penalty by fine of not less than \$25.00 nor more than \$2,000.00 for violations, each day violations are permitted to exist constituting a separate offense.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS

That Ordinance No. 283 of the City of Deer Park, Texas, known as the Zoning Ordinance, passed and approved October 24, 1963, together with all amendments thereto, is hereby amended in its entirety to read as follows:

#### FOOTNOTE(S):

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**Editor's note**—Appendix A, derived from Ord. No. 819, adopted August 24, 1971, is included herein as enacted including section designations and catchlines. Where the term "section" was erroneously used, it has been changed to "section." Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

**Charter reference**— Planning and zoning, art. VIII.

**State Law reference**— Regulation of land use, structures, businesses and related activities, V.T.C.A., Local Government Code § 211.001 et seq.

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## How to Use This Ordinance?

### Content Organization and Page Layout

The Zoning Ordinance is organized into 18 sections, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

### Reading the Ordinance

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Section 18, Definitions, contains over 330 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.



SECTION 1 – ZONING GENERAL PROVISIONS

## Section 1. Zoning General Provisions

### 1.01 Title.

This ordinance and subsequent regulations of the City of Deer Park, Texas shall be known as, and may be cited and referred to as the “Deer Park Zoning Ordinance”

### 1.02 Authority.

This Zoning Ordinance is adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including Chapter 211 (*municipal zoning authority*) of the Texas Local Government Code, and the home rule charter of the City of Deer Park.

### 1.03 Purpose.

#### 1.03.1. Zoning Ordinance Intent.

The purpose and object of this ordinance is to change existing zoning districts and regulations of the City of Deer Park, Texas, to provide such new districts and regulations as have been demonstrated as being needed by the comprehensive plan of the City of Deer Park to promote health, safety, morals, and the general welfare of the City of Deer Park. The zoning regulations and districts established by this ordinance have been designed to do the following:

- Lessen congestion in the streets;
- To secure safety from fire, panic and other danger;
- To provide adequate light and air;
- To prevent the overcrowding of land;
- To avoid undue concentration of population; and
- To facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements.

They have been made with reasonable consideration, among other things, for the character of district and for its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of the land throughout the City of Deer Park, Texas. The comprehensive basic purpose set forth in this article includes the specific purposes provided herein for the individual zoning districts and use groups.

All land, buildings, structures or appurtenances thereon located within the City of Deer Park, Texas, 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.

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**1.03.2. Zoning Ordinance Considerations.**

The zoning regulations and districts have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of building and encouraging the most appropriate use of land throughout the City consistent with the Comprehensive Plan. The Comprehensive Plan has been used as a guide to develop the regulations within this Zoning Ordinance.

**1.04 Official Zoning District Map.**

**1.04.1. Zoning Districts Shown on the Zoning District Map.**

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

**1.04.2. Official Zoning District Map.**

1. The Official Zoning District Map shall be labeled the “Official Zoning District Map of the City of Deer Park, Texas,” shall be signed by the City Secretary and the Mayor on the date of adoption, and shall be maintained as a physical hard-copy file and an electronic file. In the case of a dispute, the hard-copy shall control.
2. The “Official Adoption Date” and the “Last Amended Date” shall be shown on the Official Zoning District Map.

**1.04.3. Establishment and Interpretation of District Boundaries.**

1. Zoning Map.  
The boundaries of the districts are as shown on the map designated as "zoning map," signed by the mayor and city secretary, and said map shall form part of this ordinance to the same extent as if included herein.
2. District Boundaries.  
Unless otherwise indicated on the zoning map, the district boundaries are property lines or the center lines of streets, alleys, or railroad tracks, or the projections thereof, or lines at specified distances therefrom, as same existed at the time of enactment of this ordinance.
3. Location of District Boundaries.  
Where uncertainty exists as to the boundaries of any zoning district, or where the boundaries of a street or property existing on the ground are at variance with those shown on the zoning map, the board of adjustment, upon written application or upon its own motion, shall determine the location of such boundaries.
4. Exempt Districts.

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Since separate agreements exist between industry and the City of Deer Park, the provisions of this Zoning Ordinance shall not apply to those districts designated as M3 intensive industrial districts on the zoning map as defined in Section 1.05.2 and included as a part of this ordinance.

**1.04.4. Interpretation of District Bulk and Area Regulations.**

General. Unless otherwise indicated, the bulk and area regulations shall be interpreted to establish maximum or minimum permissiveness as follows:

Lot area	minimum
Lot area per dwelling unit	minimum
Lot width	minimum
Usable open space	minimum
Front yard	minimum
Rear yard	minimum
Side yards	minimum
Height	maximum

**1.04.5. Specific Use Permit.**

Uses which are regulated by a specific use permit when authorized in any district shall first have complied with the review and administrative procedures set forth under Section 17, section 17.04.

**1.05 Management, Physical Locations, and Maintenance of the Official Zoning District Map.**

1. Three (3) identical copies of the Zoning District Map shall be adopted and shall bear the signature of the Mayor and the attestation of the City Secretary. The three (3) official copies of the Zoning District Map shall be filed and maintained as follows:
  - a. One (1) copy shall be filed with the City Secretary and retained as an original record and shall not be changed in any manner.
  - b. One (1) copy shall be filed with the Building Official or other designee and shall be maintained with all changes and subsequent amendments for observation in issuing building permits and enforcing the Zoning District Map.
  - c. One (1) copy shall be filed in the office of the Director of Public Works or other designee and shall be maintained by posting thereon all changes and amendments.
2. The Director of Public Works or other designee shall maintain an electronic file of the official Zoning District Map, as it was originally adopted.

An additional copy of the original Zoning District Map shall be placed in the Office of the Chief Building Official or other designee.

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- a. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments and shall be identified as the Current Zoning District Map.
- b. In order to provide and maintain a current-to-date and accurate map of all zoning district boundaries, the City shall maintain electronic mapping files or other similar Geographic Information System (GIS) files of the Official Zoning District Map with all approved zoning amendments.
- c. In case of any question involving a district designation within the City, the updated copy of the Official Zoning District Map on file in the office of the Chief Building Official is presumed correct, and the person challenging the accuracy of that copy has the burden of presenting the Official Zoning Map, together with the ordinances amending the Map, to prove the inaccuracy of the updated copy.

**1.05.1. Incorporating Updates to the Official Zoning District Map.**

- The Director of Public Works or other designee shall be responsible for updates to the official Zoning District Map.
- The Director of Public Works or other designee's copy of the official Zoning District Map shall be used for reference and shall be maintained by incorporating all subsequent amendments enacted by official action of the City Council.
- The Director of Public Works or other designee shall use all reasonable means to protect the official Zoning District Map from damage, and to ensure the accurate restoration of the map file if damage or destruction of the original file occurs.

**1.05.2. Changes or Amendments Reflected on the Map.**

- Any changes or amendments made to the zoning district boundaries shall be incorporated into the Zoning District Map files (*i.e., physical and electronic*) promptly after the amendment has been approved by the City Council.
- The Director of Public Works or other designee shall maintain a descriptive log of amendments to the map.
- The Director of Public Works or other designee shall use all reasonable means to ensure that no changes are made to the official Zoning District Map without authorization by official action of the City Council.

**1.05.3. Replacement of a Damaged, Destroyed, or Lost Official Zoning District Map.**

- In the event that the official Zoning District Map file becomes damaged, destroyed, lost or difficult to interpret for any reason, the City Council may adopt a new official Zoning District Map by ordinance following a public hearing.
- The new official Zoning District Map shall replace and supersede any prior official Zoning District Map.
- As a true replacement map, the new official Zoning District Map shall not amend or otherwise change district boundaries or classifications from the prior official Zoning District Map.

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**1.05.4. Informational Zoning Maps with Updates.**

- Informational zoning maps that are intended to represent the official Zoning District Map, with updated changes in zoning districts and boundaries as they are made, may be made from time to time and placed on physical display and on the City's website.
- The Director of Public Works or other designee shall be responsible for all informational zoning maps and the frequency of updates.

**1.06 Compliance Required / Interpretation / Rules of Construction.**

**1.06.1. Compliance Required.**

All land, buildings, structures or appurtenances located within the City shall conform to the zoning regulations prescribed for the zoning district in which such land or building is located, or subject to penalties as provided for by Code.

**1.06.2. Interpretation.**

1. Restrictiveness. Where the regulations in this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards shall govern.
2. Abrogation. These regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of this regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
3. Cumulative Effect. These regulations are cumulative and may impose additional limitations upon all other laws and ordinances previously passed or that may be passed in the future on any subject matter set forth in these regulations.
4. Error Correction. In the event that any property or zoning district set forth on the Zoning District Map as provided in Section 1.04 Official Zoning District Map of this ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District Map may be amended and/or supplemented by the property owner of a tract, the City Council, or the Planning and Zoning Commission may submit an application to the Director of Public Works or other designee to initiate the error correction process, which shall be processed as a zoning map amendment.

**1.06.3. Rules of Construction.**

The language set forth in these regulations is to be interpreted in accordance with the following rules of construction:

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1. Number. The singular number includes the plural, and the plural the singular.
2. Tense. The present tense includes the past and future tenses, and the future the present.
3. Mandatory and Permissive Language. The word “shall” and “must” are mandatory while the word “may” is permissive.
4. Gender Terms. The masculine gender includes the feminine.
5. Parentheses. Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as the word.
6. Conflicts. If there is an expressed conflict:
  - a. The text of this ordinance controls over the charts or any other graphic display in this ordinance; and
  - b. The use regulations control over the district regulations in this ordinance.

## **1.07 Nonconforming Uses and Structures.**

### **1.07.1. Intent of Provisions.**

1. Existence of Nonconformities.
  - a. The purpose of this Subsection 1.07 is to establish provisions for the allowance and potential alteration of uses, lots and/or structures which do not conform to currently applicable standards or regulations, but which were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.
    - i. Nonconformities occur in three (3) general categories, or combinations thereof.
      - 1) Nonconforming lots as described in 1.07.2(1a). For example, a nonconforming lot can be nonconforming as to lot area or dimension requirement.
      - 2) Nonconforming structures as described in 1.07.2(1a). For example, a nonconforming structure can be nonconforming as to setback, yard, or height lot area or dimension requirement.
      - 3) Nonconforming uses are uses as described in 1.07.2(1a).
  - b. It is the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.
2. Limit Incompatibility.

It is further the intent of this Section 1.07 that nonconforming uses shall not be:

  - a. Enlarged upon,

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- b. Expanded or extended, or
- c. Used as a basis for adding other structures or uses prohibited elsewhere in the same district.

3. Incompatible Uses.

Notwithstanding anything to the contrary, nonconforming uses are hereby declared incompatible with the permitted uses in the districts involved.

**1.07.2. Establishment of Legal Nonconforming Status.**

1. Existence.

For purposes of interpretation of this subsection, any uses, structures and/or lots which in whole or part are not in conformance with current zoning standards shall be considered as follows.

a. Legal Nonconforming.

Those uses, structures or lots which in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures or lots may be maintained or potentially altered subject to the provisions of this subsection.

b. Illegal Status.

Those uses, structures or lots which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered nonconforming, but shall be considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

2. Time of Adoption.

Any use, platted lot, and/or structure is a lawful use at the time of the adoption of any amendment to this ordinance but by such amendment is placed in a district wherein such use, platted lot, and/or structure is not otherwise permitted shall be deemed legal nonconforming.

3. Annexation.

If a use, platted lot and/or structure was in existence at the time of annexation to the City and has since been in regular and continuous use shall be deemed legal nonconforming.

**1.07.3. Burden of Demonstration.**

The burden of establishing that any nonconformity is a legal nonconformity as defined in this subsection shall be borne by the owner or proponent of such nonconformity.

**1.07.4. Continuing Lawful Use of Property and Existence of Structures.**

1. Abandonment of Nonconforming Use.

If a nonconforming use on a particular parcel of land shall cease operations for a period of more than six (6) months, then such nonconforming use shall be deemed to be permanently abandoned. Unless the Board of Adjustment reinstates the nonconforming rights pursuant to Section 11.6

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Reinstatement of Nonconforming Rights of this Ordinance, such a use shall not be instituted on that parcel or other parcel in any district which does not permit the discontinued use. For the purpose of this paragraph, to “cease operations” shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

2. Reinstatement of Nonconforming Use Rights.

An owner and/or operator of a nonconforming use that has been deemed permanently abandoned pursuant to 1.07.4(1) may request that the nonconforming rights to the use be reinstated pursuant to Section 11.6 Reinstatement of Nonconforming Rights of this Ordinance.

3. Prohibited Expansion or Reoccupation.

A nonconforming use or structure shall not be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this ordinance except as provided in 1.07.6. Expansion of Nonconforming Uses and Structure.

4. Single Family Residential Uses.

- a. Conforming single family residential uses on platted lots approved prior to April 5, 2011, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this ordinance as long as the use of the lot is allowed in the respective district.
- b. Only the lot size, depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this ordinance shall be met, or the lot shall be considered nonconforming.

5. Existing Platted Lots are Conforming Lots.

Any existing vacant lot platted prior to April 5, 2011, which was legally conforming, shall be deemed a conforming lot.

**1.07.5. Changing Uses and Nonconforming Rights.**

1. Nonconforming Use to Conforming Use.

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

2. Nonconforming Use to Another Nonconforming Use.

A nonconforming use may not be changed to another nonconforming use.

3. Conforming Use in a Nonconforming Structure.

Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in 1.07.6 Expansion of Nonconforming Uses and Structures.

**1.07.6. Expansion of Nonconforming Uses and Structures**

An expansion of a nonconforming use or structure is allowed in accordance with the following.

1. Nonconforming Use Expansion in Existing Building.



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A nonconforming use located within a building may be extended throughout the existing building, provided.

- a. No structural alteration, except as provided in 1.07.6(5) below, may be made on or in the building except those required by law to preserve such building in a structurally sound condition.
- b. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

2. Nonconforming Use Prohibited from Expansion beyond Existing Building.

Nonconforming use within a building shall not be extended to occupy any land outside the building.

3. Off-Street Loading and Parking.

Nonconforming use of land or building shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space.

4. Residential Lot Exemption.

The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official "lot of record" prior to April 5, 2011, may be used for a single family dwelling.

5. Expansion of Nonconforming Buildings with Conforming Uses.

Buildings or structures which do not conform to the area regulations or development standards in this ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than 10 percent from the date when the building became nonconforming.

6. Reuse of Abandoned or Vacant Buildings by Conforming Uses Allowed.

Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use.

**1.07.7. Restoration of Nonconforming Structures**

1. Total Destruction.

If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance.

2. Partial Destruction.

In the case of partial destruction of a nonconforming structure not exceeding 51 percent of its total appraised value as determined by the Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.

**1.07.8. Movement of Nonconforming Structures**

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1. Relocation of a Nonconforming Structure within a Platted Lot.  
Nonconforming structures may be relocated within the same platted lot.
2. Compliance.  
Nonconforming structures shall comply with all setback and screening requirements.

**1.07.9. Completion of Structures**

Nothing herein contained shall require any change in the plans, construction, or designated use of the following.

1. Approved Building.  
A building or structure for which a building permit has been issued or a Site Plan approved prior to April 5, 2011.
2. Building in the Approval Process.  
A building or structure for which a complete application for a building permit was accepted by the Chief Building Official on or before the effective date of these regulations, provided however, that such building permit shall comply with all applicable ordinances in effect on the date such application was filed.

## Section 2. Zoning Districts Established

### 2.01 Zoning District Authorization.

This Chapter contains regulations for 19 zoning districts, and the boundaries of those zoning districts are delineated on the Official Zoning District Map.

#### 2.01.1. Zoning Districts.

The location and boundaries of the districts have been established by ordinance and are shown and delineated on the Official Zoning District Map.

#### 2.01.2. Effect of Zoning District Change.

The reclassification of property to a new zoning district is an amendment of the Official Zoning District Map and shall be recorded on the Official Zoning District Map.

#### 2.01.3. Interpretation of District Boundaries.

The district boundary lines shown on the Official Zoning District Map are designed to run regularly along streets, alleys or property lines. When uncertainty exists as to the boundaries of the districts on the Official Zoning District Map, the following rules apply unless indicated otherwise:

- Center Lines. Boundaries approximately following the centerlines of streets or highways shall be construed to follow such centerlines.
- Platted Lot Lines. Boundaries approximately following platted lot lines shall be construed as following such lot lines.
- City Limit Lines. Boundaries approximately following city limits shall be construed as following such city limits.
- Railroad Lines. Boundaries following railroad lines shall be construed to be the middle of the railroad easement or ROW.

Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.

### 2.02 Zoning Districts Established.

#### 2.02.1. Purpose.

The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development within them, and to establish regulations regarding the physical character and intensity of development in order to protect the public health, safety and welfare.

#### 2.02.2. Zoning Districts Established.

The City is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as the following.

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SECTION 2 – ZONING DISTRICTS

District Group Designation	District Symbol	District Name
<b>Special Zoning Districts</b>		
Special Zoning Districts	PUD	Planned Unit Development District
	PD	Predevelopment District
<b>Residential Zoning Districts</b>		
Residential districts	SF1	Single-Family Residential District 1
	SF2	Single-Family Residential District 2
	SF3	Single-Family Residential District 3
	2F	Two-Family Residential ( <i>Duplex</i> ) District
	PH	Patio Home District
	TH	Townhome District
	MF1	Multiple-Family Low Density District 1
	MF2	Multiple-Family High Density District 2
	MH	Manufactured Home Parks District
<b>Nonresidential Zoning Districts</b>		
Commercial	OP	Office & Professional District
	NS	Neighborhood Shopping District
	HD	Highway District
	GC	General Commercial District
	MX	Mixed-Use District
<b>Industrial Districts</b>		
Industrial districts	M1	Industrial Park District
	M2	General Industrial District
	M3	Intensive Industrial District

The single-family dwelling district is comprised of the SF1, SF2, and SF3 districts; the multiple-family district is comprised of the MF1 and MF2 districts.  
(Ord. No. 1679, § V, 11-1-1983)

SECTION 2 – ZONING DISTRICTS

**2.03 Establishment and Interpretation of District Boundaries.**

**2.03.1. Zoning Map.**

The boundaries of the districts are as shown on the map designated as "zoning map," signed by the mayor and City Secretary, and said map shall form part of this ordinance to the same extent as if included herein.

**2.03.2. District Boundaries.**

Unless otherwise indicated on the zoning map, the district boundaries are property lines or the center lines of streets, alleys, or railroad tracks, or the projections thereof, or lines at specified distances therefrom, as same existed at the time of enactment of this ordinance.

**2.03.3. Location of District Boundaries .**

Where uncertainty exists as to the boundaries of any zoning district, or where the boundaries of a street or property existing on the ground are at variance with those shown on the zoning map, the board of adjustment, upon written application or upon its own motion, shall determine the location of such boundaries.

**2.03.4. Exempt Districts.**

Since separate agreements exist between industry and the City of Deer Park, the provisions of this Zoning Ordinance shall not apply to those districts designated as M3 intensive industrial districts on the zoning map as defined in Section 2.03.1 and included as a part of this ordinance.

**2.04 Interpretation of District Bulk and Area Regulations.**

**2.04.1. General.**

Unless otherwise indicated, the bulk and area regulations shall be interpreted to establish maximum or minimum permissiveness as follows:

Lot Area	minimum
Lot Area per Dwelling Unit	minimum
Lot Width	minimum
Usable Open Space	minimum
Front Yard	minimum
Rear Yard	minimum
Side Yards	minimum
Height	maximum

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**2.05 Specific Use Permit (SUP).**

Uses which are regulated by a specific use permit when authorized in any district shall first have complied with the review and administrative procedures set forth under Section 17.04.

**2.06 Zoning Map Reproduction.**

Reproductions for information purposes may be made of the Official or Current Zoning District Map.

**2.07 Zoning Violations.**

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the Zoning Ordinance shall be fined not more than \$2,000 for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 3 – PREDEVELOPMENT DISTRICTS

## Section 3. Predevelopment Districts

### 3.01 Purposes.

The regulations for the predevelopment district are designed to preserve temporarily, in agricultural use, land which may be suited for eventual development in some urban use, pending the need and proper timing for the economical provisions of major streets, utilities and other facilities.

### 3.02 Permitted Uses.

#### 3.02.1. Principal Uses.

Principal uses permitted in a predevelopment district are limited to those included in the use groups set forth below, subject to the indicated district regulations. Detailed lists of permitted uses in the various use groups are set forth in Section 12 of this chapter.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 2. Animal Husbandry	Special conditions as set forth in Section 14.18
Group 3. Single-family Dwellings	None
Group 10. Community Facilities	Specific use permit by City Council & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10.
Group 12. Public Utility & Similar Facilities	Same as Group 10.
Group 28. Outdoor Advertising	Special conditions as set forth in Section 14.22

#### 3.02.2. Accessory Uses.

Accessory uses to any of the above principal uses.

### 3.03 Bulk and Area Regulations.

In a predevelopment district, any use of land and any structure shall be subject to the following bulk and area regulations:

Lot Area	3 acres
Lot Area per Dwelling Unit	3 acres
Lot Width	200 feet
Front Yard	25 feet

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Rear Yard	20 feet
Side Yard	5 feet minimum 10 feet aggregate
Height	35 feet

**3.04 Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12, and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09.

**3.05 Living Area.**

The minimum living area of a single-family dwelling when constructed in any predevelopment district shall be 1,000 SF.



SECTION 4 – RESIDENTIAL DISTRICTS

## Section 4. Residential Districts

### 4.1 Purpose.

The regulations for residential districts are designed to:

- Protect the residential character of areas so designated by excluding therefrom principal commercial and industrial activities;
- Encourage a suitable environment for family life by permitting appropriate neighborhood facilities such as churches, schools, and playgrounds;
- Permit certain institutions and utility facilities considered necessary in or compatible with residential neighborhoods;
- Preserve openness of the living areas and to avoid overcrowding by requiring certain minimum yards, open spaces, and site areas, and maximum bulk of structures;
- Provide for access of light and air to windows and for privacy, as far as possible, by controls over the spacing and height of buildings and other structures;
- Make available areas suitable for a variety of dwelling types and densities to permit a wide range of individual choice;
- Ensure the provision of adequate off-street parking space to provide for the parking needs of the permitted uses;
- Protect residential areas against hazardous, offensive or objectionable influences;
- Protect residential areas against heavy traffic and against through traffic of all kinds.

### 4.2 District Descriptions.

### 4.3 Single Family (SF) District.

#### 4.03.1. Permitted Uses.

##### 4.03.1.1. Principal Uses.

Principal uses permitted in an SF district are limited to those included in the use groups set forth below, subject to the indicated district regulations. Detailed lists of permitted uses in the use groups are set forth in Section 14.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 3. Single-family Dwellings	None
Group 10. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10.

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Group 12. Public Utility & Related Facilities	Same as Group 10.
Group 13. Off-street Parking, Accessory, Special	Specific use permit by City Council, & conditions as set forth in Section 16.09

**4.03.1.2. Accessory Uses.**

Accessory uses to any of the above principal uses.

**4.03.2. Bulk and Area Regulations.**

<b>SF1 District</b>	
Lot Area	6,900 SF
Lot Width	65 feet
Front Yard	25 feet
Rear Yard	20 feet
Side Yard	5 feet minimum 10 feet aggregate
Height	Principal building – 35 feet Accessory structure – 15 feet
<b>SF2 District</b>	
Lot Area	5,000 SF
Lot Width	50 feet
Front Yard	25 feet
Rear Yard	15 feet
Side Yard	5 feet minimum 10 feet aggregate
Height	Principal building – 35 feet Accessory structure – 15 feet
<b>SF3 District</b>	
Lot Area	4,000 SF
Lot Width	40 feet
Front Yard	20 feet
Rear Yard	10 feet
Side Yard	0 feet minimum 10 feet aggregate

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Height	Principal building – 35 feet Accessory structure – 15 feet
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(Ord. No. 1679, § VI, 11-1-1983)

**4.03.1.3. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12, and developed as provided by Section 16.09

(Ord. No. 1679, § VI, 11-1-1983)

**4.03.1.4. Living Area.**

The minimum living area of a single-family dwelling when constructed in any SF single-family district shall be 1,000 SF.

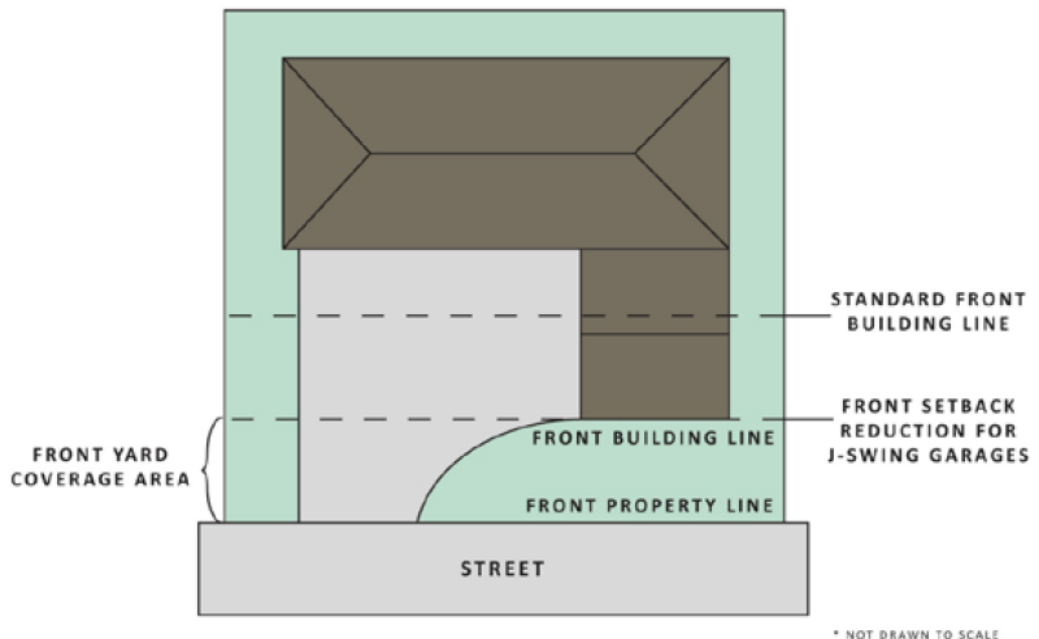
(Ord. No. 1679, § VI, 11-1-1983)

**4.03.1.5. Area Regulations.**

Property and buildings shall conform to the related standards listed within 9.4 Residential Districts Development Standards and the following regulations. If there is a conflict between 9.4 and the following regulations, the following regulations shall control.

▪ Front Yard Coverage.

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall, as shown in the figure below.



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**4.03.1.6. Covered Parking in SF3.**

Covered parking in SF3. In addition to the requirements of Section 4.03.1.3, there shall be required two (2) covered and enclosed parking spaces in SF3 districts.  
(Ord. No. 1679, § VI, 11-1-1983)

**4.4 Two Family (TF) District.**

**4.04.1. General Purpose and Description.**

The TF – Two Family Residential (*Duplex*) District is intended to promote quality duplex residential development. Individual ownership of the two family or duplex unit is encouraged.

This District may include neighborhoods consisting entirely of duplexes, or, when in accordance with the intent of the Comprehensive Plan, may provide a transition district between lower density residential areas and more intense residential, nonresidential areas, or Major Thoroughfares.

**4.04.1.1. Permitted Uses.**

**4.04.1.1.1. Principal Uses.**

Principal uses permitted in a TF district are limited to those included in the use group set forth below, subject to the included district regulations. Uses permitted in the TF District is outlined in Section 10.04 Detailed lists of permitted uses in the use groups are set forth in Section 12.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 3. Single-family Dwellings	None
Group 4. Two-family Dwellings	None
Group 10. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10.
Group 12. Public Utility & Related Facilities	Same as Group 10.
Group 13. Off-street Parking, Accessory, Special	Specific use permit by City Council, & conditions as set forth in Section 16.09

**4.04.1.1.2. Accessory Uses.**

Accessory uses to any of the above principal uses.

**4.04.1.2. Bulk and Area Regulations.**

In a TF district, any use of land and any structure shall be subject to the following bulk and area regulations:

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<b>Lot Area:</b>	
One-family Dwelling	5,000 SF
Two-family Dwelling	7,000 SF
<b>Lot Area Per Dwelling Unit:</b>	
One-family Dwelling	5,000 SF
Two-family Dwelling	3,500 SF
<b>Lot Width:</b>	
One-family Dwelling	50 feet
Two-family Dwelling	70 feet
Front Yard	25 feet
Rear Yard	15 feet
<b>Side Yard:</b>	
One-family Dwelling	5 feet minimum 10 feet aggregate
Two-family Dwelling	9 feet minimum 20 feet aggregate
Height	Principal building – 2 story Accessory structure – 15 feet

(Ord. No. 1830, § 3, 11-19-1985)

**4.04.1.3. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 14, and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09  
(Ord. No. 1679, § VI, 11-1-1983)

**4.04.1.4. Living Area.**

The minimum living area of a single-family dwelling and for each unit in a two-family dwelling when constructed in any TF two-family district shall be 1,000 SF.  
(Ord. No. 1679, § VI, 11-1-1983)

**4.5 Patio Home (PH) District.**

**4.05.1. General Purpose and Descriptions.**

The PH District is provided to allow for development of "zero-lot line" homes in a modified residential district, which encourages greater use of the side yard areas. Clustered lot patterns with a common usable open space system can be incorporated as an integral part of the development.

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**4.05.1.1. Permitted Uses.**

Uses permitted in the PH District is outlined in Section 10.04

1. Zero-lot line, or patio home, residential detached dwellings in a platted subdivision.
2. Community Owned or Multiple Ownership Areas.

Open space, community center, an access gate, an entrance guard facility, recreational building and facilities are permitted uses provided they are incidental to the above-described residential uses, are approved on a Final Plat, and meet the following conditions.

- a. In accordance with the Subdivision Ordinance, a HOA shall be established to maintain open space, recreational areas, and other commonly owned facilities.
  - The developer is responsible for drafting the HOA documents pertaining to the HOA's responsibilities to maintain these areas.
  - Major creek areas delineated as the City's linear park system shown on either the City's Parks Master Plan or City's Hike & Bike Trail Master Plan shall not count towards the required open space. The Major Creeks areas not shown as part of either plan may count toward the required open space where lots do not back to the open space.
- b. Prior to approval of a Final Plat, a document establishing the HOA shall be submitted to the City for review and approved by the City Attorney for conformance with all requirements and other applicable ordinances.
  - The City Attorney shall review and approve the HOA documents pertaining to maintenance of the HOA areas prior to their recording at the County.
  - The developer is responsible for reimbursement of the City Attorney's fees for reviewing these documents.

**4.05.1.2. Area Regulations.**

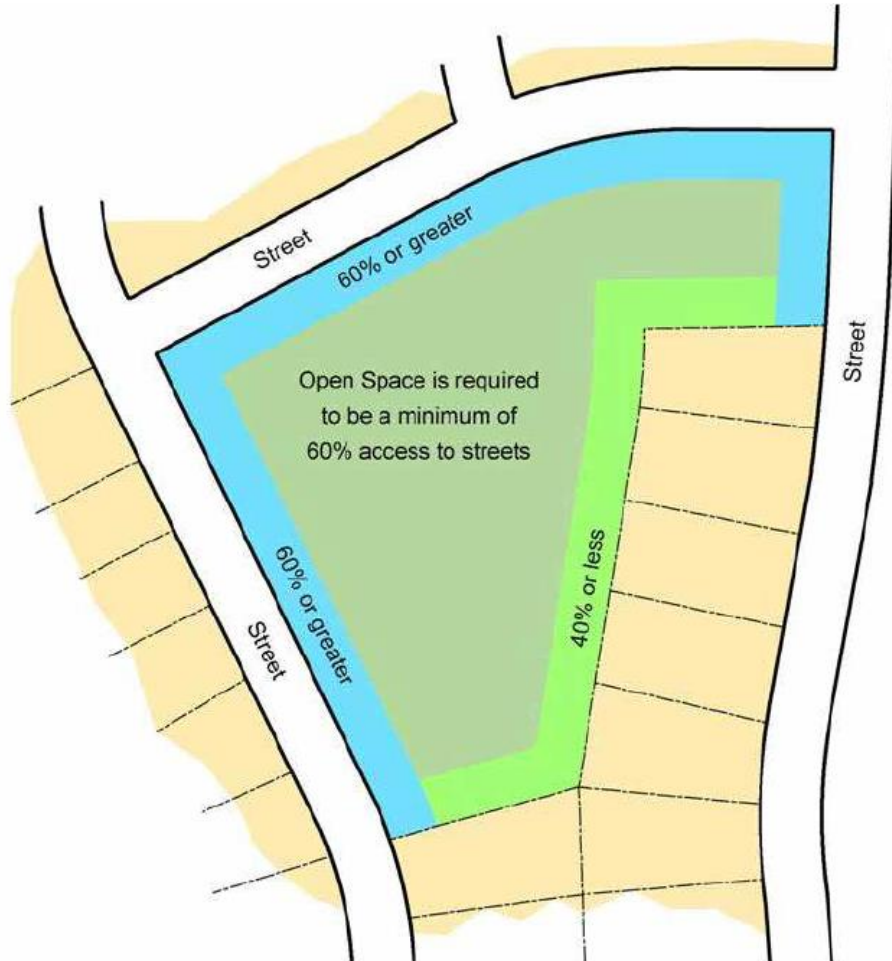
Property and buildings shall conform to the related standards.

1. For lots with a zero (0) side yard setback
  - a. A roof overhang equipped with a gutter may extend a maximum of eight (8) inches into a neighboring property. No other roof overhangs or extensions from a wall may extend into a neighboring lot.
  - b. The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the lot of origin.
  - c. The "zero" side shall be designated on the Final Plat. All access, maintenance, and use easements shall be provided on preliminary and Final Plats.
  - d. A five (5) foot wide access, maintenance, and use easement shall be dedicated on the Final Plat for all lots adjacent to lots with a "zero" side. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.
  - e. The majority of one side of the structure shall be located within three (3) feet of one side lot line. Building walls which are located adjacent to the "zero" side of the lot shall not have any doors, windows, ducts, grills, vents, or other openings. This requirement precludes exterior walls forming enclosures for courts, patios, or similar indentations to the "zero" wall.

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2. Center Option Lots
  - a. Lots not using a zero (0) side yard setback shall be considered center option lots.
  - b. Center option lots shall conform to the related standards
3. Minimum Rear Yard
  - a. 12 feet
  - b. 20 feet for structures accommodating required off-street parking if provided from a dedicated street or private alley



#### 4.6 Townhome (TH) District.

##### 4.06.1. General Purpose and Descriptions.

The TH District provides for the development of attached residential dwelling units in structures built to accommodate three to eight (8) units per structure.

SECTION 4 – RESIDENTIAL DISTRICTS

In those districts where townhouses are a permitted use, the Building Official may issue a building permit for the erection of townhouses, provided that the development conforms to the following minimum conditions and requirements:

**4.06.2. Minimum Site.**

The minimum gross site area for a townhouse development shall be 15,000 SF. In determining compliance with this provision, no part of a lot shall be counted unless it is of such size, shape, topography, and location as to make it usable for individual townhouse lots, common parking or recreation areas, or necessary pedestrian ways.

**4.06.3. Off-street Parking Areas.**

If the required off-street parking facilities are not provided on the individual townhouse lots, they shall be provided on common areas, located within 200 feet of each lot so served, measured along a route of pedestrian access.

**4.06.4. Usable Open Space.**

There shall be at least 900 SF of common recreation area per townhouse lot; the minimum area of any common recreation area shall be 6,000 SF, and the minimum width of any such area shall be 60 feet. Each required common recreation area shall be within 300 feet of all the townhouse lots it is intended to serve, measured along a route of pedestrian access. Each required common recreation area shall be appropriately graded, turfed, surfaced, or otherwise landscaped and provided with suitable drainage facilities.

Pedestrian ways and swimming pools may be included as part of the required usable open space having the required minimum width, but off-street parking areas and service drives may not be included in such areas.

**4.06.5. Common Areas - Ownership and Maintenance.**

For any land or facilities to be used in common by residents of the development, there shall be provisions made for the establishment of a property owner's association to own, manage and maintain such common facilities.

**4.06.6. Public Access.**

Each individual townhouse lot shall abut on a public street.

**4.06.7. Area Regulations.**

1. Minimum Front Yard. 25 feet
2. Minimum Side Yard.
  - Five (5) feet from a side property line when adjacent to open space lots or amenity center lots.



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- 15 feet from a side property line when adjacent to detached residential dwelling units.
  - 20 feet from a side property line when adjacent to a dedicated street.
3. Minimum Rear Yard. 20 feet, 60 feet when the building is in excess of one (1) story and adjacent to a Single Family Zoning District.
4. Structure Separation. Structures on the same parcel shall have the following setbacks and/or minimum distance between structures.
- Minimum Front Yard: 25 feet
  - Minimum Side Yard: 10 feet between buildings without openings (*windows*); 15 feet between buildings with openings and when adjacent to side street; 60 feet when building is in excess of one story in height and adjacent to Single Family Zoning District
  - Minimum Rear Yard: 20 feet; 60 feet when the building is in excess of one story and adjacent to a Single Family Zoning District.

**4.06.8. Permitted Uses.**

Uses permitted in the TH District is outlined in Section 10.04.

1. Community Owned or Multiple Ownership Areas. Common open space, community centers, an access gates, an entrance guard facilities, recreational buildings and facilities are permitted uses provided they are incidental to the above-described residential uses, are approved on a Final Plat, and meet the following conditions.
- 1. In accordance with the Subdivision Ordinance, a homeowners association (HOA) shall be established to maintain open space, recreational areas, and other commonly owned facilities.
    - i. The developer is responsible for drafting the HOA documents pertaining to the HOA's responsibilities to maintain these areas.
  - 2. Prior to approval of a Final Plat, a document establishing the HOA shall be submitted to the City for review and approved by the City Attorney for conformance with all requirements and other applicable ordinances.
    - i. The City Attorney shall review and approve the HOA documents pertaining to maintenance of the HOA areas prior to their recording at the County.
    - ii. The developer is responsible for reimbursement of the City Attorney's fees for reviewing these documents.

**4.7 Multifamily (MF) District.**

**4.8 MF1 District.**

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**4.08.1. Permitted Uses.**

Principal uses permitted in an MF1 district are limited to those included in the use groups set forth below, subject to the indicated district regulations. Detailed lists of permitted uses in the use groups are set forth in Section 12.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 3. Single-family Dwellings	None
Group 4. Two-family Dwellings	None
Group 6. Multiple-family Dwellings	None
Group 10. Community Facilities	Specific use permit by City Council & conditions as indicated in Section 12.
Group 11. Community Facilities	Specific use permit by City Council, & conditions as set forth in Section 12.
Group 12. Public Utility & Related Facilities	Same as Group 11.
Group 13. Off-street Parking, Accessory, Special	Specific use permit by City Council, & conditions as set forth in 16.09

**4.08.1.1. Accessory Uses.**

Accessory uses to any of the above principal uses.

**4.08.2. Bulk and Area Regulations.**

In an MF1 district, any use of land or any structure shall be subject to the following bulk and area regulations.

**4.08.3. General Regulations.**

<b>Lot Area:</b>	
Townhouse Individual Lot	2,500 SF*
One-family Dwelling	6,000 SF
Two-family Dwelling	8,000 SF
Three-family Dwelling	Units × area per unit
Dwelling for 4 or More Families	Units × area per unit
<b>Lot Area Per Dwelling Unit:</b>	
Townhouse Individual Lot	2,500 SF*
One-family Dwelling	6,000 SF

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Two-family Dwelling	4,000 SF
Three-family Dwelling	4,000 SF
Dwelling for 4 or More Families	4,000 SF
<b>Lot Width:</b>	
Townhouse	25 feet
One-family Dwelling	60 feet
Two-family Dwelling	70 feet
Three-family Dwelling	80 feet
Dwelling for 4 or More Families	90 feet
Front Yard	25 feet
Rear Yard	20 feet
<b>Side Yard:</b>	
One-family Dwelling	7 feet minimum – 15 feet aggregate
Two-family Dwelling	9 feet minimum – 20 feet aggregate
Multiple Dwelling	10 feet minimum – 20 feet aggregate
Height	Principal building – 1 story Accessory structure – 15 feet

**4.08.4. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12, and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09.

**4.08.5. Living Area.**

The minimum living area of each dwelling unit constructed in the MF1 district shall be:

- i. 1,000 SF for a single-family dwelling and for each unit in a two-family dwelling.
- ii. 650 SF for each unit of a townhouse or unit in a multiple dwelling.

**4.9 MF2 District.**

**4.09.1. Permitted Uses.**

**4.09.1.1. Principal Uses.**

Principal uses permitted in an MF2 district are limited to those included in the use groups set forth below, subject to the included district regulations. Detailed lists of permitted uses in the various use groups are set forth in Section 12.

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Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 3. Single-family Dwellings	None
Group 4. Two-family Dwellings	None
Group 6. Multiple-family Dwellings	None
Group 7. Apartment Hotels	None
Group 10. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10.
Group 12. Public Utility & Related Facilities	Same as Group 10.
Group 13. Off-street Parking, Accessory, Special	Specific use permit by City Council, & conditions as set forth in Section 16.09

**4.09.1.1.1. Accessory Uses.**

Accessory uses to any of the above principal uses.

**4.09.2. Bulk and Area Regulations.**

In an MF2 district, any use of land or any structure shall be subject to the following bulk area regulations:

**4.09.3. Transitional Regulations.**

The bulk and area regulations for that portion of a zoned lot in the MF2 district which is contiguous with or across the street from a PD, predevelopment or SF, single-family district shall be the same as the general regulations set forth in paragraph B, except that within a 300-foot transitional zone, the minimum lot area per dwelling unit shall be 4,000 SF and the maximum height of the principal building and accessory structure shall be one story.

**4.09.4. General Regulations.**

Lot Area:	
One-family Dwelling	6,000 SF
Two or More Family Dwelling	7,000 SF
Townhouse Individual Lot	2,000 SF*
Lot Area Per Dwelling Unit:	
One-family Dwelling	6,000 SF
Two-family Dwelling	3,500 SF

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Townhouse Individual Lot	2,000 SF*
Three-family Dwelling	2,000 SF
Dwelling for 4 or More Families	2,000 SF
<b>Lot Width:</b>	
One-family dwelling	60 feet
Two or More Family Dwelling	70 feet
Townhouse	20 feet
<b>Yards:</b>	
Front Yard	20 feet
Rear Yard	20 feet
<b>Side Yard:</b>	
One-family Dwelling	7 feet minimum – 15 feet aggregate
Two-family Dwelling	9 feet minimum – 20 feet aggregate
Multiple-family Dwelling	10 feet minimum – 20 feet aggregate townhouse building – 10 feet for each end of building
Height	Principal building 2 stories, not to exceed 35 feet overall Accessory structures 15 feet

**4.09.5. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12, and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09

**4.09.6. Living Area.**

The minimum living area of each dwelling unit constructed in the MF2 district shall be:

- i. 1,000 SF for a single-family dwelling and for each unit in a two-family dwelling.
- ii. 650 SF for each unit of a townhouse or unit in a multiple dwelling.

**4.10 Manufactured Homes Parks (MP) District.**

**4.10.1. Permitted uses.**

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**4.10.1.1. Principal Uses.**

Principal uses permitted in an MP district are limited to those included in the use groups set forth below, subject to the included district regulations. Detailed lists of permitted uses in the various use groups are set forth in Section 12.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 3. Single-family Dwellings	None
Group 9. Manufactured Home Parks	Conditions as indicated in Section 4.13
Group 10. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10.
Group 12. Public Utility & Related Facilities	Same as Group 10.
Group 13. Off-street Parking, Accessory, Special	Specific use permit by City Council, & conditions as set forth in Section 16.09.

**4.10.1.1.1. Accessory Uses.**

Accessory uses to any of the above principal uses.

**4.10.2. Bulk and Area Regulations.**

In an MP district, any use of land or any structure shall be subject to the following bulk and area regulations:

<b>Lot Area:</b>	
One-family dwelling	6,000 SF
Manufactured homes park	40,000 SF
Lot area per dwelling unit:	
One-family dwelling	6,000 SF
Manufactured home	4,000 SF
<b>Lot Width:</b>	
One-family dwelling	60 feet
Manufactured home parks	115 feet
Front yard	25 feet
Rear yard	20 feet
<b>Side Yard:</b>	

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One-family dwelling	7 feet minimum 15 feet aggregate
Manufactured home	5 feet minimum 12 feet aggregate
Height	Principal building—35 feet overall

**4.10.3. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12, and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09

**4.11 Special Types of Residential Development.**

Provisions regulating special types of residential development are set forth in Section 4.12. These special types of development include building groups, townhouses and manufactured home parks.

**4.12 Building groups.**

In those districts where dwelling groups and apartment house groups are permitted uses, the Building Official may issue a building permit for the erection of such a building group, provided that the development conforms to the following minimum conditions and requirements:

**4.12.1. Minimum Lot Area.**

The area of the lot on which the building group is to be erected shall be at least equal to the aggregate of the minimum lot areas otherwise required for the individual buildings in the group.

**1. Fronting Separations.**

Each residential building in the group shall front either on a street or other permanent public open space at least 30 feet wide or on a common yard or outer court. The least width of such yard, if flanked by buildings on one side only, shall be:

1 to 1.5 stories	30 feet
2 stories	35 feet
<b>If flanked by buildings on both sides, the least width of such yard shall be:</b>	
1 to 1.5 stories	40 feet
2 stories	50 feet

**2. Separation Other Than Fronting.**

In each case, the distance between principal buildings, other than the distances specified immediately above, shall not be less than the sum of the least widths of the affected yards required in the district in which the building group is to be located.

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3. Separation From Lot Lines.

The distance between principal buildings and the nearest zoning lot lines, other than a front lot line, shall be not less than 20 feet.

**4.12.2. Access To a Public Street.**

Every residential structure in the building group shall be within 60 feet of a public street or of a private access roadway or drive, having a minimum paved width of 20 feet, provided the length of such private access road be a maximum of 500 feet measured from the street to the end of a turnaround. Pavement design including turnaround shall comply with the improvement standards of the City's subdivision regulations.

**4.12.3. Compliance With Other Ordinance Requirements.**

Except as modified in this subparagraph 4.12, such building group shall conform to all the requirements of this ordinance for the district in which it is to be located.

**4.13 Manufactured Home Parks.**

Manufactured home parks may be established provided the development conforms to the following minimum conditions and requirements:

**4.13.1. Minimum Site.**

The minimum gross area for a manufactured home parks development shall be 40,000 SF. In determining compliance with this provision, no part of a lot shall be counted unless it is of such size, shape, topography and location as to make it usable for individual manufactured home lots, common recreation areas or necessary vehicular or pedestrian ways.

**4.13.2. Usable Open Space.**

There shall be at least 600 SF of usable open space per individual manufactured home; the minimum width of any such [open space] shall be 80 feet. Each required common area shall be within 300 feet of all the manufactured homes it is intended to serve, measured along a route of pedestrian access. Each required common area shall be appropriately graded, turfed, or otherwise landscaped, and provided with suitable drainage facilities.

**4.13.3. Accessory Commercial Use.**

In a manufactured home park contained [containing] at least 100 dwelling units, there may be provided for the convenience of the residents of the development [an] accessory commercial area, provided the commercial area meets the following conditions:

1. The gross floor area devoted to commercial purposes shall not exceed two (2) SF for each manufactured home site in the manufactured home park development.
2. No commercial parcel shall be closer than 300 feet to any property in an SF, TF or MF district outside the development.



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3. Any commercial parcel shall be governed by the requirements of the Neighborhood Shopping (NS) district. No illuminated signs shall be visible outside the premises.

**4.13.4. Other Regulations.**

The development shall conform with the Mobile Home, chapter 58 of Code the of the City of Deer Park, and all other applicable city and state regulations.

## Section 5. Mixed-Use (MX) Districts

### 5.01 Purpose and Intent.

The MX District is established to provide for high density, multiple family residential development, generally with a minimum density of 40 dwelling units per acre; for mixed use development consisting primarily of multiple family residential development, generally with a density of at least 20 dwelling units per acre, with secondary office and/or other commercial uses. MX Districts should be located in those limited areas where such high density residential or residential mixed use development is in accordance with the adopted comprehensive plan such as within areas delineated as Commercial Revitalization Areas and Urban and Suburban Centers. The MX District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments, to encourage the use of Transportation Demand Management techniques, and to otherwise implement the stated purpose and intent of this Ordinance and the recommendations of the comprehensive plan.

### 5.02 Principal Uses Permitted.

The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of the City of Deer Park, and subject to the use limitations set forth in Section 5.06 below.

- Dwellings, multi-family.
- Public uses.

### 5.03 Secondary Uses Permitted.

The following secondary uses shall be permitted only in a MX District which contains one (1) or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of the City of Deer Park, and subject to the use limitations set forth in Section 6.06 below.

- Church or other place of worship.
- Private schools of general and special education.
- Colleges, universities
- Medical offices and related facilities.
- Financial Institutions.
- Offices.
- Business services.
- Office supply service establishments.
- Commercial swimming pools, tennis courts and similar courts
- Health clubs
- Residential Dwellings
  - a. Single-family attached;
  - b. Multifamily;
  - c. Congregate living facilities;
  - d. Affordable dwelling units;
  - e. Independent living facilities; and
  - f. Student housing.

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- Eating establishments.
  - a. Sit down restaurants.
  - b. Fast food restaurants.
  - c. Quick-service food stores.
- Hotels, motels.
- Shopping-type Consumer Goods and Related Services limited to:
  - a. Antique store;
  - b. Camera and photographic supplies: sales and rental;
  - c. Dry goods store;
  - d. Jewelry, sales and repair;
  - e. Music, musical instruments, phonograph record shop; and
  - f. Bowling alley.
- Cultural centers, museums and similar facilities
- Repair service establishments.
- Retail sales establishments.
- Theatres.
- Veterinarian: office only
- Vehicle transportation service establishments.

#### **5.04 Special Permit Uses.**

For specific Group uses, regulations and standards, refer to Section 17.04

#### **5.05 Special Exception Uses.**

1. Subject to the use limitations presented in Section 5.06 below, any use presented in Section 5.03 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.
2. Group 11 – Community Facilities, limited to:
  - a. Sports arenas
  - b. Stadiums
  - c. Club or lodge, private
3. Group 12 – Public Utility and Related Facilities, limited to:
  - a. Heliports
  - b. Helistops
  - c. Bus terminal

#### **5.06 Use Limitations.**

1. A final development plan shall be submitted and approved concurrently with the conceptual development plan for the proposed development. The conceptual and final development plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will integrate with the adjacent communities and complement existing and planned development by incorporating high

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standards of urban design. The plan shall also be in general accordance with any specific urban design concept and streetscape plans for the area including the provision of convenient and accessible pedestrian walkways and connections, all as set forth in the adopted comprehensive plan.

2. The principal residential use shall be multiple family dwelling units. Single family attached dwellings may be allowed at the periphery of the development to provide a transition from the high density development to adjacent lower density development.
3. All uses shall be designed to be harmonious with and not adversely affect the use or development of neighboring properties.
4. Secondary uses may be permitted only in a MX District where at least 50 percent of the total gross floor area in the development is devoted to multiple family dwellings.
5. The floor area for dwellings shall be determined in accordance with the gross floor area definition, except the following features shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways which may be roofed but which have two (2) open ends. An open side or open end shall have no more than 50 percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features.
6. Drive-through facilities shall not be permitted.
7. Vehicle transportation service establishments shall be permitted in accordance with the following:
  - a. The total number of company vehicles permitted on site at any given time shall not exceed five (5).
  - b. There shall be no maintenance or refueling of vehicles on site.

### **5.07 Lot Size Requirements.**

1. Minimum District Size.  
Two (2) acres, provided the proposed development is in accordance with the adopted comprehensive plan and the purpose and intent and all of the standards and requirements of the MX District.
2. Minimum Lot Area.  
No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a rezoning application or by the Planning Commission in conjunction with the approval of a subsequent final development plan amendment.
3. Minimum Lot Width.  
No requirement for each use or building.

### **5.08 Bulk Regulations.**

In a mixed building in any district, the bulk and area regulations applicable to nonresidential buildings shall apply, except as follows:

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- Usable open space shall be provided, as required for residential buildings.
- Yards and courts shall be provided contiguous to all exterior walls of dwelling units in a multiple use building where such walls contain windows or doors, in the same manner and to the same extent as is required for any residential building, but such yards or courts need not extend below the elevation of the lowest floor of the dwelling units having such walls.

**5.09 Open Space.**

Not less than 20 percent of the gross area shall be landscaped open space. Not more than one-half (1/2) of the minimum required landscaped open space shall be permitted above the street level, unless otherwise modified by the Board upon specific request.

Recreational facilities, such as swimming pools, exercise rooms, or health clubs, which are located on rooftops, deck areas and/or areas within a building, may be used to fulfill this requirement. The requirement for providing recreational facilities shall be based on a minimum expenditure of \$1800 per dwelling unit for such facilities and either:

1. The facilities shall be provided on-site by the developer in substantial conformance with the approved final development plan, and/or
2. The Board may approve the provision of the facilities on land which is not part of the subject MX District.

Notwithstanding the above, in affordable dwelling unit developments, the requirement for a per dwelling unit expenditure shall not apply to affordable dwelling units.

SECTION 6 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

## **Section 6. Planned Unit Development (PUD) Districts.**

### **6.01 Intent.**

The planned unit development district allows for a development containing uses or a combination of uses in a design that would not otherwise comply with the regulations of the primary zoning districts, but does provide an overall design, increased open space, or other features or amenities that results in a superior development or offer special benefits to the community. A planned unit development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts while greater flexibility is given to allow special conditions or restrictions which would otherwise allow the development to occur. A planned unit development district may not be used for the primary purpose of avoiding the zoning regulations applicable to the primary zoning districts. Procedures are established herein to insure against misuse of increased flexibility.

(Ord. No. 2782, § I, 10-16-2001)

### **6.02 Permitted Uses.**

Any use permitted in this ordinance shall be permitted in a PUD district if such use is specified in the amending ordinance granting a planned unit development district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

### **6.03 Planned Unit Development Requirements.**

1. Development requirements for each PUD district shall be set forth in the amending ordinance granting the PUD district and shall include, but may not be limited to; uses, density, lot area, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
2. In the PUD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The particular zoning district must be stated in the granting ordinance.
3. The ordinance granting a PUD district shall include a statement as the purpose and intent of the PUD granted therein. A specific list is required of variances in each district or districts and general statement citing the reason for the PUD request.
4. The planned unit development district shall conform to all other sections of Ordinance 819 (*the Zoning Ordinance*) unless specifically excluded in the granting ordinance.
5. A district containing only residential uses will not be created unless it contains at least ten acres. A district containing both residential and nonresidential uses will not be created unless it contains at least 25 acres of land. The Planning and Zoning Commission may recommend approval of and the council may approve a district with less land than specified in this section, if the developer clearly demonstrates that a smaller district would achieve the intent of the district.

SECTION 6 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

(Ord. No. 2782, § I, 10-16-2001)

#### **6.04 Submission of Application and Plan.**

1. Written request and fee for the establishment of a planned unit development district must be accompanied by a conceptual plan and/or final development plan. The conceptual plan or final development plan must be submitted in the form and manner specified by the Director of Public Works or other designee (*referred to herein as the "Director"*).
2. The conceptual plan, which does not contain the detail required of the final development plan, is intended to provide sufficient information for public comment and for the Planning and Zoning Commission and council to make a preliminary, but not final, determination on the merits of development, without requiring the applicant to incur the expense of preparing a final development plan. In addition to any other information required by the Director, the conceptual plan must contain the following minimum information.
  - a. A list of proposed land uses and the acreage devoted to each type of use;
  - b. A general site plan showing the approximate location of buildings, parking lots, and streets, the maximum building height, and the setbacks from all boundaries;
  - c. The maximum densities for residential uses and the maximum floor area for nonresidential uses;
  - d. Significant environmental features including fault lines, wet lands, floodplains, and watercourses;
  - e. The areas devoted to common open space;
  - f. Stormwater detention system;
  - g. A general landscape plan;
  - h. Major signs; and
  - i. Information relating to the transition between and buffering of differing land uses.
3. The final development plan is intended to provide all the detailed information of development including all the regulations that will apply to the district. The final development plan submitted must include all the information required by the conceptual plan, but in specific detail, and all the information specified by the Director.

(Ord. No. 2782, § I, 10-16-2001)

#### **6.05 Approval Procedures.**

1. A PUD district may be created by the City Council approving by ordinance a conceptual plan or a final development plan. City approval of a conceptual plan does not give the owner any development rights in the premises; it only gives the owner the right to proceed with the submission of a final development plan. The creation of a PUD district is an amendment to the existing zoning district classification and will be considered by the Planning and Zoning Commission and City Council, after public notice and hearing, in the same manner as other changes in zoning district classification.
2. If a district is created upon approval of a conceptual plan, a final development plan must be submitted to the Director within one year of the date the conceptual plan was approved. If the final

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development plan submitted substantially complies with the conceptual plan, the Director may submit the final development plan to the Planning and Zoning Commission and to the council for consideration with or without further public notice or hearing. If the final development plan submitted does not substantially comply with the conceptual plan approved for the district, the notice and hearing procedures applicable to a change in zoning classification apply to approval of the final development plan. The final development plan is not effective unless approved by ordinance of the City Council.

3. If a final development plan is not submitted within the required time, the Director will initiate a rezoning of the land to the previous zoning district classification. Upon the written request of the owner and for good cause shown, the Director may extend the time for submitting a final development plan for up to one year. Any further extensions must be approved by the City Council, upon the recommendation of the Planning and Zoning Commission.
4. If development of the district has not been initiated by the issuance of a building permit for land within the district within two (2) years of the date of the approval of the final development plan, the final development plan automatically expires. The council may, prior to expiration of the final development plan, for good cause shown and upon written application of the owner, extend for up to one year the time for which the final development plan is valid. If the final development plan expires, the Director will initiate rezoning of the property back to the previous zoning classification.

(Ord. No. 2782, § I, 10-16-2001)

#### **6.06 Development Plan.**

This plan shall set forth the final plans for development of the PUD District and shall conform to the date presented and approved on the conceptual plan. Changes of detail on the development plan, which differ from the original concept plan, but do not alter the basic relationship of the proposed development to adjacent property, and which do not alter the uses permitted or increase the density, building height or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site, or does not significantly alter any open space plans as indicated on the approved conceptual plan may be authorized by the Planning and Zoning Commission without public hearing. If an agreement cannot be reached by the Planning and Zoning Commission regarding whether a development plan conforms to the original concept plan, the Planning and Zoning Commission shall follow the procedures for public hearing for zoning change before final approval of the plan. Approval of the development plan shall be the basis for issuance of a building permit, but does not release the applicant of the responsibility to submit plans to the Building Official for a building permit. For any residential district, a final plat shall qualify as the development plan. The development plan may be submitted for the total area of the PUD or for any section or part as approved on the conceptual plan. The development plan must be recommended for approval by the Planning and Zoning Commission and approved by the City Council, but a public hearing is not required unless there is change from the approved original concept plan. A public hearing for the development plan shall be required if the hearing requirement is specifically stated at the time of conceptual plan approval in the original amending ordinance.

(Ord. No. 2782, § I, 10-16-2001)

#### **6.07 Contents of Development Plan.**

The development plan shall include:



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1. A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood-prone areas.
2. A scale drawing showing any proposed public or private streets and alleys; buildings sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening, and street changes; the description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with a topographical contour interval of not more than five feet.
3. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between building property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking, and the size and location for ingress and egress to any nonresidential uses.
4. A landscape plan showing turf areas, screening walls, ornamental planting, any wooded areas and trees to be planted.
5. An architectural plan showing elevations and signage style to be used throughout the development in all districts, except single-family and two-family, may be required by the Planning and Zoning Commission or City Council if deemed appropriate.
6. All development plans may have supplemental data describing standards, regulations or other data [data] pertinent to the development of the planned unit development district which is to be included in the text of the amending ordinance.

(Ord. No. 2782, § I, 10-16-2001)

#### **6.08 Development of a District.**

Development or construction must not begin in a PUD District unless and until the council has approved a final development plan for the district. A district must be constructed, developed and maintained in compliance with the approved final development plan. If the zoning regulations governing height or setback of structures, building lot coverage, off-street parking requirements, signs or other regulations that apply to primary districts are omitted as part of the regulations governing any planned development district, the regulations for the most comparable primary zoning district, as determined by the Director, apply to the PUD district as though specifically contained in the ordinance governing the district.

(Ord. No. 2782, § I, 10-16-2001)

#### **6.09 Plan Amendments.**

Except as herein provided, an amendment to a conceptual plan or final development plan must be processed in the same manner as required for the approval of the district. The Director may approve minor amendments to a final development plan to correct errors, make adjustments, or other minor revisions that do not.

1. Increase the density or intensity of development;

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2. Substantially alter the arrangement of buildings, increase the number of buildings, change the use of building space or reduce a required yard or setback;
  3. Substantially alter the configuration of streets or lots;
  4. Substantially alter the vehicular circulation or placement of parking lots;
  5. Increase the height of buildings;
  6. Reduce the effectiveness of open space or landscaped areas; or
  7. Conflict with other regulations established for the district.
- (Ord. No. 2782, § I, 10-16-2001)

SECTION 7 – COMMERCIAL DISTRICTS

## Section 7. Commercial Districts

### 7.01 Purposes.

The commercial districts established under Section 7 are designed to further the general purpose of this ordinance and more particularly to achieve the following purposes:

1. Help meet the requirements for commercial services and goods of the Deer Park trade area by making available a wide range of suitable sites for commercial activities;
2. Help develop sound, efficient, and stable commercial areas and to minimize the possibly adverse effects of commercial uses on other land uses and thoroughfares, by various means, including the following:
  - a. Differentiating among the types and purposes of commercial districts and providing districts permitting only certain carefully limited uses to fulfill such purposes;
  - b. Requiring the meeting of performance standards with respect to permitted uses, in order to protect other uses from fire and other hazards and from adverse influences;
  - c. Establishing bulk and area controls to help minimize congestion and to encourage compatibility between adjoining districts;
  - d. Required off-street loading and parking facilities in most districts to minimize congestion and facilitate traffic flow;
  - e. Controlling the number, area, location, and types of signs permitted;
  - f. Providing for freedom of architectural and site design; and
  - g. Protecting the character of commercial districts and their peculiar suitability for commercial uses.
3. To provide opportunities for investment, including maximum choice of sites consistent with sound development of residential areas and thoroughfares.

### 7.02 District Descriptions.

#### 7.02.1. Office and Professional (OP) District.

##### 7.02.1.1. Permitted Uses.

##### 7.02.1.1.1. Principal Uses.

Principal uses permitted in an OP district are limited to those included in the use groups set forth below, subject to the indicated district regulations. Detailed lists of permitted uses in the use groups are set forth in Section 12.

Use Groups	District Regulations
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Group 1. Agriculture (field crops, etc.)	None
Group 10. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10.
Group 12. Public Utility & Related Facilities	Same as Group 10.
Group 13. Off-street Parking Accessory, Special	Specific use permit by City Council, & conditions as set forth in Section 16.09
Group 14. Medical Offices & Related Facilities	None
Group 15. General Offices & Related Facilities	None

(Ord. No. 1692, § II, 12-20-1983; Ord. No. 1715, § II, 3-20-1984)

**7.02.1.1.2. Accessory Uses.**

Accessory uses to any of the above principal uses.

**7.02.1.2. Bulk and Area Regulations.**

In an OP district, any use of land or structures shall be subject to the following bulk and area regulations:

**7.02.1.3. Nonresidential Buildings.**

Front Yard*	40 feet
Side Yard, Interior* ( <i>adjacent to residential</i> )	10 feet
Side Yard, Interior* ( <i>adjacent to commercial</i> )	5 feet
Side Yard, Exterior*	10 feet
Side Yard, Exterior* ( <i>corner lot, on thoroughfares</i> )	40 feet
Rear Yard*	12 feet
Height	60 feet

\*Apply regulations under Sections 15.03.3, 15.04.2, and 15.05.03 when abutting a predevelopment or residential district.

(Ord. No. 1883, § II, 12-16-1986)

**7.02.1.4. Residential Buildings.**

The bulk and area provisions of the SF2 districts shall apply.

**7.02.1.5. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12, and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09.

SECTION 7 – COMMERCIAL DISTRICTS

**7.02.2. Neighborhood Shopping (NS) District.**

**7.02.2.1. Permitted Uses.**

**7.02.2.1.1. Principal Uses.**

Principal uses permitted in an NS district are limited to those included in the use groups set forth below, subject to the included district regulations. Detailed lists of permitted uses in the use groups are set forth in Section 12.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 10. Community Facilities	Specific use permit by City Council & conditions as indicated in Section 12.
Group 11. Community Facilities	Specific use permit by City Council & conditions as indicated in Section 12.
Group 12. Public Utility & Related Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 14. Medical Offices & Related Offices	None
Group 15. General Offices & Related Facilities	None
Group 16. Convenience Goods & Services	None

(Ord. No. 1692, § II, 12-20-1983; Ord. No. 1715, § II, 3-20-1984)

**7.02.2.1.2. Accessory Uses.**

Accessory uses to any of the above principal uses.

**7.02.2.2. Bulk and Area Regulations.**

In an NS district any use of land or any structure shall be subject to the following bulk and area regulations:

**7.02.2.3. Nonresidential Buildings.**

Front Yard*	40 feet
Side Yard, Interior* ( <i>adjacent to residential</i> )	10 feet
Side Yard, Interior* ( <i>adjacent to commercial</i> )	5 feet
Side Yard, Exterior*	10 feet
Side Yard, Exterior* ( <i>corner lot, on thoroughfares</i> )	40 feet

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Rear Yard*	12 feet
Height	35 feet

\*Apply regulations under Sections 15.03.3, 15.04.2, and 15.05.03 when abutting a predevelopment or residential district.

(Ord. No. 1883, § III, 12-16-1986)

**7.02.2.4. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12, and developed as provided [in] Section 16.09. Off-street loading requirements are set forth in Section 16.09.

**7.02.3. Highway (HD) District.**

**7.02.3.1. Permitted Uses.**

**7.02.3.1.1. Principal Uses.**

Principal uses permitted in [an] HD district are limited to those included in use groups set forth below, subject to the indicated district regulations. Detailed lists of permitted uses in the use groups are set forth in Section 12.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 8. Hotel & Transient Housing	None
Group 10. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10.
Group 12. Public Utility & Related Facilities	Same as Group 10.
Group 14. Medical Offices & related Facilities	None
Group 15. General Offices & related Facilities	None
Group 16. Convenience Goods & Services	None
Group 17. Eating Places with Beer & Wine	Eating places serving alcoholic beverages must be enclosed food establishments that receive a minimum of 51 percent of their monthly gross receipts for the sale of service of food, without dancing, except where there is a private party.
Group 18. Shopping-type Consumer Goods & Related Services	None
Group 19. Service Stations & Drive-in Restaurants	Conditions as indicated in Section 12.

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Group 23. Automobile Sales & Service Establishments	None
Group 28. Outdoor Advertising	Conditions as set forth in Section 14.22
Group 30. Manufactured Homes & Trailers	None

(Ord. No. 1692, § II, 12-20-1983; Ord. No. 1715, § II, 3-20-1984; Ord. No. 1830, § 14, 11-19-1985; Ord. No. 3085, § I, 5-16-2006)

**7.02.3.1.2. Accessory Uses.**

Accessory uses to any of the above principal uses.

**7.02.3.2. Bulk and Area Regulations.**

In an HS district any use of land or any structure shall be subject to the following bulk and area regulations:

Front Yard*	40 feet
Side Yard, Interior* ( <i>adjacent to residential</i> )	10 feet
Side Yard, Interior* ( <i>adjacent to commercial</i> )	5 feet
Side Yard, Exterior*	10 feet
Side Yard, Exterior* ( <i>corner lot, on thoroughfares</i> )	40 feet
Rear Yard*	12 feet
Height	35 feet

\*Apply regulations under Sections 15.03.3, 15.04.2, and 15.05.03 when abutting a predevelopment or residential district.

(Ord. No. 1883, § V, 12-16-1986)

**7.02.3.3. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12 and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09.

**7.02.4. General Commercial (GC) District.**

**7.02.4.1. Permitted Uses.**

**7.02.4.1.1. Principal Uses.**

Principal uses permitted in [a] GC district are limited to those included in the use groups set forth below, subject to the indicated district regulations. Detailed lists of permitted uses in the use groups are set forth in Section 12.

Use Groups	District Regulations
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Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 10. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10
Group 12. Public Utility & Related Facilities	Same as Group 10
Group 14. Medical Offices & Related Facilities	None
Group 15. General Offices & Related Facilities	None
Group 16. Convenience Goods & Services	None
Group 18. Shopping-type Consumer Goods & Related Services	None
Group 19. Service Stations & Drive-in Restaurants	Conditions as indicated in Section 12.
Group 20. Local Consumer Services	Conditions as indicated in Section 12.
Group 21. Major Commercial Recreation Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 23. Automobile Sales & Related Service Establishments	None
Group 33. Light specialty shops	Specific use permit by City Council.

(Ord. No. 1692, § II, 12-20-1983; Ord. No. 1715, § II, 3-20-1984; Ord. No. 2758, § I(2), 6-5-2001; Ord. No. 2761, § I, 6-19-2001)

**7.02.4.1.2. Accessory Uses.**

Accessory uses to any of the above principal uses.

**7.02.4.2. Bulk and Area Regulations.**

In a GC district any use of land or any structure shall be subject to the following bulk and area regulations:

Front Yard*	40 feet
Side Yard, Interior* ( <i>adjacent to residential</i> )	10 feet
Side Yard, Interior* ( <i>adjacent to commercial</i> )	5 feet
Side Yard, Exterior*	10 feet
Side Yard, Exterior* ( <i>corner lot, on thoroughfares</i> )	40 feet
Rear Yard*	12 feet
Height	35 feet

\*Apply regulations under Sections 15.03.3, 15.04.2, and 15.05.03 when abutting a predevelopment or residential district.

(Ord. No. 1883, § VI, 12-16-1986)



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**7.02.4.3. Off-street Parking and Loading Requirements.**

The number of off-street parking spaces required shall be as set forth in Section 12 and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09.

SECTION 8 – INDUSTRIAL DISTRICTS

## Section 8. Industrial Districts

### 8.01 Purpose.

The industrial districts established under Section 8 are designed to further the general purposes of this ordinance and are more particularly to achieve the following purposes:

1. To meet the needs of the City's expected future industrial economy by making available sites suitable for all types of manufacturing and related activities.
2. To protect residences by separating them from manufacturing activities and by prohibiting the use of such space for new residential development.
3. To protect manufacturing and related development against congestion by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities.

### 8.02 District Descriptions.

#### 8.02.1. Industrial Park (M1) District.

##### 8.02.1.1. Permitted Uses

##### 8.02.1.1.1. Principal Uses

Uses permitted in an M1 district are limited to those included in the use groups set forth below, subject to the indicated district regulations provided that such permitted uses shall not create any danger to health or safety to occupants of surrounding areas and do not create any offensive noise, vibration, smoke, dust, odor, heat or glare, and by reason of high volume in relation to size and weight of merchandise handled, create unobjectionable generation of truck traffic. Detailed lists of permitted uses in the use groups are set forth in Section 12.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 10. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 11. Community Facilities	Same as Group 10.
Group 12. Public Utility & Related Facilities	Same as Group 10.
Group 15. General Offices & Related Facilities	None
Group 19. Service Stations & Drive-in Restaurants	Conditions as indicated in Section 12.

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Group 23. Automobile Sales & Service Establishments	Conditions as indicated in Section 12.
Group 24. Industrial Group A	None
Group 25. Industrial Group B	None
Group 26. Industrial Group C	None
Group 30. Manufactured Homes & Trailers	None
Group 34. Industrial Park District & General industrial District	Specific use permit by City Council & conditions as indicated in Section 12.

(Ord. No. 1639, § II(3), 2-15-1983; Ord. No. 1679, § II, 11-1-1983; Ord. No. 1830, § 14, 11-19-1985; Ord. No. 2827, § I(1), 7-16-2002; Ord. No. 2876, § I(2), 2-4-2003)

**8.02.1.1.2. Accessory Uses**

Accessory uses to any of the above principal uses.

**8.02.1.2. Bulk and Area Regulations**

In an M1 district any use of land or any structure shall be subject to the following bulk and area regulations:

Lot Area	20,000 SF
Lot Width	100 feet
Front Yard	40 feet
Side Yard	15 feet
Rear Yard	20 feet
Height	50 feet

(Ord. No. 1198, § 1, 7-6-1976)

**8.02.1.3. Off-street Parking and Loading Requirements**

The number of off-street parking spaces required shall be as set forth in Section 12, and developed as provided by Section 16.09. Off-street loading requirements are set forth in Section 16.09

**8.02.2. General Industrial (M2) District**

**8.02.2.1. Permitted Uses**

**8.02.2.1.1. Principal Uses**

Uses permitted in an M2 district are limited to those included in the use groups set forth below subject to the indicated district regulations provided that such permitted uses shall not create any danger to health or safety to occupants of surrounding areas and do not

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create any offensive noise, vibration, smoke, dust, odor, heat or glare. Detailed lists of permitted uses in the use groups are set forth in Section 12.

Use Groups	District Regulations
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 11. Community Facilities	Specific use permit by City Council, & conditions as indicated in Section 12.
Group 12. Public Utility & Related Facilities	Same as Group 10.
Group 15. General Offices & Related Facilities	None
Group 19. Service Stations & Drive-in Restaurants	Conditions as indicated in Section 12.
Group 21. Major Commercial Recreation Facilities	Conditions as indicated in Section 12.
Group 22. Taverns, Nightclubs & Semiprivate Clubs	Special conditions as set forth in Section 14.29
Group 23. Automobile Sales & Service Establishments	Conditions as indicated in Section 12.
Group 24. Industrial Group A	None
Group 25. Industrial Group B	None
Group 26. Industrial Group C	None
Group 28. Billboards	Special conditions as set forth in Section 14.22
Group 30. Manufactured Homes & Trailers	None
Group 34. Industrial Park District & General Industrial District	Specific use permit by City Council & conditions as indicated in Section 12.

(Ord. No. 1639, § II(4), 2-15-1983; Ord. No. 1679, § II, 11-1-1983; Ord. No. 1830, § 14, 11-19-1985; Ord. No. 2827, § I(1), 7-16-2002; Ord. No. 2876, § I(2), 2-4-2003)

**8.02.2.1.2. Accessory Uses**

Accessory uses to any of the above principal uses.

**8.02.2.2. Bulk and Area Regulations**

In an M2 district, any use of land or any structure shall be subject to the following bulk and area regulations:

Front Yard	25 feet
Side Yard*	None
Rear Yard	20 feet

\*Apply exceptions under Sections 15.03.3, 15.04.2, and 15.05.03 when abutting a predevelopment or residential district.

SECTION 8 – INDUSTRIAL DISTRICTS

**8.02.3. Intensive Industrial (M3) District**

**8.02.3.1. Permitted Uses**

**8.02.3.1.1. Principal Uses**

Uses permitted in an M3 district are limited to those included in the use groups set forth below subject to the indicated district regulations provided that such permitted uses shall not create any danger to health or safety to occupants of surrounding areas and do not create any offensive noise, vibration, smoke, dust, odor, heat or glare. Detailed lists of permitted uses in the use groups are set forth in Section 12.

<b>Use Groups</b>	<b>District Regulations</b>
Group 1. Agriculture ( <i>field crops, etc.</i> )	None
Group 2. Agriculture ( <i>animal husbandry</i> )	Special conditions as set forth in Section 14.19
Group 12. Public Utility & Related Facilities	Specific use permit by City Council & conditions indicated in Section 12.
Group 15. General Offices & Related Facilities	None
Group 19. Service Stations & Drive-in Restaurants	Conditions as indicated in Section 12.
Group 21. Major Commercial Recreation Facilities	Conditions as indicated in Section 12.
Group 22. Tavern, Nightclubs & Semiprivate Clubs	Special conditions as set forth in Section 14.29
Group 23. Automobile Sales Service Establishments	Conditions as indicated in Section 12.
Group 24. Industrial Group A	None
Group 25. Industrial Group B	None
Group 26. Industrial Group C	None
Group 27. Industrial Group D	None
Group 28. Outdoor Advertising	Special conditions as set forth in Section 14.22
Group 29. Shipping Containers & Shipping Container Storage Yards	Special conditions as indicated in Sections 12 and 15
Group 30. Manufactured Homes & Trailers	None
Group 31. Tank Truck Facilities	None

(Ord. No. 1679, § III, 11-1-1983; Ord. No. 1830, § 14, 11-19-1985; Ord. No. 1883, § VIII, 12-16-1986)

**8.02.3.1.2. Accessory Uses**

Accessory uses to any of the above principal uses.

**8.02.3.2. Bulk and Area Regulations**

In an M1 district, any use of land or any structure shall be subject to the following bulk and area regulations:

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Lot Area	20,000 SF
Lot Width	100 feet
Front Yard	25 feet
Side Yard*	None
Rear Yard	20 feet

\*Apply exceptions under Sections 15.03.3, 15.04.2, and 15.05.03 when abutting a predevelopment or residential district.

SECTION 9 – DEVELOPMENT STANDARDS

## **Section 9. Development Standards.**

### **9.01 Purpose.**

The purpose of this section is to establish common area regulations and standards for each zoning district. This section provides one location within this Ordinance where the common area regulations and standards can be found. The common area regulations and standards are divided into two sections, the residential Section 9.04 Residential Districts Development Standards and nonresidential Section, 9.05 Nonresidential Districts Development Standards.

### **9.02 Establishment of Area Regulations and Standards.**

The area regulations and standards for each zoning districts are established within 9.04 Residential Districts Development Standards and 9.05 Nonresidential Districts Development Standards.

### **9.03 Additional Area Regulations and Standards.**

Additional area regulations and standards may apply to specific zoning districts and may be found within the other sections of this Ordinance.

SECTION 12 – DEVELOPMENT STANDARDS

9.04 Residential Districts Development Standards.

Residential Districts Development Standards Chart

Development Standards	AG - Agricultural District	RE - Residential Estate District	SF1 - Single Family Residential 1	SF 2 - Single Family Residential 2	SF 3- Single Family Residential 3	2f - Two-Family Residential (Duplex) District	PH - Patio Home District		TH - Townhome District	MF 1 - Multi-Family Low Density District 1	MF 2 - Multi-Family District High Density 2	MH - Manufactured Home District
							Zero Side Option	Center Option				
Minimum Front Yard Setback	40 FT	40 FT	25 FT	25 FT	20 FT	25 FT	15 FT	15 FT	15 FT	25 FT	20 FT	25 FT
Minimum Side Yard Setback	20 FT / 25 FT on corner lots	15 FT / 25 FT on corner lots	5 FT / 10 FT corner lots	5 FT / 10 FT corner lots	0 FT / 10 FT corner lots	9 FT / 20 FT corner lots	0 FT on one side & 10 FT on the other side / 15 FT corner lots	7 FT on both sides / 15 FT corner lots	5 FT on both sides / 10 FT corner lots	10 FT / 20 FT corner lots	10 FT / 20 FT corner lots	5 FT / 10 FT corner lots
Minimum Rear Yard Setback	25 FT	25 FT	20 FT	15 FT	10 FT	15 FT	12 FT / 20 FT if off-street parking is required		5 FT	20 FT	20 FT	20 FT
Minimum Lot Area	5 AC	15,000 SF	6,900 SF	5,000 SF	4,000 SF	7,000 SF	3,200 SF	3,600 SF	2,500 SF	Units x Area/Unit	2,00 SF / DU	4,000 SF
Minimum Lot Width	150 FT	100 FT	65 FT	50 FT	40 FT	70 FT	40 FT	40 FT	25 FT	90 FT	70 FT	40 FT
Minimum Lot Depth	250 FT	150 FT	110 FT	100 FT	100 FT	100 FT	80 FT	90 FT	100 FT	N/A	N/A	100 FT
Minimum Dwelling Area	800 SF	800 SF	800 SF	800 SF	800 SF	3,500 SF	800 SF	800 SF	800 SF	650 SF	650 SF	650 SF
Maximum Height Feet / Stories	35 FT / 2.5	35 FT / 2.5	35 FT / 2.5	35 FT / 2.5	35 FT / 2.5	35 FT / 2	35 FT / 2.5	35 FT / 2.5	30 FT / 2	35 FT / 2	35 FT / 2	20 FT
Accessory Structure	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT
Maximum Lot Coverage (All buildings)	N/A	20%	60%	60%	60%	60%	70%	70%	65%	N/A	N/A	N/A



SECTION 12 – DEVELOPMENT STANDARDS

9.05 Nonresidential Districts Development Standard.

Development Standards	OP - Office & Professional District	NS - Neighborhood Shopping District	HD - Highway District	GC - General Commercial District	MX - Mixed-Use District	Industrial Districts		
						M1 - Industrial Park District	M2 - General Industrial District	M3 - Intensive Industrial District
Minimum Front Yard Setback	40 FT	40 FT	40 FT	40 FT		40 FT	25 FT	25 FT
Minimum Side Yard Setback (interior adjacent to residential)	10 FT	10 FT	10 FT	10 FT		15 FT	N/A	15 FT
Minimum Side Yard Setback (interior adjacent to commercial)	5 FT	5 FT	5 FT	5 FT		15 FT	N/A	15 FT
Minimum Side Yard Setback (exterior)	10 FT	10 FT	10 FT	10 FT		15 FT	N/A	15 FT
Minimum Side Yard Setback (exterior corner lot on major thoroughfares)	40 FT	40 FT	40 FT	40 FT		15 FT	N/A	15 FT
Minimum Rear Yard Setback	12 FT	12 FT	12 FT	12 FT		20 FT	20 FT	20 FT
Minimum Lot Area	10,000 SF	6,500 SF	12,500 SF	8,000 SF		20,000 SF	20,000 SF	20,000 SF
Minimum Lot Width	60 FT	100 FT	125 FT	100 FT		100 FT	100 FT	100 FT
Minimum Lot Depth	N/A	100 FT	125 FT	100 FT		100 FT	100 FT	100 FT
Minimum Dwelling Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Height Feet	60 FT	35 FT	35 FT	35 FT	35 FT	50 FT	N/A	N/A
Maximum Lot Coverage	40%	45%	50%	60%	85%	75%	80%	80%
Maximum FAR	0.5:1	1:1	4:01	0.5:1		N/A	N/A	N/A

SECTION 10 – ZONING LAND USES REGULATIONS

## Section 10. Zoning Land Use Regulations

### 10.01 Uses Permitted by District.

Land and buildings in each of the zoning districts may be used for any of the indicated uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located, according to the Subsection 10.03 Use Chart and in accordance with Subsection 1.06 Compliance Required / Interpretation / Rules of Construction and the provisions of this ordinance.

Legend for Use Chart within Subsection 10.02. Use of Land and Buildings.

P	Indicates Permitted Use
	Indicates Prohibited Use
S	Indicates Specific Use Permit Required
#	Indicates Conditional Use

### 10.02 Classification of New and Unlisted Uses.

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City. If the Director of Public Works is unable to classify the use under one (1) of the existing listed uses, then the director shall initiate a zoning text amendment pursuant to procedures set forth in this ordinance.

#### 10.02.1. Existence of New and Unlisted Uses.

Any use not listed in the Use Chart is prohibited

SECTION 10 – ZONING LAND USES REGULATIONS

10.03 Zoning Matrix.

Below is a quick reference table that summarizes district regulations. The use of land or buildings shall be in accordance with those listed in the following Use Chart. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

	Residential										Industrial						
	SF1 - Single Family District	SF2 - Single Family District	SF3 - Single Family District	2F - Two Family District	PH - Patio Home District	TH - Townhome District	MF1 - Multifamily District	MF2 - Multifamily District	MH - Manufactured Home District	MX - Mixed-use District	OP - Office Professional District	NS - Neighborhood Services District	GC - General Commercial District	HD - Highway District	M1 - Industrial Park District	M2 - General Industrial District	M3 - Intensive Industrial District
USE TYPE																	
Adult Living Single Family Community	P	P	P	P	P	P	P	P		P		S					
Agriculture (Field Crops, etc.)	P	P	P	P			P	P	P	P							#
Art Gallery/Museum										P	S	P	P	S			
Auto Parts Sales, Outside													P	P	S	P	#
Automobile: Repair													S	P	S	S	
Automobile: Sales & Service													P	P	S	S	#
Automobile: Storage															S	P	P
Boat: sale, service, & repair													P	P	S	S	#
Car Washing Establishment										P	S	P	P	P			
Cemetery/Mortuary/Funeral Home											S		P				
Child Care	#	#	#	#	#	#	#	#	#	P	#	P	P				
Civic/Community/Convention Center							S	S	S	P	P	P	P	P	S		
Dance Hall										S			S	P			#
Farmer's Market										P		P	P	P			
Gas Service Station							#	#	#	#	#	#	#	#	#	#	#
Golf Course Driving Range										#	#	#	#	#	#		
Governmental Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Gymnastic/Dance Studio										P	S	P	P				
Health/Fitness Center										P	S	P	P				
Heavy Truck Sales													S	P	P	P	#
Heavy Truck/Bus Repair														P	P	P	#
Helistop															S	S	#
Home Occupations	#	#	#	#	#	#	#	#	#	#							

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	Residential									Industrial							
	SF1 - Single Family District	SF2 - Single Family District	SF3 - Single Family District	2F - Two Family District	PH - Patio Home District	TH - Townhome District	MF1 - Multifamily District	MF2 - Multifamily District	MH - Manufactured Home District	MX - Mixed-use District	OP - Office Professional District	NS - Neighborhood Services District	GC - General Commercial District	HD - Highway District	M1 - Industrial Park District	M2 - General Industrial District	M3 - Intensive Industrial District
USE TYPE																	
Hospital										P	P	P	P	P	S		
Hotel										S	S		S	P	S	S	
Indoor Gun/Archery Range													S	S	S		
Laundromat/Dry Cleaners										P		P	P				
Laydown Yard															#	#	#
Library (Public Branch)	S	S	S	S	S	S	S	S		P	S	P	P	S			
Manufactured Home									P								
Message Therapy										P	S	P	P				
Motorcycle: sale, service, & repair													P	P	S	S	#
Multifamily Residence							P	P	P	P							
Office - Administrative, Medical, or Professional										P	P		S	S	S		
Office - Warehouse or Distribution Center														S	P	P	
Outdoor Advertising																	#
Outside Storage & Display														S			
Pawn Shop														S	S	P	P
Place of Worship	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#	
Portable Building Sales															S	S	S
Private Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Park / Trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S
Reception/Banquet/Meeting Hall										S	S						
Recreational Vehicle/Truck Parking Lot or Garage													S	S	S	P	P
Recreational Vehicle: Sales & Services													S	P	S	P	#
Recycling Plant															S	P	P
Rehabilitation Care Facility/Institution											S		S	S	S		
Research & Development Center											P				P	S	
Restaurant										P	S	P	P	P	S		
Restaurant, Drive-in										P	S	P	P	P	S		#
Retail Stores & Shops										P	S	P	P	S			
Retirement Housing				P	P	P	P	P	P	P		S					
Salvage Yard														#	#	#	#

SECTION 10 – ZONING LAND USES REGULATIONS

	Residential									Industrial							
	SF1 - Single Family District	SF2 - Single Family District	SF3 - Single Family District	2F - Two Family District	PH - Patio Home District	TH - Townhome District	MF1 - Multifamily District	MF2 - Multifamily District	MH - Manufactured Home District	MX - Mixed-use District	OP - Office Professional District	NS - Neighborhood Services District	GC - General Commercial District	HD - Highway District	M1 - Industrial Park District	M2 - General Industrial District	M3 - Intensive Industrial District
USE TYPE																	
School District Bus Yard													S	P	P	S	
School, Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	
Sewage Treatment Plant/Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Single-Family Residence (Detached)	P	P	P		P	P			P	P							
Small Engine Repair Shop													P	P		S	
Storage or Wholesale Warehouse													#	#	#	#	
Tattoo Parlor, Tavern, Nightclub, & Semiprivate Clubs														#		#	#
Taxidermist													P		P	P	
Theater, Neighborhood										P		P	P	S			
Townhome						P	P	P		P							
Trailer Rental														P	P	P	#
Transit Center													S	S	P	P	P
Truck Terminal															P	P	P
Two-Family Residence (Duplex)				P						S							
Utility Distribution/Transmission Line	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Veterinarian Clinic and/or Kennel, Indoor										#		#	#	#	#		
Veterinarian Clinic and/or Kennel, Outdoor													#	#	#	#	
Water Treatment Plant	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

SECTION 10 – ZONING LAND USES REGULATIONS

**10.04 Conditional Development Standards.**

The following conditional development standards shall apply:

**10.05 Compliance Required.**

**10.05.1. Applicability.**

Compliance with the Zoning Ordinance shall apply to all land, buildings, structures or appurtenances located within the City which are hereafter:

- Occupied;
- Used;
- Erected;
- Altered;
- Removed;
- Placed;
- Demolished; or
- Converted.

**10.05.2. Compliance with Zoning District.**

Compliance with the Zoning Ordinance shall apply to all land, buildings, structures or appurtenances located within the City.

**10.06 Interpretation.**

**10.06.1. Restrictiveness.**

Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern.

**10.06.2. Abrogation.**

The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

**10.06.3. Cumulative Effect.**

The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

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**10.06.4. Error Correction.**

In the event that any property or Zoning District set forth on the Zoning District Map as provided in Section 1.04 of this ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District Map may be amended and/or supplemented according to the following.

1. Applicants. The property owner of said tract, the City Council, or the Planning & Zoning Commission may submit an application to the Director to initiate the error correction process.

**10.06.5. Rules of Construction.**

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

1. Number. The singular number includes the plural, and the plural the singular.
2. Tense. The present tense includes the past and future tenses, and the future the present.
3. Mandatory and Permissive Language. The word “shall” and “must” are mandatory while the word “may” is permissive.
4. Gender Terms. The masculine gender includes the feminine.
5. Parentheses. Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as the word.
6. Conflicts. If there is an expressed conflict:
  - a. The text of this ordinance controls over the charts or any other graphic display in this ordinance; and
  - b. The use regulations control over the district regulations in this ordinance.

**10.07 Nonconformities.**

**10.07.1. Intent of Provisions.**

**10.07.1.1. Existence of Nonconformities.**

a. A Nonconformity Describes:

The City Council has determined that it is in the best interest of the City for nonconforming uses and structures to be brought into conformance with the Zoning Ordinance at the earliest reasonable time. The purpose of this section is to establish provisions for the allowance and potential alteration of uses, lots or structures that do not conform to currently applicable zoning standards or regulations, but that were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

- b. Nonconformities occur in three (3) general categories, or combination thereof.

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SECTION 10 – ZONING LAND USES REGULATIONS

- i. Nonconforming Uses.
  - ii. Nonconforming Structures.  
A nonconforming structure can have lesser setbacks, yard, or height lot area, or dimension requirement than required by this ordinance.
  - iii. Nonconforming Lots.  
A nonconforming lot can be conforming as to lot area or dimension requirement.
- c. It is the declared intent of this section that nonconforming uses and nonconforming structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

**10.07.1.2. Incompatible Uses.**

Nonconformities are hereby declared incompatible with the permitted uses in the districts involved.

**10.07.2. Establishment of Nonconforming Status.**

For purposes of interpretation of this subsection, any uses, structures and/or lots which in whole or part are not in conformance with current zoning standards shall be considered as follows.

**10.07.2.1. Nonconformities.**

Those uses, structures, or lots which in whole or part do not conform to current zoning standards, but were legally established prior to the date of adoption of this Zoning Ordinance, at which time they were in conformance with applicable standards shall be considered Legal Nonconformities. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this section.

**10.07.2.2. Illegal Status.**

Those uses, structures, or lots, other than residential accessory buildings, which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception are not considered Nonconformities. These uses, structures, or lots are considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and the owners thereof shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

**10.07.2.3. Time of Adoption.**

Any use, platted lot, or structure that is a lawful use at the time of the adoption of this Ordinance or any amendment to this Zoning Ordinance that is placed in a district wherein such use, platted lot, or structure is not otherwise permitted shall be deemed legal nonconforming.



SECTION 10 – ZONING LAND USES REGULATIONS

**10.07.3. Burden of Demonstrating Nonconforming Status.**

The burden of establishing that any nonconformity is a legal nonconformity as defined in this section shall be borne by the owner or proponent of such conformity.

**10.07.4. Abandonment of Nonconforming Use or Structures.**

1. A Nonconforming Use shall be considered abandoned and surrendered, forfeited, and lost when evidence presented to the Director of Public Works or other designee indicates that a structure designed or arranged for a Nonconforming Use has ceased to be used in a bona fide manner as a Nonconforming Use for a period of six (6) consecutive calendar months. For purposes of calculating the six (6) month period, a use is abandoned upon the occurrence of the first of any of the following events:
  - a. On the date when the use of land is physically vacated;
  - b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
  - c. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
  - d. On the date a final reading of water and/or power meters is made by the applicable utility provider(s).
2. A Nonconforming Use, when abandoned, shall not be resumed and any further use shall be in conformity with the provisions of this Zoning Ordinance.
3. Any Nonconforming Use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.
4. Abandonment of a Nonconforming Use requires proof of intention to abandon.
5. Unless the nonconforming rights are reinstated pursuant to 2.07.4(1) Reinstatement of Nonconforming Rights, and abandoned use shall not be instituted on that parcel or other parcel in any district which does not permit the abandoned use.
6. Prohibited Expansion or Reoccupation. A Nonconforming Use or Nonconforming Structure shall not be expanded, reoccupied with another Nonconforming Use, or increased as of the adoption date of this Zoning Ordinance, except as provided in 2.07.6 Expansion of Nonconforming Uses and Structures.
7. Single-Family Residential Uses.
  - a. Conforming single-family residential uses on platted lots approved prior to the Zoning Ordinance adoption date, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Zoning Ordinance as long as the use of the lot is allowed in the respective district.
  - b. Only the lot size, depth, width, and setbacks shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this Zoning Ordinance shall be met, or the lot shall be considered nonconforming.

SECTION 10 – ZONING LAND USES REGULATIONS

8. Existing Platted Lots are Conforming Lots. Any existing vacant lot platted prior to the Zoning Ordinance adoption date that was legally conforming shall be deemed a conforming lot.

**10.07.5. Changing Uses and Nonconforming Rights.**

1. Nonconforming Use of Conforming Use. Any nonconforming use may be changed to a conforming use, and once a change is made, the use shall not be changed back to a nonconforming use.
2. Nonconforming Use to Another Nonconforming Use. A nonconforming use may not be changed to another nonconforming use.
3. Conforming Use In a Nonconforming Structure. Where a conforming use is located in a Nonconforming Structure, the use may be changed to another conforming use by the process outline in 4.06.F Expansion of Nonconforming Uses and Structures.

**10.07.6. Expansion of Nonconforming Uses and Structures.**

An expansion of a Nonconforming Use or Nonconforming Structure is allowed in accordance with the following.

1. Nonconforming Use Expansion in Existing Building. A Nonconforming Use may be enlarged, increased, or extended within an existing building provided:
  - a. No structural alteration may be made on or in the existing building except those required by law to preserve the building in a structurally sound condition.
  - b. Work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 51 percent of the current replacement value of the building.
  - c. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became a nonconforming use.
2. Nonconforming Use Prohibited From Expansion Beyond Existing Building. A Nonconforming Use located within any building shall not be extended to occupy any land outside the building.
3. Off-Street Loading and Parking. A Nonconforming Use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a Nonconforming Use, except to provide off-street loading or off-street parking space.
4. Residential Lot Exemption. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less than required by this Ordinance that was an official Lot of Record prior to the effective date may be used for a single-family dwelling.
5. Expansion of Nonconforming Structures with Conforming Uses. Buildings or structures that do not conform to the area regulations or development standards in this ordinance but where the uses are

SECTION 10 – ZONING LAND USES REGULATIONS

deemed conforming shall not increase the gross floor area greater than 10% from the date when the building became nonconforming.

6. Reuse of Nonconforming Structure by Conforming Uses Allowed.

- a. Nonconforming Structures that have been abandoned and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use.
- b. If re-occupied by a conforming use, then the new conforming use shall meet the applicable parking and fire lane requirements for health, safety, and welfare reasons.

**10.07.7. Restoration of Nonconforming Structures.**

1. Total or Partial Destruction. If a Nonconforming Structure is destroyed by fire, the elements, or other natural catastrophic event, it may be rebuilt, but the existing square footage or function of the Nonconforming Structure cannot be expanded. The construction must comply with all current building codes, and zoning regulations in effect at the time the structure was permitted. The construction must commence within 12 months of the date of destruction. The failure of the owner to start such reconstruction within 12 months shall forfeit the owner's right to restore or reconstruct the structure except in conformance with this ordinance.
2. If the owner of a Nonconforming Structure has a Nonconforming Use and fails to begin reconstruction of the destroyed structure within 12 months of the date of destruction, then the Nonconforming Structure and Nonconforming Use shall be deemed to be discontinued or abandoned.

**10.07.8. Movement of Nonconforming Structures.**

A Nonconforming Structure may be relocated within the same platted lot, and shall comply with all setback and screening requirements.

**10.07.9. Completion of Structures.**

Nothing in this ordinance shall require any change in the plans, construction, or designated use of the following:

1. Approved Building Permit. A building or structure for which a Building Permit has been issued or a Site Plan approved prior to the effective date, provided that the permit or Site Plan shall expire in accordance with the time periods set forth in this Zoning Ordinance.
2. Building in the Approval Process. A building or structure for which a complete Application for a Building Permit was accepted by the Director of Public Works or other designee on or before the effective date, provided however, that such Building Permit shall comply with all applicable ordinances in effect on the date such application was filed.

**10.07.10. Loss of and Reinstatement of Nonconforming Status.**

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1. Loss of Nonconforming Rights Status. If the Director of Public Works or other designee determines that a Nonconforming Use has met the definition of abandonment and has lost its nonconforming rights, the use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.
2. Any Nonconforming Use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.
3. Application for Nonconforming Rights Reinstatement
  - a. The owner or operator of the abandoned Nonconforming Use may submit a writing application to the Board of Adjustment to have the nonconforming rights reinstated.
  - b. Written Application for reinstatement of nonconforming rights must be made within 10 business days after the Director of Public Works or other designee issues the written notice of determination that a use has been permanently abandoned.
4. Board of Adjustment Decision. The Board of Adjustment may reinstate nonconforming rights only if the Board of Adjustment finds that the use was not discontinued for six (6) months or more. The failure of the owner and/or operator to remove on-premise signs shall not be considered (on its own) evidence of a continuing use.

**10.07.11. Nonconforming Use Created by Acquisition of Right-of-Way (ROW).**

**10.07.11.1. Determination of a Lawful Conforming Structure.**

Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of ROW by eminent domain proceedings, dedication, or purchase by the City, the County, the State, or a Federal Agency creates a nonconforming structure, lot, or setback, the structure shall be deemed a lawful conforming structure, to the extent the nonconformity results from the acquisition of the ROW. In the event the structure is partially or totally destroyed by natural causes, the structure may be rebuilt

**10.07.11.2. Cases in which the Owner Receives Compensation for Screening or Landscaping.**

In the event the owner of an interest in real property receives compensation for screening or landscaping in the form of curative measures or damages to the remainder in a ROW acquisition, the owner shall relocate required fencing or landscaping originally located on the acquired property to the remainder of the tract as closely as practicable to the required setback.

**10.07.11.3. Cases in which the Owner Receives Compensation for Demolition.**

A Certificate of Occupancy and Compliance shall not be issued for any structure for which compensation has been paid for the demolition of the structure or for other curative measures until such time that the structure meets all applicable ordinances or the curative measures for which the compensation was paid have been completed. For purposes of this section, "curative measures" are those actions, corrections, repairs, and/or improvements identified in an appraisal or similar valuation analysis prepared in the context of considering damages to the remainder suffered as a result of the acquisition of a portion of property.

SECTION 10 – ZONING LAND USES REGULATIONS

**10.08 Accessory Buildings and Uses.**

**10.08.1. Residential Accessory Buildings and Uses.**

1. The following regulations apply to accessory buildings servicing lots zoned for residential uses.
2. Accessory buildings and uses incidental to other permitted uses are permitted within residential zoning district and include private garages, carports, tool house, lath or greenhouse as hobby (*no business*), home workshop, children's playhouse, private stables (*no rental*), barns, or coops (*no rental*); private swimming pool and garden shelter.
3. The following regulations apply to guest house operating as accessory buildings or as a use attached to the main building.
  - a. A guest house shall not be less than 600 square feet (SF) when built over a garage, nor less than 750 SF when free-standing, and shall not contain more than 1,000 SF of living area or 30 percent of the main structure, whichever is less.
    - i. Nothing herein shall authorize the occupancy or the use of a guest house by anyone other than a bona fide guest or servant employed by the occupant of the main structure on such lot, estate or land.
    - ii. A guest house may be constructed as a part of the main building.
  - b. Any accessory building for human habitation shall not be occupied until the main dwelling has been completed.
  - c. Only one (1) guest house shall be allowed on an individual tract of land.
  - d. Guest House shall not be leased or rented.
4. Accessory Buildings and Use Limitations within the Manufactured Housing (MH) District
  - a. An accessory building necessary to store equipment for several dwelling units or provide a service function for several dwelling units shall not be occupied as a place of abode.
  - b. Any accessory building that is not a part of the main building shall be separated from the main building by a minimum of 10 feet.
5. Architectural Elements for Residential Accessory Buildings
  - a. Any accessory building more than 200 Sq. feet must be of wood frame construction and the color and materials of the roof must resemble the color and roof of the main building.
  - b. The color and materials of the roof of the accessory building must closely resemble the color and materials of the roof of the main building unless the accessory building is prefabricated or pre-finished.

**10.08.2. Nonresidential Accessory Buildings**

1. In the nonresidential districts, an accessory building shall not exceed the height of the main building and shall not exceed 50 percent of the floor area of the main building, and shall be used for purposes accessory and incidental to the main use.

SECTION 10 – ZONING LAND USES REGULATIONS

**10.08.3. Nonresidential Accessory Uses Allowed on the First Floor of Multiple-Family Developments**

1. If a multiple-family density bonus is approved by the City Council, then the first floor of the multiple-family building may be occupied by any use allowed within the LR, Local Retail District.
2. The nonresidential accessory use shall be allowed only if the accessory use is within the same building as an active multiple-family use and is located on the first floor of said building.

**10.08.4. Small Wind Energy Systems**

**10.08.4.1. Accessory Use**

A small wind energy system is allowed as an accessory use in all residential zoning districts.

**10.08.4.2. Building Permit Required**

No small wind energy system shall be installed without first obtaining a building permit issued by the Building Official.

**10.08.4.3. General Standards**

- Small wind energy systems (*equipment or tower*) shall not be located in a required setback.
- The minimum distance between the ground and any part of a rotor blade must be at least 20 feet.
- Small wind energy systems may not be illuminated, nor may they bear any signs or advertising.
- Small wind energy systems must have automated braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the support structure, rotor blades, and turbine components.
- Installation shall meet the requirements of the electrical code.
- Maximum voltage turbine output to a single-family or two-family dwelling is 600 Volts per electrical code.
- Noise produced by small wind energy systems may not exceed 55 dBA measured at the property line.
- Small wind energy systems must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (*including but not limited to police, fire, and ambulance*) radio transmissions, or with any microwave communications link. The owner shall bear the cost to conduct a study to determine interference, and of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.
- A finish (*paint/surface*) must be provided for the small wind energy system that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.
- The diameter of the area swept by the rotors may not exceed 12 feet.

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- Guy wires or other accessories cannot cross or encroach on any ROW or over above ground electrical utilities lines.

**10.08.4.4. Freestanding Systems – Additional Standards.**

Small wind energy systems may be mounted on a tower detached from other structures on the lot.

1. Setback. The minimum setback from any property line, overhead utility line, or public ROW shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zoning district.
2. Height. Freestanding systems measured from the top blade may not exceed 47 feet in height.
3. Security. Support structures for freestanding systems must be unclimbable from the ground to a height of at least 15 feet.
4. Number. A maximum of one (1) freestanding small wind generator system may be allowed on a building site.

**10.08.4.5. Roof-Mounted Systems – Additional Standards.**

Small wind energy systems may be mounted on the roof of a structure as an appurtenance.

- a. Height. Roof-mounted systems measured from the top blade may not be more than five (5) feet over the maximum allowed height for the structure.
- b. Number. A maximum of one (1) roof-mounted small wind generator system may be allowed on a building site.
- c. Engineering Report. Before any roof-mounted system is mounted the property owner must submit a report prepared by a licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the Building Official prior to the mounting of the system.

**10.08.5. Single-Family or Duplex Residential Flags and Flagpoles.**

**10.08.5.1. Scope.**

The regulations set out in this section apply to flags and detached flagpoles for single-family and duplex homes in all residential zoning districts.

**10.08.5.2. Setbacks.**

The minimum setback from any property line, overhead utility line, or public ROW shall be a distance equal to the vertical distance from the ground to the top of the pole.

**10.08.5.3. Size.**

- a. The height of a flag pole shall not exceed 15 feet measured from the natural grade.

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- b. The size of the flag shall be appropriate for the height of the flag pole, but each individual flag shall in no event exceed 24 SF in area.

**10.08.5.4. Manner of Display.**

Flags and insignia of any government should be displayed in an approved manner pursuant to federal guidelines in Title 4, United States Code, Chapter 1 (*the Federal Flag Code*).



SECTION 11 – AMORTIZATION OF NONCONFORMING USES

## Section 11. Amortization of Nonconforming Uses

### 11.01 Initiation of Compliance Case

Only the City Council, by majority vote, may request that the Board of Adjustment consider establishing a compliance date for a nonconforming use.

### 11.02 Public Hearing Process

Upon receiving a request under 11.01 Initiation of Compliance Case from the City Council, staff shall schedule the First Public Hearing before the Board. The Board may establish a compliance date only after holding two (2) separate hearings.

#### 11.02.1. First Public Hearing.

The Board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the Board determines that continued operation of the use will have an adverse effect on nearby properties, it shall schedule a second public hearing to establish a compliance date for the nonconforming use; otherwise, it shall not. In determining whether the continued operation will have an adverse effect on nearby properties, the Board shall consider the following factors:

- The character of the surrounding neighborhood.
- The degree of incompatibility of the use with the zoning district in which it is located.
- The manner in which the use is being conducted.
- The hours of operation of the use.
- The extent to which continued operation of the use may threaten public health or safety.
- The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use.
- The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

#### 11.02.2. Second Public Hearing.

1. If the Board has determined in the first public hearing that the nonconforming use has an adverse effect on nearby properties, it shall hold a second public hearing to set a date for compliance. The Board shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Board in determining a reasonable amortization period.
  - a. The owner's capital investment in structures, fixed equipment, and other assets (*excluding inventory and other assets that may be feasibly transferred to another site*) on the property before the time the use became nonconforming.

SECTION 11 – AMORTIZATION OF NONCONFORMING USES

- b. Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.
  - c. Any return on investment since inception of the use, including net income and depreciation.
  - d. The anticipated annual recovery of investment, including net income and depreciation.
  - e. A reasonable wind-up period for the nonconforming use.
2. If the Board, at the first public hearing, requests financial documentation and/or records from the owner relating to the factors listed directly above, the owner shall provide said documents and/or records at least 30 days before the second public hearing. If the owner does not provide said documentation, the Board is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public testimony at the hearing. Failure by owner to provide the requested financial documents and records shall not prevent the Board from setting a compliance date.

### **11.03 Ceasing Operations**

If the Board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

### **11.04 Definitions**

For purposes of this subsection, "owner" means the owner of the nonconforming use at the time of the Board's determination of a compliance date for the nonconforming use.

### **11.05 Finality of Decisions**

#### **11.05.1. Decisions that cannot be Immediately Appealed.**

A decision by the Board that the continued operation of a nonconforming use will have an adverse effect on neighboring property and the Board's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

#### **11.05.2. Decision to Deny a Request to Establish a Compliance Date.**

A decision by the Board to deny a request to establish a compliance date is final unless appealed to state court within 10 calendar days in accordance with Chapter 211 of the Local Government Code.

#### **11.05.3. Decision Setting a Compliance Date.**

A decision by the Board setting a compliance date is final unless appealed to state court within 10 calendar days in accordance with Chapter 211 of the Local Government Code.

### **11.06 Reinstatement of Nonconforming Rights**

SECTION 11 – AMORTIZATION OF NONCONFORMING USES

**11.06.1. Loss of Nonconforming Rights Status.**

If the Director or other designee determines that a nonconforming use has been permanently abandoned under 1.07.4(2) Reinstatement of Nonconforming Use Rights and has lost its nonconforming rights, the use shall not be instituted on that parcel or other parcel in any district which does not permit the discontinued use.

**11.06.2. Notice to Owner and/or Operator Required.**

Notice of this determination shall be made in writing to the owner and/or operator of the abandoned nonconforming use.

**11.06.3. Application for Nonconforming Rights Reinstatement.**

1. The owner and/or operator of the abandoned nonconforming use may submit a written application to the Board to have the nonconforming rights reinstated.
2. Written application for reinstatement of nonconforming rights must be made within 10 business days after the Director and/or his designee issues the written notice of determination that a use has been permanently abandoned.

**11.06.4. Board Decision.**

The Board may reinstate nonconforming rights only if the Board finds there was a clear intent not to abandon the use even though the use was discontinued for six (6) months or more. The failure of the owner and/or operator to remove on-premise signs shall not be considered (*on its own*) evidence of a clear intent not to abandon the use.

SECTION 12 – USE GROUPS

## Section 12. Use Groups

### 12.01 Listings

The use groups referred to in the use districts are herein listed in numerical order. Within the use groups the permitted uses are listed in alphabetical order. Special conditions applicable to a use are shown thus ( ) [surrounding a section number].

In the event that a use has not been listed within any use group, the Building Official shall, upon application determine the use group in which said use belongs, taking into consideration the character of the use group and the uses included in said use group.

#### 12.01.1. Group 1. Agriculture

Field crops. Use Group 1 consists of agricultural uses which are compatible with nearby residential uses.

Permitted Uses	Off-Street Parking Spaces Required
Field crops	None
Greenhouses (Section 14.15)	
Horticulture	None
Truck gardening	None

#### 12.01.2. Group 2. Agriculture

Animal husbandry.

Permitted Uses	Off-Street Parking Spaces Required
Breeding, raising, grazing (Section 14.19) or boarding of animals for commercial purposes	None
Dairy farm; egg farm; apiary	None
Veterinarian treating farm animals on premises	None

#### 12.01.3. Group 3. Single-family Dwellings

Permitted Uses	Off-Street Parking Spaces Required
Single-family dwelling	3 per dwelling unit
SF-1 & SF-2 single-family dwellings	3 per dwelling unit

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SF3 single-family dwelling	2 enclosed & covered, plus 2 additional off-street
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(Ord. No. 1679, § VII, 11-1-1983; Ord. No. 1830, § 5, 11-19-1985)

**12.01.4. Group 4. Two-family dwellings.**

Permitted Uses	Off-Street Parking Spaces Required
Duplex dwelling	2 per dwelling unit
Duplex dwelling group	2 per dwelling unit

**12.01.5. Group 5. Townhouses and Patio Homes**

Permitted Uses	Off-Street Parking Spaces Required
Townhouses	2 per dwelling unit

**12.01.6. Group 6. Multiple-family Dwellings**

Permitted Uses	Off-Street Parking Spaces Required
Apartment house	2.0 per efficiency or 1 BR apartment
Apartment house group	2.5 per 2 BR apartment 2.5 per 3 or more BR apartment
Boarding[house], lodging house	1.0 per guest room for boarding[house] or lodginghouse

**12.01.7. Group 7. Apartment Hotels, Student Housing**

Permitted Uses	Off-Street Parking Spaces Required
Apartment Hotel	1 per guest room
Dormitory	1.5 per sleeping room
Fraternity	1.5 per sleeping room
Sorority	1.5 per sleeping room

**12.01.8. Group 8. Hotel**

Permitted Uses	Off-Street Parking Spaces Required
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Hotel	1 per guest room
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**12.01.9. Group 9. Manufactured home parks.**

Permitted Uses	Off-Street Parking Spaces Required
Manufactured home parks	2 per manufactured home accommodation

**12.01.10. Group 10. Community Facilities**

Use Group 10 consists of public and quasi-public uses which:

- Are needed in residential areas to serve educational, recreational or religious requirements of the residents; or
- Can ordinarily perform their functions most effectively in a residential environment, unaffected by objectionable influences from adjacent industrial or general commercial uses; and
- Are not significantly objectionable to adjacent residential uses, and meet all conditions set forth in this ordinance with respect to environment regulations; and
- Are, therefore, permitted in residential districts, as well as in predevelopment, commercial and M1 districts by specific use permit of the City Council.

Facilities needed to serve the residents of the immediate neighborhood or group of neighborhoods, rather than the entire community:

Permitted Uses	Off-Street Parking Spaces Required
Church or other place of worship, including:	
Sunday school facilities (Section 14.07)	1 for each 6 seats
Day nursery (Section 14.06)	1 per employee
Library, public branch	1 per 400 SF of floor area
Park, playground	None
Parish house; parsonage, rectory	2 per dwelling unit
School, private	1 per 500 SF floor area, plus 1 per employee
School, public elementary	1 per employee, incl. staff
School, public secondary	1 per 500 SF floor area, plus 1 per employee

Facilities needed to serve residents of the entire community, or the public at large, but which need a residential environment:

Permitted Uses	Off-Street Parking Spaces Required
Child care (Section 14.06)	1 per employee on maximum shift

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Convalescent home, nursing home or maternity home (Section 14.09)	1 per 3 beds
Golf course, public	5 per hole
Home for the aged (Section 14.25)	1 per 3 beds
Hospital other than animal hospital	1 per 3 patient beds, excluding bassinets
Monastery, convent, novitiate	1 per 15 beds
Religious retreat facilities	1 per 3 beds

Other public or quasi-public facilities that are not significantly objectionable to adjacent residential uses:

Permitted Uses	Off-Street Parking Spaces Required
Art gallery (Section 14.23)	1 per 400 SF floor area
Museum (Section 14.23)	1 per 400 SF floor area
Library, private (Section 14.23)	1 per 400 SF floor area
Newspaper stand	None
Cemetery, public or privately owned	None

#### 12.01.11. Group 11. Community Facilities

Use Group 11 consists of public, quasi-public and private facilities which:

- Are needed in residential areas to serve recreational requirements of the residents; or
- Can ordinarily perform their functions most effectively in a residential or commercial environment, unaffected by objectionable influences from adjacent heavy industrial uses; or
- Provide seasonal use of open land on a temporary basis; and
- Can be significantly objectionable to immediately adjacent residential uses, even though they meet all conditions set forth in this ordinance with respect to environmental regulation; and
- Are, therefore, permitted in all districts except M3 by specific use permit of the City Council, except in the case of Christmas tree and wreath sales, which may be conducted in predevelopment, residential, and OP districts only by temporary occupancy permit.

Permitted Uses	Off-Street Parking Spaces Required
Auditorium having seating capacity for 1,000 or less	1 per 5 seats
Baseball diamond or football field, public	1 per 6 seats for patron use
Christmas tree & wreath sales	1 per 400 SF floor area
Stadium & fieldhouse	1 per 400 SF floor area
Club or lodge, private	1 per 400 SF floor area
College or university	1 per 6 seats for patron use
College or university playfield	1 per 300 SF floor area

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Recreation center, public	[1 per 300 SF floor area]
Swimming pool, public	1 per 300 SF pool & deck area
Tennis court, public	1.5 per court

**12.01.12. Group 12. Public Utility and Related Facilities**

Use Group 12 consists of public, quasi-public or private facilities which:

- Are needed in residential areas to service public utility or similar requirements of the residents; or
- Have technical location requirements necessitating specific locations; and
- Can be significantly objectionable to residential, commercial and light industrial uses, even though they meet all conditions set forth in this ordinance with respect to environment regulations; and
- Are therefore permitted in certain agricultural, residential, commercial and industrial districts, only by specific use permit of the City Council.

Public utility and related facilities either needed in residential areas to serve the residents thereof, or having technical locational requirements necessitating specific locations:

Permitted Uses	Off-Street Parking Spaces Required
Bus terminal	1 each employee
Electric substation	1 each employee
Gas or oil metering or regulation station	1 each employee
Heliport or helistop (Section 8.01)	1 each employee
ROW; railroad, pipeline, or other utility	1 each employee
Sewage disposal plant or lift station	1 each employee
Railroad team tract	1 each employee
Telephone exchange	1 each employee
Tower, communications, non-accessory	1 each employee
Water filtration plant, pumping station, or storage facility	1 each employee

Temporary uses of open land:

Permitted Uses	Off-Street Parking Spaces Required
Extraction of clay, gravel, sand or topsoil:	
Mining, quarry (Section 14.11)	None

(Ord. No. 1198, § 4, 7-6-1976)

**12.01.13. Group 13. Off-street Parking, Accessory, Special**

Use Group 13 consists of off-street parking lots, accessory to uses in commercial and industrial districts, but permitted in certain other districts, under conditions set forth in Section 17.04 by specific use permit of the City Council.



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**12.01.14. Group 14. Medical Offices and Related Facilities**

Use Group 14 consists of medical offices and related facilities suitable for locating in close proximity to residential areas, in order to provide convenient service to the residents of those areas.

Offices:

Permitted Uses	Off-Street Parking Spaces Required
Chiropractor	1 per 200 SF of floor area
Dentist	1 per 200 SF of floor area
Family counselor	1 per 200 SF of floor area
Medical doctor	1 per 200 SF of floor area
Osteopathic doctor	1 per 200 SF of floor area
Notary public	1 per 200 SF of floor area

Related or similar facilities:

Apothecary	1 per 200 SF of floor area
Medical or dental laboratory	1 per 200 SF of floor area

**12.01.15. Group 15. General Offices and Related Facilities**

Use Group 15 consists of general offices and uses which are compatible with or complementary to general offices and nearby residential areas, as follows:

Permitted Uses	Off-Street Parking Spaces Required
Bank; savings & loan associations	1 per 300 SF of floor area
Blueprinting & similar reproduction processes	1 per 600 SF of floor area
Business machines: sales, service & rental	1 per 300 SF of floor area
Commercial off-street parking facilities	None
Data processing or computing service	1 per 500 SF of floor area or 1 per 1.5 employees, whichever is larger
Funeral home; ambulance	1 per 3 seats, 1 per service
Laboratory: Scientific or testing	1 per 500 SF of floor area or 1 per 1.5 employees, whichever is larger
Office of any kind	1 per 300 SF of floor area
Printing, limited to 2,500 SF of floor area	1 per 500 SF of floor area or 1 per 1.5 employees, whichever is larger

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Store selling architects', artists', engineers' or office supplies	1 per 300 SF of floor area
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**12.01.16. Group 16. Convenience Goods and Services**

Use Group 16 consists of convenience goods stores and personal service establishments which provide local consumer and transient needs and have a small service area and are, therefore, distributed throughout the City:

Permitted Uses	Off-Street Parking Spaces Required
A. Convenience goods stores:	1 per 200 SF of floor area
Confectionery or nut store; Bookstore; Delicatessen; Drugstore; Florist shop	
Food store, including bakery (retail only) meat, fish, seafood, dairy products	
Gift, novelty or souvenir store	
Hardware store	
Ice vending establishment	
Newsstand, tobacco store	
Variety store	
Wine & beer sales of off-premises consumption	
B. Personal service establishment:	1 per 200 SF of floor area
Altering, pressing, repairing or reweaving of apparel	
Barbershop	
Custom dressmaker; custom milliner; custom tailor	
Dry cleaning pick-up or self-service	
Laundry pick-up or self-service	
Optician, optometrist	
Post office or postal station	
Shoe repair	
Eating place, enclosed	
C. Personal improvement services:	1 per 300 SF of floor area
Art teaching studio	

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Artist studio	
Charm school	
Dance teaching studio	
Drama teaching studio	
Handicraft teaching studio	
Music teaching studio	
Photography (contact) studio	
D. Personal service establishments:	1 per 100 SF of floor area
Beauty shop	

**12.01.17. Group 17. Eating Places with Beer and Wine**

**11.01.17.1. Permitted uses.**

Eating places, enclosed, where beer and wine is served incidental to the serving of food, without dancing or entertainment.

**12.01.18. Group 18. Shopping-type Consumer Goods and Related Services**

Use Group 18 consists of stores selling goods which are ordinarily purchased less frequently than convenience goods and which often are affected by style and comparative shopping considerations. These stores tend to sell to a community-wide or regional market, rather than the more restricted local market served by convenience goods stores:

Permitted Uses	Off-Street Parking Spaces Required
A. Stores:	1 per 200 SF of floor area, except as otherwise noted
Art & handicraft supply store	
Auto accessories store, no tire recapping	
Antique store	1 per 300 SF floor area
Camera & photographic supplies: sales & rental	
Department store	
Dry goods store	
Floor covering sales	1 per 300 SF floor area
Freight reclamation	1 per 300 SF floor area
Furniture store	1 per 300 SF floor area

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Garden supply store, nursery stock	1 per 300 SF floor area
Home furnishings store	
Household electronics equipment sales	
Interior decorating shop	1 per 300 SF floor area
Household appliance store	
Jewelry, sales & repair	
Leather goods, sales & repair	1 per 300 SF floor area
Manufacturing of baked goods, candy delicatessen foods, & ice cream for retail sales on the premises only	
Music, musical instruments, phonograph record shop	
Orthopedic or medical appliance store	
Paint & wallpaper store	
Party & novelty supply sales	
Pet shop	
Picture framing sales	
Religious goods	
Stationery store	
Sporting goods sales	
Toy store	
Typewriter store	
B. Service establishments:	1 per 200 SF of floor area, except as otherwise noted
Auto rental agency	
Auction room	
Bridge studio	2 per 300 SF floor area
Billiard parlor	2 per 300 SF floor area
Bowling alley	3 per alley
Candy kitchen	
Delivery & express service	1 per 400 SF floor area
Locksmith shop	1 per 400 SF floor area
Saddle shop	1 per 300 SF floor area
Sewing machines sales & repair	1 per 200 SF floor area

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Taxi stand & dispatcher station	Minimum area
Theater or auditorium, enclosed, having less than 1,000 person seating capacity	1 space per 5 seats
Veterinarian: office only	1 space per 400 SF floor area

**12.01.19. Group 19. Service Stations and Drive-in Restaurants**

Use Group 19 consists of certain facilities catering almost entirely to persons in their automobiles and sometimes so operated as to cause appreciable adverse effects on adjoining residential and retail commercial uses, and therefore, not appropriate for prime retail districts:

Permitted Uses	Off-Street Parking Spaces Required
Gasoline service station (Section 14.13)	4 per enclosed service bay
Drive-in restaurant	1 per 300 SF of lot area

**12.01.20. Group 20. Local Consumer Services**

Use Group 20 consists of establishments engaged primarily in providing household and automotive maintenance and similar services which:

- Fulfill recurrent needs of residents of nearby areas; and
- Have relatively small service areas and are therefore distributed throughout the City; and
- Are generally incompatible with primary retail districts because they break the continuity of retail frontage.

Permitted Uses	Off-Street Parking Spaces Required
A. Stores:	1 per 300 SF floor area, except as otherwise noted
Automobile air conditioners, heaters, radios, seat covers; sales[,] installation[,] servicing & repair	
Automobile batteries, mufflers, glass, convertible tops; sales & installation	
Auto drivers training school	
Automobile tires: sales, installation & repair, but not including recapping or rebuilding of tires	
Building materials & lumber: retail sales	
Monument sales, with incidental processing to order, but not including the shaping of headstones	

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Used clothing & house wares sales	
B. Service establishments:	
Animal hospital serving household pets & similar small animals; breeding, raising, or boarding of household pets or similar small animals for commercial purposes, kennel (Section 14.19)	
Automobile laundry (Section 14.03)	
Automobile service garage, minor	1 per 300 SF floor area, except as otherwise noted
Bicycle sales, rental & repair	
Cabinetmaker shop	
Contractor or construction offices or shops: air conditioning, building, cement, electrical, heating, masonry, painting, plumbing, refrigeration, roofing, & ventilating	
Custodial or janitorial services	
Deodorizing	
Golf driving range; pitch & putt course; miniature golf (Section 14.14)	2 per tee or hole
Pawnshop	1 per 300 SF floor area, except as otherwise noted
Household equipment, repairs: appliances, electronics equipment, yard equipment	
Household equipment, rental: primarily household needs including chairs, party equipment, sick room equipment, tools, & similar sections, but not including industrial or major construction equipment	
Sign painting	
Storage facilities or mini-warehouses for storage of personal items, dealing directly with customers	
Taxidermist	
Tool sharpening	
Upholstering shop dealing directly with consumers	

**12.01.20.1. Off-street parking spaces required:**

- 1 per 300 SF floor area, except as otherwise noted.

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(Ord. No. 1198, § 2, 7-6-1976)

**12.01.21. Group 21. Major Commercial Recreation Facilities**

Use Group 21 consists of large commercial recreation facilities capable of generating substantial traffic volumes and having potentially adverse effects on nearby residential, commercial or light industrial areas.

Permitted Uses	Off-Street Parking Spaces Required
Amusement park	1 per 1,100 SF lot area
Commercial stadium, arena or auditorium having more than 1,000 person seating capacity	1 per 5 seats
Dancehalls	1 per 200 SF
Drive-in theater (Section 14.10)	1 per outside speaker
Riding academy or public stable	None (Sub-section 8.172)
Skating rink	1 per 500 SF floor area

**12.01.22. Group 22. Semiprivate Clubs, Taverns and Nightclubs**

Permitted Uses	Off-Street Parking Spaces Required
Club, semiprivate (Section 14.29)	1 per 500 SF floor area
Nightclub (Section 14.29)	
Tavern (Section 14.29)	

**12.01.23. Group 23. Automobile Sales and Service Establishments**

Use Group 23 consists of automobile and related vehicles sales and service establishments, including open use of land, having limited objectionable characteristics to other retail and service establishments.

Permitted Uses	Off-Street Parking Spaces Required*
Automobile leasing	
Automobile repair, major	
Automobiles & trucks, new & used: sales & servicing	
Boats: sales & repair	1 per 300 SF floor area
Motorcycles & scooters: sales & repair	
Trucks: sales, repair, & rental	

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**12.01.23.1. Off-street parking spaces required:**

- 1 per 400 SF floor area, except as otherwise noted.

(Ord. No. 1830, § 12, 11-19-1985)

**12.01.24. Group 24. Industrial Group A**

Use Group 24 consists of light industrial activities, including processing activities which:

- Are ordinarily conducted in such a way as to comply with a high level of performance standards; and
- Produce articles of high value relative to bulk, and therefore, generate very low truck traffic.

**12.01.24.1. Permitted Uses:**

- Art needle work, hand weaving or tapestries.
- Bakery products: limited to 7,500 SF of floor area per establishment.
- Book binding and tooling.
- Carpentry, custom woodworking or custom furniture making.
- Custom ceramic products.
- Custom hair products.
- Custom orthopedic or medical appliances.
- Jewelry manufacturing from precious metals.
- Medical, dental or drafting instruments; optical goods; or similar precision instruments.
- Printing or publishing, including engraving and photoengraving, without floor area limitation.
- Watch making.

**12.01.24.2. Off-street parking spaces required.**

- In nonmanufacturing or processing facilities, one per 300 SF of floor area for office area, and one per 600 SF of floor area for warehouse and shop area.
- In manufacturing or processing facilities one per each 1½ employees.

(Ord. No. 1715, § V, 3-20-1984)

**12.01.25. Group 25. Industrial Group B**

Use Group 25 consists of manufacturing and nonmanufacturing activities which:

- Are ordinarily conducted in such a way as to comply with a high level of performance standards; and
- Produce articles of only moderately high value relative to bulk and thus are likely to generate moderate truck traffic.

**12.01.25.1. Permitted Uses:**

- Manufacturing or processing of the following products:
  - Apparel or other textile products from textiles or other prepared materials, including hat bodies and similar products.
  - Beverages, nonalcoholic.
  - Bottling works, for all beverages.



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- Brooms or brushes.
- Cameras or other photographic equipment, except film.
- Canvas products.
- Clocks or similar products.
- Fur goods, not including tanning or dyeing.
- Ice, dry or natural.
- Motion picture.
- Novelty products.
- Orthopedic or medical appliances, including artificial limbs, braces, supports, or stretchers, or similar appliances.
- Scenery construction.
- Statuary, mannequins, figurines, or religious or church art goods, excluding foundry operations.
- Umbrellas and parasols.
- Nonmanufacturing activities:
  - Cold storage plant
  - Laundry plant
  - Moving; storage; parking; crating
  - Warehouse, except for goods whose warehousing or storage is listed separately herein
  - Wholesale distributors, except for goods whose distribution is listed separately herein

**12.01.25.2. Off-street parking spaces required.**

- In nonmanufacturing or processing facilities, one per 300 SF of floor area for office area, and one per 600 SF of floor area for warehouse and shop area.
- In manufacturing or processing facilities one per each 1½ employees.

(Ord. No. 1715, § V, 3-20-1984)

**12.01.26. Group 26. Industrial Group C**

Use Group 26 consists of manufacturing and nonmanufacturing activities which are ordinarily conducted in such a way as to generate moderate adverse effects on certain other uses and thus to comply with a moderate level of performance standards.

**12.01.26.1. Permitted Uses:**

- Manufacturing or processing of the following products:
  - Automobiles, trucks or trailers, including parts; engine rebuilding.
  - Boats.
  - Carpets.
  - Ceramic products, including pottery, small glazed tile, or similar products.
  - Chemicals: compounding or packaging.
  - Cosmetics or toiletries.
  - Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances.
  - Electrical equipment assembly, including home radio or television receivers, home-movie equipment, or similar products, but not including electrical machinery.

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- Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar products.
- Food products, except slaughtering of meat, or manufacturing of vinegar, sauerkraut, or pickles, or similar products.
- Glass products, from previously manufactured glass.
- Hair, felt, or feather products, except washing, curing, or dyeing.
- Hosiery.
- Ink or inked ribbon.
- Jute, hemp, sisal, or oakum products.
- Leather products, including shoes, machine belting, or similar products.
- Luggage.
- Machines, business, including typewriter, accounting machines, calculators, card-counting equipment, or similar products.
- Machinery, miscellaneous, including washing machines, firearms, refrigerators, air conditioning, commercial motion picture equipment, or similar products.
- Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, and similar products.
- Mattresses, including rebuilding or renovating.
- Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing, heat treating, or similar processes.
- Motorcycles, including parts.
- Musical instruments, including pianos or organs.
- Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper, or similar products.
- Pecan shelling.
- Perfumes or perfumed soaps, compounding or packaging only.
- Pharmaceutical products.
- Plastic products, including tableware, phonograph records, buttons, or similar products.
- Poultry or rabbit packing or slaughtering.
- Silverware, plate or sterling.
- Soap or detergents, packaging only.
- Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products.
- Steel products: miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products.
- Textiles: spinning, weaving, manufacturing, dyeing, or printing; canvas goods, knit goods, yarn, thread or cordage.
- Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools, cutlery, hinges, house hardware, locks, nonferrous metal castings, plumbing, appliances, or similar products.
- Toys.
- Upholstering, bulk, excluding shops dealing directly with consumers.
- Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles.
- Venetian blinds, window shades, or awnings.
- Wax products.

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- Wood products, including furniture, boxes, crates, baskets, pencils, cooperage, or similar products.
- Nonmanufacturing activities:
  - Agricultural suppliers; feed, seed, livestock medication, not including farm machinery.
  - Building supplies and lumber yards: retail or wholesale.
  - Plumbing fixture supplies: retail or wholesale.

**12.01.26.2. Off-street parking spaces required.**

- In nonmanufacturing or processing facilities, one per 300 SF of floor area for office area, and one per 600 SF of floor area for warehouse and shop area.
- In manufacturing or processing facilities one per each 1½ employees.

(Ord. No. 1715, § V, 3-20-1984)

**12.01.27. Group 27. Industrial Group D**

Use Group 27 consists of manufacturing and nonmanufacturing activities which are ordinarily conducted in such a way as to generate substantial adverse effects on certain other uses and thus to comply with a low level of performance standards.

**12.01.27.1. Permitted Uses:**

- Manufacturing of the following products:
  - Asphalt or asphalt products.
  - Beverages, alcoholic, including beer or ale.
  - Brick, tile, or clay.
  - Cement, lime, or plaster of paris.
  - Charcoal or fuel briquettes.
  - Chemicals, including acids, acetylene, aniline dyes, ammonia, bleaching compounds, carbide, caustic soda, cellulose, chlorine, cleaning or polishing preparations, exterminating agents, hydrogen or oxygen, industrial alcohol, potash; plastic materials, synthetic resins, or rayon yarns, coal, coke or tar products, including manufacturing gas.
  - Cotton ginning or processing.
  - Distillation of bones or wood.
  - Excelsior or packing materials.
  - Fat rendering.
  - Fertilizers.
  - Food products, without limitations as to type.
  - Foundries, ferrous or nonferrous.
  - Gas or gas products.
  - Gelatin, glue, or size.
  - Glass or large glass products, including structural or plate glass or similar products.
  - Grain milling or processing.
  - Graphite or graphite products.
  - Gypsum.
  - Hair, felt, or feathers, bulk processing, washing, curing, or dyeing.
  - Film, photographic.

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- Incineration or reduction of garbage, offal.
- Insecticides, fungicides, disinfectants, or related industrial or household chemical products.
- Leather or fur tanning, curing, finishing, or dyeing.
- Linoleum or oil cloth.
- Machinery, heavy.
- Metal or metal ores, reduction, refining, smelting, or alloying.
- Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead, or gold foil, or similar products.
- Metal or metal products: treatment or processing, including enameling, japanning, lacquering, galvanizing, or similar processes.
- Metal casting or foundry products, heavy, including ornamental iron works or similar products.
- Monument works, with no limitation on processing.
- Oil well drilling.
- Paint, enamel, lacquer, turpentine or varnish.
- Petroleum or petroleum products, refining, including gasoline or other petroleum products with a closed cup flashpoint of less than 105 degrees Fahrenheit.
- Plastic, raw.
- Porcelain products, including bathroom or kitchen equipment or similar products.
- Railroad equipment, including railroad cars and locomotives.
- Rubber, natural or synthetic, including tires, tubes, or similar products.
- Soaps or detergents.
- Steel structural products, including bars, girders, rails, wire rope, or similar products.
- Solvent extracting.
- Slaughtering or packing.
- Stone processing or stone products, including abrasives, asbestos, stone screening, stone cutting, stone works, sand or lime products, or similar products or processes.
- Sugar refining.
- Tar or tar products.
- Textile bleaching.
- Vinegar, pickles, or similar products.
- Wood or lumber processing, including sawmills or planing mills, excelsior, plywood or veneer, wood preserving treatment, or similar products or processes.
- Wool scouring or pulling.
- Nonmanufacturing activities:
  - Junkyard
  - Slaughterhouse, animal auction

**12.01.27.2. Off-street parking spaces required.**

- In nonmanufacturing or processing facilities, one per 300 SF of floor area for office area, and one per 600 SF of floor area for warehouse and shop area.
- In manufacturing or processing facilities one per each 1½ employees.

(Ord. No. 1122, § 2, 5-27-1975; Ord. No. 1715, § V, 3-20-1984)

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**12.01.28. Group 28. Outdoor Advertising**

**12.01.28.1. Permitted Uses:**

- Outdoor advertising signs.
- Off-street parking spaces required: None.

**12.01.29. Group 29. Shipping Containers and Shipping Container Storage Yards**

**12.01.29.1. Permitted Uses:**

- Shipping container storage yard.

(Ord. No. 1639, § II(2), 2-15-1983)

**12.01.30. Group 30. Manufactured Homes and Trailers**

**12.01.30.1. Permitted Uses:**

- Sales, repair and rental of manufactured homes and trailers (*including camping trailers*).

(Ord. No. 1830, § 13, 11-19-1985)

**12.01.31. Group 31. Tank Truck Facilities**

**12.01.31.2. Permitted Uses:**

- Dispatching, handling, maintenance, repair, storing or parking of tank trucks which are used to haul or transport any flammable or hazardous products.

(Ord. No. 1883, § VII, 12-16-1986)

**12.01.32. Group 32. Highway Services**

**12.01.32.1. Specific Use Permit (SUP) Required:**

(Ord. No. 2737, §§ 2, 3, 1-2-2001)

**12.01.33. Group 33. General Commercial Zoning District**

**12.01.33.1. Permitted Uses:**

- Light fabrication shop making small precision parts only inside enclosed structure, using no overlay or fabrication welding, using no overhead cranes and creating minimum noise.

(Ord. No. 2758, § I, 6-5-2001; Ord. No. 2761, § I, 6-19-2001)

**12.01.34. Group 34. Industrial Parks District and General Industrial District**

**12.01.34.1. Principal Uses:**

Lay down yards/outdoor storage:

- Allowed only in the M1.

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- Any area that can be viewed from a public ROW shall be enclosed by a solid eight-foot fence. If the area abuts another zoned district other than an industrial district, that area will need to be enclosed by a solid eight (8) foot fence.
- The area needs to be surfaced with some hard surface to control dust at all times.
- The area cannot encroach on the front building line. The lay down yards/outdoor storage, which abut other industrial zoned districts, do not have to conform to the side or back setback line.
- Equipment or material stored on-site shall be free from any hazardous and combustible materials.

**12.01.34.2. Permitted uses:**

Shipping containers:

1. Shipping containers are allowed in the M1 industrial park district and M2 general industrial district for shipping purposes only and must conform to the following requirements:
  - i. No shipping container may be used for storage purposes;
  - ii. Shipping containers may not be stacked and must be placed on a concrete or asphalt surface;
  - iii. The shipping containers must be completely enclosed by a solid fence that is a minimum of six (6) inches above the shipping containers and a maximum height of eight feet from the ground;
  - iv. The use of the shipping containers must be in connection with the business at the location but not the primary business;
  - v. The use of shipping containers in the M1 industrial park district and M2 general industrial district must have a specific use permit before any containers are placed at the location.

**12.01.35. Group 35. Industrial Zoning District**

**12.01.35.1. Specific Use Permit (SUP) Required:**

- Bulk Warehouses

**12.01.35.2. Parking requirements:**

- Parking requirements shall be one space per 300 SF of office and one space per 2,500 SF of warehouse.

(Ord. No. 2827, § I, 7-16-2002; Ord. No. 2876, § I(2)—(8), 2-4-2003; Ord. No. 2908, § I(2)—(4), 8-5-2003)

**12.01.36. Group 36. Industrial Equipment Rental (*Industrial Zoning District*)**

- All equipment, machinery, containers, etc., that can be viewed from a public ROW, shall be enclosed by a solid eight (8) foot fence. If the equipment, machinery, containers, etc. abuts another zoned district other than an industrial district, that area will need to be enclosed by a solid eight-foot fence.
- All equipment, machinery, containers, etc., need to be on a hard surface to control dust at all times and containers may not be stacked.

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- All equipment, machinery, containers, etc., stored on site shall be free from any hazardous and combustible materials.

(Ord. No. 2930, § 1(2)—(4), 11-18-2003)

**12.01.37. Group 37. Light Industrial District**

**12.01.37.1. Permitted uses.**

- Recreational vehicle parks.

(Ord. No. 3138, §§ 2, 3, 3-6-2007)

SECTION 13 – PERFORMANCE STANDARDS

## Section 13. Performance Standards

### 13.01 Landscape Requirements.

#### 13.01.1. Purpose.

This concerns providing landscape space, trees, vegetation and other materials for the purposes of the following.

1. Site Design.  
Complementing the design and location of buildings, streets, and circulation systems and integrating and enhancing the overall site design.
2. Buffering.  
Minimizing the impacts of light, noise, movement or activities from adjacent properties.
3. Conservation.  
Protecting and conserving water resources and assisting in the management of storm water.
4. Environmental.  
Improving air quality, moderating ambient temperatures and lowering energy consumption.
5. Soil Protection.  
Protecting and conserving soils from erosion by wind or water or from excavation or grading and the promotion of healthy soil biology.

#### 13.01.2. Scope.

1. Applicability.  
Section 13.01 Landscape Requirements shall apply to the following.
  - a. All new developments and all existing developments that are expanding or redeveloping 30 percent or more land area or building area.
  - b. New Single Family (SF), Two Family (2F) and Townhome (TH) lots shall comply with 13.01.10 Landscaping Requirements for Single Family, Two Family, and Townhome Lots.
  - c. HOAs and Covenants, Codes and Restrictions (CCRs) for residential developments shall not overrule the requirements of this Section 13.01 by penalizing or restricting water conserving landscapes, or requiring landscape materials that do not comply with this Section 13.01.
  - d. All open space and landscape areas required by other regulations in the Zoning Ordinance and the Subdivision Ordinance shall comply with the standards of this Section 13.01.
2. General Standards.  
The preparation of the Landscape and Irrigation plans shall be in accordance with the following standards.
  - a. Best management practices for tree pruning, ANSI A300, shall apply to this Section 13.01.



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SECTION 13 – PERFORMANCE STANDARDS

- b. Nursery standards shall be the American Standard for Nursery Stock, ANSI Z60.1-2004.
- c. Best management practices for stormwater management as approved by the Director of Engineering Services.

3. Landscape Plan.

- a. A Landscape Plan is required for all applicable developments, as described above.
- b. The Building Official shall establish and maintain a list of the required documents and elements for a Landscape Plan.
- c. A Landscape Plan shall be prepared by a Landscape Architect and submitted for review.
- d. Irrigation drawings shall be prepared by a licensed Irrigator.

4. Equivalent or Superior Landscape Requirements.

- a. The Planning & Zoning Commission may approve modified landscape requirements that are equivalent to, or exceed, the requirements set forth in within this section in conjunction with the submittal Site Plan only if the following is met.
  - i. The following standards are met:
    - 1) The proposed landscape requirements represent a superior result than that which could be achieved by strictly following the requirements of this section; and
    - 2) The proposed landscape design complies with the stated purpose of this section; and
    - 3) Landscape elements and yard area requirements are provided elsewhere on the site.
  - ii. The proposed landscape design either:
    - 1) Incorporates the retention of significant trees and naturally occurring undergrowth; or
    - 2) Better accommodates or improves the existing physical conditions of the subject property.

5. Landscape Inspections.

- a. The approved landscape design shall be inspected and approved by the City before a Certificate of Occupancy can be issued.
- b. The landscape construction may be delayed up to six (6) months under special circumstances when the amount of the landscape improvement costs is escrowed with the City or a performance bond is initiated between the City and the property owner.

6. Maintenance and Enforcement.

- a. The owner of the property shall maintain the landscape pursuant to the design intent and best management practices for landscape.
- b. The owner of a property that does not comply with these requirements shall be notified and given 30 calendar days to comply.
- c. If, after 30 calendar days, the landscape still does not comply with the approved Landscape Plan, the City may issue citations for the violation pursuant to code enforcement provisions.

**13.01.3. Examples of Appropriate Landscaping.**

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**Office / Non-Retail Center Façade**

<b>1</b>	<b>Façade</b>	South and West Façades with glazing
<b>2</b>	<b>Landscape area</b>	15' minimum adjacent to structure
<b>3</b>	<b>Trees, façade</b>	30' on center or as appropriate for species
<b>4</b>	<b>Sidewalk</b>	6' minimum width
<b>5</b>	<b>Main drive aisle</b>	24' minimum
<b>6</b>	<b>Parking island</b>	9' minimum width; Terminus of parking rows along the main drive aisle; Equal to 2 parking spaces
<b>7</b>	<b>Parking lot</b>	
<b>8</b>	<b>Trees, parking</b>	Center in landscape island

provide Retail Shopping Center Façade (Section 4.02.07.1).

nter Façade

**Option One – Landscape Edge**

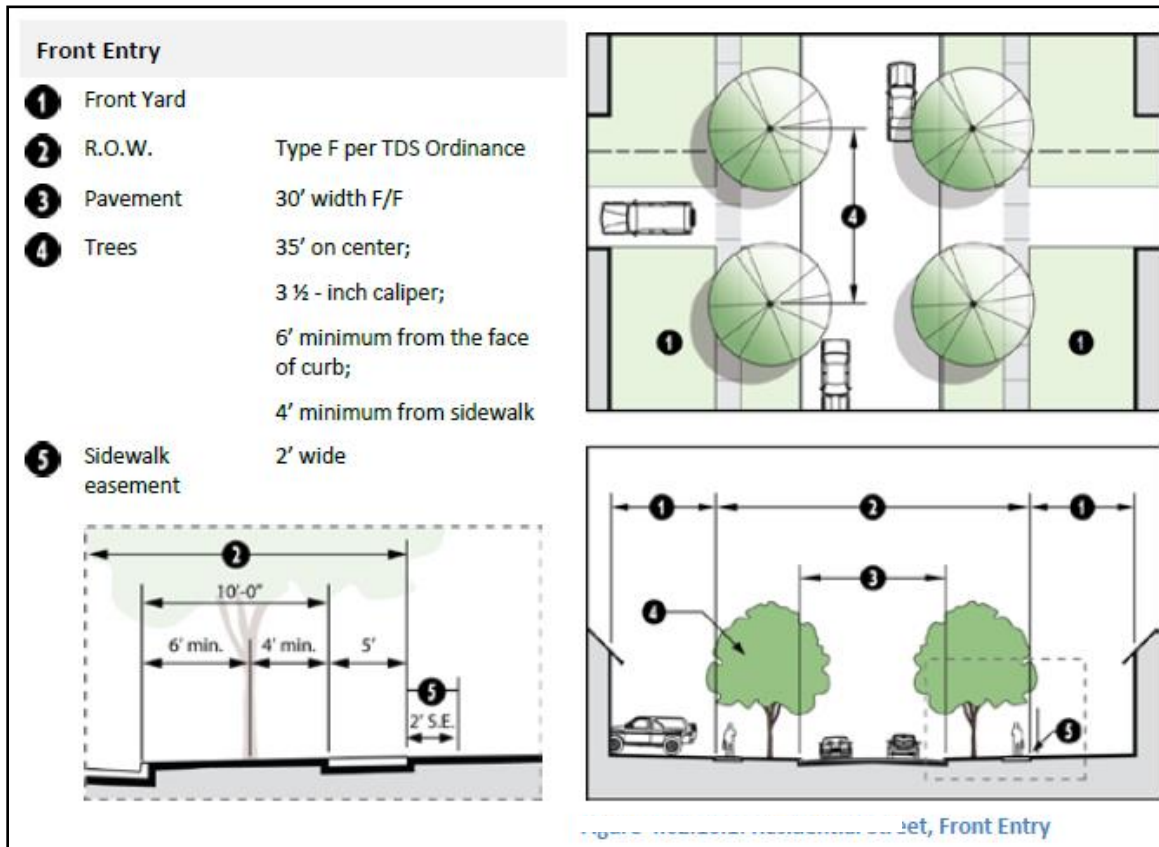
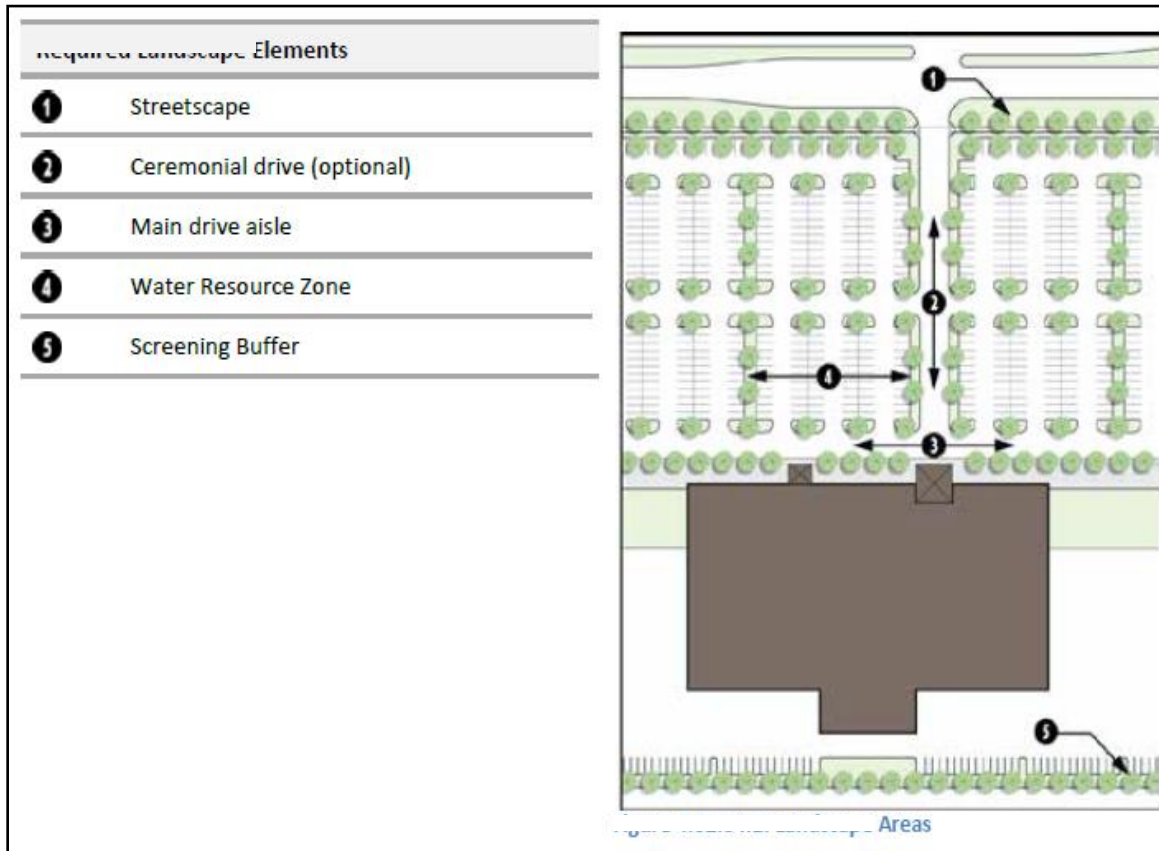
<b>1</b>	<b>Landscape buffer</b>	12' minimum width <sup>1</sup> ; 5 percent of the parking surface area, including drive aisles, for nonresidential; 7 percent of the parking surface area, including drive aisles, for multifamily;
<b>2</b>	<b>Stormwater BMP</b>	Engineered bioswale or bioretention
<b>3</b>	<b>Trees</b>	One tree per 500 square feet of landscape area
<b>4</b>	<b>Parking lot</b>	Grade parking lot to drain towards landscape area Design with wheel stops or curb cuts to allow drainage into landscape buffer

<sup>1</sup> May be wider based on stormwater runoff and exclusive of detention basis.

ie – Option One

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SECTION 13 – PERFORMANCE STANDARDS



SECTION 13 – PERFORMANCE STANDARDS

## 13.02 Screening Standards

### 13.02.1. Purpose

Standards set forth in this subsection establish the screening options required for the various land uses and zoning districts.

### 13.02.2. Standards

#### 1. Applicability.

Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

- a. The property owner of a tract of land in a nonresidential zoning district shall be the responsible party for:
  - i. The wall or fence construction on the property line where a tract is adjacent to a district or use required to be screened; and
  - ii. Paving the area between the wall and/or fence and the alley according to Engineering Services' standards.
- b. The property owner of a tract of land within a multifamily zoning district shall be the responsible party for when adjacent to a single family zoning district.
- c. Screened from View and Screening Elements  
All areas covered by this section shall be screened from all streets and adjacent property lines of residentially zoned parcels, or areas shown as single family or multifamily residential uses on the Future Land Use Map.

#### 2. Screening Wall Materials.

A screening wall or fence required under the provisions of this section, under a SUP, a PUD, or other requirement shall be constructed of clay-fired brick or stone masonry units.

- a. All wall or fence openings within a required screening element shall be equipped with gates equal in height and screening characteristics to the wall or fence.
- b. Split-face concrete masonry units, or pre-cast panels used in lieu of walls constructed of clay fired brick or stone materials shall be constructed only with approval by the Director.

#### 3. Screening Wall Finishing on Both Sides.

- a. All required masonry screening walls shall be equally finished on both sides of the wall.
- b. The style, color, and material of the wall must be consistent within the development.

#### 4. Screening Installation and Maintenance.

- a. All required walls, fencing, and other screening materials must be installed and completed prior to final acceptance of the project.
- b. The property owner shall maintain all screening fences, walls, and landscaping.
- c. Set in place wall panel construction methods are prohibited in conjunction with multifamily developments proposed after April 5, 2011.
- d. Repairs to existing walls will be permitted with the addition of galvanized metal supports being added to the area being repaired.
- e. Thin walls are permitted in conjunction with multifamily development, and shall be constructed over a concrete footing (*grade beam*) or a galvanized steel angle iron with four (4) inch by 12 inch concrete mow strip beneath.

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SECTION 13 – PERFORMANCE STANDARDS

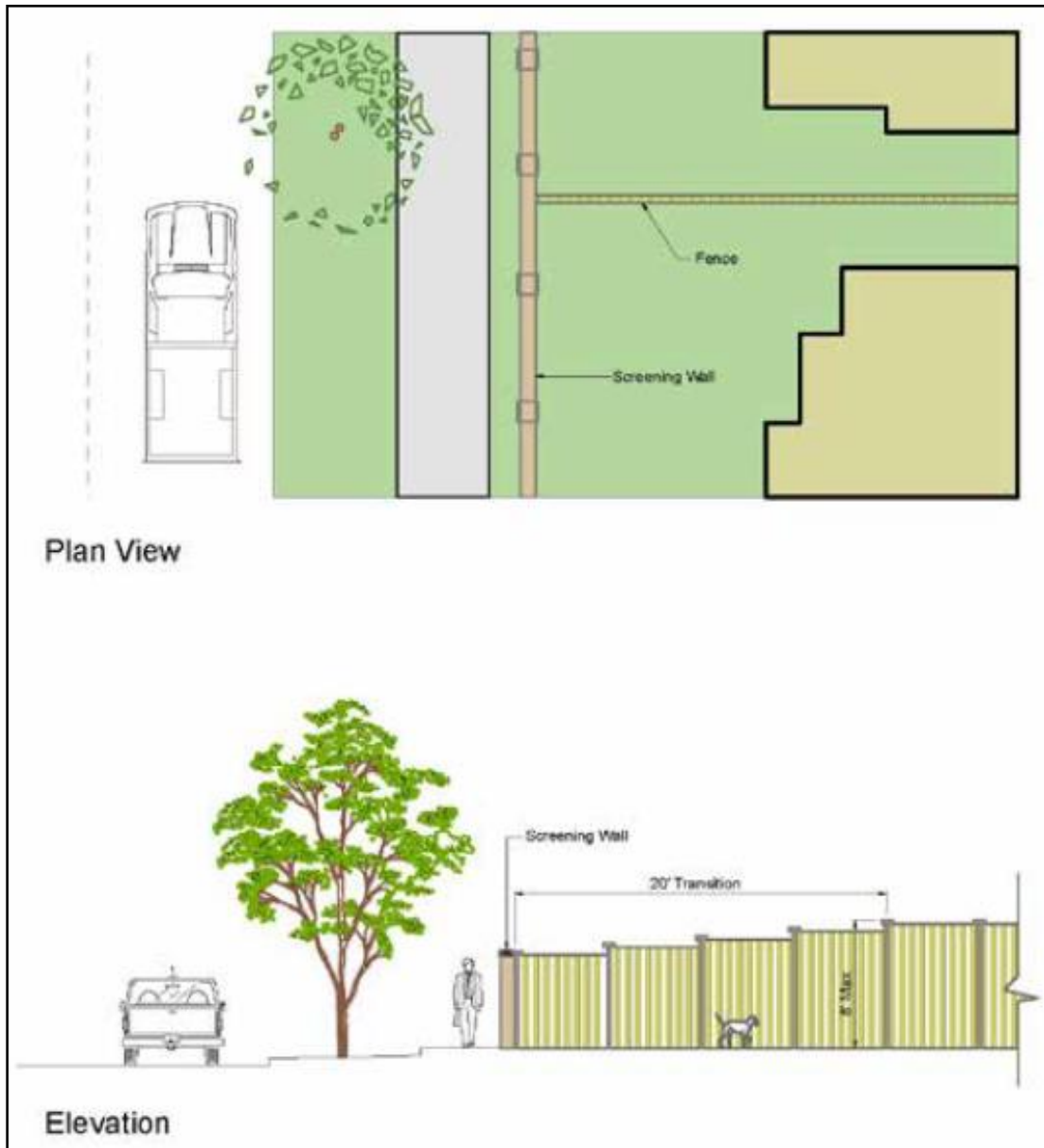
5. Landscape Screening and Sight Visibility Triangle.

Refer to the Thoroughfare Design Standards Ordinance for restrictions and limitations of improvements and landscaping in visibility easements.

6. Screening Standards.

In any residential district, or along the common boundary between any residential and nonresidential district where a wall, fence, or screening separation is erected, the following standards for height, location, and design shall be observed.

- a. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight (8) feet in height above the grade of the adjacent property.
  - i. As shown below where a fence intersects a screening wall and the height of the fence exceeds the height of the screening wall, the height of the fence shall transition to the height of the screening wall over a distance of 20 feet.



SECTION 13 – PERFORMANCE STANDARDS

13.02.3. Additional Examples of Screening/Buffer Areas

### Screening Wall with View Fence

- Adjacent property<sup>1</sup>
- Buffer width: 15' minimum width; 10' for OTC adjacent to OTR
- Pavement: Parking or other impervious surface; May drain to Water Resource Zone in buffer
- Trees: One row, evergreen<sup>2</sup> selected from Living Screen list
- Wall: 6' minimum to 8' maximum height; 30% masonry; 70% open ornamental fence material (see B2); Masonry is not required within the OTC

**Elevation detail:**

- Landscape area
- View fence
- Solid masonry / pilaster wall

own is a sample

re Land Use Map  
n species and  
approved by the City's Landscape Architect.

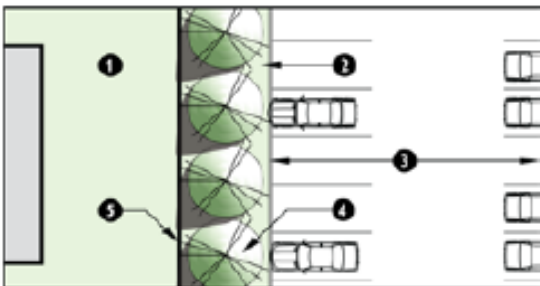
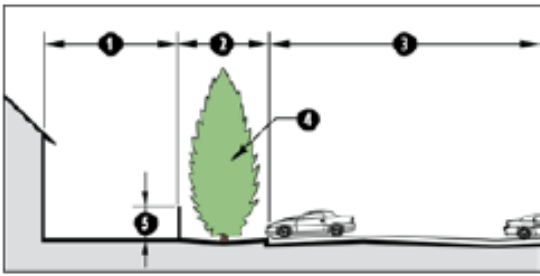
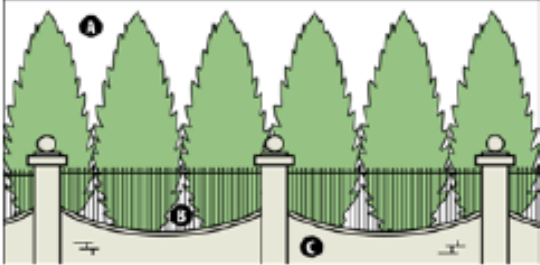
with View Fence

### Living Screen<sup>1</sup>

- Adjacent property<sup>2</sup>
- Landscape buffer: 15' minimum width, or as determined by landscaping
- Pavement: Parking or other impervious surface; May drain to Water Resource Zone in buffer
- Trees: Two rows, evergreen<sup>3</sup> (selected from Living Screen list); 6' in height at planting and create a solid screen (see B2); 14' when screening a loading dock
- Private fence: Homeowner fence

reen.  
re Land Use Map  
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approved by the City's Landscape Architect.

ng Screen



SECTION 13 – PERFORMANCE STANDARDS

**13.03 Screening for Outside Storage.**

**13.03.1. Outside Storage and Display Requirements.**

1. Elements within Outside Storage and Display Areas.

- a. Outside storage and display areas shall only contain equipment, vehicles, commodities, materials, goods, or merchandise that is sold, rented, or distributed within the inside of a building of a primary use, unless it is demonstrated to the Director that such products or materials could not be located indoors.
- b. Outside Storage and Display, Sales, or Operations.
  - i. No outside storage and display, sales, or operations shall be permitted unless such activity is visually screened from all streets and adjacent property lines of residentially zoned parcels or areas shown as single family residential or multifamily use on the Future Land Use Map.
  - ii. These regulations do not apply to temporary outside merchandise display, such as a sidewalk sale, where an outside area is used for merchandise display for less than 90 calendar days in one calendar year. If an area is used for more than 90 calendar days in one calendar year, then it shall comply with this section.

2. Prohibited Areas.

- a. Outside storage and display areas shall not be located within any required front/side yards.
- b. Outside storage and display areas shall not be located within any drainage or other type of easement.
- c. Outside storage and display areas shall not be located within any required parking area, parking spaces, loading areas, fire lanes, vehicular moving aisles or customer pick up lanes.

3. Visual Obstruction and Interference.

Outside storage and display areas shall not obstruct visibility or interfere with pedestrian or vehicular circulation and shall be subject to the following requirements:

- a. A minimum six (6) foot wide pedestrian path shall be maintained between outside storage and display areas and vehicular maneuvering aisles; and
- b. A minimum six (6) foot wide pedestrian path shall be maintained between any entry or exit doors from the primary use building to the vehicular maneuvering aisles or parking areas.

4. Size Limitation.

- a. Outside storage and display areas shall not occupy an area exceeding twenty five (25) percent of the gross floor area of the primary use building, or ten (10) percent of the lot area, whichever is most restrictive.
- b. Exception to the Size Limitation of Outside Storage and Display Areas  
If the outside storage and display area exceeds these requirements, it must be presented on the Site Plan and requires Planning & Zoning Commission approval.

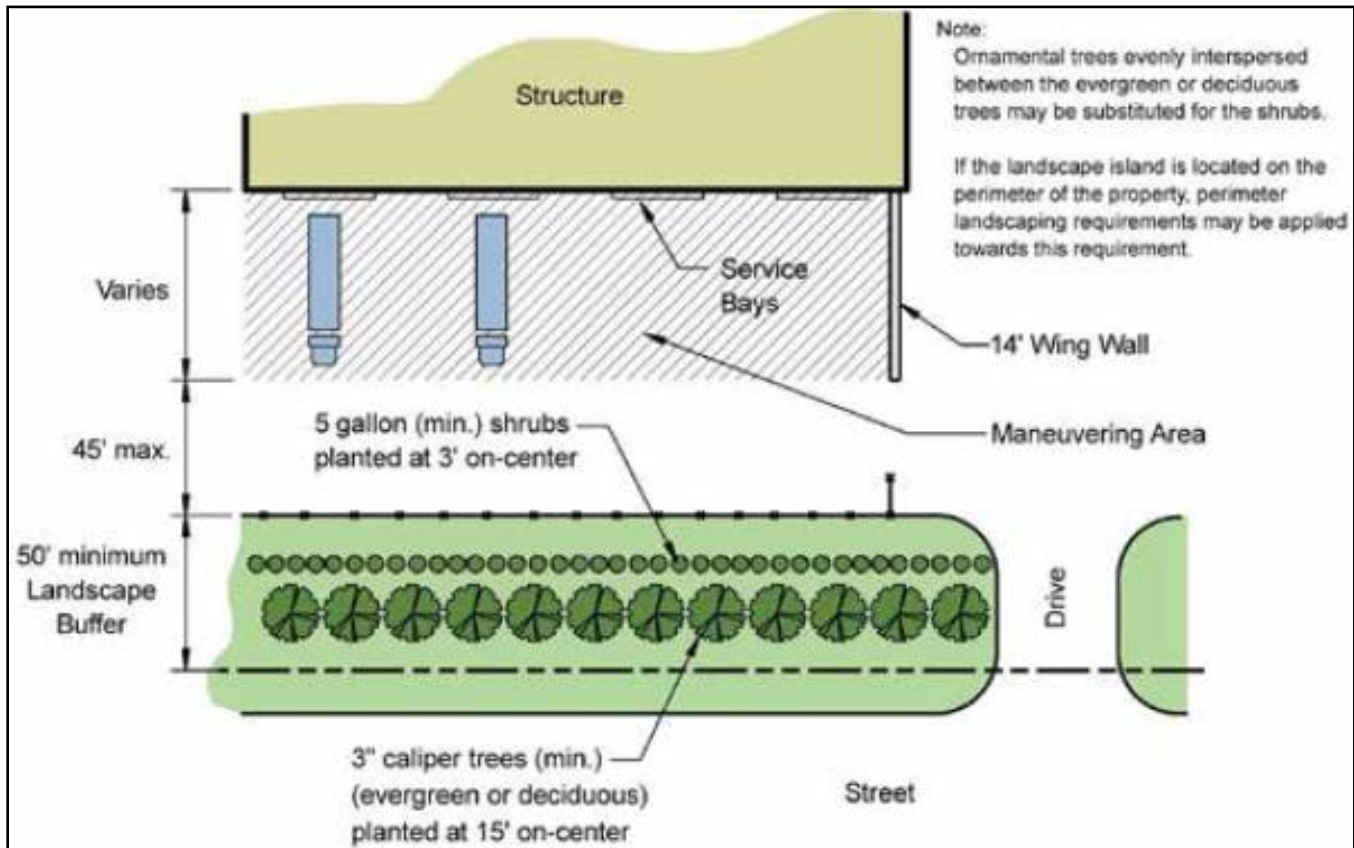
5. Exemptions.

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Outside storage and display areas shall not apply to new and used sales or lease of automobile, motorcycle, recreational vehicles, or watercraft and similar facilities requiring outside display.

6. Temporary Uses.

Seasonal and temporary storage areas shall provide for electrical plug-ins if storage containers require electrical service.



**13.04 Screening Requirements for Residential and Nonresidential Properties**

**13.04.1. Screening Required Between Nonresidential and Residential**

1. A solid screening wall separating a nonresidential zoning district from a residential zoning district shall be up to required pursuant to this section, except when deemed physically impractical by the Director of Public Works or other designee.
2. A required screening wall shall be at least six (6) feet six (6) inches in height, unless specifically permitted or required by this section or unless approved by a PUD or SUP.

**13.04.2. When the Nonresidential Use is Responsible for Constructing the Screening Wall**



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1. When nonresidential construction abuts the boundary of any property in a residential zoning classification, the Developer of the nonresidential use shall erect the screening wall along the common property line.
2. The design and construction material of the screening wall shall be as specified in this section.

**13.04.3. When a Residential Use is Responsible for Constructing the Screening Wall**

1. When residential construction abuts the boundary of any property in a nonresidential zoning classification, the Developer of the residential use shall erect the screening wall along the common boundary before the issuance of a Certificate of Occupancy and Compliance.
2. The design and construction material of the screening wall shall be as specified in this section.

**13.04.4. Screening Walls for Loading Docks**

1. Nonresidential uses with loading docks or delivery entrances that front a Collector Street or Arterial Street shall be screened by a minimum 10 foot tall masonry screening wall to obscure views of loading docks and loading spaces.
2. Loading docks and delivery entrances within the Light Industrial (LI) District and Heavy Industrial (HI) District are exempt.
3. The following standards apply if service or loading dock areas are adjacent to residential uses.
  - a. Service/loading areas shall be screened from view at a height of 10 feet at the residential property line.
  - b. This 10 foot wall must screen the entire loading dock or space.
  - c. Screening materials shall utilize similar masonry materials to the building's façades.
  - d. Service/loading areas shall be located at the side or rear of buildings.

**13.04.5. Screening Wall Materials**

1. Any screening wall required by this section shall be constructed of the following materials:
  - a. Brick, stone, or split-face concrete masonry unit; or
  - b. Pre-cast concrete wall or poured-in-place concrete wall with a similar wall with a similar appearance as brick, stone or split-face concrete masonry unit.
2. All construction materials shall be earth-tone or traditional masonry colors including white.
  - a. Where a masonry screening wall is constructed of split-face concrete masonry units or pre-cast concrete or poured-in-place concrete with a similar appearance as brick, the decorative or split-face side of the wall shall face the adjacent residential properties or street.
  - b. An unfinished Haydite block wall or a wall with non-traditional masonry colors shall be prohibited.

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- c. Smooth-faced concrete masonry units shall not be permitted as a construction material for a screening fence.

**13.04.6. Screening Wall Design**

- 1. All masonry walls shall be constructed with the same masonry materials as the main building.
- 2. The screening wall shall be designed and constructed to prevent any drainage or erosion problems.
- 3. A minimum five (5) foot wide screening fence maintenance easement shall be provided on all lots abutting the required screening along the full length of the required screening fence, unless separated by an alley. If platting, such easement shall be shown on the Preliminary Plat and Final Plat.

**13.04.7. Mechanical Equipment Screening Requirements for Nonresidential Properties**

**13.04.7.1. General**

- a. In all nonresidential development, all mechanical equipment, whether ground-mounted, roof-mounted or otherwise attached to the building, shall be screened from view.
- b. Mechanical equipment areas shall be constructed, located, and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
- c. The location, construction, and screening of all mechanical equipment shall be shown on the site plan or design drawings.

**13.04.7.2. Ground-Mounted Mechanical Equipment**

- a. Ground-mounted mechanical equipment, with the exception of an electricity delivery provider's distribution equipment, shall be placed behind a screening wall or living screen equal or greater than one (1) foot above the height of the unit.
- b. The screening wall shall be constructed of masonry materials.

**13.04.7.3. Roof-Mounted Mechanical Equipment**

- a. Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof or alternative architectural element.
- b. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than six (6) feet above the roof.
- c. When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two (2) horizontal feet for each additional one (1) foot of vertical height above the maximum six (6) feet.
- d. Screening for mechanical equipment shall apply to new building construction only.

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**13.04.8. Screening of Outdoor Waste Storage for Nonresidential, Single-Family Attached, and Multiple-Family Residential Properties**

**13.04.8.1. General**

- a. Waste storage areas housing (*refuse containers, dumpsters, or similar facilities*) shall be constructed, located, and screened to prevent interference with the peace, comfort, and repose of the occupants of any associated or neighboring building or residence.
- b. The location, construction, and screening of all waste storage areas shall be shown on the site plan or design drawings.

**13.04.8.2. Screening Required**

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be screened on three sides with a masonry screening wall that shall be constructed to a minimum height of one (1) foot above the container height, but shall not exceed eight (8) feet in height.

- a. The container shall be screened by the masonry wall capable of screening the area.
- b. The screening wall shall be similar to or extensions of the development's architectural design.

**13.04.8.3. Incidental Use Requirement and Location Standards**

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers that are used for waste disposal purposes shall:

- a. Only be allowed as an incidental use, and
- b. Only be allowed when located behind the building line established by the structure and not within any required landscaped area.

**13.05 Off-Street Parking and Loading Requirements**

**13.05.1. Applicability**

1. No building or structure or part thereof shall be erected, altered, or converted for any permitted use unless vehicle parking is provided according to the following standards, unless subject to an exception.
2. Vehicle parking shall be provided on the lot or tract, on an immediately contiguous lot or tract, or within 300 feet of such building or structure.
3. An established use lawfully existing at the effective date of this Zoning Ordinance need not provide vehicle parking that meets this Ordinance. No existing vehicle parking in connection with a legal use, at the effective date of this Zoning Ordinance, may be reduced below the minimum number of spaces as hereinafter required.

**13.05.2. General Requirements**

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1. Parking Areas and Driveways. Unless otherwise noted, parking areas and driveways shall be curbed, paved with cement concrete and maintained to City specifications.
2. Parking Space Dimension (Standard). In all zoning districts, all parking spaces shall not be less than 9 feet by 20 feet.

**13.05.3. Parking Space Schedule: Single-Family and Duplex Uses**

1. The minimum off street parking spaces for single-family and duplex uses shall be two (2) spaces for each dwelling unit, in addition to any garage parking spaces.
2. No off-street parking shall be allowed in any front yard area, except on a paved driveway.
3. No parking area or vehicle storage space shall be used for the storage or parking of any vehicle with more than two axles.
4. No inoperable vehicle may be parked on the street or driveway.

**13.05.4. Parking Space Schedule: Multi-Family Uses**

1. Off-street parking shall be provided behind the front building line in the side or rear yard of the lot or tract of land upon which a multi-family building is constructed.
2. Off-street parking shall be provided to meet the requirements of the residents and their guests in each multi-family project according to the following standards:
  - Two (2) spaces for each studio unit,
  - Two (2) spaces for each one-bedroom unit,
  - Two and one-half (2-½) spaces for each unit with (2) bedrooms,
  - Two and one-half (2-½) spaces for each unit with three (3) or more bedrooms, plus one additional space for each four (4) units in development.
3. No parking area or vehicle storage shall be used for the storage or parking of any vehicle with more than two axles.
4. No inoperable vehicle may be parked on the street or driveways.

**13.05.5. Parking Space Schedule: Nonresidential Uses Applicable to All Districts**

**13.05.6. Off-Street Parking and Regulations**

1. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.

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2. Floor Area of a structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.

**13.05.7. Parking Requirements for New or Unlisted Use**

Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be determined by the Director of Public Works or other designee as those of a similar use.

**13.05.8. Circulation and Parking Requirements for all Nonresidential Developments**

1. Applicability. The regulations provided in this section shall apply to all nonresidential development.
2. Parking Aisles. Parking aisles shall generally be designed perpendicular to the front of the primary building in the development.
3. Wheel Stops and/or Bollards. If curbs are not provided, then parking spaces that face and are adjacent to a building or required landscaped area shall utilize wheel stops and/or bollards within 12 inches from the end of the space.

**13.05.9. Handicap Parking Space(s)**

Handicap parking space(s) shall be provided according Americans Disability Act (ADA) Standards for Accessible Design, as may be amended. Current requirements are as follows:

**13.05.10. Parking Space Design Details**

Each standard off-street surface parking space size shall be in accordance with the design standards as shown on the following illustrations for space size and design.

**13.05.11. Off-Street Loading Space: All Districts**

All nonresidential uses having 50,000 SF or more of gross floor area shall provide adequate off-street facilities for loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement of the public streets, alleys, or sidewalks.

1. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
2. Each site shall provide a designated maneuvering area for trucks.
3. No maneuvering shall take place in the ROW, all maneuvering shall be on-site.

**13.05.12. Vehicle Stacking Requirements**

1. Double Stacking Space Required after the Final Window, Food Pick-Up Window, or Stopping Point
  - a. A double stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.

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2. Visibility Triangle Requirement for Drive-Through Lanes
3. Buildings and other structures shall have a 10 foot visibility triangle at the end point of drive-through lane to provide adequate visibility to allow vehicles to safely exit the drive-through lane prior to merging into intersecting driveways or maneuvering aisles.

SECTION 15 – EXCEPTIONS AND MODIFICATIONS

## Section 14. Conditional Use Standards

### 14.01 General

Sections 11.02 through 11.37 describe the special conditions under which certain uses are permitted in certain districts. In addition to these conditions, the general provisions set forth in Section 14 shall apply to every permitted use, unless otherwise exempted elsewhere in this ordinance. Failure to maintain compliance with the conditions set forth herein shall constitute a violation of this ordinance.

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City. If the Director is unable to classify the use under one of the existing listed uses, then the Director shall initiate a zoning text amendment pursuant to procedures set forth in this ordinance.

### 14.02 Heliport or helistop.



Heliport or helistop shall be located no nearer than 600 feet to any other property in a residential district; shall provide runways or other landing spaces only so located and oriented that aircraft landing and taking off do not normally pass directly over a residential district below 200 feet elevation above grade. Proponents shall also be responsible to show that adequate measures will be taken to prevent offensive dust, noise, vibrations, and bright lights; and that the field in question meets the standards of the Federal Aviation Administration (FAA) for the particular class of field proposed to be developed.

### 14.03 Car Washing Establishments.

Car washing establishments shall provide paved parking space on the lot for not less than 10 automobiles per washing lane, and all parts of the operation shall be visibly screened on all property lines abutting property in a residential district, and any entrance thereto or exit therefrom shall be by way of a paved public street.



### 14.04 Carnival, Circus, Tent Revivals or Similar Temporary Open-air Enterprises.

Carnival, circus, tent revival or similar temporary open-air enterprises shall be permitted in any zoning district upon obtaining a temporary occupancy permit from the City Council after it has ascertained that such



carnival, circus, tent revival or similar temporary open-air enterprise shall have access drives so located as to minimize traffic hazards. The proponents shall show to the satisfaction of the City Council that adequate measures will be taken to prevent odor, dust, noise, lights and traffic from becoming a nuisance to uses on other properties. Each temporary occupancy permit for such enterprise shall be valid for a period of not more than seven days and shall not be granted for more than three such periods for the same location within any 90-day period.

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(Ord. No. 1198, § 5, 7-6-1976)

**14.05 Cemetery/Mortuary/Funeral Home.**

Permitted by Specific Use Permit and subject to the following development standards:

- The site shall front or side to a minor or major thoroughfare;
- Parking and drive aisles shall be screened from adjacent residential uses by a screening wall, minimum of six (6) feet in height, or by a combination of open fencing and living screening materials;
- The number and location of driveways shall be determined by Engineering Services;
- The application shall contain information indicating how the traffic generated by the use will not negatively impact the residential neighborhood;
- Additional screening, landscape buffers and other development criteria may be required by the Planning & Zoning Commission and City Council to address potential impacts of the use on adjacent properties;
- The maximum height shall be one story, 30 feet;
- All buildings shall be designed to have an appearance of a single family dwelling including the pitch and composition of the roof; and
- Unless otherwise noted, all other requirements of the applicable Single Family District shall apply.

**14.06 Child Care.**

Child care uses, including day nursery, day care center, or nursery, shall be subject to the following conditions:

1. In SF1, SF2, SF3, PH, TH, and OP Districts such uses shall be operated only as an accessory to a church, or privately as a home occupation when care is limited to six (6) children or less.
2. In all districts where permitted the following requirements shall be provided:
  - a. The site shall contain a minimum area of 250 SF per child; and
  - b. There shall be provided a minimum outdoor play space of 80 SF per child, per group occupying the space at one time, and such space shall be fenced on all sides from any adjacent property in a residential district by a solid fence or wall at least four feet in height.
3. Notwithstanding anything to the contrary herein, a public independent school district is not required to obtain a SUP for the operation of a day-care in a public school.

**14.07 Churches and Other Place of Worship.**

Churches and other place of worship, including Sunday School facilities, shall have any principal entrance or entrances on a primary or secondary thoroughfare or on a minor street within 300 feet of a primary or secondary thoroughfare, and shall meet the bulk and area regulations set forth in the district in which located, except for the following provisions:

District	Minimum Interior Side Yard and Rear Yard
SF-1, SF-2	50 feet
MF-1, MF-2	15 feet



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**14.08 Construction Facilities, Accessory.**

1. Construction facilities, accessory, including temporary batching plant for asphaltic or Portland cement concrete, or temporary building, or yard for construction materials, and equipment shall be permitted in any zoning district upon obtaining a temporary occupancy permit from the City Council after it is ascertained that such batching plant, yard, or building is both incidental to and necessary for construction within two miles of the plant, yard, or building. Each temporary occupancy permit for such plant, yard or building shall specify the location of the proposed facility and the area to be served thereby. Each such temporary occupancy permit shall be granted for a period of not more than 180 days, and such permits shall not be granted for the same location for more than four such periods during any 30-month period. The applicant shall show to the satisfaction of the Building Official that adequate measures will be taken to prevent odor, dust, noise, lights, drainage, and traffic from becoming an annoyance to uses on other properties. Ingress to and egress from such facilities shall be only from major thoroughfares, provided, however, that the board of adjustment may approve a location on a minor thoroughfare if the board finds that such location would give rise to less traffic on residential streets than would a feasible location on a major thoroughfare.
2. Use of temporary office buildings may be permitted within an industrial zoned district subject to the following conditions:
  - a. Within six months of the placement of any temporary office building, a building permit for a permanent building would be required.
  - b. The permanent building must be occupied within 12 months and all temporary office buildings must be removed from the site within 30 days unless an extension is granted by the City Council.
  - c. One 12-month temporary occupancy permit may be issued for each site upon the approval of the City Engineer.
  - d. Any extension of the temporary occupancy permit may be applied for but the extension would require the approval of the City Council.



(Ord. No. 2826, § 1, 7-16-2002; Ord. No. 2846, § 1, 9-17-2002; Ord. No. 3056, § 1, 11-15-2005; Ord. No. 3060, § 1, 12-6-2005)

**14.09 Convalescent home, nursing home or maternity home.**

No ingress or egress (*other than a service entrance on an alley*) shall be more than 50 feet from a primary or secondary thoroughfare.

No building, work or play area shall be nearer to a zoning lot in a residential district than 150 feet.

**14.10 Drive-in theater.**

The projection screen shall be located not less than 300 feet from any residential district, and shall not be located as to be visible from any thoroughfare within 1,000 feet thereof. A solid fence at least ten feet high shall enclose the site and shall be maintained in a satisfactory condition. No outside speakers will be permitted, other than those speakers designed for use inside the patron's vehicle.

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**14.11 Earth Moving and Excavation; Mining, Including Quarrying, Depositing Construction Materials, Rock, Stone, Gravel, Sand, Clay, Earth or Minerals on the Ground.**



Earth moving and excavation; mining, including quarrying, depositing construction materials, rock, stone, gravel, sand, clay, earth or minerals on the ground shall not be construed to be a permitted use in any district, except the M-3 district, unless and until the City Engineer has given written approval, except for the following defined extractions and deposits:

- Excavations for the foundation or basement of any building or for a swimming pool for which a building permit has been issued, or deposits on the earth of any building or construction materials to be used in a structure for which a building permit has been issued.
- Grading of any parcel of land for a permitted use where no bank is left standing and exposed for more than ten feet in vertical height, or when less than 1,000 cubic yards of earth is removed from the premises.
- Grading in a subdivision, which has been approved by the City in accordance with the City of Deer Park subdivision regulations (*Chapter 98 of this Code*) and any amendments thereto.

The City Engineer shall have the power to grant a written approval, revocable and valid for specified periods of time, to permit deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials. The City Engineer shall make such inspections as he deems necessary to ensure that all work is in accordance with the approval.

(Ord. No. 2825, § 1, 7-16-2002)

**14.12 Equipment and Machinery Sales and Rental, Minor**

Use must be completely maintained within the main structure.

**14.13 Gasoline Service Stations.**

Gasoline service stations to the extent that they are permitted in any district are subject to the following conditions:

1. A solid fence or wall at least 8 feet in height shall be erected and maintained to screen service station operations from any adjoining property in a Residential or OP District;
2. No sign, except a sign designating the brand, grade, and price of gasoline affixed to a gasoline pump, shall be permitted within 50 feet of any property in a Predevelopment or Residential District so as to be visible from such property;
  - a. For the purposes of this section, a residential lot means a lot on which a residential use is located, a lot zoned residential, or a lot designated as residential on the Comprehensive Land Use Plan.
  - b. Gas pumps do not have to meet the spacing requirement if:
    - i. A major thoroughfare separates the accessory gas pumps from the residential lot;
    - or

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- ii. The Future Land Use Plan designates a lot as residential, but City Council subsequently rezones the property to a nonresidential zoning district and no residential use is located on the lot.
3. No gasoline pump or servicing facility shall be located within 25 feet of any property in a Predevelopment or Residential District; and
4. In an NS district the following additional specific conditions shall apply to gasoline service stations:
  - a. Any permitted sign shall be stationary and shall conform in all respects to the applicable regulations pertaining to signs; and
  - b. No station shall have more than two (2) lubrication hoists, and any such hoist or hoists shall be located within an enclosed structure.

Convenience Stores with Gas Pumps shall be subject to the following development standards:

1. Gas pumps are permitted by right at a maximum of two (2) corners at an intersection of two (2) major thoroughfares;
  - a. Within the GC – General Commercial District, if two (2) gas pumps are currently located at two (2) corners at an intersection of two (2) major thoroughfares, then a convenience store with gas pumps may be located at a third (3<sup>rd</sup>) corner of said intersection along Center Street, SH 225, and Underwood Road upon approval of a Specific Use Permit.
2. Roofs of convenience stores and pump canopies shall be pitched;
3. A maximum of 10 pump islands shall be permitted. This restriction shall not limit the number of fuel dispensers per pump island;
4. Canopy support columns shall be fully encased with masonry materials that are complementary to that used on the main building; and
5. The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit or used as signage.

#### 14.14 Golf driving range.

Golf driving range, commercial shall be located only on a major street. The tee area shall be not less than 200 feet from any property in a residential district or less than 20 feet from any street. Lighting shall be shielded and directed away from any adjacent residential property.

#### 14.15 Greenhouses.

Greenhouses as permitted in the respective districts shall be subject to the following limitations:



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District	Minimum Interior	
	Side Yard & Rear Yard	Other Regulations
Predevelopment	15 feet	None
Residential	15 feet	Only as accessory to a permitted residential use not exceeding 500 SF
Commercial or Industrial	15 feet from any lot line of an adjoining residential lot	Only as an accessory to a permitted use

#### 14.16 Home occupations.

Home occupations in those residential districts in which permitted shall be subject to the following conditions:

- In any dwelling unit, all home occupations, collectively, shall not occupy more than 25 % of the gross floor area of one floor of said dwelling unit, nor more than 300 SF of the gross floor area whichever is greater, but these limitations shall not apply to foster family care, boarding[house] or lodginghouse.
- A home occupation shall not require internal or external structural alterations or involve construction features or the use of mechanical equipment, chemicals, or natural elements not customarily used in dwellings for the personal service of the residents.
- There shall not be more than one nonresident worker in any dwelling unit.
- Electrical power used in connection with the home occupation shall be limited to three horsepower.
- In any residential district where permitted the following specific home occupations shall be subject to the conditions designated below:
  - Foster family care shall be limited to the care of not more than four foster children per dwelling unit, except that there may be more than four foster children if they are all members of the same family.
  - Lodging and boarding shall be limited to not more than four persons not members of the resident family.
  - Signs or other devices advertising the home occupation are prohibited in residential areas.

(Ord. No. 1715, § VII, 3-20-1984)

#### 14.17 Junkyard.

Junkyard shall be effectively screened from any district, other than an M-2 district, and from any state or federal highway within 700 feet by a solid fence or wall at least eight (8) feet in height which shall have no merchandise affixed thereon.

#### 14.18 Keeping of pets and other household or domestic animals.

Keeping of pets and other household or domestic animals, only for personal enjoyment or household use and not for any commercial purpose, shall be permitted as follows in any predevelopment or residential district:

- Not more than two dogs and two cats over eight months old.



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- Cages or other fixed means of restraining pigeons, hamsters, or any other animals not regulated herein shall be not less than 25 feet from any zoning lot line in a predevelopment or residential district.

In any district other than a predevelopment or residential district the same distance separations established for the respective animals above shall be maintained from any dwelling, or from any zoning lot line of a lot upon which a dwelling or eating place is established.

**14.19 Keeping or raising of animals.**

Keeping or raising of animals, for purposes other than for personal enjoyment, to the extent that it is permitted in any district, is subject to the following conditions:

- Animal hospital, pound, or shelter; commercial kennel for cats or dogs; veterinarian's office with animals on the premises; pet shop, and other similar uses of a commercial nature:
- In a CS district no outdoor runs are permitted. All facilities where animals are kept, received, or treated shall be within a completely enclosed building or buildings.
- In a GC district, outdoor animal runs are permitted, provided all parts of such runs are a minimum of 200 feet from all zoning lot lines, and all screened from view from all such lines by a solid wall, fence, or building.
- No incineration of animal refuse shall be permitted in any district other than the M-3 district.
- The Building Official shall require reasonable proof that adequate measures will be taken to prevent odor, dust, noise, and drainage from becoming a nuisance to uses on other properties.
- Riding academy or public stable:
- All areas where animals are kept or ridden shall be fenced or otherwise confined not less than 25 feet from any adjoining property.
- Raising of animals for food shall be permitted in the following districts only as provided for below:
- Raising or keeping of other small domestic animals, including but not limited to beehives, chickens, game fowl, and rabbits, shall be permitted in any predevelopment or residential district, provided such animals are kept for personal use only, and that there be no more than eight such animals per acre or a prorated number thereof, and that such animals are kept no less than 125 feet from any dwelling or any zoning lot line.
- There shall be no sale on the premises of such animals or any animal products for food or for other purposes.
- The customary keeping of pets for personal enjoyment, only as provided for in Section 12.28 shall not be prohibited hereunder.

**14.20 Newspaper distribution station.**

Newspaper distribution station shall be maintained in a slightly condition with newspapers, wrappers, and waste materials stored and handled within a completely enclosed structure until removed from the premises.

**14.21 Off-street parking and loading; temporary, incidental or for a special event.**

Off-street parking and loading, temporary, incidental, or for a special event of a noncommercial nature may be permitted by the City Council by the issuance of a temporary occupancy permit, provided, however, that each permit shall be valid only for the duration of the designated special event, and

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provided further that if the designated special event is a seasonal activity, the permit may be granted for the entire season but restricted in use to designated dates and times in which the event is to occur.

**14.22 Reserved.**

**Editor's note**— Section 14.22, pertaining to outdoor advertising signs or structures, was deleted pursuant to Section 12 of Ord. No. 1011, adopted August 21, 1973, providing that all provisions of Ord. No. 819 (App. A), relating to signs be repealed.

**14.23 Private Art Gallery, Museum or Library.**

Private art gallery, museum, or library shall be located not less than 15 feet from any adjoining residential property and shall have its principal entrance or entrances on a primary or secondary thoroughfare.

**14.24 Property Owners' Association.**

Property owners' association, as required by this ordinance, shall be created for the perpetual care and maintenance of that portion of a development which is under common and undivided ownership by persons owning individual parcels within the development. Approval of the subdivision of any such development shall not be granted until title to the individual lots provides for the establishment of the required property owners' association and for the association's maintenance and care of all private land and facilities under common ownership and clearly defines liability or responsibility of the individual property owners or the association for the following, all of which shall be secured by a lien on the property:

- Any joint operation and maintenance of utilities.
- Tax obligations.
- Insurance.
- Assessments or dues.
- Maintenance of walks, drives, recreation areas, parking or loading areas.

In addition, title to the individual lots shall show how control of the association is vested, and shall provide that the conditions set forth above shall be an unexpiring part of such title until such time as all of the development is under the control of one person.

**14.25 Sanitarium; institution for children or the aged; hospital for mental, narcotics, or alcoholic patients; penal institution; or similar institution.**

Sanitarium; institution for children or the aged; hospital for mental, narcotics, or alcoholic patients, penal institution; or similar institution, but not including convalescent or nursing home or maternity home as provided in Section 12.08 shall be subject to the following:

- No ingress or egress (other than a service entrance on an alley) shall be on any street other than a primary or secondary thoroughfare.
- There shall be a solid fence or wall six (6) feet in height maintained in a good condition adjacent to any zoning lot in a residential district.
- No building or work area shall be nearer to a zoning lot in a residential district than 200 feet.

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**14.26 Storage of flammable liquids and gases.**

The storage of flammable liquids and gases shall comply with the following articles of the National Fire Codes, Vol. 1, as such articles may from time to time be revised: (a) Article No. 30, with respect to flammable liquids, (b) Article No. 58, with respect to liquefied petroleum gas.

**14.27 Subdivisions office.**

Subdivision office, temporary, is permitted as follows upon receipt of a permit granted by the Building Official for a period not to exceed two years. If it finds cause, the board of adjustment may grant an extension to this time period limitation:

- A temporary subdivision office, both incidental and necessary for the sale or rental of newly platted or newly constructed property, shall be located within a subdivision to which it is appurtenant.
- Reserved.

**14.28 Swimming pool.**

Any swimming pool in any district shall:

- Comply with the yard provisions of the district in which it is located.
- Be so walled, fenced, or otherwise enclosed as to prevent uncontrolled access.
- Be screened by a masonry wall or solid fence at least six (6) feet high on any side facing the property line of any zoning lot in a residential district, if said pool is located within any part of a required side or rear yard.

No swimming pool shall be permitted in any residential district unless such pool is (1) owned and operated by a public agency, or (2) accessory to a use permitted in such district. Except for a pool owned and operated by a public agency, no pool shall be permitted in a residential district unless the pool is intended for the use of, and is used by, only the occupants of the principal use of the property on which the pool is located and their guests.

**14.29 Tavern, nightclub (*when permitted*) and semiprivate clubs.**

Tavern, nightclub, and semiprivate clubs (*when permitted*) in the M2 and M3 industrial districts shall have all public entrances a minimum of 50 feet away from the zoning lot line of any property used principally for a residence, and in no case shall the entrance face adjoining residential properties.

**14.30 Storage facilities or mini warehouses for storage of personal items.**

Storage facilities or mini warehouses for storage of personal items shall not be constructed or be a permitted use in any district unless and until a specific use permit shall first have been secured from the City Council. Storage facilities or mini warehouses for storage of personal items must be constructed so that all structural members, including floors, roofs and their supports, are of steel, iron, concrete or of other noncombustible material, and in which the exterior walls are of noncombustible construction having a fire resistance rating of not less than two hours.

SECTION 15 – EXCEPTIONS AND MODIFICATIONS

**14.31 Shipping containers and shipping container storage yards.**

Shipping containers shall only be placed upon land that holds a specific use permit for a shipping container storage yard. Shipping containers shall not be stacked more than three high, except that they may be stacked up to four high on any area within a shipping container storage yard which repairs containers and utilizes a gantry crane to stack containers being repaired or stored. All shipping containers stored, handled or repaired shall be empty of all hazardous materials, including toxic, flammable or explosive substances.

The City Council of the City of Deer Park, in granting specific use permits, shall have the authority to require landscaping of the buffer zone and may require that no buildings, structures, or parking lots be allowed within the buffer zone. Each shipping container storage yard shall maintain clamps on hand at all times to secure all containers within its storage yard, in the event of high winds or an emergency. All shipping containers shall be stacked or placed upon areas paved with concrete, asphalt or stabilized soil which meets the requirements and specifications of the ordinances of the City of Deer Park relative to such areas to be paved with concrete, asphalt or stabilized soil.



SECTION 15 – EXCEPTIONS AND MODIFICATIONS

## Section 15. Exceptions and Modifications

### 15.01. General.

The requirements and regulations specified hereinbefore shall be subject to the following exceptions, modifications, and interpretations.

### 15.02. Existing Lots of Record.

#### 15.02.1. May be used as a building site:

Any zoning lot in any district which was under separate ownership and of record on the date of adoption of this ordinance, or amendment thereof, or which has been reduced to not less than two-thirds of the minimum required lot area, lot width, or both, and where no adjoining undeveloped land fronting on the same street was under the same ownership on said date, may be used as a building site even though such lot fails to meet the applicable minimum requirements for lot area, lot width, or both. With respect to such lots, yard dimensions and other requirements not involving lot area or width shall be complied with, subject to Subsections 15.02.2 and 15.02.3

#### 15.02.2. Front and rear yard requirements:

On any such lot, the front and rear yard requirements shall not operate to reduce the depth of such lot below 70 feet, provided, however, that the application of this exception shall not be permitted to reduce:

- Any front yard below 10 percent of the depth of the lot; or
- Any rear yard below 15 percent of the depth of the lot, or ten feet, whichever is greater.

#### 15.02.3. Side yard requirements:

On any such lot, the side yard requirements shall not operate to reduce the width of the lot below 10 feet, provided, however, that the application of this exception shall not be permitted to reduce:

- Any interior yard below 10 percent of the width of the lot; or
- Any exterior side yard below 20 percent of the width of lot or eight (8) feet, whichever is greater.

### 15.03. Front yard exceptions and modifications.

#### 15.03.1. Established yard greater than required by the yard provisions of this ordinance:

In any district where 35 percent or more of the frontage on one side of a street between two intersecting streets is improved with buildings, the front yards of which do not vary more than eight feet from the average of the front yards of such buildings, no building shall project into the average front yard so established, but this exception shall not be interpreted to require a front yard of more than:

- a. 50 feet in any predevelopment, residential or OP district.
- b. 75 feet in any NS, CS, OP or any industrial district.

In determining the percentage of frontage, the widths of developed lots shall be used; in determining the average front yard, the widths of buildings fronting on the street shall be used.

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**15.03.2. Established yard less than required by the yard provisions of this ordinance:**

Where a new building is proposed to be erected or an existing building is proposed to be enlarged on a street where the frontage on the same side of the street between two intersecting streets is developed with one or more existing buildings that have a front yard or yards of lesser depth than required by this ordinance, then one of the following conditions shall apply; however, in no event shall the following be permitted to reduce a front yard to less than 10 feet:

- a. Where the proposed building is to be located not more than 200 feet from such existing buildings on both sides, and there are no intervening buildings, then the front yard shall be established by a line drawn between the two (2) nearest front corners of such adjacent buildings on the two (2) sides.
- b. Where the proposed building is to be located not more than 200 feet from one such existing building on one side, then the front yard shall be established by a line drawn from the nearest front corner of the existing building to the established front yard line at a slope of one foot depth to 10 feet of frontage.
- c. Where the proposed building is to be located more than 200 feet from all such existing buildings, then the proposed building shall conform with the front yard established herein for such district.
- d. Where the proposed building is to be located between and adjacent to two existing buildings that conform to the front yard requirements of such district, or between such a building and an intersecting street, then the proposed building shall conform to the front yard setback established for such district, regardless of the front yards established by other existing buildings in the same block.

**15.03.3. Varying front yard requirements on same street frontage:**

Where the frontage on one side of a street between two intersecting streets is in zoning districts having two or more different front yard requirements, the required front yard for any zoning lot on such frontage shall be determined as follows:

- a. In predevelopment and residential districts, the required front yard shall be the deepest front yard required in any predevelopment and residential district in such frontage.
- b. In commercial and industrial districts, the required front yard shall be the deepest front yard required in any predevelopment, residential, commercial or industrial district in such frontage.

**15.04. Rear Yard Exceptions and Modifications.**

**15.04.1. Where rear yard abuts an alley:**

In computing the required depth of a rear yard for any building where such yard abuts on an alley, the depth of the lot may be considered as extending to the center of said alley, and the required depth of the rear yard as being measured from the centerline of said alley.

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**15.04.2. Where lot in commercial or industrial district backs on side of lot in predevelopment or residential district:**

In the case of a reversed corner lot where the rear of a lot in a commercial or industrial district abuts upon the side of a lot in any predevelopment or residential district, there shall be a rear yard of not less than 12 feet, provided further that where a public alley separates the rear of the lot in the commercial or industrial district and the side of the lot in any predevelopment or residential district, no rear yard shall be required.

**15.04.3. Existing lots of record and lots reduced by public acquisition: See Section 15.02**

**15.05. Side Yard Exceptions and Modifications.**

**15.05.1. Variation of distance between residential structures:**

The distance between residential structures on the same zoning lot may be varied, when authorized by the board of adjustment, where the side wall of the adjacent residence is broken or otherwise irregular. In such case the average distance between residences shall not be less than the otherwise required least distance; provided, however, that such distance shall not be less at any point than one-half of the otherwise required least distance.

**15.05.2. Reduction in width of one side yard:**

The width of one side yard may be reduced, when authorized by the board of adjustment, to a width not less than three (3) feet, provided, however, that the sum of the widths of the two side yards on the same zoning lot is not less than the combined required minimum for both side yards. Such reduction may be authorized only when the board finds it to be warranted by the location of existing buildings or conducive to the desirable development of two or more lots.

**15.05.3. Where lot in commercial or industrial district sides on side of lot in predevelopment or residential district:**

Where a side of a zoning lot in a commercial or industrial district abuts upon a side of a zoning lot in a predevelopment or residential district, there shall be a side yard not less than seven (7) feet six (6) inches wide on such side of the lot in the commercial or industrial district.

Where a zoning lot in a commercial or industrial district backs up to and abuts upon the side yard of a zoning lot in a predevelopment or residential district, the exterior side yard of the commercial or industrial district shall be the same as the required front yard of the predevelopment and residential district.

**15.06. Projections into Required Yards.**

**15.06.1. Certain Architectural Features.**

Certain architectural features may project into required yards and courts as follows:

SECTION 15 – EXCEPTIONS AND MODIFICATIONS

- Cornices, belt courses, sills or other architectural features, may project a distance not exceeding four (4) inches.
- Canopies and eaves may project a distance not exceeding three (3) feet.
- Fire escapes may project a distance not exceeding four (4) feet.
- Stair and necessary landings may project a distance not to exceed three (3) feet. Such stair and landing shall be unenclosed except for protective railings.
- Bay windows, balconies and chimneys may project a distance not exceeding two (2) feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.

**15.06.2. Fences, Walls and Hedges.**

1. If no solid fence exceeds at any point six (6) feet or an average of seven (7) feet in height above the natural elevation of the surface of the ground at such point, they may be located in any required yard or court, provided that on a corner lot, abutting in the rear the side lot line of another lot in a residential district, no such fence, wall, or hedge within 25 feet of the common lot line shall be closer to the side street lot line than one-half the least depth of the front yard required on such other lot fronting the side street.
2. On any corner lot, no fence, wall, hedge or other structure or planting more than three (3) feet in height above curb level shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points the distance of which from the point of intersection of the street lines is equal to the sum of the required front and exterior side yards.

**15.07. Height Limit Exceptions.**

Chimneys and Similar Structures.

When authorized by the board of adjustment, zoning district height limitations may be exceeded by the following structures: chimneys, church steeples, flagpoles, grain elevators, distribution lines, towers and poles, radio and television antennas, water towers, and similar structures.

**15.08. Setback Regulations.**

Where any ordinance of the City of Deer Park requires on any street a setback different from that required by the yard provisions of this ordinance, the former shall prevail.

**15.09. Residential Lot Widths; Front Building Line.**

In all residential districts, the lot width, at the front building line, shall be the minimum lot width as specified in the bulk and area regulations for that district.

(Ord. No. 1830, § 4, 11-19-1985)

SECTION 16 – GENERAL PROVISIONS

## Section 16. General Provisions

### 16.01. Accessory Off-Street Parking; Special.

The City Council may authorize by specific use permit an accessory off-street parking lot on (1) any zoning lot in a residential district which abuts, either directly or across an alley, a commercial district or an industrial district, or on (2) any zoning lot in an OP district which abuts, either directly or across an alley, any other commercial district or an industrial district, subject to the following requirements:

- Permitted use. Such lot shall be used solely for the parking of passenger automobiles, as a use accessory to one or more principal uses located in said commercial or industrial districts and shall not be used as a commercial parking lot.
- Proximity to Commercial or Industrial Districts. No part of the lot shall be more than 300 feet from the nearest boundary of a commercial or industrial district.
- Entrance Location. Each entrance and exit of such lot shall be at least 20 feet from any other property in a residential district.
- Signs. Only signs for the direction of traffic or for the identification of the lot shall be established or maintained on such lot.
- Other Requirements. Such lot shall be subject to all requirements of this section which are applicable generally to off-street parking lots and to any additional requirements or conditions which the City Council may find necessary for the protection of adjacent property.

### 16.02. Accessory Buildings and Improvements.

#### 16.02.1. General.

An accessory building may be erected as an integral part of a principal building, except when the accessory building is a stable or other structure for housing animals, or it may be connected with the principal building by a breezeway or similar roofed structure, or it may be erected completely detached from the principal building.

#### 16.02.2. Time of Construction.

No accessory building shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

#### 16.02.3. Location.

1. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of this ordinance applicable to the principal building. An enclosed accessory building for off-street parking of automobiles which is erected within 10 feet of a principal building shall comply in all respects with the requirements of this ordinance and the fire code applicable to the principal building.

(Ord. No. 1830, § 2, 11-19-1985)

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2. A carport is defined as an open sided structure attached to an automobile garage on one end or side and supported by poles or decorative posts. The supporting framework shall be of wood or metal. The roof covering shall be wood, metal or a composition material considered permanent in nature. A carport is to be used for temporary parking of motor vehicles used on a day to day basis. No carport is allowed to substitute for a garage as defined, or required by any existing ordinances. A carport, although considered a permanent structure, cannot be used for any purpose other than motor vehicle or trailer parking.

Carport construction is governed by the following regulations:

- a. Roof. Not to exceed 20 feet length overall. Eave height not to exceed the height of the eave of the nearest building.
- b. Corner posts no further than 18 feet from the face of the permanent structure that measures the most setback from the property line.
- c. Sides must remain open, except for that portion of the side or end covered by attachment to an existing house or garage.
- d. No carport shall be erected nearer than five (5) feet to the front property line when measured from the longest projection of the roof line, eave, or decorative overhang; except when there is a 20 foot setback line, the five (5) foot requirement shall not apply. In such case, the carport shall not be extended nearer than one foot of the property line.

The purpose of this subsection is to allow the erection of carports in the front of a building, projecting toward the front lot line. This section is not intended to restrict the erection of a carport or accessory structure, in accordance with existing sections, on any side or rear lot.

3. Except as provided under paragraphs 16.02.3(1) and 16.02.3(2) hereof, an accessory building shall be located on the rear two-thirds of the zoning lot (but this limitation shall not apply to carports, provided the required front yard is observed) and at least 10 feet from any dwelling existing or under construction on the same lot. No accessory building shall be located closer than three (3) feet to any interior lot line, unless such lot line abuts an alley. In the case of a corner lot, said accessory building shall not project in front of the front building line required or existing on the adjacent lot, nor closer than 20 feet from the street line from which vehicular access is gained. These provisions relating to accessory buildings shall be effective with respect to such buildings, even though other provisions of this ordinance require wider or deeper yards for principal buildings.

**16.02.4. Maximum Rear Yard Coverage.**

Accessory buildings shall not cover more than 30 percent of the area of the required rear yard.

**16.03. Reduction of Required Area of Space.**

No lot, yard, court, parking area, or usable open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this ordinance; and, if already less than the minimum required by this ordinance, said area or dimension shall not be further reduced. However, this section shall not be interpreted to prevent the erection of a single-family dwelling within any residential district when a portion of a lot is acquired for a public purpose, provided that the remaining lot area and

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lot width are not less than two-thirds of the required minimum and that all other requirements of this ordinance are complied with.

**16.04. Areas and Other Dimensional Requirements Not Transferable.**

The lot, open space, or yard areas required by this ordinance for a particular building shall not be diminished and shall not be included as part of the required lot, open space, or yard area of any other building. If such areas for a particular building are diminished below the minimum required herein, the continued existence of such building shall be deemed to be a violation of this ordinance.

**16.05. Unsafe Buildings.**

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

**16.06. Use of Required Front Yard.**

No portion of any required front yard in a residential district may be used for any purpose other than for required access drives and parking thereon, for landscaping, or for signs as permitted in the district, provided, however, that off-street parking which becomes nonconforming by virtue of this section, shall not be required to be discontinued.

**16.07. Through Lots.**

In any residential district, a front yard as required for the district in which a through lot is located shall be required along both the front and the rear street lot lines.

**16.08. Reserved.**

**16.09. Off-Street Loading and Parking Requirements.**

**16.09.1. Off-street Loading Requirements:**

- General. Every building or structure hereafter constructed in any district for commercial, institutional and industrial purposes requiring the receipt or distribution by vehicles of material or merchandise shall provide and maintain on the same lot with such building, at least one off-street loading space for the first 10,000 SF or fraction thereof of gross floor area, and one additional such loading space for each 10,000 SF or major fraction thereof of gross floor area so used in excess of 10,000 SF, except that no more than three off-street loading spaces shall be required for any commercial use, nor more than five off-street loading spaces for any industrial use.
- Size. Each loading space shall be not less than 10 feet in width, 35 feet in length and 14 feet in height.

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- Access. Where the off-street loading space does not abut on a street, public or private alley, or easement of access, there shall be provided an access drive at least 10 feet in width leading to the loading areas required hereunder; such drive shall be of such design as to permit ready access by semitrailer trucks.
- Location. Such space may occupy all or any part of any required yard, or court space, but no such space may be located closer than 50 feet to any residential district unless wholly within a completely enclosed building or unless enclosed on all sides abutting the residential district by a solid fence or wall of not less than six (6) feet in height.

**16.09.2. Off-Street Parking Requirements.**

- General. In all zoning districts, except M2 and M3, in connection with any use, there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, or any other use is established, accessory off-street parking spaces for automobiles in accordance with the requirements set forth in Section 12, use groups. Parking space used in connection with an existing and continuing use or building on the effective date of this ordinance up to the number required by this ordinance, shall be continued and may not be counted as serving a new structure or addition. A parking space may not be substituted for a loading space and a loading space may not be substituted for a parking space.
- Size, Construction. Each off-street parking space shall be at least nine (9) feet wide and 20 feet long, exclusive of access drive or aisles, and shall be constructed of concrete.

(Ord. No. 1715, § IV, 3-20-1984; Ord. No. 1883, § IX, 12-16-1986)

- Access. Where the off-street parking space does not abut on a street, public or private alley or easement of access, there shall be provided an access drive constructed of concrete, of at least 10 feet in width in the case of a dwelling and at least 20 feet in width in all other cases, providing direct access to each parking space required. In the case of a parking area abutting on a street, the access drive shall not be greater than 20 feet in width and there shall be a minimum separation between access drives of 40 feet.

(Ord. No. 1883, § IX, 12-16-1986)

- Location. Such off-street parking space may occupy all or any part of any required yard except as provided in Section 16.06 or any court space, but may not occupy any required usable open space. For any new use, structure or building, required off-street parking, which because of the size or location of the parcel cannot be provided on the same zoning lot with the principal use, may be provided on other property not more than 200 feet distant from the building site. Such parking space shall be deemed to be required parking space associated with the permitted principal use and shall not thereafter be reduced or encroached upon in any manner.
- Development, maintenance, and use of parking areas. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
  - Screening and Landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or is located within 20 feet of any residential district or abutting a street, by a masonry wall or solid fence and shall be



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provided with a minimum two-foot width planting strip between the sidewalk area and the parking area. Such wall or fence shall be not less than four (4) feet or more than six (6) feet in height, measured from the finished grade, and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the side lot line adjoining said premises, or the front lot line facing said premises, in any residential district may be used only for landscaping and shall be maintained in good condition.

- Barriers. Off-street parking areas shall be provided with wheel guards or bumper guards so located that no part of a parked vehicle will extend beyond the parking area.
- Nature of Use. Required off-street parking areas shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
- Shelter Building. An off-street parking area may not have more than one attendant shelter building conforming to all setback requirements for structures in the district, and which shelter building in any residential district shall not contain more than 50 SF of gross floor area.
- Surfacing. Any required off-street parking space and any off-street parking area for five or more vehicles shall be an approved concrete or asphalt surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of vehicles. The foregoing requirements with respect to surfacing shall not apply to a temporary parking area, but shall be applicable to drive-in facilities. Each required parking space shall be accessible from a public street without passing through another required space, except in the case of attended parking areas.
- Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from the adjoining premises in any residential district.

#### 16.10. Screening fences.

A permanent screening fence of wood or masonry not less than six (6) feet in height shall be erected and maintained, except as otherwise specified in Section 15.06, subparagraphs 15.06.2(1) and 15.06.2(2) of this ordinance before any use other than the uses permitted in residential districts is made of property in the commercial or industrial districts which abuts or is adjacent to residentially zoned property. Insofar as possible, such screening fences shall be erected along the entire length of the common property line between commercial and/or industrial property and residentially zoned property.

(Ord. No. 1198, § 7, 7-6-1976; Ord. No. 1715, § VI, 3-20-1984)

#### 16.11. Reserved.

**Editor's note**— Section 12.12, pertaining to sign setback, was deleted pursuant to Section 12 of Ord. No. 1011, adopted August 21, 1973, which provided for the repeal of all provisions of Ord. No. 819 (App. A) relating to signs.

#### 16.12. Nonconforming Uses and Nonconforming Structures.

##### 16.12.1. Distinction Between Nonconforming Structures and Nonconforming Uses.

For purposes of this section, the following meanings shall apply:

1. Nonconforming Structure.

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Any lawful structure which does not conform to the lot area, lot area per dwelling unit, yard, height, usable, and open space, regulations of this ordinance for the district in which it is located, and/or which does not conform to the special site conditions set forth in Section 12 or other site limitations established for the use of the structure for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

2. Nonconforming Use.

Any lawful use of a building, land or structure which does not conform to applicable regulations of this ordinance, and those regulations which determine a nonconforming structure, either at the effective date of this ordinance or as the result of subsequent amendments to the ordinance. No principal use shall, however, be deemed nonconforming because of failure to provide required accessory off-street parking or loading spaces, nor because of the existence of accessory signs, business entrances, or show windows which are themselves nonconforming uses. A nonconforming structure in combination with a nonconforming use shall be treated as a nonconforming use.

**16.12.2. Continuing Existing Nonconforming Uses and Structures.**

Except as hereinafter specified, any nonconforming use or nonconforming structure may be continued, provided, however, that this subsection does not apply to any use, building, or structure established in violation of any Zoning Ordinance previously in effect in Deer Park unless said use, building, or structure now conforms with this ordinance.

**16.12.3. Use or Structure Previously Nonconforming.**

Any use or structure which was previously nonconforming and which becomes conforming by virtue of a change in the use or structure, or at the effective date of this ordinance, or by virtue of subsequent amendments thereto, shall not be controlled by the provisions set forth herein applying to nonconforming uses or structure.

**16.12.4. Limitations on Nonconforming Uses.**

No nonconforming use of a building, structure, or land shall be changed, extended, reconstructed, enlarged, moved, or structurally altered, unless:

- Such change is required by law or order; or
- The use thereof is changed to a use permitted in the district in which such building, land, or structure is located; or
- Authority has been granted by the board of adjustment to extend a nonconforming use throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use became nonconforming, if no structural alterations, except those required by law, are made therein.
- Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

**16.12.5. Limitations on Nonconforming Structures.**

No nonconforming structure shall be changed, extended, reconstructed, enlarged, structurally altered, or moved so as to extend the degree of nonconformity, unless:

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- The building line of a principal structure is continued alongside the side lot line, where such building line is nonconforming, and only if it is an extension of the same building line and does not further reduce the separation from the side lot line at any point, provided no other applicable regulations are violated by such extension; or
- The mean height of the roof line on an addition otherwise permitted does not exceed the average of the permitted height and the height of the nonconforming structure at the point of connection.

**16.12.6. Cessation of Use of Building or Land.**

A lawful nonconforming use of a building, structure, or land that has been discontinued for a period of three calendar months shall not thereafter be resumed.

**16.12.7. Discontinuance of a Nonconforming Open Use of Land.**

A nonconforming agricultural, commercial, or industrial open use of land shall be discontinued within one year from the effective date of this ordinance. Any such nonconforming use of land which becomes nonconforming by reason of any subsequent amendment to this ordinance shall also be discontinued one year from the date of such amendment.

**16.12.8. Reserved.**

**Editor's note—** Provisions pertaining to the discontinuance of nonconforming signs were deleted pursuant to Section 12 of Ord. No. 1011, adopted August 21, 1973, which provided for the repeal of all provisions of Ord. No. 819 (App. A) relating to signs.

**16.12.9. Replacement of Damaged or Destroyed Nonconforming Uses or Structures.**

Any nonconforming building or structure damaged more than 50 percent of the assessed valuation for tax purposes by the City of Deer Park, exclusive of foundations, by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, shall not be restored or reconstructed and still be used as a nonconforming use, or in such a manner that it will continue to be a nonconforming structure.

**16.12.10. Repairs to Nonconforming Uses; Limitation.**

Such repairs and maintenance work as are required to keep it in sound condition may be made to a building or structure devoted to a nonconforming use, provided that no structural alterations shall be made except such as are required by law or ordinance. Except as otherwise provided elsewhere in this ordinance, the total structural repairs and alterations that may be made to a building or structure devoted to a nonconforming use shall not, during its lifetime subsequent to the date of its becoming a nonconforming use, exceed 50 percent of reproduction new-minus-depreciation value, unless such building or structure is changed to a conforming use.

**16.12.11. Amortization of Nonconforming Uses.**

The lawful nonconforming use of any building or land existing at the time of the enactment of this ordinance may be continued for such definite periods of time and subject to such regulations as to maintenance of premises and conditions of operation as the board of adjustment may reasonably require for the protection of adjacent property and the ultimate removal of such nonconforming use, it being the declared purpose of

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this ordinance that nonconforming uses be eliminated and required to conform to the uses prescribed by this ordinance, having due regard for the property rights of the owners of the property on which any such nonconforming use exists and for the rights of the adjacent property owners, and in this connection the board of adjustment may, upon its own motion, or upon causes presented by any interested property owner and following due notice and hearing, where circumstances warrant, taking into consideration the general character of the neighborhood and the necessity for all property within a zoning district to conform to the regulations of this ordinance for such district, require the discontinuance of any nonconforming use in any residential zone under any plan, whereby the full value of the nonconforming structures used in connection with any such nonconforming use can be amortized within a definite period of time, or if there be no such nonconforming structures on the land, then within a definite period of time, not less than one (1) year after the date of such order. All such orders shall be binding on subsequent purchasers.

**16.12.12. Preserving Rights in Pending Litigation and Violations Under Existing Ordinances.**

By the passage of this ordinance, no presently illegal use shall be deemed to be legalized unless specifically such use is a conforming use under this ordinance. Otherwise, such use shall remain a nonconforming use or, an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the present Zoning Ordinance was adopted shall be discharged or affected by such adoption; but prosecutions and suits for such offenses, liabilities, penalties or forfeiture may be instituted or causes presently pending proceeded within all respects as if this ordinance had not been adopted.

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## **Section 17. Administrative Procedures**

### **17.01 Building Permit.**

It shall be unlawful within the city limits to commence construction or excavation for construction of any building or structure, including accessory buildings, or to commence the erection, reconstruction, conversion, alteration, or moving of any building, including accessory buildings until the Building Official has issued a building permit for such work. Except upon written authorization of the board of adjustment as provided in Section 17.03, no such building permit shall be issued for any building where said construction, reconstruction, conversion, moving, alteration or use thereof would be in violation of any provision of this ordinance.

#### **17.01.1. Application.**

There shall be submitted with each application for a building permit two (2) copies of a layout or plot plan drawn to scale, showing the actual shape and dimensions of the zoning lot to be built upon, the exact size and location on the zoning lot of existing buildings or structures, if any, and the size and location of the building or structures to be constructed, altered or moved. There shall also be stated on the application the existing or intended use of each such building or part of building and such other information with regard to the zoning lot and neighboring properties as may be necessary to determine compliance with and to provide for the enforcement of this ordinance. One copy of the plans shall be returned to the applicant by the Building Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Building Official. The application for a building permit shall be made by the owner of the property concerned thereof.

#### **17.01.2. Fees.**

The application fee for a building permit shall be as prescribed in the building code for the City of Deer Park. No part of the building permit fee shall be refundable.

#### **17.01.3. Expiration of Building Permit.**

If the work described in a building permit has not begun within the prescribed time set forth in a building code for the City of Deer Park, said permit shall expire and be canceled by the Building Official, and written notice thereof shall be given to the persons affected.

#### **17.01.4. Completion of Building Under Construction.**

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

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**17.02 Certificate of Occupancy and Compliance.**

No building hereafter erected or structurally altered shall be occupied, used or changed in use, until a certificate of occupancy and compliance shall have been issued by the Building Official, stating that the building and proposed use of building or land comply with all the building and health laws and ordinances, with the ordinance related to plumbing installation, and with the provisions of this ordinance. Certificates of occupancy and compliance shall be issued by the Building Official within five days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this ordinance and the laws and ordinances above mentioned. A record of all certificates shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to persons having a proprietary or tenancy interest in the building affected.

**17.02.1. Fees.**

No fee shall be charged for an original certificate, but for copies of any original certificate there shall be a charge of \$10.00.

(Ord. No. 1830, § 11, 11-19-1985)

**17.03 Board of Adjustment.**

**17.03.1. Appointment; Compensation.**

There is hereby created a board of adjustment consisting of five regular members, each appointed by the City Council and serving a term of two (2) years, or until his successor has been appointed.

A member of the board, once qualified, can thereafter be removed during his term of office by the City Council only upon written charges and after public hearing. In the event of death, resignation, or removal of any such member before the expiration of his term, a successor shall be appointed by the City Council for the unexpired term.

Each regular member of the board of adjustment of the City of Deer Park, Texas, shall receive as compensation for attendance upon the meetings of said board the sum of \$10.00 for each meeting attended, and each alternate member of said board shall receive the sum of \$10.00 as compensation for attendance upon each meeting when such alternate is designated to sit for an absent regular member, as provided in Article 1011g of Vernon's Annotated Texas Civil Statutes [V.T.C.A., *Local Government Code* § 211.008 et seq.]; and each such regular member or alternate member shall be reimbursed for actual out-of-pocket expenses incurred while acting as a member of said board of adjustment.

(Ord. No. 990, § 1, 5-15-1973)

**17.03.2. Organization.**

There shall be a board of adjustment consisting of five members, with two (2) alternate members, all as provided by Article 1011g of Vernon's Annotated Texas Civil Statutes [V.T.C.A., *Local Government Code* § 211.008 et seq.] as amended.

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**17.03.3. Practice and Procedure.**

The board shall have the power to adopt rules of practice and procedure not inconsistent with Article 1011g of Vernon's Annotated Texas Civil Statutes [V.T.C.A., *Local Government Code* § 211.008 *et seq.*] as amended, nor with the provisions of this ordinance, provided that such rules and regulations shall not become effective until approved by the City Council of the City of Deer Park, Texas. Practice and procedure before such board shall be as set forth in said Article 1011g and as in this ordinance, all as supplemented by said rules. In all matters submitted to the board for decision, it shall fix a reasonable time for public hearing thereon, give public notice thereof by publication once, not less than ten days before such hearing, in the official newspaper of the City of Deer Park, Texas, and give due notice to the parties in interest, as well as to all owners of property within this city lying within 200 feet of the property affected, by mailing by United States mail, postcards or letters to each of such parties at the address, if any, shown on the city's tax rolls not less than ten days before the date of such hearing. If no address of the owner of any portion of property within this city lying within 200 feet of the property in question is disclosed by the city's tax rolls, the public notice in the official newspaper shall be sufficient unless any such party shall furnish the city in writing prior to the time for giving such notice with his or her address for the purpose of receiving such notice.

**17.03.4. Powers**

1. The board may hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
2. The board may authorize, upon appeal in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.
3. The board may at its discretion in the instance hereinbefore set forth in this ordinance and those additional instances set forth in this paragraph Section 17.03.04(3), in appropriate cases, and subject to appropriate conditions and safeguards, make the special exceptions to the terms of this ordinance set forth in this ordinance, if in harmony with its general purpose and intent and in accordance with the general or special rules herein contained, where to do so will not be contrary to the public interest and will not result in substantial injury to surrounding property or the appropriate use thereof.

In addition to the special exceptions heretofore set forth in this ordinance, the board of adjustment may in the manner aforesaid grant special exceptions in the following cases:

- a. Permit a variation in the yard requirements where there are unusual and practical difficulties in the carrying out of these provisions due to an irregular shape of the lot, topographical or other similar condition.
- b. Permit the moving to another place on the same lot of a building occupied by a nonconforming use.
- c. Permit such modifications of the requirements of these regulations as the board may deem necessary to secure an appropriate conforming use development of a lot where adjacent

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to such lot on two (2) or more sides there are buildings or uses that do not conform to these regulations.

- d. Permit modifications of the front and/or side street yard requirements where a majority of the frontage of lots abutting upon the same side of a street in the same block is occupied by a building or buildings with front and/or side street yard of less depth than is required by this ordinance.
- e. Permit such modifications of the yard or open space or lot area or width regulations as may be deemed necessary to secure appropriate conforming use improvement of a parcel of land where such parcel was in separate ownership upon the effective date of the Zoning Ordinance on October 24, 1963, and is of such restricted area that it cannot be appropriately improved without modification.
- f. Permit the use of property across the street from or abutting property owned by a church, public school, city, county, state or federal government for the free parking of passenger cars. When so used the parking area shall be screened from adjoining streets and property, by a wall, fence or hedge maintained at a height of at least six feet at sides and rear of parking area and three feet at front of parking area, and shall be properly drained and paved in accordance with the City's specifications and where lighting is provided it shall be hooded and beamed downward so that it shall not constitute an annoyance to neighbors.

**17.03.5. Appeals.**

1. Appeals to the board of adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the City of Deer Park, Texas, affected by any decision of the administrative officer. Such appeal shall be taken within ten days after any such decision by filing with the officer from whom the appeal is taken and with the board of adjustment a written notice of appeal specifying the grounds thereof, and shall otherwise be governed by the provisions of Article 1011g of Vernon's Annotated Texas Civil Statutes [V.T.C.A., *Local Government Code* § 211.008 *et seq.*], as amended.
2. Other.  
To exercise all other powers and duties as set forth in this ordinance.

**17.03.6. Procedure.**

1. General.  
The Board shall act in accordance with the procedure specified by law and by this ordinance.
2. Appeals.  
Appeals to the Board may be made by any person aggrieved or by any officer, department, or Board of the city affected by a decision of the Building Official or other administrative officer concerning this ordinance. All appeals and application made to the Board shall be made in writing, on forms prescribed by the Board, within 30 days after the decision has been rendered by the Building Official or other administrative officer.
3. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth (1) the interpretation that is claimed, (2) the use for which the permit is sought



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and/or (3) the details of the relief that is applied for and the grounds on which it is claimed that the relief should be granted, as the case may be. The appeal or application shall be filed with the officer from whom the appeal is taken and with the Board. The officer from whom appeal is taken shall forthwith transmit to the Board all the papers, constituting the record upon which the action appealed from was taken.

4. No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than 90 days, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
5. No order of the Board permitting the use of a building or premises shall be valid for a period longer than 90 days, unless such use is established within such period, provided, however, that where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

**17.03.7. Public Hearing and Notice.**

The Board shall fix a reasonable time for the public hearing of an appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest. Said public notice shall be published in a paper of general circulation in Deer Park at least once, not less than ten days preceding the date of such hearing, and shall give the particular location of the property on which the appeal is requested, as well as a brief statement of the nature of the appeal. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting be publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing any party may appear in person or by attorney.

**17.03.8. Decisions and Records.**

In exercising its powers, the Board may, in conformity with the provisions set forth in the statutes of the State of Texas governing said Board, revise or reform, wholly, or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom appeal is taken. The presence of four members shall be necessary to constitute a quorum, and the concurring vote of four of the members of the Board present shall be necessary to revise any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance in said ordinance.

**17.03.9. Fee.**

A filing fee of \$500.00 to partially defray expenses of legal publication, administrative and processing costs, shall accompany each application.

(Ord. No. 1830, § 9, 11-19-1985; Ord. No. 2916, § 1(f), 9-16-2003)

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**17.03.10. Effect of Appeal.**

An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, and on notice to the officer from whom the appeal is taken and on due cause shown.

**State Law reference—** Board of adjustment, V.T.C.A., Local Government Code § 211.008 et seq.

**17.04 Specific Use Permit (SUP).**

**17.04.1. General.**

In addition to the required building permit, the certificate of occupancy and compliance called for in section 17.02, a specific use permit shall be required for certain uses listed in the use groups for which reference is made to a specific use permit being required by the City Council, before a building permit shall be issued.

**17.04.2. Application.**

Application for a specific use permit shall be made by the property owner and filed in writing with the City Council and shall be accompanied by a site plan.

**17.04.3. Site Plan.**

The site plan shall show existing improvements on the land and all proposed development of the property. The plan shall be submitted on first quality reproducible material and when possible shall not exceed 36 inches by 48 inches in size. The plot plan shall give the following information:

- Date, scale, north point, title, name of owner, and name of person preparing plan;
- Location of existing boundary lines and dimensions of the tract;
- Centerline of existing watercourses, drainage features, and location and size of existing and proposed streets and alleys;
- Location and size to the nearest one-half foot of all proposed buildings and land improvements;
- Clear designation of areas reserved for off-street parking and for off-street loading; the location and size of points of ingress and egress; and the ratio of parking space to floor space.

**17.04.4. Public Hearing.**

Such application shall be referred to the planning and zoning commission for hearing, report and recommendations. The planning and zoning commission, after giving written notice as herein required, shall hold a hearing on the application and adopt an order recommending approval of or refusing such application. The applicant or his representative shall appear at the hearing on his application. The planning and zoning commission shall report the results of its hearing and study of said application to the City Council.

**17.04.5. Hearing Procedure.**

The City Council shall consider the application and the accompanying site plan. The City Council may approve or deny an application for a specific use permit. In granting a permit, the City Council may impose such

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requirements and conditions, in addition to those expressly stipulated in this ordinance for the particular use, as it may deem necessary for the protection of adjacent properties and the public interest.

**17.04.6. City Council Consideration.**

In granting or denying an application for a specific use permit, the City Council shall consider the following factors, among others:

- Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
- Safety from fire hazard, and measures for fire control.
- Protection of adjacent property from flood or water damage.
- Noise producing elements; and glare of vehicular and stationary lights and effects of such lights on established character of the neighborhood.
- Location, lighting and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.
- Adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities in the use district in which the site is located; location of ingress and egress points for parking and off-street loading spaces; and protection of public health by surfacing on all parking areas to control dust.
- Such other measures as will secure and protect public health, safety, morals, and general welfare.
- The compliance with the overall zoning use plan of the city of the proposed use.

(Ord. No. 1198, § 6, 7-6-1976)

**17.04.7. Fee.**

The filing fee for the specific use permit application shall be \$1,000.00.

(Ord. No. 1830, § 10, 11-19-1985; Ord. No. 2916, § 1(e), 9-16-2003)

**17.04.8. Reserved.**

**17.04.9. Expiration of Specific Permit.**

1. Authority to issue building or occupancy permits pursuant to the granting of a specific use permit shall expire 18 months after the granting of the specific permit, except when the following conditions have been met:
2. Building permits have been issued, materials have been acquired, and the foundation of at least one building has been placed on the site; or
3. Where no construction is required, an occupancy permit has been issued and actual operation of the use has been started.

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4. After authority for issuance of a building or occupancy permit, pursuant to the granting of a specific use permit, has expired by default, no building or occupancy shall be issued except upon a new application.

**17.04.10. Modification of Site Plan.**

1. The site plan as finally approved may be adjusted or altered subsequently when such modification is required by provisions of city ordinances or state statutes which are more restrictive than the zoning regulations, or when the City Council deems a revision in the site plan will provide more appropriate development of the site, provided such proposed change is consistent with the express conditions contained in the permit granted by the City Council and the change will be consistent with the provisions of the Zoning Ordinance. A proposed change shall be presented in writing to the Building Official, and if written specifications are inadequate to describe the proposed revision, a supplementary site plan shall be attached to the application for revision. Such application and site plan shall be handled in the same way as the original application.
2. If the proposed revision is approved by the City Council, the Building Official shall make necessary adjustments in construction permits and shall authorize the holder of the permit to alter construction in accordance with such revision.

**17.04.11. Limitation on Reapplication.**

No application for a specific use permit which has been disapproved by the City Council shall be again considered either by the City Council or the planning and zoning commission on a petition by an applicant before the expiration of one year from the date of the final action by the City Council.

(Ord. No. 1830, § 6, 11-19-1985)

## **Section 18. Enforcement**

### **18.01 Violation and Penalty.**

Any person, firm or corporation who shall violate any of the provisions of this ordinance or who shall violate or fail to comply with any order or regulation made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall, for each and every violation and noncompliance respectively be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined in any sum not less than \$25.00 nor more than \$2,000.00 and each and every day that such violation or noncompliance shall exist shall be deemed a separate offense.

But in case, any person, firm, or corporation violates any of the provisions of this ordinance or the general law or fails to comply therewith, the City of Deer Park, in addition to imposing the penalties above provided, may institute any appropriate action or proceedings in court to prevent, restrain, correct or abate any illegal act, conduct, business, or use, in or about land; and the definition of any violation of the terms of this ordinance as a misdemeanor shall not preclude the City of Deer Park from invoking the civil remedies given it by law in such cases, but same shall be cumulative of and in addition to the penalties prescribed for such violation.

(Ord. No. 1679, § VIII, 11-1-1983)

### **18.02 Enforcement [official].**

It shall be the duty of the Building Official to enforce this ordinance and to refuse to issue any permit for any building or structure or the use of any premises which would violate any of the provisions hereof. Appeal from the decision of the Building Official may be made to the Board of adjustment as provided herein.

## Section 19. Amendments

### 19.01 General.

Reserved.

### 19.02 Application for Amendment.

#### Who May Initiate Action.

Amendments may be initiated by the City Council, Planning and Zoning Commission, or by an application of one or more property owners.

#### Accompanying Data.

An application for an amendment by the property owner shall be filed with the Planning and Zoning Commission upon such forms and accompanied by such data and information as may be prescribed for the purpose by the Planning and Zoning Commission. When applicable, an accurate legal description and map of the land and existing building shall be submitted with the application. It shall be the responsibility of the applicant to indicate any applicable deed restrictions applying to subject property.

(Ord. No. 1715, § VIII, 3-20-1984)

#### Application Fee.

Each application by a property owner or their (his) designated agents shall be accompanied at the time of filing by a \$1,000.00 fee.

(Ord. No. 1830, § 10, 11-19-1985; Ord. No. 2916, § I(g), 9-16-2003)

Wherever the entire application for alteration or change hereunder is withdrawn before publication of notice is ordered to be given of the hearing before the City Council, the unused portion of the application fee paid shall be refunded to the applicant.

### 19.03 Attendance at Hearings.

Each application for amendment by a property owner must contain the name of the owner's designated agent or attorney if the owner is to be represented by some other person. The owner, his designated agent or attorney shall attend all public hearings which are required by this section.

(Ord. No. 1830, § 7, 11-19-1985)

### 19.04 Hearing and Notice; Planning and Zoning Commission.

Upon filing of an application for rezoning or upon the initiating of procedure for an amendment, the Planning and Zoning Commission shall hold a public hearing thereon as provided for herein.

#### Notice of Public Hearing.

Notice of the time, place, and purpose of a public hearing before the Planning and Zoning Commission shall be given by United States mail and by publication in the official City Newspaper, at least ten days prior to the date of said hearing, and if the amendment proposed changes the classification of any

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property, notice shall also be sent to applicant and to the owners of property any part of which lies within a radius of 200 feet of the property proposed for rezoning or reclassified. For this purpose, the tax records of the City of Deer Park shall be used. Where all property within the 200-foot distance is under the same ownership as the property proposed to be rezoned or reclassified, the owners of all property adjoining said property in the same ownership shall also be notified.

(Ord. No. 1715, § IX, 3-20-1984)

**19.05 Action by Planning and Zoning Commission.**

At the conclusion of any public hearing, the Planning and Zoning Commission shall submit a report and recommendation on such proposed amendment to the City Council.

**19.06 Action by the City Council.**

Action on Planning and Zoning Commission Recommendation.

After receipt of a copy of any report and recommendation on any application or amendment, the City Council and the Planning and Zoning Commission shall hold a joint public hearing thereon. Notice of said public hearing shall be given by: (1) one publication in a newspaper of general circulation in the City of Deer Park, not less than 15 days prior to the time fixed for such hearing; and (2) at least 15 days before said hearing; and if the amendment proposed changes the classification of any property, notices are also to be sent by United States mail to applicant and to the owners of property any part of which lies within a radius of 200 feet of the property proposed for rezoning or reclassification. For this purpose, the tax records of the City of Deer Park shall be used. Where all property within the 200 foot distance is under the same ownership as the property to be rezoned or reclassified, the owners of all property adjoining said property in the same ownership shall also be notified. At the conclusion of the joint public hearing, the Planning and Zoning Commission may submit another report and recommendation on such proposed amendment to the City Council.

(Ord. No. 1715, § IX, 3-20-1984; Ord. No. 1830, § 8, 11-19-1985)

Protest.

If a protest is made against proposed change in this ordinance signed by the owners of 20 percent or more of either the area included in such proposed change, or those immediately adjacent in the rear thereof extending 200 feet therefrom, or of those directly opposite thereof extending 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all of the members of the City Council.

After Action by the City Council.

If the City Council votes to adopt an amendment to this ordinance, said amendment shall be filed in the office of the City Secretary.

**19.07 Reapplication.**

No amendment, or repeal of any section of this ordinance which has been disapproved by the City Council, shall be again considered either by the City Council or the Planning and Zoning Commission on a petition by an applicant before the expiration of one (1) year from the date of the final action by the City Council.

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## Section 20. Zoning Definitions

### 20.01 Terms and Words Defined.

For the purpose of this Zoning Ordinance, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not discretionary. The following are the Zoning Ordinance definitions.

1. Abandonment  
To cease or discontinue a use or activity, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.
2. Abutting  
Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a ROW or easement, or with a physical improvement such as a street, waterline, park, or open space.
3. Access  
A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase “pedestrian access easement”).
4. Accessory Building
  - a. In a residential district, a subordinate building used for a purpose customarily incidental to the main structure, but not involving the conduct of a business.
  - b. In a nonresidential district, a subordinate building incidental to the main structure.
  - c. Any structure, either attached or detached from the main dwelling, the use of which is incidental to that of the main structure and located on the same lot.
  - d. Accessory structures include, but are not limited to patio covers, arbors, gazebos, cabanas, outdoor kitchens and/or recreational fire enclosures, trellis, and structures/sheds or the like.  
A permit is required for all accessory structures.
5. Accessory Use  
A use that is clearly and customarily incidental and secondary to the permitted and Principal Use of land or building(s), and that is located upon the same lot, and that does not change the character thereof. The land/building area that is used for the accessory use is significantly less than that used for the primary use.
6. Acts of Nature  
An extraordinary interruption by a natural cause (*such as a flood, tornado, hurricane, or earthquake*) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent.
7. Adjoining  
When used with respect to lots, properties, premises, districts, or other terms denoting land areas, having any portion of its perimeter in common with another lot, property, premises or district.
8. Adult Day-Care Services  
A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood,



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marriage, or adoption to the owner of the facility. Adult Day Services Center (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services.

9. Agent

Any person authorized by the licensee of a recreational park to operate or maintain such park under the provisions of this chapter.

10. Agricultural Use

Land where the production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to man, including, forages and sod crops; grains and seed crops, dairy animals, poultry and livestock, including but not limited to ostriches, emus, buffalos, beef cattle, sheep, goats, mules, horses, and ponies.

11. Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing

This industry comprises establishments primarily engaged in (1) manufacturing air-conditioning (except motor vehicle) and warm air furnace equipment and/or (2) manufacturing commercial and industrial refrigeration and freezer equipment. Uses include air-conditioning and warm air heating combination units manufacturing, humidifying equipment (except portable) manufacturing, air-conditioning compressors (except motor vehicle) manufacturing, refrigerated counter and display cases manufacturing, air-conditioning condensers and condensing units manufacturing, refrigerated drinking fountains manufacturing, dehumidifiers (except portable electric) manufacturing, snow making machinery manufacturing, heat pumps and manufacturing, soda fountain cooling and dispensing equipment manufacturing.

12. Aircraft Engine and Engine Parts Manufacturing

This industry comprises establishments primarily engaged in one or more of the following:

- a. Manufacturing aircraft engines and engine parts;
- b. Developing and making prototypes of aircraft engines and engine parts;
- c. Aircraft propulsion system conversion (i.e., major modifications to systems); and
- d. Aircraft propulsion systems overhaul and rebuilding (i.e., periodic restoration of aircraft propulsion system to original design specifications).

13. Aircraft Parts and Auxiliary Equipment Manufacturing

This industry comprises establishments primarily engaged in (1) manufacturing aircraft parts or auxiliary equipment (except engines and aircraft fluid power subassemblies) and/or (2) developing and making prototypes of aircraft parts and auxiliary equipment. Auxiliary equipment includes such items as crop dusting apparatus, armament racks, in-flight refueling equipment, and external fuel tanks.

14. Alcoholic Beverage Establishment

Any establishment that derives 51 percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption.

15. Alcoholic Beverages Sales for On-Premises Consumption

Any sales of alcoholic beverages for premises consumption.

16. Alcoholic Beverages Sales for Off-Premises Consumption

Any sales of alcoholic beverages for off-premises consumption.

17. All-Weather Surfaced Driveway

A paved or cast-in-place, asphalt, or concrete driveway.

18. Alley

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A public ROW, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

19. All-weather base/surface

A dust-free surface constructed of concrete or asphalt.

20. Amenity Center

A recreational facility, including, but not limited to, clubhouse, swimming pool, play area, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

21. Ambulance Service

A privately-owned facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

22. Amortization

Discontinuance of a nonconforming use of land or structure under any plan whereby the full value of the structure and facilities can be scheduled within a definite period of time to conform to the regulations of this Zoning Ordinance.

23. Amusement, Commercial (indoors)

An amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a climbing wall center or billiard parlor.

24. Amusement, Commercial (outdoors)

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

25. Antique Shop

An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishing and decorations that have value and significance as a result of age, design and sentiment.

26. Art Gallery or Museum

An institution for the collection, display, distribution of objects of art, and that is sponsored by a public or quasi-public agency, and is open to the general public.

27. Art Supply Store

An establishment within a building offering for sale articles such as painting supplies, picture framing, brushes, artist easels, canvas, or similar supplies for various art forms.

28. Apartment

A suite of rooms or a room arranged and intended as a place of residence of a single person, a single family or a group of individuals living together as a single housekeeping unit, and equipped for the preparation of food.

29. Apartment, efficiency

An apartment consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.

30. Apartment hotel

Any building containing both apartments and rooming units in some combination, having a desk or lobby attended 24 hours a day, and providing some services customary and appropriate to a hotel, such as maid and room service, but not having any public meeting room.

31. Appliance Rental

Generally a store where household appliances are rented or leased on a monthly payment plan.

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32. Applicant  
The person or entity responsible for the submission of an Application. The Application must be the actual owner of the property for which an Application is submitted, or shall be a duly authorized representative of the property owner. Also see Developer.
33. Application  
The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate review and approval of a development project.
34. Application Form  
The written form (as provided by and as may be amended by the Director of Public Works or other designee) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an Application.
35. Approval  
a. Approval constitutes a determination by the official, Board, commission or City Council responsible for such determination that the Application is in compliance with the minimum provisions of this Zoning Ordinance.  
b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
36. Armed Services Recruiting Center  
An office space occupied by a U.S. Army, Navy, Air Force, Marine, Coast Guard, and/or Merchant Marine recruiting center where phone calls are made, letters are written and mailed, and possible recruits are interviewed and enlisted in one of the service branches.
37. Arterial Street  
a. A street (also referred to as a thoroughfare) designated within the Comprehensive Plan.  
b. A principal traffic way more or less continuous across the City or areas adjacent thereto, intended primarily to provide for the movement of through traffic, and that shall act as a principal connecting street with highways as indicated in the Comprehensive Plan.
38. Articulation  
The visual variation to both the height and depth dimensions of a building through the use of materials, colors, fenestration and details.
39. Artificial barrier  
Any fence, hedge, shrub fence or hedge, a minimum of six feet in height and obstruction view to the extent of 100 %.
40. Artisan's Workshop  
An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.
41. Assisted Living/Nursing Home  
A facility operated by a business or non-profit organization where ill or elderly people are provided with lodging and meals, with or without nursing care.
42. Automobile Body Shop  
A facility that provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.
43. Automobile or Other Motorized Vehicle Sales and Services  
A business providing sales display and service of new and used motorized vehicles, including motorcycles, RVs, and boats – not including semi-truck or heavy truck sales.
44. Automobile Parts Store

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Stores selling new automobile parts, tires, and accessories.

45. Automobile Rental

Storing or renting of automobiles and light trucks.

46. Automobile Service Garage (Major)

A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services including body, frame, or fender repair, and overall painting, where all work is conducted inside the building.

47. Automobile Service Garage (Minor)

A facility for routine automobile services or minor repairs, such as tire services, quick-lubes, batteries, with all work being conducted inside the building and within the same day.

48. Automobile service station

An establishment where gasoline, stored only in underground tanks, is dispensed directly to users of motor vehicles. The following activities are permitted as accessory uses to an automobile service station: the dispensing of oil, grease, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, making minor wheel and brake adjustments, waxing, polishing, and other minor servicing and repair; and washing of automobiles, provided that no chain conveyor, blower, steam cleaner or other mechanical device is employed. All other activities shall be prohibited, including, but not limited to: upholstering work, auto glass work, painting, welding, tire recapping, auto dismantling, auto sales, diesel fuel sales, and trucker's dormitories.

49. Bail Bond Services

A bail bond service or bondsman is any person or corporation that will act as a surety and pledge money or property as bail for the appearance of a criminal defendant in court.

50. Bakery (Retail)

An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on or off-site.

51. Ballroom Dancing

An establishment open to the general public for dancing.

52. Bank or Financial Institution

A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

53. Barber or Beauty Shop

A fixed establishment or place where one or more persons engage in the practice of barbering or cosmetology.

54. Base Flood

The regulatory requirement for the elevation or floodproofing of structures.

55. Basement

A story (or portion of a story) partly below curb level, with at least one-half of its height (measured from floor to ceiling) above curb level. On through lots, the curb level nearest to a story (or portion of a story) shall be used to determine whether such story (or portion of a story) is a basement.

56. Bed and Breakfast Inn

An owner or operator occupied residence with bedrooms providing overnight or otherwise temporary lodging for the general public for 96 hours or fewer. Typically, breakfast is the only meal served to guests.

57. Bike (Bicycle) Sales and Service

A facility where bicycles are assembled and sold, or repaired and serviced.

58. Block Face

~~The portion of a Block that abuts a street.~~

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59. ~~Block Length~~  
~~The length of the Block Face between two intersections.~~
60. Board; Board of Adjustment  
The Board established pursuant to state law to hear appeals, variances, special exceptions and other matters under this chapter.
61. Boarding or Rooming House  
A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed eight persons.
62. Book Store  
A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media.
63. Bookbinding  
An establishment that practices the art or trade of binding books, but not to include the retail sale of books.
64. Bottling Works  
An establishment that engages in the business of placing liquids (soft drinks, milk, juices, etc.) in bottles made of glass or plastic.
65. Bowling Alley  
An establishment that devotes more than 50 % of its gross Floor Area to bowling lanes, equipment, and playing area. A bowling alley is wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line.
66. Brewery  
An industrial use that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than 15,000 barrels of beverage annually (all beverages combined)
67. Buffer zone  
An area 150 feet in width adjacent to the ROW of all improved or open streets or residentially zoned areas which abut any shipping container storage yard. A buffer zone may be landscaped or used for buildings or parking area, but no shipping containers are to be stored thereon.
68. Buildable width or buildable depth  
The width or depth respectively of that part of the lot not included within the yards or other open spaces herein required.
69. Building  
Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.
70. Building Height  
The vertical distance from natural ground to the average height of the highest roof surface.
71. Building Line  
The rear line of a required front yard and the interior line of a required exterior side yard.
72. Building, Mixed-use  
A building used partly for residential use and partly for commercial use and/or community facility use.
73. Bulk Plane  
An imaginary enclosure restricting the height of a building or buildings on a lot.
74. Bulk warehouses

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(Full dock high/multi-tenant.) When considered as one facility, the minimum size of warehouse shall total 20,000 SF and stored material shall be reshipped the same way that it arrived.

75. Building Official

The Building Official of the City of Deer Park or his/her designee.

76. Building Permit

A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the city code.

77. Building Setback Line

The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street ROW/property line.

78. Cabinet Shop

A wood shop that does layouts, cutting, fitting and assembly of residential and commercial cabinets.

79. Camping trailer

A recreational vehicle that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold for use. Such trailer is built on a single chassis mounted on wheels. Camping trailers are not allowed.

80. Carport

A private garage which has no doors for the vehicular entrance and is walled on no side other than a side shared in common with the principal building. A carport may be either a part of a principal building or it may be a separate building.

81. Car Wash, Full Service

A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

82. Car Wash, Self Service

A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

83. Carnival, Circus or Tent Service (Temporary)

Outdoor or indoor commercial amusement provided on a temporary basis.

84. Carpentry Shop

A shop involving woodworking and the assembly of wood products.

85. Caterer or Wedding Service

A service providing meals or refreshments for public or private entertainment for a fee.

86. Cement or Hydrated Lime Plant

A plant that manufactures cement and/or hydrated lime for use in the construction industry, for the making of concrete mortar or plaster.

87. Cemetery or Mausoleum

Property used for the interring of the dead.

88. Centerline of street or alley

A line midway between the boundary ROW lines of a street or alley. Where the boundary ROW lines are irregular, the centerline shall be determined by the City Engineer.

89. Ceramic and Pottery Manufacturer

Manufacturing site for ceramic and pottery goods, including dust, odor, and fume control.

90. Certificate of Occupancy and Compliance

An official certificate issued by the City through the Building Official (in conjunction with a Building Permit) that indicates conformance with the City's rules and regulations and that authorizes legal use of the premises.

91. Child-Care: Foster Family Home (Independent)

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- A single independent home that is the primary residence of the foster parents and licensed to provide care for six or fewer children up to the age of 18 years.
92. Child-Care: Foster Group Home (Independent)  
A single independent home that is the primary residence of the foster parents and licensed to provide care for seven to 12 children up to the age of 18 years.
93. Child-Care: Licensed Child-Care Center  
An operation providing care for seven or more children younger than 14 years old for less than 24 hours per day at a location other than the permit holder's home.
94. Child-Care: Licensed Child-Care Home  
A home where the primary caregiver provides care in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.
95. Child-Care Listed Family Home  
A home where the caregiver is at least 18 years old, and who provides care in her own home for compensation, for three or fewer children unrelated to the caregiver, ages birth through 13 years. Regular care is provided, which is care provide for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.
96. Child Care: Registered Child-Care Home  
A home where a caregiver who provides regular care in her own home for not more than six children from birth through 13 years. Child day care can be provided for six additional school-aged children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, must not exceed
97. Church  
A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
98. Cigar Lounge  
A business that sell a variety of cigars. It may also sell other tobacco products such as pipe tobacco or cigarettes, but this would generally be a minor part of their sales. They may also sell other tobacco accessories such as lighters, cigar boxes and containers, as well as cigar cutters and punches. In addition, this business may contain a lounge where persons can go to smoke cigars.
99. City  
The City of Deer Park, Texas, together with all its governing and operating bodies.
100. City Attorney  
The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.
101. City Council  
The duly elected governing body of the City of Deer Park, Texas.
102. City Manager  
The officially appointed and authorized City Manager of the City of Deer Park, Texas, and may include the City Manager's duly authorized representative or designee, per the City Manager's discretion.
103. City Secretary  
The person(s) so designated by the **City** to provide clerical and official services for the City Council. This term shall also include any designee of the **City Secretary**.

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104. City's Engineering Services Director  
The person(s) so designated by the **City** to provide oversight for and have responsibility of the City's Engineering Department. This term shall also include any designee of the City's Engineering Services Director.
105. Civic/Convention Center  
A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.
106. Clinic  
An establishment or offices in which a group of physicians, dentists, or other practitioners of the healing arts, and allied professional assistants are associated for the purpose of diagnosing and treating ill or injured persons. A clinic may include a medical or dental laboratory, but may not include facilities for providing room or board for patients, nor may a clinic include offices or facilities for veterinarians.
107. Club, private  
Any building, room, or premises occupied collectively by an association of persons for the promotion of some nonprofit common objective, which association operates under bylaws, is limited in membership, meets periodically, is controlled by a person or persons elected by the membership, does not have as a principal function one which is customarily carried on as a business, and whose facilities are available only to members and their guests and are not leased except to members for the use of said member and his guests.
108. Club, semiprivate  
Any building or portion thereof providing private dining, meeting, or similar social facilities which are restricted by membership or occupancy, which are not ordinarily open to the public at large, and which are operated partly or entirely for commercial purposes.
109. Clothing or Similar Light Manufacturing  
A business that buys bolts of cloth or fabric, cuts from patterns and sews into finished shirts, pants, dresses, and other pieces of clothing.
110. Collector Street  
A street that is continuous through several residential districts and is intended as a connecting street between residential districts and Arterial Streets, highways or business districts, and that may serve both through-traffic and local access functions.
111. College or University  
An academic institution of higher learning, accredited or recognized by the State, and offering a program of series of programs of academic study.
112. Computer and Peripheral Equipment Manufacturing  
Means establishments primarily engaged in manufacturing and/or assembling electronic computers, such as mainframes, personal computers, workstations, laptops, and computer servers; and computer peripheral equipment, such as storage devices, printers, monitors, input/output devices and terminals.
113. Commission  
The **Planning and Zoning Commission** of the City of Deer Park.
114. Common Access Route  
A private way which affords the principal means of access to individual recreational vehicle spaces or auxiliary buildings in a recreational vehicle park.
115. Community Center



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

116. Community Group Home

A community-based residential home with not more than six (6) persons with disabilities and two (2) supervisors residing in the home, and that otherwise meets the requirements of the Community Homes for Disabled Persons Location Act (*Chapter 123 of the Human Resources Code*).

117. Community Parks

Larger parks that may provide athletic fields, swimming pools, recreation centers, tennis courts, open areas, etc.

118. Concrete Block and Brick Manufacturing

Establishments primarily engaged in manufacturing concrete block and brick.

119. Concrete or Asphalt Batching Plant, Permanent

Permanent manufacturing facility for the production of concrete or asphalt.

120. Concrete or Asphalt Batching Plant, Temporary

A temporary manufacturing facility for the on-site production of concrete pipe and other concrete products, excluding concrete block and brick.

121. Concrete Pipe Manufacturing

This industry comprises establishments primarily engaged in manufacturing concrete pipe and other concrete products excluding concrete block and brick.

122. Consignment Store

A store that receives merchandise on consignment from individuals and places for resale.

123. Construction Machinery Manufacturing

This industry comprises establishments primarily engaged in manufacturing construction machinery, surface mining machinery, and logging equipment such as backhoes and manufacturing, pile-driving equipment manufacturing, bulldozers manufacturing, portable crushing, pulverizing, and screening machinery manufacturing, construction and surface mining-type rock drill bits manufacturing, powered post hole diggers manufacturing, construction-type tractors and attachments manufacturing, road graders manufacturing, off-highway trucks manufacturing, surface mining machinery manufacturing.

124. Construction Plans

A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.

125. Contractor's Shop and/or Storage Yard

A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

126. Copy Shop or Printing Shop

An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 SF.

127. Country Club

An area containing a golf course and club house that may include as adjunct facilities a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.

128. County

Harris County.

129. Courtyard

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An open unoccupied space other than a yard, on the same lot with a building that is bounded on three (3) or more sides by the building.

130. Credit Access Business

A Credit Access Business has the meaning given that term in Section 3.93.601 of the Texas Finance Code.

131. Crosswalk Way

A public ROW, four (4) feet or more in width between property lines that provides pedestrian circulation.

132. Cul-de-sac

A short, residential street having but one vehicular access point to another street, and terminating by a vehicular turnaround.

133. Dance Hall or Night Club

An establishment offering to the general public facilities for dancing and entertainment for a fee.

134. Dance, Music, or Drama Studio

Studio for performing arts education or similar activities.

135. Date of Adoption

The date of adoption of this Zoning Ordinance shall be the date this ordinance becomes effective date.

136. Day nursery

A private agency or an institution which provides supplemental parental care on a regular basis for a group of children and which complies with the conditions set forth in Section 8.04.

137. Design Transfer Manufacturing and Wholesale Shops

An establishment whose business involves the placing and/or transferring of photographs, logos, or other designs onto articles of clothing, backpacks or other articles. This use applies to the manufacture of articles for wholesale purposes, only, and may include embroidery of names, logos or other text. This use generally includes catalog sales. Retail sales with display areas are permitted as a secondary use. This use typically involves the preparation of custom artwork, and is for the mass production of articles. Although silk screening is typically employed for this use, heat transfer, Direct-To-Garment (DTG) and / or similar equipment are also acceptable.

138. Developer

- a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this Zoning Ordinance.
- b. The word Developer is intended to include the terms Subdivider, property owner, and, when submitting platting documents, Applicant.

139. Development

Any manmade change is improved or unimproved real estate, including but not limited to buildings and/or other structures, paving drainage, utilities, storage, and agricultural activities.

140. Development Application

An Application, developed and updated by the Director of Public Works or other designee, for any type of plan, permit, plat or Construction Plans/drawings authorized or addressed by this Subdivision Ordinance. Also may be referred to as a permit within the Texas Local Government Code, Chapter 245.

141. Discount or Department Store

Retail store generally advertising reduced prices and dealing in a large variety of products including, but not limited to clothing. May include appliances, electronics, and limited packaged food products.

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142. Distance between structures  
The shortest horizontal distance measured between the vertical walls of two structures, as herein defined.
143. Distribution Center  
Building or facility used for the storage and distribution of wholesale items/products.
144. Donation or Recycling Collection Point  
An incidental use that serves as a neighborhood drop-off point for and temporary storage of donations and/or recoverable resources. No processing of such items occurs on-site and the site functions solely as an area of collecting materials. This facility is generally located in a shopping center parking lot or in a public/quasi-public areas such as in churches and schools.
145. Donut Shop  
A shop that sells baked goods, such as pastry items, and donuts, generally sells beverages, and frequently provides a small amount of seating for patrons.
146. Drapery or Furniture Upholstering Shop  
An establishment for the production, display and sale of draperies and soft coverings for furniture.
147. Driveway  
A minor entrance-way off the common access route within the recreational vehicle park or from a public street into an off-street parking area one or more recreational vehicle spaces.
148. Dwelling  
Any building or portion thereof occupied or capable of being occupied as the residence of one or more persons, either permanently or transiently, but does not include a tent or vacation trailer.
149. Dwelling, two-family  
A dwelling containing only two separate dwelling units, each of which has an independent entrance.
150. Dwelling, Multi-Family  
Any building, or portion thereof, that is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or that is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.
151. Dwelling, Single-Family (attached – duplex)  
A building designed for occupancy for two (2) families living independently of each other. A two family attached unit (also known as a duplex) has a lot line dividing the building and separating the building's two (2) dwellings units onto two (2) separate lots.
152. Dwelling, Single-Family (attached – townhouse)  
A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and that is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.
153. Dwelling, Single-Family (detached)  
A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.
154. Dwelling Unit  
A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
155. Easement, Common Access  
An easement created for the purpose of providing vehicular or pedestrian access to a property.
156. Educational Services Office  
A business involved in providing educational training or tutoring in an office environment.

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157. Electrical Energy Generating Plant  
A facility or structure where electrical (high voltage) energy is generated.
158. Electrical Equipment Manufacturing  
This industry comprises establishments primarily engaged in manufacturing power, distribution, and specialty transformers; electric motors, generators, and motor generator sets; switchgear and switchboard apparatus; relays; and industrial controls.
159. Electrical Power Substations  
A part of the electrical distribution system with the primary function to transform electrical voltage, includes transformer stations and switching stations.
160. Engine, Turbine, and Power Transmission Equipment Manufacturing  
This industry comprises establishments primarily engaged in manufacturing turbines, power transmission equipment, and internal combustion engines (except automotive gasoline and aircraft).
161. Engineer  
A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications for public works improvements.
162. Equestrian Center  
An improved area, lighted and generally fenced, of at least thirty feet (30') in width or length within which equestrian activities involving horse riding or driving occurs. Also includes boarding stables.
163. Equipment Rental (Heavy)  
An establishment that rents large equipment and machinery such as compressors, backhoes, front-end loaders, rolled compactors, generators, tree coppers, trailers, bulldozers, trenching machines, sky lifts, tractors, and dump trucks. This equipment can be self-propelled or because of its size must be hauled or towed. The equipment is generally stored outside. This use may involve the starting and running of machinery.
164. Equipment Repair Shop  
Business providing basic repair services for mechanical equipment.
165. Exterminating Company  
A business providing services for the extermination of rodents and insects.
166. Family  
A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:  
a. Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;  
b. Four unrelated people; and  
c. Two unrelated people and any children (including adopted children) related to either of them.
167. Farmer's Market  
An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.
168. Fee Schedule  
A separate document listing fees for various city applications, prepared by the City Manager or designee and approved by City Council and which may be amended periodically.
169. Feed Store

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An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

170. Fencing

A masonry, wood fence or opaque fencing pre-approved by the department of public works.

171. Fifth Wheel Trailer

A recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

172. Firearms Sales Establishment

An establishment having at least 25 % of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

173. Flood Plain

An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the Flood Insurance Rate Map (FIRM) of the City.

174. Floodway

The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

175. Floor Area

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

176. Florist

Retail business whose principal activity is the selling of plants that are not grown on the site and whose business is conducted within an enclosed building.

177. Food Processing Plant

A building or plant that uses special processes, treatments or blending of foods to achieve a specified result. Not a distribution center.

178. Front Façade

A façade directly visible from any public street or main circulation drive and the façade used as the primary entrance to the building.

179. Frontage

All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

180. Funeral Home or Mortuary

Establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals.

181. Furniture Repair and Upholstering Shop

A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstery or repair.

182. Garage, Private (attached)

A garage that has one or more walls common with the principal building on a lot or that is attached to the principal building by an enclosed porch, or passage way, the roof of which is part of an extension of the roof of the principal building and for the purpose of the height and area regulations of this Zoning Ordinance such a garage is to be considered a part of the principal building.

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183. Garage, Private (detached)  
A garage existing separate and apart from the main building, but situated on the same lot, tract or parcel of land with the main building.
184. Garage, Storage  
A building or portion thereof, other than a private garage, used exclusively for parking or storage or self-propelled vehicles, but with no other services provided, except facilities for washing.
185. Gas or Oil Well Operation  
Places primarily devoted to subsurface mining of gas or oil. Typical uses are gas and oil drilling operations. Regulations for gas or oil well operation can be found in the city code.
186. Gasoline Self-Service Pumps Only  
Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. This use addresses the presence of self-service pumps only and does not include any related buildings, such as associated convenience store or service station.
187. Gasoline Filling or Service Station  
Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles.
188. Golf Course  
A private or public tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.
189. Grade  
The average of the finished ground level at the center of all walls of a building. In case any wall is parallel to and within five feet of a sidewalk, grade shall be the sidewalk level.
190. Grade Plan  
A reference plane representing the average of finished ground level adjoining the building at exterior walls.
191. Greenhouse  
A glass or plastic covered house devoted to the protection or cultivation of tender plants.
192. Grocery Store  
A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.
193. Guest House/Servants' Quarters  
Living quarters operated as an incidental/accessory use that is either attached or detached from the principal residence and used without renting or leasing as a residence by either guests or persons employed to provide domestic services to the occupants of the principal residence.
194. Guestroom  
A rooming unit of only one room. If a guestroom contains sleeping facilities for more than two persons, the accommodations for each two persons or fraction thereof shall be considered as a separate guestroom for density purposes only.
195. Gun Club, Skeet or Target Range (Indoor)  
The use of a structure for archery and/or the discharging of firearms indoors for the purpose of target practice or competition.
196. Gun Club, Skeet or Target Range (Outdoor)  
The use of land for archery and/or the discharging of firearms outdoors for the purpose of target practice or competition.

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197. Gym or Health/Fitness Center  
A facility where members or nonmembers use equipment or space for the purpose of physical exercise.
198. Gymnastic Studio  
A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.
199. Handcraft Shop  
A shop where handcrafted art objects are made and displayed for sale.
200. Health center  
A center operated by a governmental agency or eleemosynary organization for the examination, consultation, and referral of human medical patients, and where therapeutic treatment is limited to first aid and the dispensing of drugs and medicines.
201. Helipport or Helistop  
An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
202. Hobby Shop  
A retail shop that sells materials and supplies to person typically used for the making of arts and crafts, including models.
203. Home-Based Business  
A business, occupation, or profession conducted within a residential dwelling unit by the resident thereof.
204. Homeowners' or Property Owners' Association  
A formal nonprofit organization operating under recorded land agreements through which:  
a. Each lot and/or property owner in a specific area is automatically a member; and  
b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and  
c. The charge if unpaid, becomes a lien against the nonpaying member's property.
205. Hospital  
An institution for inpatient diagnosis, care, and treatment of human illness on both an emergency and a general basis, together with its related facilities which are incidental and subordinate to, and an integral part of the operation of the hospital.
206. Hospital, Acute Care  
An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and that is licensed by the State of Texas.
207. Hospital, Chronic Care  
An institution where those persons suffering from illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and that is licensed by the State of Texas.
208. Hotel  
An establishment offering lodging to the transient public for compensation.  
a. A Hotel is distinguished from motel, motor hotel, or tourist court, in that access to the majority of the guest rooms is through a common entrance and lobby.  
b. A Hotel is a nonresidential use.
209. Improvement  
Any man-made fixed item that becomes part of or placed upon real property, see also public improvement.

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210. Industrial equipment rental  
The rental of any equipment, machinery, or containers that can be used for industrial use.
211. Industrial Truck, Tractor, Trailer and Stacker Machinery Manufacturing  
This industry comprises establishments primarily engaged in manufacturing industrial trucks, tractors, trailers, and stackers (i.e., truck-type) such as forklifts, pallet loaders and unloaders.
212. Industrialized (Commercial) Building  
Includes the following:
- a. A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation systems.
  - b. The term includes the plumbing, heating, air-conditioning, and electrical systems.
  - c. The term does not include any commercial structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.
213. Industrialized Housing  
See **Industrialized Home**.
214. Infrastructure  
All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.
215. Internal Street  
Same as common access route.
216. Jewelry Manufacturing or Assembly  
A facility for manufacturing or assembling jewelry.
217. Junkyard  
A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumberyards, and places for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops, and establishments for the sale, purchase, or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, sale of used cars in operating condition, or salvaged materials incidental to a manufacturing operation.
218. Kenel  
Any lot or premises on which three (3) or more dogs, cats, or other domestic animals at least four (4) months of age, are housed or boarding, trimming, grooming, bathing or similar treatment for which payment is received.
219. Kindergarten  
A school or class of young children four (4) to six (6) years old that develops basic skills and social behavior by games, handicraft and other means.
220. Laboratory, Scientific or Research  
An establishment that engages in research, testing or evaluation of materials or products, but not necessarily medical related.
221. Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing



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This industry comprises establishments primarily engaged in laminating plastics profile shapes such as plate, sheet and rod. The lamination process generally involves bonding or impregnating profiles with plastics resins and compressing them under heat.

222. Landfill

A tract of land used for the burial of farm, residential, institutional, or commercial waste that is not hazardous, medical, or radioactive.

223. Laundry, Commercial

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

224. Laundry, Dry Cleaning Drop-Off/Pick-Up

Fabrics, clothes, and linens cleaning shop or drop-off/pick-up station not exceeding six thousand (6,000) SF of Floor Area.

225. Laundry, Self-Service

A Laundromat facility not exceeding 2,500 SF in Floor Area where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

226. Laydown Yard

The outdoor storage of equipment, machinery and other items that are used in conjunction with the business located at the property, but the storage of the equipment, machinery and other items are not their primary business. A lay down yard shall not be used for the parking of motorized vehicles.



227. A zoning lot therefore may or may not coincide with a lot as shown on the official tax maps of the City of Deer Park, or on any recorded subdivision plat or deed.

228. For the purposes of this definition, ownership of a zoning lot shall be deemed to include a lease of not less than 50 years duration, with an option to renew such lease so as to provide a total lease of not less than 75 years duration.

229. A zoning lot may be subdivided into two or more zoning lots, provided that all resulting zoning lots and all buildings thereon shall comply with all of the applicable provisions of this ordinance. If such zoning lot, however, is occupied by a noncomplying building, such zoning lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.

230. Leather Product and Saddle Manufacturing

A facility that uses animal hides to produce products for sale, including saddles.

231. Library

A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

232. Licensee

Any person licensed to operate and maintain a recreational vehicle park under the provisions of this chapter.

233. Light Assembly and Manufacturing Processes

- a. The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing.
- b. Light fabrication, assembly, manufacturing, and packaging processes do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon

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which the use is located and do not generate noise or vibration at the property boundary that is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

234. Local Street  
A Local Street is a street used primarily for access to the abutting properties.
235. Locksmith/Security System Company  
Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.
236. Lot, Corner  
a. A lot situated at the junction of two or more streets.  
b. A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the Subdivision Plat.
237. Lot, Depth  
The mean horizontal distance from the front street line to the rear line.
238. Lot, Interior  
A lot, the side line of which does not abut on any street.
239. Lot, Through  
An interior lot having frontage on two streets. Such through lot shall provide a front yard on each street.
240. Lot Lines  
The lines bounding a lot as defined herein.
241. Lot of Record  
A lot that is part of a subdivision, a map of which has been recorded in the office of the County Clerk.
242. Lot Width  
The mean horizontal distance between side yard lines measured at right angles to the depth.
243. Manual on Uniform Traffic Control Devices  
The Manual on Uniform Traffic Control Devices or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.
244. Manufactured Home Mini-Park  
A single contiguous tract of land under one (1) ownership, uninterrupted by streets, alleys or any other public space, and providing spaces for rent or lease as manufactured home sites on a short-term or long-term basis, said spaces being situated and configured similar to individual lots.
245. Manufactured Home Park  
Any single contiguous tract of land under one ownership, uninterrupted by streets, alleys or any other public space, other than a Manufactured Home Mini-Park, where accommodations are provided for non-transient manufactured or mobile home use.
246. Manufactured Home Sales  
The offering for sale, storage, or display of Manufactured Housing units on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
247. Manufactured Housing  
Any one of two types of prefabricated housing products that are typically manufactured or assembled at a location other than the end user's permanent site, and that are regulated by Chapter 1201, Tex Occ. Code. For the purpose of this Zoning Ordinance, there are two types of manufactured homes:

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a. Manufactured Home

- i. As defined in §1201 Texas Occupations Code, a movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, that is constructed with a base section so as to be independently self-supporting, and that does not require a permanent foundation for year-round living. A manufactured home is also defined as any manufactured home that was constructed prior to June 15, 1976.

b. Manufactured Home – HUD Code

- i. As defined in §1201 Texas Occupations Code, a movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, that can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976. A HUD-Code manufactured home will display a red certification label on the exterior of each transportable section.

248. Manufacturing or Industrial Operations

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted/raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

249. Medical Clinic

A group of offices for one or more physicians, surgeons, chiropractors or dentists, engaged in treating the sick or injured but not including rooms for the abiding of patients.

250. Model Home

A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

251. Manufactured Home Park

Any lot upon which are located one or more manufactured homes, occupied for dwelling purposes, regardless of whether or not a charge is made for each accommodation.

252. Modular (Industrialized) Home

As governed by the definition within the Chapter 1202 Texas Occupations Code, a structure or building module that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a permanent residence 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 or Manufactured Home – HUD Code as defined in the Chapter 1201 Texas Occ. Code. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

253. Motel, Motor Hotel, or Tourist Court

- a. An establishment offering to the transient public the use of guest rooms or sleeping accommodations for compensation.
- b. Such an establishment consists of a group of attached or detached guest rooms or sleeping accommodations the majority of which have private and direct access from parking areas not through common entrance and lobby.
- c. The establishment furnishes customary hotel services and many contain a restaurant, club lounge, banquet hall and/or meeting rooms.

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d. A motel is a nonresidential use.

254. Motor Freight Company

A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

255. Motor Vehicle Electrical and Electronic Equipment Manufacturing

This industry comprises establishments primarily engaged in manufacturing and/or rebuilding electrical and electronic equipment for motor vehicles and internal combustion engines. This would include alternators and generators, ignition wiring harness, coils and ignition, instrument control panels, distributors' spark plugs, electrical ignition cable sets, windshield washer pumps, and generators.

256. Motor Vehicle Parts Manufacturing

An industry engaged in manufacturing motor vehicle engines and gasoline motor vehicle engine parts such as carburetors, pistons, piston rings and valves. Also includes the manufacture of motor vehicle steering mechanisms and suspension, brake systems, transmissions and power train parts, air conditioning systems and compressors, as well as vehicle stampings such as fenders, tops, trim and molding.

257. Movie Theatre

A specialized theater for showing movies or motion pictures.

258. Neighborhood Parks

Parks that provide a variety of outdoor recreational opportunities and are within convenient distances for a majority of the residences to be served thereby.

259. Newspaper Printing

A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

260. Nonconformities

The term Nonconformities is a general term used to refer to Nonconforming Lot, Nonconforming Structures and Nonconforming Uses, and applies in situations where the lot, structure or use has become non-compliant with these regulations.

261. Nonconforming Lot

A lot that was platted or otherwise legally developed prior to the adoption of this Chapter.

262. Nonconforming Structure

A structure that was legally built prior to the adoption of this Chapter,

263. Nonconforming Use

A use of land that was legally existing prior to the adoption of this Chapter.

264. Nonresidential Use

Any use other than a residential use.

265. Nonresidential Zoning Districts

The term "Nonresidential Zoning Districts" means a zoning district as listed a nonresidential zoning district within Table 1: Zoning Districts.

266. Nursery, Major

An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is included.

267. Nursery, Minor

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A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

268. Nursing home

An establishment providing full-time care for physically ill or convalescent patients and licensed as a nursing and convalescent home by the state department of health.

269. Office, Professional, Medical, or Business

A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

270. Open space, usable

That part of the ground area which is devoted to outdoor living, recreational or household utility space, but not including private roadways open to vehicular traffic, or off-street parking or loading space.

271. Open use of land

Includes, but is not limited to, auto wrecking yards, junkyards and salvage yards, dumps, sales yards, storage yards, animal and crop farming, and accessory outdoor storage.

272. Outside Display

The temporary outside display of finished goods which are specifically intended for immediate retail sales and are not intended nor used as an area for the continuous keeping or storage of such finished goods. Examples of outside display include the display of grills, deer feeders, patio furniture, lawn movers, flowers, pumpkins, Christmas trees, and clothing.

273. Outside Storage

The continuous keeping or storage of any finished or unfinished goods, materials, merchandise, or equipment outside of a building for more than 24 hours.

274. Palm Reader / Card Reader

An individual who works out of a small shop and customers are invited to sit with the reader and supposedly reveal future events by “reading” the customer’s palm or through the reading and interpretation of Tarot Cards.

275. Park, Playground, or Community Center, Public

An open recreational facility or park owned and operated by a public agency such as the City or the school district, which is open and available to the general public.

276. Parking

The temporary storage of automobiles or other motor vehicles as required and permitted by this ordinance, not including the storage and display of such vehicles for sale.

277. Parking space, off-street

A space for the parking of automobiles or other small vehicles having a minimum width of nine feet and a minimum length of 20 feet, which is located within the boundaries of a recreational vehicle space or a common parking and storage area and which in either case has an unobstructed access to an internal street.

278. Parking Area

An open area other than a street, alley or place, used for temporary parking of more than four (4) self-propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

279. Parking Space

Open space or garage space reserved exclusively for the parking of a vehicle.

A permanently surfaced area not less than nine (9) feet wide and 20 feet long, either within a structure or in the open, for the parking of a motor vehicle.

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280. Parking Structure  
A structure devoted to the parking or storage of automobiles for a fee.
281. Parkway  
Within the ROW, the area between the property line and the nearest curb or edge of the roadway (if no curb exists).
282. Pawn Shop  
An establishment that lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or that deals in the purchasing of personal property or other valuable things in condition of selling the same back to the seller at a stipulated price.
283. Penal and Correctional Institutions  
Publicly or privately operated facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, prison, and halfway house.
284. Perimeter Street  
A street that abuts a parcel of land to be subdivided.
285. Person  
Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.
286. Personal Service Shop  
Establishments primarily engaged in providing services generally involving the care of the person or apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, dry-cleaning and laundry pick-up stations, tailor or seamstress, and health clubs.
287. Pet Store (Retail Sales Only)  
A retail sales establishment primarily involved in the sale of pet supplies or the sale or adoption of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.
288. Petroleum Storage and Collection Facilities  
An outdoor area where storage of petroleum is allowed (tank farm).
289. Pharmaceutical and Medicine Manufacturing  
This industry comprises establishments primarily engaged in one or more of the following: (1) manufacturing biological and medicinal products; (2) processing (i.e., grading grinding, and milling) botanical drugs and herbs; (3) isolating active medicinal principals from botanical drugs and herbs; and (4) manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampules, tablets, capsules, vials, ointments, powders, solutions, and suspensions.
290. Pharmacy  
A shop or a store wherein prescription medicines may be obtained during all operating hours wherein primarily medicine and medical supplies are offered for sale.
291. Photographer's or Artist's Studio/Film Processing  
Work space for one or more photographers, artists or artisans, including the accessory sale of art produced on the premises.
292. Planned unit development  
Allows for a development containing uses or a combination of uses in a design that would not comply with the regulations of a primary zoning district. Allows the City Council and Planning and Zoning Commission to allow some flexibility in usage while giving greater control of special conditions and restrictions.
293. Planning and zoning commission

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The Planning and Zoning Commission of the City of Deer Park, Texas.

294. Public Works Director

The person(s) so designated by the **City** to provide oversight for and have responsibility of the City's planning and development related duties. This term shall also include any designee of the Public Works Director. Also, this term shall be inclusive of any future variations of the term, such as "Public Works Director" or "Zoning Administrator."

295. Plastic Products Manufacturing

The making of goods by processing plastics materials and/or raw rubber, with dust and fume control.

296. Plat

- a. A map or chart of the subdivision, lot or tract of land that is filed of record in the county Plat Records.
- b. It includes the documents for:
  - i. Amending plat
  - ii. Final Plat
  - iii. Minor Plat
  - iv. Preliminary Plat
  - v. Replat

297. Play Field or Stadium, Public

An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, football field or stadium.

298. Plumbing/Electrical/Air Conditioning Store (Retail Sales Only)

Establishments primarily engaged in retail sales of plumbing, heating, and air-conditioning equipment, without warehouse facilities, includes storage for ordinary repair but no materials for contracting work.

299. Police or Fire Station

Protection centers operated by a governmental agency, including administrative offices, storage or equipment, temporary detention facilities, and the open or enclosed parking of safety vehicles; excluding, however, correctional institutions.

300. Polystyrene Foam Product Manufacturing

This industry comprises establishments primarily engaged in manufacturing polystyrene foam products.

301. Premises

Any zoning lot, tract, or parcel of land together with its improvements.

302. Principal Use

The primary or predominant use of any lot or building.

303. Printing/Duplication Shop or Mailing Center

- a. An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving; or
- b. A commercial business that conducts the retail sale of stationary products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

304. Private garage

A building used by the occupants of the premises upon which it is located for sheltering private passenger motor vehicles.

305. Private Utility

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A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

306. Progress Towards Completion

Progress towards completion of the project shall include any one of the following:

- a. An Application for a Final Plat or plan for development is submitted;
- b. A good-faith attempt is made to file with the City or County an Application for a permit necessary to begin or continue towards completion of the project;
- c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five % of the most recent appraised market value of the real property on which the project is located;
- d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
- e. Utility connection fees for the project have been paid to a regulatory agency.

307. Public Building

- a. Any building held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.
- b. A building belonging to or used by the public for the transaction of public or quasi-public business.

308. Public Improvement

Any improvement, facility or service together with its associated public site, ROW or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City or other government authority ultimately assumes the responsibility for maintenance, operation and/or ownership.

309. Radio or TV Station

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or broadcasting or communication towers.

310. Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans or working drawings used, corrected, or clarified in the field.

311. Recreational Vehicle (RV)

A vehicle-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: camping trailer, truck camper, motor home or other individual camping unit.

312. Recreational vehicle park (RV Park)

A parcel of land under single ownership, upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.



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313. Recreational Vehicle Site (RV Site)  
A plat of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle on a temporary basis.
314. RV Pad  
The area within the camping site set aside for the placement of the camping unit. The minimum size of the "RV pad" shall be 20 feet in width and 50 feet in depth, and made of concrete.
315. Residential Street  
A street that is intended primarily to serve traffic within a neighborhood or limited residential district and that is used primarily for access to abutting properties.
316. Residential Use  
Residential use means use of a structure as a residence.
317. Residential Zoning Districts  
Residential district means a single-family, duplex, townhouse, multiple-family or Manufactured home zoning district as defined in the Zoning Ordinance.
318. Restaurant  
A place where the primary business is the preparation and sale, on the premises, of food to be provided from a full service menu of items which shall be available at all times when the facility is in operation and which lists all food items for sale, provides kitchen facilities separate and apart from the area of the premises devoted to public dining and may or may not provide live entertainment to, or permit dancing by, patrons of the premises.
319. Restaurant Kitchen Facilities  
A separate area located in, or on, the premises of a restaurant and meets the following conditions or standards: (1) meets all requirements of other applicable codes; (2) contains a stove and oven in working order; (3) provides refrigerated storage for food to be prepared and sold on the premises; (4) is staffed by a full-time cook or chef who must be on duty for the preparation of food during the hours that the restaurant is in operation; (5) maintains a food inventory and condiments for use by the cook or chef in the preparation of food for sale; and (6) provides pots, pans, and utensils necessary for use by the cook or chef in preparation of menu items for sale.
320. Restaurant or Cafeteria, with Drive-Up Window or Curb Service  
An establishment, with drive-up window or curb service, where food and drink are prepared and consumed primarily on the premises.
321. Restaurant or Cafeteria, without Drive-Up Window or Curb Service  
An establishment, without drive-up window or curb service, where food and drink are prepared and consumed primarily on the premises.
322. Retail  
Sale to the ultimate consumer for direct consumption and not primarily for resale.
323. Retail Stores and Shops  
An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
324. Retail Tobacco Store  
A retail store that sells mainly tobacco products. This business may also sell tobacco accessories such as lighters, matches, cigarette holders and devices used to preserve tobacco, cigars or cigarettes, which are incidental to the sale of tobacco products.
325. Retaining Wall  
A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures and vehicles.
326. Retirement Housing

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Any age restricted housing development that may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms and designed to provide meals and nursing care.

327. Right-of-Way

- a. A parcel of land occupied or intended to be occupied by a street or alley or other transportation infrastructure.
- b. A ROW may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- c. The use of ROW shall also include parkways and medians outside of pavement.

328. Rodeo Grounds

A public gathering place for rodeo activities in which there are performances of riders with horses and generally involving cattle. The area may involve various cattle pens, barns or shelters. Parking generally would involve double drive-through spaces for participants with trucks pulling horse trailers and standard parking for spectators.

329. Rooming unit

A suite of rooms forming a single habitable unit used or intended to be used for residential or transient purposes, but not including cooking facilities of any kind. Where a rooming unit is designed to be divided into separate guestrooms, then each separate sleeping room shall be counted as a guestroom for density purposes. **See Boarding Room**

330. School, Career

Career schools including programs such as dental assisting, pharmacy technician, nurse aide, veterinary assistant, etc.

331. School, Private

Includes private school facilities providing K-12 education.

332. School, Public

Includes public school facilities providing K-12 education.

333. Scientific Research and Development Center or Laboratory

A facility that includes laboratories and experimental equipment for medical testing, scientific testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building Officials to be a hazard or nuisance to adjacent property or the community at large due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not included in this category.

334. Seamstress or Tailor Shop

Establishments primarily engaged in manufacturing or modifying clothing.

335. Setback Line

A line within a lot, parallel to and measured from a corresponding lot line, established the minimum required yard and governing the placement of structures and uses on the lot.

336. Shipping containers

Standardized sealable shipping containers, designed for intermodal transportation, either with or without a permanent affixed chassis, used in interstate or international commerce for the shipment of goods and merchandise.

337. Shipping Container Storage Yard

A facility for the storage, handling, and repair of shipping containers.

338. Shoe Repair Shop

An establishment with the principal business of repairing shoes.

339. Sign

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Any structure or natural object, such as a tree, rock, bush, and the ground itself or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, other than itself, or to any product, place, activity, person, institution, organization or business, or which shall display or include any letter, word [word], model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For purposes of this ordinance, the following shall not be deemed to be included within the definition of "sign":

- a. Sign, flag, pennant, or insignia of any Nation, State, City or other political unit, or division thereof.
- b. Signs placed by a public utility showing the location of facilities.
- c. Signs necessary for purposes of traffic control, including but not limited to "exit," "entrance," and "reserved parking."

340. Site Plan

A detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the Zoning Ordinance.

341. Small Engine Repair Shop

A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

342. Small Wind Energy Systems

A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics that will be used to reduce on-site consumption of utility power.

343. Smelter, Refinery, or Chemical Plant

A building or facility for refining or processing oil or a chemical plant for producing chemical products or processing of those products.

344. Soap and Cleaning Compound Manufacturing

This industry comprises establishments primarily engaged in manufacturing and packaging soap and other cleaning compounds surface active agents, and textile and leather finishing agents used to reduce tension or speed the drying process.

345. Stable

Housing and related facilities or open pasture where horses are quartered for owners.

346. Storage Units, Mini

- a. A building(s) containing separate, individual self-storage units for rent or lease.
- b. The conduct of sales, business, or any activity other than storage does not occur within any individual storage unit.

347. Storefront

Storefronts are defined as the part of the building that fills the structural bay on the front façade at ground level.

348. Story

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling to the top of the roof rafters.

349. Street

A public ROW which provides primary vehicular access to abutting property. It may be designated as a street, avenue, boulevard, drive, freeway, highway, lane, parkway, place or road. It may be classified as a local street, minor (secondary) thoroughfare, or major (primary) thoroughfare. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an

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accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

a. Major (primary) thoroughfares

A convenient, direct route that has as its principal purpose the rapid and safe movement of large volumes of traffic between areas within the City, through the City, or from the City to areas outside. Land access should be a secondary function of a major thoroughfare.

b. Minor (secondary) thoroughfare

A street that provides a convenient route from local streets to a major thoroughfare, between major thoroughfares, or from local streets to local traffic generators such as shopping centers, community centers or schools.

c. Local street

An improved public ROW that, as its principal purpose, provides access to abutting property. Since movement of traffic is a secondary function, local streets should be designed to discourage through traffic.

350. Structural Alterations

Any change in any supporting member of a building, such as a bearing wall, column, partition, beam, or girder, or a change in the pitch or height of the roof.

351. Structure

Anything constructed or erected that requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

352. Subdivision Ordinance

The adopted Subdivision Ordinance of the City.

353. Subdivision Waiver

A waiver, exemption, or modification to the Subdivision Ordinance.

354. Surveyor

A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.

355. Tattoo Studio

A commercial use involving the marking of skin of persons with a design by a process of pricking or engraving an indelible pigment or by raising scars, or similar method.

356. Taxidermist

An establishment whose principal business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

357. Telephone Exchange (No Offices or Storage Facilities)

A building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless service towers.

358. Temporary Building for New Construction

- a. A structure or shelter used in connection with the construction of a development or building project for housing on the site of temporary administration and supervisory functions and for sheltering employees and equipment.
- b. Buildings are permitted for a specific period of time in accordance with a permit issued by the City.
- c. The term "Temporary Field or Construction Office" may also be used.

359. Temporary occupancy permit

A permit for the temporary use of a parcel of land for a prescribed time period.

360. Textile Manufacturing, with dust and odor control

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Establishments primarily engaged in finishing of textiles, fabrics, and apparel, with dust and odor controls.

361. Thoroughfare

See Arterial Street.

362. Tinsmith / Sheet Metal Shop

A shop where flat sheets of metal are shaped into three-dimensional objects and soldered, brazed or welded.

363. Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular

Structures supporting antenna for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television.

364. Trailer

A portable dwelling unit designed to move on wheels from location to location by automobile or truck.

365. Travel Trailer

Any vehicle, or similar portable structure that can be legally moved on state highways without a special permit, and having no foundation other than wheels, jacks, or skirting, and so designated or constructed as to permit occupancy for temporary dwelling or sleeping purposes. The term "Travel trailer" is also defined as a recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is mounted behind the tow vehicle's bumper.

366. Transit Center

Any premises, including train or bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

367. Transportation Plan

The plan that guides the development of adequate circulation within the City, and connects the City street system to regional traffic carriers. Also referred to as the Thoroughfare Plan.

368. Truck Sales, Heavy Trucks

The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

369. Truck camper

A recreational vehicle consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

370. Uninhabitable

The deterioration to the RV that has created a dangerous or unsafe situation or condition and is not structurally sound in accordance to the certification by the manufacturer as complying with ANSI (American National Standards Institute), A119.2, A119.5 or the standard building code as presently adopted by the City of Deer Park, Texas.

371. Urethane and Other Foam Product (except Polystyrene) Manufacturing

This industry comprises establishments primarily engaged in manufacturing plastics foam products.

372. Use

The purpose or activity for which land or structures thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

a. Use, nonresidential. Any use other than a residential use.

b. Use, residential. Any use listed as a permitted use in Groups 3, 4, 5, 6, 7 or 9, together with uses accessory to such uses.

373. Usable Open Space

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An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as art work or fountains.

374. Utility Distribution/Transmission Line

Facilities, including subsidiary stations that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

375. Vacation Travel Trailer

A vacation travel trailer is a vehicular portable structure designed for a temporary or short-term occupancy for travel, recreational or vacation uses. Such vehicles shall include travel trailers, converted buses, tent trailers, recreational vehicles, motor homes or similar devices used for temporary portable housing.

376. Vacation Travel Trailer Park

A Vacation Travel Park is any tract of land under single ownership and where accommodation is provided for transient trailer use for a maximum of seven (7) days.

377. Vested Right

A right of an **Applicant** to have the **City** review and decide an **Application** under standards in effect prior to the effective date of the standards of this **Zoning Ordinance** and/or of any subsequent amendments.

378. Vested Rights Petition A request for relief from any standard or requirement of the Zoning Ordinance based on an assertion that the Applicant (petitioner for relief) has acquired a Vested Right.

379. Veterinarian Clinic

An establishment where animals and pets are admitted for examination and medical treatment.

Violation. Failure to comply and to maintain compliance with any provision of this ordinance, by failing to comply with either the restrictions or the requirements of this ordinance.

380. Warehouse

Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

381. Wedding Chapel, Reception Facility, Special Events Center

A building, facility, room, or portion thereof, which is rented leased or otherwise made available to any person or group for a private event function, that is not open to the general public, whether or not a fee is charged.

382. Wholesale Center

An establishment or place of business primarily engaged in selling and/or distributing merchandise to the general public; to retailers; to industrial, commercial, institutional, or professional business users; and to other wholesalers.

383. Wildlife Rehabilitation Center

A property or building where wildlife animals are kept for the purpose of undergoing rehabilitation.

384. Wood Window and Door Manufacturing

This industry comprises establishments primarily engaged in manufacturing window and door units, sash, window and door frames, and doors from wood or wood clad with metal or plastics.

385. Woodworking and Planning Mill

- a. Establishments with dust and noise control and primarily engaged in one or more of the following:
  - i. Manufacturing dimension lumber from purchased lumber;

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- ii. Manufacturing dimension stock (i.e., shapes) or cut stock;
    - iii. Re-sawing the output of sawmills; and
    - iv. Planning purchased lumber.
  - b. These establishments generally use woodworking machinery, such as jointers, planers, lathes, and routers to shape wood.
386. Wrecking or Auto Salvage Yard  
A yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed metal.
387. Yard  
  - a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
  - b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.
388. Yard, Front  
A yard across the full width of a lot extending from the front line of the main building to the front property line of the lot.
389. Yard, Rear  
A yard extending across the full width of the lot and measured between the rear property line of the lot and rear line of the main building, except that area included in the side yard as defined below.
390. Yard, Side  
A yard between the building and the side property line of the lot and extending from the front yard to the required minimum rear yard.
391. Official Zoning District Map The official map kept \_\_\_\_\_, which depicts the boundaries of the various zoning districts as adopted by Ordinance No. \_\_\_\_\_, and as it may be amended.
392. Zoning district  
Any predevelopment, residential, commercial or industrial district.
393. Zoning Ordinance  
Ordinance No. \_\_\_\_\_, adopted by council on \_\_\_\_\_, and as it may be amended in the future, and may be referred to as "this Ordinance."

SECTION 20 – ZONING DEFINITIONS

**SECTION XV. - VALIDITY AND ENACTMENT**

Sec. 15.01. - Validity.

Should any section, subsection, paragraph, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional. It is further expressly provided that such section and part of a section herein, so far as an inducement for the passage of this ordinance is concerned, is independent of every other section and every other part of section, and not any section or any part of section is an inducement for the enactment of this ordinance.

(Ord. No. 1198, § 9, 7-6-1976)

Sec. 15.02. - Enactment.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, and this ordinance shall be in full force and effect from and after its final passage and publication as provided by law. By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use is a conforming use under this ordinance. Otherwise, such use shall remain a nonconforming use, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the present Zoning Ordinance was adopted, shall be discharged or affected by such adoption; but prosecutions and suits for such offenses, liabilities, penalties or forfeiture[s] may be instituted, or causes presently pending proceeded with in all respects, as if this ordinance had not been adopted.