

ORDINANCE NO. 1086

AN ORDINANCE OF THE CITY OF VERNON, TO BE KNOWN AS THE “ZONING REGULATIONS”, PROVIDING FOR ZONING REGULATIONS AND USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, WHICH TOGETHER WITH THE ZONING MAP, WILL CONSTITUTE THE ZONING ORDINANCE OF THE CITY OF VERNON; PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE.

WHEREAS, the governing body, after considering the recommendations of the City Planning and Zoning Commission made after the holding of public hearings, and after issuing notices and holding a public hearing and affording every person whose property was affected or who had an interest in the matter a free and fair opportunity to be heard, finds that the ordinance represents the best judgment of the City Planning and Zoning Commission and will promote the public health, safety and welfare of the people; NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERNON, TEXAS:

ORDINANCE NO – 1086

ARTICLE I - TITLE INTERPRETATION AND PURPOSES, SCOPE

SECTION 101.1 Short Title

These Regulations shall be known and may be cited as the “Zoning Regulations” of the City of Vernon, Texas.

SECTION 101.2 Interpretation and Purposes

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare. The Zoning Regulations and districts as herein established, have been made in accordance with a comprehensive plan, for the purpose of promoting health, safety, moral responsibility, and the general welfare of the City; they have been designed, among other things

- to lessen congestion on streets;
- to secure safety from fire, panic and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the overcrowding of land;
- to avoid undue concentration of population;
- to facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and
- to conserve the value of property and encourage the most appropriate use of land throughout the community.

SECTION 101.3 Scope

It is not intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where other ordinances impose a greater restriction than is imposed herein, the provisions of such other ordinances shall govern.

ARTICLE II - SUPPLEMENTAL DEFINITIONS

SECTION 201.1 General Rules

For the purposes of these regulations, certain terms or words found herein shall be interpreted and defined as follows:

Words used in the present tense include the future tense;
The singular includes plural;
The word "person" shall include a corporation as well as an individual;
The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied".

Words and phrases not defined in this Article shall have their ordinarily accepted meaning or such meaning as the context may apply, or as defined in the Basic Regulations of this Development Code.

SECTION 201.2 Supplemental Definitions

Adult Arcade: A business which offers its customers in one (1) or more viewing booths motion or still pictures characterized by exposure of specified anatomical areas. (Ord. 1362)

Adult Bookstore / Film Store: A business in which a substantial portion of its stock in trade consists of books, videos, tapes, cassettes, photographs, slides, magazines, and other periodicals which are distinguished or characterized by an emphasis on specific sexual activities or specified anatomical areas, or both. (Ord. 1362)

Adult Business: Any business activity, which offers the opportunity to view, specified sexual activity or view, or touch, for entertainment, specified anatomical areas. Such definition further includes but is not limited to adult arcade, adult bookstore/film store, adult cabaret, adult lounge, adult motel or hotel, adult retail store, and an adult theater. (Ord. 1362)

Adult Cabaret: A business, which offers to customers live performances characterized by exposure of specified anatomical areas. (Ord. 1362)

Adult Lounge: An adult cabaret, which serves alcoholic beverages. (Ord. 1362)

Adult Motel or Hotel: A business, which offers its customers a sleeping room or sitting room for a period of time less than ten (10) hours and provides motion picture or still picture entertainment characterized by exposure of specified anatomical areas. (Ord. 1362)

Adult Retail Store: A business in which a substantial portion of the stock in trade consists of items or products other than printed matter characterized by an emphasis on specified sexual activities or specified anatomical areas, or both. (Ord. 1362)

Adult Theater: A business with a capacity or more than five (5) persons which offers customers motion of still picture or live entertainment or performances characterized by exposure of specified anatomical areas. (Ord. 1362)

Board: The Board of Adjustment of the City of Vernon.

Criminal Justice Halfway House: A residential facility operated to house individuals who have been in confinement for a criminal conviction or are placed in a regulated living environment as part of the disposition of a criminal allegation on the condition that the individuals must live within such facility for a specified period of time as a requirement of parole or probation from a county, State or federal judicial system. (Ord. 1362)

Halfway House: A residential facility for persons who are receiving therapy and counseling from support staff who are present at all times the residents are present, for one (1) or more of the following purposes:

- a. To help residents recuperate from the effects of drugs or alcohol addiction;
- b. To help homeless persons or families achieve independence and obtain permanent housing.
- c. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
- d. To provide temporary shelter for persons who are victims of domestic abuse. (Ord. 1362)

Hospital: A medical facility or institution for diagnosing, treating, caring for persons or for medical and surgical treatment to persons, including acute medical care, chronic medical care on a prolonged or permanent basis, mental health center, and resident or outpatient treatment to alcoholic, narcotic or psychiatric patients. (Ord. 1362)

Interpretation : A determination of the meaning of the Zoning Regulations or their application, or a determination of the correct location of the Zoning District boundaries based upon an appeal from the decision of the Enforcing Officer and expressed as a Board of Adjustment ruling which becomes a permanent guide in the enforcement of the Zoning Regulations.

Mini-storage Warehouse: A unified development of leaseable self-storage units built on the site, each unit not to exceed four hundred (400) square feet in floor area. No outside storage, no storage of explosives, flammable materials or materials emitting noxious odors shall be allowed. (Ord. 1362)

Playfield or Stadium (Public): An athletic field or stadium owned or operated by a public agency for the general public, including a baseball field, golf course, football field or stadium. (Ord. 1362)

Special Exception: A privileged use or development of property which would not be appropriate generally or without restriction throughout a specified Zoning District but which, if controlled as to number, size, location, or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, or general welfare of the community.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock; human genitals in a discernibly erect state, even if completely and opaquely covered; or any combination of the aforementioned. (Ord. 1362)

Specified Sexual Activities: Depiction of male genitals in a state of sexual stimulation or arousal; female genitals; acts of masturbation, sexual intercourse, oral copulation, sodomy, bestiality; touching of human genitals, pubic region, buttock, anus; or any combination of the aforementioned. (Ord. 1362)

Structure: Any composition of physical parts for the creation of a whole, which is, affixed either directly or indirectly to the ground. (Ord. 1362)

Through Street: Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided by the City of Vernon Code of Ordinances. (Ord. 1409)

Variance: A privileged relaxation of these regulations where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship and would prevent the substantial enjoyment of

property rights as shared by nearby properties which do conform to the Development Control provisions.

Viewing Booth: An enclosure or partial enclosure which contains any electrical or mechanical device, which displays or projects any film, video tape or photographic reproduction into the viewing area of motion or still pictures characterized by exposure of specified anatomical areas, and which enclosure or partial enclosure is authorized for occupancy by current adopted building code standards by no more than five (5) persons. (Ord. 1362)

ARTICLE III – ADMINISTRATION AND ENFORCEMENT

SECTION 301.1 Building – Permits

Every application for a building permit shall be accompanied by a drawing or plot plan in duplicate together with such other copies as the Enforcing Officer may require for City review, showing the lot lines, subdivision name and the lot and block numbers, the location of the building in the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of the Zoning Regulations. A record of the original copy of such application and plans shall be kept in the office of the Enforcing Officer and a duplicate copy of the approved plan shall be a the building at all times during construction.

SECTION 302.1 Enforcement and Penalties

Any person, firm or corporation who violates any of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction in the municipal court shall be subject to a fine of not less than \$5.00 nor more than \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 303.1 Severability Clause

If any section, provision, or part thereof in these regulations shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the regulations as a whole or any section; provision or part thereof not adjudged invalid or unconstitutional.

SECTION 303.2 Publication and Effective Date

These regulations shall take effect when approved and published as prescribed by law. (Passed)

ARTICLE IV – CHANGES AND AMENDMENTS

SECTION 401.1 Declaration of Policy

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

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

Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in Section 101.2 of these regulations.

SECTION 402.1 Authority to Amend Ordinance

The City Commission may from time to time, after public hearings required by law, amend, supplement or change the regulations. Any amendment, supplement or change may be ordered for consideration by the City Commission, be initiated by the Planning and Zoning Commission, or be requested by proposal of the owner of the property or by a person holding a lease on the property with the consent of its owner. The Planning and Zoning Commission on its own motion, or on request of the City Commission, may initiate consideration of a change in any district boundary or zoning regulation whenever it finds that public benefit will derive from consideration of such matter. Final approval rests with the City Commission.

SECTION 403.1 Procedure

A. Proposal Required

Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in Section 101.2, Interpretations and Purposes.

B. Public Hearing and Notice

Prior to making its report to the City Commission, the Planning and Zoning Commission shall hold at least one public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the City Tax Roll and depositing the notice, postage paid, in the United States Mail. Notice of hearing on proposed changes in zoning regulations shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official paper of the City.

C. Planning and Zoning Commission Report

The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan at such time as the Comprehensive Plan has been adopted by the City Commission.

The Planning and Zoning Commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes, which may have a direct bearing thereon. In making its determination, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change would be appropriate in the area concerned;
2. Whether adequate public school facilities and other public services exist or can be provided to serve the needs of additional residences likely to be constructed as a result of such change, and the consequences of such change;
3. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers to the area;
4. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development;
5. The recent rate at which land is being developed in the proposed zoning district, particularly in the vicinity of the proposed change.
6. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

D. City Commission Consideration

1. Proposal Recommended for Approval

Every proposal which is recommended favorably by the Planning and Zoning Commission shall be forwarded to the City Commission for setting and holding of public hearings thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

2. Proposal Recommended for Denial

When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the City Commission. No public hearings shall be set on the proposal until and unless the City Commission has reviewed the recommendations of the Planning and Zoning Commission, has considered any appeal, as provided below, and has adopted a motion setting the matter for hearing.

3. Appeal Procedure

An appeal from the decision of the Planning and Zoning Commission may be taken whenever any interested party is aggrieved by the action of the Planning and Zoning Commission on a specific proposal. Such appeal shall show that the Planning and Zoning Commission either 1) has been prejudice in its deliberation, or 2) has not been given the opportunity to consider certain information because it could not have been made available to the Planning and

Zoning Commission at the time of its public hearing. The following procedure shall be required.

a. The aggrieved party shall reduce his appeal to writing stating specifically how, in his opinion, the Planning and Zoning Commission committed error. He shall file his appeal with the City Secretary and the Planning and Zoning Commission within thirty (30) days following the Planning and Zoning Commission action. The City Secretary shall forward the appeal to the City Commission with the regular report of Planning and Zoning Commission action on the subject proposal.

b. Upon receipt of written appeal, the City Commission shall determine whether or not the Planning and Zoning Commission committed error. If the City Commission concludes that certain previously unavailable information should be considered by the Planning and Zoning Commission, it may refer the original proposal and the appeal for a new hearing, new report and recommendation. If the City Commission concludes that Planning and Zoning Commission prejudice prevents a fair hearing or recommendation, the City Commission may schedule its own hearing on the original proposal and recommendation.

E. City Commission Hearing and Notice

The City Commission may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. Public hearings on such amendment, supplement, or change shall be held by the City Commission. Notice of City Commission public hearings shall be given by publication one time in the official paper of the City, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date publication.

F. Negative Recommendations: Written Protest

An amendment, supplement, or change shall not become effective, except by favorable vote of three-fourths of the members of the City Commission...

1. If the Planning and Zoning Commission recommends disapproval of the proposed change, or
2. If written protest is filed by owner either:
 - a. Of the area of the lots or land included in such proposed change, or
 - b. Of the lots or land immediately adjoining the area of such proposed change and extending two hundred (200) feet there from.

Protests signed by property owners may be filed prior to or at one of the public hearings conducted by either the Planning and Zoning Commission or the City Commission. Written protests filed with the Planning and Zoning Commission shall be forwarded to the City Commission with the Planning and Zoning Commission's recommendation on the request.

SECTION 404.1 Limitation on Re-applications

When the City Commission has denied a proposal, or when the applicant has withdrawn his proposal at the Planning and Zoning Commission meeting thereon, no new application of like nature shall be accepted by the City or scheduled for hearing by the Planning and Zoning

Commission within a period of twelve (12) months of the date of City Commission denial or applicant's withdrawal. Provided, however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the City Commission may waive the mandatory delay period and authorize the acceptance of a new application.

ARTICLE V – BOARD OF ADJUSTMENT

SECTION 501.1 Organization

A. Creation

There is hereby created a Board of Adjustment to be composed of five (5) regular members and two (2) alternate members who shall be qualified electors of the City. It is the declared policy of the City Commission that it will consider and appoint only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, and availability to prepare for and attend meetings.

B. Terms of Office

The terms of three (3) regular and of one (1) of the alternate members shall expire in each odd numbered year and the terms of two (2) regular and one (1) of the alternate members shall expire in each even numbered year. The regular members of the Board shall be identified by place numbers one (1) through five (5). The odd numbered places shall expire in the odd numbered years and the even numbered places shall expire in the even numbered years. Board members may be reappointed by the City Commission.

C. Vacancy

Vacancies shall be filled for unexpired terms; no member shall be appointed for a term in excess of two (2) years. A vacancy in a term of office shall occur whenever a member resigns or has been removed by the City Commission for the following reasons:

1. Has repeatedly failed to attend properly called meetings of the Board of Adjustment without just cause, or
2. Has been guilty of malfeasance or misconduct in office, and based upon such finding has removed the member from office.
3. Whenever the City Commission finds that a member is not adhering to established policy of the City Commission for any cause.

D. Organization

The Board of Adjustment shall hold an annual organizational meeting and shall elect a chairperson and vice-chairperson from among its members before proceeding to any other matters of business. The Enforcing Officer shall be the secretary of the Board. The Board shall meet at the call of the chairperson and shall designate the time and place of its meetings. The Board shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the State Statutes and these regulations. Newly appointed members shall be installed at the first regular meeting after their appointment.

E. Meetings and Quorum

Four (4) members of the Board of adjustment shall constitute a quorum for the conduct of business. The members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

SECTION 501.2 Duties and Powers

The Board of adjustment shall have the powers and exercise the duties of a Board in accordance with Article 1011g, Revised Civil Statutes of Texas. Board members are representatives of the

City and shall have the right to inspect premises at reasonable times unless prior written notice is given where required in the discharge of their responsibilities under the laws of the State of Texas and the ordinances of this City. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications and to that end shall have the necessary authority to ensure continuing compliance with its decision:

A. Interpretation

To render an interpretation of the Zoning Regulations or the manner of their application where it is alleged that there is error in any order, requirement, or determination made by the Enforcing Officer in the administration of such provisions. In reaching its decision, the Board shall establish firm guidelines for future administrative actions on like matters.

B. Variance

To authorize upon appeal in specific cases such variance from the Development Controls set forth in these regulations as will not be contrary to public interest. In reaching its decision, the Board shall not grant the variance appeal if it finds:

1. That literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property, or
2. That the situation causing the hardship or difficulty is either self-imposed or generally affecting all or most properties in the same zoning district, or
3. That the relief sought will injure the permitted use of adjacent conforming property, or
4. That the granting of the variance will not be in harmony with the spirit and purposes of these regulations.

Any variance granted by the Board of Adjustment shall terminate automatically 1) when the specified period of use has expired, or 2) when the use ceases to be in full compliance with any condition imposed by the Board, or 3) when the use has been abandoned for six (6) months.

SECTION 501.3 Procedure

A. Interpretation Request; Variance Appeal

A request for interpretation of regulations or an appeal for variance from Development Controls may be taken by any person aggrieved or by any officer, department, or board of the City affected by the decision of the Enforcing Officer. Such appeal shall be taken within fifteen (15) days time after the decision has been rendered, by filing with both the Enforcing Officer and the Board of Adjustment a notice of appeal specifying the grounds thereof. The Enforcing Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and will notify City Manager and City Attorney.

B. Stay of Proceedings

An appeal shall stay all proceedings of the action appealed from unless the Enforcing Officer, after the notice of appeal has been filed with him, certifies to the Board that, by reason of facts stated in his certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed except by a restraining

order which may be granted by the Board of Adjustment or by court of record on application and notice to the Enforcing Officer from who the appeal is taken.

C. For of Appeal or Application

The appeal or application shall be in such form and shall contain such information as the Board of Adjustment may require under its Rules of Procedure. It shall be accompanied by the required minimum fee. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the Board and shall not be reviewed or scheduled for hearings until brought to completion.

E. Notice of Hearing

Official written notice of public hearings on every application for a variance or special exception or for an interpretation of regulations applying solely to an individual property shall be sent to all owners of property, or the person rendering the same for taxes, affected by such application, located within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice shall be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States Mail. Notice of hearing on requests for interpretation of regulations applying to more than one property and ownership shall be given by means of a general notice as provided in Section 501.4.

SECTION 501.4 Hearing and Decision

A. General

1. The Board of Adjustment shall fix a reasonable time to hear an appeal, give public notice and render a decision within a reasonable time. Upon the hearing, any party may appear in person or by represented attorney or agent. Evidence supporting the approval or denial of an appeal shall be submitted through the Enforcing Officer or to the Board of Adjustment in a public meeting.
2. Any appeal or application may be withdrawn upon written notice to the Enforcing Officer but no appeal shall be withdrawn after posting of public hearing notice and prior to Board action without formal consent of the Board.

B. Decision and Voting

1. Every decision of the Board of Adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the Board is authorized to pass under these regulations shall be construed as limitations on the power of the Board to act.
2. Nothing herein contained shall be construed to empower the Board of Adjustment to change the terms of these regulations, or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of these regulations will be strictly enforced.
3. In exercising its powers, the Board of Adjustment, in conformity with the provisions of Article 1011a through 1011j of the Revised Civil Statutes of Texas, may modify in whole or in part any order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.

4. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse, on appeal, any order, requirement, decision or determination of the Enforcing Officer, or to approve any application upon which it is required to pass under these regulations or to effect any variance in said regulations.
5.
 - a. A member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the Board.
 - b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

C. Approval of Request

1. In approving any request, the Board of Adjustment may designate such conditions in order to substantially secure the objectives of the regulations or provision to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted.
2. The Board of Adjustment may require guarantees, to insure that conditions designated are being or will be complied with. Where any condition under which a request has been granted appears to have been violated, the Board of Adjustment may hold public hearings to determine whether the permit shall be terminated.
3. When an application is approved for a variance appeal, the applicant shall apply for occupancy or construction permits within sixty (60) days unless a greater time is authorized by the Board. An emergency extension of sixty (60) days may be granted on written request filed with the Board before expiration of the original approval. Failure to do so shall void the right to secure such permits except upon the filing of a new application or appeal.

D. Denial of Request

No appeal or application that has been denied shall be further considered by the Board of Adjustment under a subsequent request unless:

1. The new plans materially change the nature of the request, or
2. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board so as to support an allegation of change conditions.

E. Appeal of Board of Adjustment Action

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Adjustment or any taxpayer, or any officer, department, or board of the City, may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision complained of in the offices of the Board of Adjustment and not thereafter.

ARTICLE VI – CONFORMING LOTS, STRUCTURES, AND USES

SECTION 601.1 Purpose

The general public, the Planning and Zoning Commission and the Board of Adjustment are directed to take note that non-conformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except when necessary to preserve property rights established prior to the date these regulations became effective, and when necessary to promote the general welfare, and to protect the character of surrounding property. It shall be the responsibility of the Planning and Zoning Commission and the Board of Adjustment to assist the City Commission in achieving this goal by submitting recommendations to the City Commission. The city Commission shall on its own motion or upon cause presented by interested property owners inquire into the existence, continuation or maintenance of any non-conforming use within the City.

SECTION 601.2 Non-Conforming Lots

A. Continuance of Non-Conforming Lots

Subject to limitations set forth, any non-conforming lot may continue without change in boundaries and may be utilized or developed provided that the uses and development are otherwise authorized by these regulations. No new construction shall be placed except in conformity with the applicable controls in which the lot is located.

B. Discontinuance of Non-Conforming Lots

Any lot which is made conforming by combining with other lots for purposes of sale or development, or by subdividing or re-subdividing, thereafter shall be recognized as a conforming lot and shall comply in full with the provision of these regulations.

SECTION 601.3 Non-Conforming Structures

A. Limitation on Regulations

No structure, otherwise in accordance with the provisions of these regulations or an amendment hereto, shall be rendered or be deemed a non-conforming structure solely for a failure to comply with provisions relating to signs, or provisions of Section 101.2 of this Zoning Ordinance.

B. Continuance of Non-Conforming Structures

Subject to all limitations herein set forth, any non-conforming structure may be occupied and operated and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended unless the enlargement or extension can be, and is, in compliance with all of the provisions herein established for structures in the district in which the non-conforming structure is located.

C. Accidental Damage to Building

If a building occupied by non-conforming uses is destroyed by fire or the elements, it may not be reconstructed or rebuilt except to conform with the provisions herein. In the case of partial destruction by fire or other causes, not exceeding fifty (50) percent of its replacement cost, the Enforcing Officer may issue a permit for reconstruction. If greater than fifty (50) percent and less than total, the Board of Adjustment may grant a permit for repair but not for enlargement or reconstruction of the building. Provided, notwithstanding any other provision, any person may continue a non-conforming use if it

is greater than 50% destroyed if that person shall notify in writing, the city within 6 months and apply for a building permit to rebuild and continue such non-conforming use. The City shall notify such owner of the rights granted under this paragraph.

D. Repairs and Alterations

Repairs and alterations may be made to a non-conforming building or structure; provided however, no structural alterations shall be made except those required by law or ordinance, unless the building is changed to a conforming use; and provided that no additional dwelling units shall be added where the non-conforming use results from there being more dwelling units on the lot than is permissible in the district in which the building is located. The Board of Adjustment may grant as a special exception, an application to extend or enlarge a building occupied by a non-conforming use of the lot occupied by such building, provided such grant does not serve to prevent the return of such property to a conforming use.

SECTION 601.4 Non-Conforming Uses

A. Continuance of Non-Conforming Use

Any non-conforming use may be continued in operation on the same land area and on the same floor area in a structure or structures which were occupied by the non-conforming use on the effective date of these regulations as amended, but such land area or floor area shall not be increased. **Any non-conforming use which discontinues and which remains unused as the use that made the premises a non-conforming use for a period of six (6) consecutive months shall be terminated.** ~~except that such~~ These limitations shall not apply to farming uses. (Ord. 1481) 5-26-07

B. Registration of Non-Conforming Use

It shall be the right of the joint tenants and owners of a non-conforming use to register same by securing a Certificate of Occupancy.

C. Changing a Non-Conforming Use

TO A CONFORMING USE:

Any non-conforming use may be changed to a use conforming with the regulations of the district; provided that a non-conforming use so changed shall not be changed back.

TO ANOTHER NON-CONFORMING USE:

A non-conforming use may be changed to an upgraded non-conforming use approved by the Board of Adjustment; provided, that a non-conforming use changed to an upgraded non-conforming use, shall not be changed back.

ARTICLE VII - SPECIAL DEVELOPMENT CONTROLS

The regulations and development controls of the various districts shall be modified by and be subject to the following provisions and limitations.

SECTION 701.1 Buildings and Structures

A. Lot Requirements

1. Lot required: Every building hereafter erected shall be located on a lot of record, and in no case shall there be more than one main building on such lot, except as provided.
2. Multiple Structures on Lot: In any district, more than one structure for permitted Principal Uses other than a single-family dwelling, may be erected on a lot of record, provided that yard and other requirements of these regulations shall be met for each structure as though it were on an individual lot of record.
3. Deficient Lot Area: When a non-conforming lot exists prior to the time of the passage of these regulations, said lot may be occupied by a dwelling for not more than one family.
4. Frontage on Street: Every building erected or moved shall be on a lot abutting a public street or have access to an improved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

B. Height Limitations

1. General Exceptions: The height regulations contained in the District Regulations shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
2. Visibility at Intersections

(A) Maximum height; pruned trees excepted. On no corner lot which abuts an open intersection or intersection controlled by yield signs and which is required by this ordinance to have a front and side yard, within a triangular area described by the intersection of the adjacent curb lines, or, if none exists, the normal curb lines, and a point on each curb line 45 feet from the intersection, shall there be erected or maintained any wall, fence, except for chain link fencing, or other structure or any hedge, shrub, or other growth higher than two and one-half feet from the top of the normal curb line, except trees which are pruned to a height of eight feet; provided, however, this provision shall not apply at intersections controlled by stop signs or by official traffic-control signals. (Ord. 1409)

(B) Through Streets: On no corner lot required by this ordinance to have a front and side yard, and which abuts an intersection of a through street and intersecting streets, as defined in Section 201.2, shall there be erected or maintained any obstruction described in subparagraph (A) above, within a triangular area described by the intersection of the adjacent curb lines, or, if none exists, the normal curb lines, and a point ten feet from the intersection on the intersecting street and 100 feet from the intersection on the through street,

provided, however, this provision shall not apply at intersections controlled by official traffic-control signals. (Ord. 1409)

C. Temporary and Accessory Uses and Buildings

1. Construction Buildings and Security Fences: Nothing shall prohibit the placement of temporary portable buildings providing office space, sanitary facilities or storage of supplies or materials, or the erection of security fences on the site during the period of any construction project. No manufacturing operation shall be conducted within a temporary or portable building when the product of such operation is to be transported off the site for use in construction at another location.
2. Mechanical Equipment: Air conditioning and similar mechanical equipment shall not be mounted in minimum yard spaces. Equipment shall be so placed as to direct motor and fan noise away from the nearest property line.

SECTION 702.1 Day Care Centers, Kindergartens and Private Elementary Schools

Day care centers, kindergartens and private elementary schools are recognized 1) as potential noise generators which may adversely affect livability of nearby residences, and 2) as short term uses to house young children whose safety must be given special consideration.

A. Permits

No Building Permit or Certificate of Occupancy shall be issued unless the sanitary facilities and water supply comply with applicable local laws and State Health Department regulations.

B. Requirements

An on-site outdoor play area of not less than one hundred (100) square feet per authorized child shall be furnished. Such play area may be located anywhere on the lot except in a front yard.

SECTION 703.1 Yard Provisions

A. Front Yards

1. Front Yard Depth: Depth of front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersection, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.
2. Exterior Yards – All Lots
 - a. At least one exterior yard shall have the full depth as required by the District Regulations.
 - b. No other exterior yard shall have less than one half the full depth as required by the District Regulations, except as provided below.
3. Exterior Yards – Through Lots

Exterior yards shall be provided on all street frontages of through lots subject to the following special provisions. Where the Enforcing Officer finds that one of

the two exterior yards that would normally be required along opposite non-intersecting streets is not in keeping with the prevailing yard depth pattern, the Enforcing Officer shall approve a special minimum depth of yard which shall be equal to the average of the yards actually provided or required on adjoining lots. When the City has approve a Subdivision plat filed in the Maps and Plats Records of the County and showing a building set back line along one of the two streets at less than the normal depth required, such line shall be the minimum yard depth for the lot.

B. Other Yard Provisions

1. Interior Yard Required

An interior yard shall be provided in the minimum width prescribed in the District Regulations. The width shall be measured perpendicular to each interior lot line.

2. Yards – Accessory Buildings

a. No accessory building, except for carports as provided for below, shall be located in a minimum required front yard. An accessory building may be located along an interior lot line, if it is at least not closer than five (5) feet to the interior lot line. (Ord. 1432)

b. Carports may be allowed within the minimum required front yard with a Special Use Permit only when reviewed by the Planning and Zoning Commission and authorized by the City Commission after public hearings provided that all of the following conditions are met:

- (1.) Vehicular access to the rear yard is not reasonably available.
- (2.) There is insufficient space for placement of carport in side yard.
- (3.) The carport shall be attached to the structure, compatible with the neighborhood and does not negatively affect other nearby properties. A detailed drawing and material list must accompany the request for a Special Use Permit.
- (4.) If the carport is to be located on a corner lot, then no portion of the carport may extend into the area required to meet visibility standards as set out in this ordinance.
- (5.) The carport shall have no more than six (6) supporting columns and they shall not exceed eight (8) feet in height from grade level. The roof height shall not exceed the height of the primary structure. The vertical plane from the ground to seven (7) feet above grade on the street facing end/side and its two adjacent ends/sides shall be left clear of any walls or sheathing.
- (6.) This subsection does not allow portable carports. (Ord. 1432)

3. Other Yard Uses

Fences, walls, poles, posts, customary fixed yard accessories and ornaments, and roof overhangs projecting not more than thirty-six (36) inches, may be permitted in any minimum interior required yard subject to height limitations and requirements limiting obstruction of visibility.

4. Setback Along Alley

In lieu of interior yards along public alleys, buildings shall be setback from the center of the alley right-of-way as follows:

- a. Ten (10) feet for a residential use.
- b. Twelve (12) feet for a non-residential use.

SECTION 705.1 Sign Regulations

Signs shall be permitted in each district in accordance with any permitted principal use or authorized special exception complying with the standards set forth in Section 705.2, and subject to the additional regulations set forth in Sections 705.3 and 705.4.

SECTION 705.2 Uniform Sign Regulations

Type of Sign & Standards	Principal Use of Property	
	Non-Residential	Residential
BUSINESS IDENTIFICATION SIGN Permitted Locations:	Within buildable area Or mounted flat on face Of building: may project 24 inches from face of building.	Not Permitted
DIRECTIONAL SIGN Size Limits	4 Sq. Ft./sign	4 Sq. Ft./sign
FACILITY IDENTIFICATION SIGN Combined allowable sign area in Sq. Ft. Per lineal feet of street frontage.	1 Sq. Ft./3 lin. ft.	1 Sq.Ft./10 lin ft
Minimum Sign Area	12 Square Feet	12 Square Feet
SUBDIVISION IDENTIFICATION SIGN Combined allowable sign area in Sq. Ft. Per Lineal feet of street frontage.	1 sq. ft./3 lin. ft.	1 sq. ft./10 lin ft

SECTION 705.3 Sign Placement and Measurement

A. Location

All signs shall be placed within the Buildable area of a lot except that Directional Signs, Facility Identification Signs and Subdivision Identification Signs may be place in any

yard, but not closer than ten (10) feet horizontally to any street line which is the curb line.

B. Height

The height of signs located in required yards shall not exceed the height limits for walls or fences in these same yards. Signs located in the Buildable Area of a lot shall not exceed a height of fifty (50) feet above grade level measured at the nearest point on the nearest property line; provided that any sign on top of a building may have a height of ten (10) feet above the top of such building. Provided this provision does not apply to C/AR Districts.

C. Sign Area Measurement

The allowable sign area shall be the combined area of exposure of all sign message faces.

D. Real Estate Sales Sign

Temporary signs announcing the sale or rental of the real estate on which placed shall be permitted in any district and may be placed in any yard. Such sign shall not exceed twelve (12) square feet in area and shall be removed within one week following the close of the sale or lease.

E. Political and Miscellaneous Sign

Political and Miscellaneous signs of any characteristic whatsoever will not be permitted on utility and other poles existing in the street right-of-way.

SECTION 705.4 Sign Lighting and Symbols

A. Symbols

Symbols which are designed as an integral part of the building structure, and symbols and signs which are not visible or readable from the public street shall not be limited by the sign regulations of the zoning district.

B. Traffic Control Conflicts

No sign or lighting permitted under these regulations shall be erected, placed or allowed to remain if such sign creates confusion, impairs hearing or vision, or distracts the automotive driver using any public street. Specifically prohibited are:

1. High intensity bare bulb lighting or any lighting which creates a glare or any sign so placed as to make traffic signs or signals unreadable by a driver on the public street at the normal viewing range;
2. sign duplicating colors of traffic signs or signals which distract or cause confusion in reading such traffic signs or signals at normal viewing range; and
3. Signs or equipment which produce noises simulating sirens, bells, or whistles which may be confuse with the warning devices of emergency vehicles.

C. Residential Area Nuisance

No sign or lighting permitted under these regulations shall be authorized if such sign or lighting by reason of placement, because of shielding, noise generation or character of operation would be adverse to the normal sensibilities of an adjacent residence or would interfere with the reasonable use, enjoyment, or right of privacy on one's property. Specifically,

1. The source of lighting shall not be directly visible from the adjacent residential property and light shall be shielded to prevent such exposure;
2. The noise level of signs and lighting fixtures, when measured within the adjacent dwelling unit, shall not be greater than the noise levels of equipment customarily in operation in the home including air conditioning and kitchen refrigerators; and
3. Flashing signs and intermittent lighting of signs or areas shall not be permitted where they are located within 200 feet of and/or are directly visible from residential property.

SECTION 706.1 Special Use Requirements

SECTION 706.2 Uses in Newly Annexed Areas: Interim Controls

Uses in all territory hereafter annexed to the City shall be subjected to the regulations of the most restrictive district until the original zoning districts of such territory are established by the City Commission. The Planning and Zoning Commission shall, as soon as practicable after annexation of any territory, institute proceeding on its own motion to establish original zoning districts throughout the newly annexed territory, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning districts governing other parts of the municipality. No territory shall be annexed unless a district has been established which conforms to the comprehensive plan.

SECTION 706.3 Completion of Existing Buildings

Nothing herein shall require any change in plan, construction, or designated use of a building for which a building permit has been issued and which shall be completed within a reasonable period of time from the date of passage of this ordinance.

SECTION 706.4 Home Occupations

Home occupations are permitted in residential dwellings subject to the following conditions:

- A. It is operated entirely within the domicile and by a person or persons living therein.
- B. Does not have a separate entrance from outside the building.
- C. Does not display or create outside the building any external evidence of the operation of the home occupation except for one (1) unanimated, non-illuminated, flat or window sign having an area of not more than one hundred forty-four (144) square inches facing on each street adjoining the lot in which the building is located.
- D. Does not utilize more than twenty percent (20%) of the gross floor area, nor more than three hundred (300) square feet in a dwelling unit.

- E. Does not have any employee or regular assistant residing in the dwelling unit in which the home occupation is operated or maintained.

SECTION 706.5 Sale of Household Effects and Personal Belongings

Residents of a dwelling, may offer their personal belongings and household effects for sale to the general public in a garage or other accessory building; provided, the interval between such sales is at least three (3) months, and no sale period shall extend for more than three (3) consecutive calendar days.

SECTION 707.1 Walls, Fences, Safety and Height

Walls and fences constructed on residential property shall be no greater than eight (8) feet in height subject to the following limitations:

- A. The height of a wall or fence shall be the vertical distance between the ground and the top of the fence.
- B. No wall or fence located in the one required full depth front yard, according to the provisions of Section 703.1, A, shall have a height of more than four (4) feet.
- C. No wall or fence located on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 701.1 B.

SECTION 707.2 Street Right-of-Way

No wall or fence shall be constructed in a public street right-of-way. Provided, however, that where the City’s Comprehensive Plan Map, or Circulation and Land Use Map, or Major Thoroughfare Plan Map, depicts streets in accordance with the Principals and Standards for Major Street Development, a fence may be constructed in the right-of-way after review and approval by the Planning and Zoning Commission and the signing of an agreement to remove such wall or fence from the right-of-way at the owners expense should such be the case, as follows:

Type of Street	Right-Of-Way Width	Setback Requirement From Curb
Expressway	300 – 400 feet	13 feet
Arterial A	100 – 150 feet	13 feet
Arterial B	70 - 100 feet	13 feet

SECTION 708.1 Off-Street Parking and Off-Street Loading

The off-street parking and off-street loading facilities shall meet the requirements as follows:

- A. All buildings and structures erected, and all uses of land established, shall provide off-street parking and loading as applicable to the use, in the zoning district where located.
- B. When any building, structure, or premises is increased in size, required parking and loading facilities shall be provided for such increases.
- C. When the existing use of a building or structure is changed or structure is changed, parking or loading facilities shall be provided as required. If the building or structure was erected prior to the effective date of this Code, additional parking or loading

facilities are mandatory only to the extent that the new requirements exceed those of the existing use.

- D. Accessory off-street parking and loading facilities located on the same lot as the building or use served shall not be further reduced below the requirements for a similar new building or use under the provisions of this Code.

SECTION 708.2 General Requirements

- A. Off-street parking and loading facilities shall not occupy required livability space. Space allocated to any required off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities and vice versa.
- B. Within the front and exterior side yard in the RS-1, RS-2 and RG Districts, not more than one vehicle shall be parked for each 600 square feet of area contained in the front or exterior side yards.
- C. Required off-street parking spaces and loading berths shall not be used for other than their designated purposes.
- D. Required off-street parking spaces and off-street lading berths shall be located on the lot containing the facility for which the required spaces or berths are provided.
- E. Required enclosed off-street parking and loading areas shall meet the bulk and area requirements of the use district, except the enclosed off-street parking and loading areas which are required, shall not be included in the computation of permitted floor area.
- F. The capacity of an off-street parking area shall be the number of parking spaces having minimum dimensions of 9 feet by 20 feet so that each space can be entered without passing through another space, except in Residential Districts, where access may be obtained through another parking space.
- G. Required off-street parking surfacing shall be completed prior to use.

SECTION 708.3 Setbacks

- A. Off-street loading areas shall not be located within 50 feet of any abutting property which is within a Residential District unless it is wholly within an enclosed building or screened on all sides abutting the Residential District by a screening wall or fence.
- B. Unenclosed off-street parking and loading areas shall be set back from abutting streets as set forth below:

	Parking Area 1 to 5 spaces	Parking Area 6 or more spaces	Loading Area
IN RESIDENTIAL DISTRICT			
Accessory to a dwelling:	28 ft.	35 ft	NA
Accessory to another use:	40 ft.	50 ft.	50 ft.
NOT IN AN "R" DISTRICT			
But within 50 ft of an "R" District:	40 ft.	50 ft.	50 ft.

SECTION 708.4 Design Standards for Off-Street Parking Areas

- A. A required off-street parking space shall be at least 9 feet in width and at least 20 feet in length exclusive of access drives or aisles. Such space shall have a vertical clearance of at least 7 feet.
- B. Each required parking space shall be accessible from a public street without passing through another required space, except in Residential Districts.
- C. Lighting used to illuminate an off-street parking area shall direct the light away from properties within an “R” District not having use of the parking area.
- D. Unenclosed off-street parking areas shall be surfaced with an all-weather material.
- E. Unenclosed off-street parking areas which, are principal uses, shall have a screening wall or fence on the lot in common with a Residential District. Unenclosed off-street parking areas, containing 6 or more spaces, shall be screened by the erection of a screening wall or fence on the lot line common with an “R” District; if the parking area is located more than 50 feet from the Residential lot line, the screening requirement shall not apply.

SECTION 708.5 Design Standards for Off-Street Loading areas

- A. Unless specified otherwise, a required off-street loading berth shall be at least 10 feet in width, 30 feet in length, (exclusive of aisles), and shall have a vertical clearance of at least 14 feet.
- B. Required off-street loading berths shall have access to and from a public street or alley via an access drive of at least 10 feet in width designed to permit easy access by semi-trailer trucks.
- C. Unenclosed off-street loading areas shall be surfaced with an all-weather material.
- D. Unenclosed off-street loading berths shall not be located within 50 feet of any property in an “R” District unless it is screened on all sides abutting the “R” District by a screening wall or fence.
- E. Lighting used to illuminate an off-street loading area shall be arranged to direct the light away from the properties within an “R” District.

SECTION 708.6 Off-Street Parking and Loading Requirements

	(Non-Applicable to “CG” District)	
	Parking Spaces	Loading Berths
Juvenile Delinquency Center	1 per 1,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Other Uses:	As may be required by the City Commission in granting the Special Exception use.	

General Agricultural District

None

Community Services, Cultural & Recreational Facilities
(Special Exception)

Aquarium, art gallery, museum planetarium, and cultural facility	1 per 800 sq. ft. of floor area	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Care Home	1 per 1,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Children Nursery/Day Care	1 per 1,000 sq. ft. of floor area	NA
Church	1 per 40 sq. ft. of chapel or sanctuary floor area.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
College, University	1 per 600 sq. ft. of classroom floor area plus 1 per 4 dorm. beds, plus 1 per 4 stadium seats.	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Community Center	1 per 500 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area
Convent, monastery, novitiate	1 per 1,000 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Foster Home	1 per 1,000 sq. ft. of floor area	NA
Halfway House Hospital	1 per 1,000 sq. ft. of floor area 1 per bed	NA 1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Library	1 per 500 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Private Club	1 per 400 sq. ft. of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Public Park	1 per 4 stadium seats plus 1	1 per 10,000 to 100,000

per 500 sq. ft. of community center or recreation building plus 1 per 300 sq. ft. of pool area.

sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.

SCHOOLS:

Elementary & Junior High	1 per 1,200 sq. ft. of floor area	1 per 10,000 to 200,000 sq. ft. plus q per each additional 200,000 sq. ft. of floor area
Senior High	1 per 800 sq. ft. of floor area plus 1 per 4 stadium seats	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Tennis Courts	2 per court, plus 1 per 400 sq. ft. of clubhouse area.	
Single-Family detached Dwelling	2 per dwelling unit	NA
Duplex Dwelling	2 per dwelling unit	NA

MULTIFAMILY DWELLING AND SIMILAR USES:

Fraternity or Sorority House	1 per 2 beds	1 per 10,000 to 200,000 sq. ft. plus 1 per each additional 200,000 sq. ft. of floor area.
Multifamily Dwelling	1.5 per efficiency or 1 bedroom dwelling unit 2 per 2 or more bedroom dwelling unit.	None
Rooming/Boarding House	1 per 2 beds	
Townhouses	1.5 per efficiency or 1 bedroom dwelling unit 2 per 2 or more bedroom dwelling unit.	None
Mobile Home	2 per each mobile home dwelling unit.	None
Funeral Home	1 per 40 sq. ft. of assembly floor area plus 1 per 300 sq. ft. of non-assembly floor area.	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.

OTHER SIMILAR USES TO ABOVE:

	1 per 400 sq. ft of floor area	1 per 10,000 to 100,000 sq. ft. plus 1 per each additional 100,000 sq. ft. of floor area.
Medical & Dental Offices, Clinics & Laboratories	1 per 250 sq. ft. of floor area	same as above
Eating Places other than drive-Ins	1 per 250 sq. ft. of floor area	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Retail Trade & Service Establishments	1 per 250 sq. ft. of floor area	Same as above
Antique & Furniture Store	1 per 250 sq. ft. of floor area	1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of floor area.
Trade Establishments including Fabricating, processing, Installation & repair	1 per 400 sq. ft. of floor area	Same as above
GASOLINE SERVICE STATIONS:		Not applicable
Agriculture Implements, Automotive, Camper, Mobile Home, Motorcycle & Truck Sales	1 per 600 sq. ft. of floor area plus 1 per 1,000 sq. ft. of open air display storage, or service area.	1 per 5,000 to 10,000 sq. ft. plus 1 per each additional 15,000 sq. ft. of floor area.
Automobile Rental, Vehicle Repair, Auto Wash	1 per 600 sq. ft. of floor area except for auto wash.	NA
Drive-in Restaurant	NA	1 per 5,000 to 25,000 Sq. ft. of floor area Plus 1 per each additional 25,000 sq. ft. of floor area.
Hotel, Motel	1 per sleeping room plus 1 per 225 sq. ft. of accessory facilities such as restaurants taverns.	1 per 40,000 to 150,000 sq. ft. plus 1 per each additional 150,000 sq. ft. Of floor area plus 1 per 5,000 to 25,000 sq. ft. plus 1 per each additional 25,000 sq. ft. of accessory facilities such as taverns, restaurants.
Uses providing spectator Seating such as stadium,	1 per 4 seats	1 per 5,000 to 25,000 sq. ft. plus 1 per each

Arenas, rodeo grounds		additional 25,000 sq. ft. of floor area.
Warehousing & Wholesaling	1 per 5,000 sq. ft. of floor area	Same as above
Mineral and Mineral Processing	1 per 1,000 sq. ft. of floor area	NA
Light Moderate and Heavy Manufacturing	1 per 1,000 sq. ft. of floor area	1 per 2,000 to 40,000 sq. ft. of floor area, plus 1 per 40,000 to 1000,000 sq. ft., plus 1 per each additional 100,000 sq. ft. of floor area.

SECTION 709.1 Adult Business (Ord. 1362)

A. Location Requirements for Adult Business

1. A structure housing an adult business shall be located at least one thousand (1,000) feet from any residential PD, RS-1, RS-2 and RG zoning district boundary line, mobile home park, or from any structure used as a residence, from a church, public or denominational schools, hospitals, licensed child care facility, hotel or motel, parks or playgrounds (public), playfields or stadiums (public), institutions of religious, charitable, or philanthropic nature, and from any other structure housing an adult business.
2. Distance requirements are to be measured in a straight line in all directions from the structure housing the adult business to any residentially zoned district boundary line; to any structure used for a residence, church, school. Or hospital; any lot used for a park; and from structure to structure of those facilities housing adult businesses.
3. The measurements to a structure shall be taken from the farthest point that a structure extends in the direction of the measurement, including overhanging roofs and all other projections or portions of said structure.
4. Should an adult business be located in conjunction with other buildings in a manner where said adult business is clearly separated from other portions of the structure (for example, an adult business in a shopping center), measurements shall be taken from the boundaries of the space occupied by the adult business.
5. Should an adult business be located in a manner where said adult business is situated above the ground level of a multistory structure and is clearly separate from other activities within the structure, the adult business measurements shall be taken from the boundaries of the space occupied by the adult business, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line in all directions to any residentially zoned district boundary line; to any structure used for a residence, church, school, or hospital; any lot used for a park; and from structure to structure of those facilities housing adult business.

B. Viewing Booth Requirements For Adult Business

1. Viewing booths in an adult business shall be configured in such a manner that there is an unobstructed and unobstructable view of the interior area of the viewing booth from outside the entrance to the viewing booth at all times.

2. Wall or partitions of viewing booths between two (2) feet and six (6) feet above floor level shall have no holes or voids in such walls or partitions.
3. A viewing booth shall at all times be illuminated with not less than that amount of light provided by a twenty-watt bulb.
4. It shall be the duty of the person accepting payment from customers of an adult business to ensure that the viewing booth requirements in this section are in compliance at all times.

ARTICLE VIII – USE DISTRICTS ESTABLISHED

SECTION 800.1 Purpose

The purpose of the Use Districts is to group together uses that are reasonably compatible according to their normal characteristics of operation; to permit in connection with these uses those customary and necessary accessory activities which are incidental to the principal use; and to permit special uses which will be compatible with the uses allowed as a matter of right.

SECTION 800.2 Accessory Uses – Standard Conditions

Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- A. Is Customarily incidental to and is maintained and operated as a part of the principal use;
- B. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use;
- C. Does not create levels of noise, odors, vibrations and lighting, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
- D. Is not located in a minimum exterior yard.

SECTION 800.3 District Regulations

All property within the City shall be located within one of the Use Districts described in the following sections. Except where indicated, the uses in each district shall be limited to those specifically enumerated.

SECTION 800.4 Newly Annexed Land

Newly annexed areas shall be permanently zoned at the time of annexation.

SECTION 800.5 Establishment of Districts

The Zoning Districts set forth below are hereby established. The District symbol is in the column to the left.

AG	-	General Agricultural District
RS-1	-	Single-Family Residential District
RS-2	-	Single-Family Residential District
RG	-	General Residential District
C-C	-	Convenience Commercial District
C-A/R	-	Automotive Commercial and Commercial Recreational District
C-G	-	General Commercial District
I-L	-	Light Industrial District
I-H	-	Heavy Industrial District
C-F	-	Community Facilities District
P-D	-	Planned Development District
F-D	-	Floodway Supplemental District

SECTION 800.6 Establishment of District Boundaries – Map

The location and boundaries of the zoning Districts shall be established by ordinance and shall be delineate and shown on a map entitled “Zoning Map of the City of Vernon, Texas”. The zoning map is hereby incorporated as a part of this ordinance.

The original map shall bear the same date as this ordinance; shall be signed by the Mayor and attested by the City Secretary, under the seal of the City, and shall be kept in the office of the City Secretary in the City Hall; a replica shall be reproduced at such scale as will permit its being attached to these regulations.

SECTION 800.7 Determination of Boundaries

In determining the location of zoning District boundaries on the map accompanying and made a part of these regulations, the following rule shall apply:

- A. Where boundaries are shown to follow streets or alleys, the centerlines of such streets or alleys, as they exist at the time of adoption of these regulations shall be the zoning boundary; or
- B. Where boundaries are shown to enter or cross platted blocks, property lines of lots, as they exist at the time of adoption of these regulations, shall be the zoning boundary; or
- C. Where boundaries are shown on unsubdivided property, the location shall be determined by scale shown on the map unless dimensions are given on the map.
- D. In the event of uncertainty in the exact boundaries of any district as shown on the zoning map of City of Vernon, Texas, the Planning and Zoning Commission, upon written application or upon its own motion, shall recommend the location of such boundaries to the City Commission, and the City Commission shall make the final determination.

SECTION 800.8 Maintenance of Official Zoning Map of Vernon, Texas

It shall be the duty of the Planning and Code Enforcement Department to maintain an up to date official zoning map of the City of Vernon, Texas including all amendments directly adopted by the City Commission.

ARTICLE IX – USE DISTRICT REGULATIONS

SECTION 900.1 General Agricultural District – Purpose

The “AG” General Agricultural District is designed to permit sparsely settled residential development in combination with traditional farming activities. Division of land ordinarily occurs in order to accommodate agricultural needs. Urban-type public improvements normally are not required in this district.

SECTION 900.2 Principal Uses

In this district no building or land shall be used and no building shall be thereafter erected, reconstructed or structurally altered or enlarged except for one or more of the following principal uses.

- A. Single-family residence.
- B. City-owned buildings and uses.
- C. Agricultural uses: livestock ranges, animal husbandry, field crops, tree crops, nurseries and greenhouses.
- D. Public-owned utility buildings and structures.
- E. Public parks and recreation areas.
- F. Religious institutions, churches and facilities for worship, fellowship and education when located on a site of three (3) acres or more.

SECTION 900.3 Accessory Uses

Any use may be established as an accessory use to any permitted principal use when it complies with the Standard Conditions for accessory uses as set forth in Section 800.2. In addition, the following accessory use is permitted.

- A. Roadside stand not exceeding four hundred (400) square feet in floor area, for the sale of agricultural products grown on the premises.

SECTION 900.4 Special Exception uses

The following uses may be established only when reviewed by the Planning and Zoning Commission and authorized by the City Commission after a public hearing.

- A. Shooting range: big bore and small bore rifle, pistol, trap and skeet.
Conditions: the entire range shall be posted and fenced securely to prevent the accidental entry of persons or chattel onto the premises.
- B. Radio, television, micro-wave broadcast, relay, receiving towers and transmission and retransmission facilities.
Conditions: The tower shall be set back from all property lines a distance equal to three fourths of the height of the tower.
- C. Boarding of Horses, Riding Stable, riding hall, horse track

Conditions: Barns and animal enclosures shall be set back to comply with applicable State and local laws and provisions shall have been made for an operating and maintenance program to minimize the adverse affects of adjacent properties caused by odors and the breeding of flies.

D. Day Care Center.

Conditions: The outdoor play area shall be screened along all abutting properties used for dwelling purposes by a solid wall or fence or by a dense evergreen hedge, and such wall, fence or hedge shall have a height of not less than six (6) feet or more than eight (8).

SECTION 901.1 RS-1, Single-Family Residential District

The RS-1, Single-Family Residential District is established as a district in which the use of land is for single-family dwellings except as noted. It is the purpose and intent of this district to promote the development of and the continued use of the land for single-family dwellings and to prohibit commercial and industrial use or any other use, which would substantially interfere with the development or continuation of single-family dwellings in this district. The intent is to further discourage any use, which would generate other than the normal traffic which serves residents in the area. This district further encourages only those uses, which, because of character or size, would not create additional requirements and costs for public services in excess of requirements and costs for single-family dwellings.

SECTION 901.2 Uses Permitted

In this district no building or land shall be used and no building shall be erected, reconstructed or structurally altered or enlarged except for one or more of the following principal uses.

- A. Single-family detached dwellings.
- B. Public schools and private schools where the curriculum is similar in nature and preparation of course work to the public schools, and which satisfies the requirement of the State Public School Laws and the regulations of the State Department of Education.
- C. Public Park or playground.
- D. Agricultural uses of the small non-commercial garden type.

SECTION 901.3 Special Exception Uses

The following uses may be established only when authorized by the Planning and Zoning Commission and City Commission after a public hearing provided they meet the requirements noted for each use in addition to applicable area regulations.

- A. Churches, a minimum lot size of one (1) acre and arterial street frontage as shown on the Comprehensive Plan Map.
- B. Library, provided it has arterial street frontage as shown on the Comprehensive Plan Map.
- C. Home occupation, provided that it is in keeping with the meaning of "home occupation" as defined in this ordinance. (See Section 706.4, page 24)

- D. Plant nursery, provided that no building or structure is maintained in connection therewith and no retailing or any material is carried on upon the premises.
- E. Junior high or senior high schools, provided that they have arterial street frontage as shown on the Comprehensive Plan Map or the Thoroughfare Plan.

SECTION 901.4 Accessory Uses (See Section 800.2)

SECTION 901.5 District Regulations

Minimum Lot Area	Minimum Lot Frontage	Maximum Lot Coverage	Minimum Front Yard Setback	Minimum Side Yard Setback
8,000 sq. ft.	70 feet	50 percent	30 feet	5' interior lots 10' Street side of corner lots.

All lots and improvements within the RS-1 District shall meet the following requirements:

- A. All lots shall have not less than eight thousand (8,000) square feet of lot area, and not more than one (1) principal building shall be placed on any one (1) lot.
- B. Each lot shall have a front of not less than seventy (70) feet. The frontage of any wedge shaped lot, which meets the requirements of minimum lot size may be a minimum of forty (40) feet; however, the front building line on the lot shall be a minimum of seventy (70) linear feet measured at an equal distance parallel to and from the front lot line.
- C. The maximum dwelling on any lot in the RS-1 District shall not exceed fifty percent (50%) of the lot area for interior lots nor sixty percent (60%) of the lot area for corner lots. Paved areas are not considered improvements within the meaning of this provision.
- D. All structures shall have not less than a thirty (30) foot front yard setback.
- E. For a single-family dwelling of one story, the minimum width of the side yard shall be five (5) feet from the interior lot lines and ten (10) feet for the side yard abutting the side street on a corner lot. For buildings of more than one story, the minimum width of the side yard on the interior lot lines shall be not less than ten (10) feet. For a principal building other than a single-family dwelling, the minimum width of the side yard shall be not less than the height of the building, but in no case less than fifteen (15) feet.
- F. A rear yard of twenty percent (20%) of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however that no accessory building shall be located closer than ten (10) feet to the rear lot line, unless there is an alley adjacent and contiguous to the back lot line in which event building may be placed on lot line.
- G. Height Limit – No dwelling in the RS-1 District shall be constructed with a height in excess of thirty-five (35) feet from the mean lot elevation nor will it exceed two and one-half (2 ½) stories.

- H. Bulk Limitations – (floor area ratio) Bulk limitations are governed by maximum coverage, yard requirements and height limitations.

SECTION 902.1 RS-2, Single-Family Residential District

The “RS-2” single-Family Residential District is designed specifically to provide an area for single family housing at a higher density than permitted in the “RS-1” District. The development and continued use of this land for single-family dwellings is encouraged and the encroachment of commercial and industrial use or any other use which would substantially interfere with the development of or continuation of this District as single-family dwellings is prohibited. This district also discourages any use, which would generate other than normal traffic which serves the residences on the street. It encourages only those uses, which because of character or size would not create additional requirements and costs for public services which are in excess of such requirements and costs if the District were developed solely for single-family dwellings.

SECTION 902.2 Permitted Uses

Permitted uses in the RS-2 Residential District are the same as those in Section 901.2 for the RS-1 District.

SECTION 902.3 Special Exception Uses

HUD-code manufactured homes without the towing hitch, axles, brakes, wheels, and other parts of the chassis that operate only during transportation may be placed on conforming lots if installed in accordance with applicable state laws and standards. All other mobile or movable homes shall be placed in a mobile home park.

SECTION 902.4 Accessory Uses See Section 800.2

SECTION 902.5 District Regulations

Minimum Lot Area:	6,000 square feet
Minimum Lot Frontage:	50 feet
Maximum Lot Coverage:	40 percent (40%)
Minimum Front Yard Setback:	25 feet
Minimum Side Yard Setback:	5 ft. interior Lots 10 ft. street side of corner lots.
Minimum Rear Yard Setback:	20% of depth of lot.

All lots and improvements within the “RS-2” District shall meet the following requirements:

- A. All lots shall have not less than six thousand (6,000) square feet of lot area, and not more than one (1) principal building shall be placed on any one (1) lot, except that not less than twelve thousand (12,000) square feet shall be required for uses other than single-family residences.
- B. Each lot shall have a front of not less than fifty (50) feet. The frontage of any wedge-shaped lot which meets the requirements of minimum lot size may be a minimum of thirty (30) feet; however, the front building line on the lot shall be a minimum of fifty (50) linear feet measured at an equal distance to and from the front lot line.
- C. Not more than forty percent (40%) of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.
- D. All structures shall have not less than a twenty-five (25) foot front yard setback.

- E. For a single-family dwelling of one story, the minimum width of the side yard shall be five (5) feet for interior lot lines and ten (10) feet for the side yard abutting the side street on a corner lot. For buildings of more than one story, the minimum width of the side yard on interior lot lines shall be not less than ten (10) feet. For a principal building other than a single-family dwelling, the minimum width of the side yard shall be not less than the height of the building, but in no case less than fifteen (15) feet.
- F. A rear yard of twenty percent (20%) of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building; provided however, that no accessory building shall be located closer than ten (10) feet to the rear lot line, unless there is an alley adjacent and contiguous to the back lot line in which case it may go to the lot line.
- G. Height limit – No dwelling shall be constructed with a height in excess of thirty-five (35) feet from the mean lot elevation nor will it exceed two and one-half (2 ½) stories.
- H. Bulk limitations – (Floor Area Ratio) are governed by maximum coverage, yard requirements and height limitations.

SECTION 903.1 “RG”, General Residential District Purpose

The “RG”, General Residential District is intended to provide for both low and high-population density. It is established as a district in which the principal uses of the land are for multi-family dwellings and similar high-density residential development. The intent is to encourage the development and continued use of land for multi-family dwellings and to prohibit commercial and industrial uses or any other use, which would substantially interfere with the development or continuation of multi-family dwellings in this district. It is further intended to discourage any use which would generate additional traffic, and discourage any use which, because of its character or size, would create additional requirements and costs for public services which would be in excess of such requirements and costs if the district were developed solely for multi-family or other similar residential uses.

SECTION 903.2 Uses Permitted

Within the “RG”, General Residential District, the following uses are permitted:

- A. Any use permitted in Section 902.2 for the RS-2 Single-Family Residential District.
- B. Duplex
- C. Multi-family dwelling
- D. Rooming or boarding house
- E. HUD-code manufactured home which complies with Section 902.

SECTION 903.3 Special Exception Uses

The following uses may be established only when authorized by the Planning and Zoning Commission and City Commission after a public hearing provided they meet the requirement noted for each use in addition to applicable area regulations.

- A. Convalescent home, rest home, nursing home, and hospitals, public and private, provided they have frontage on a arterial street as shown on the Comprehensive Plan Map or the Thoroughfare Plan Map.

- B. Community services, cultural, and utility facilities, provided they are located on a lot of not less than one (1) acre and have frontage on an arterial street as shown on the Comprehensive Plan or Thoroughfare Plan Maps.
- C. Licensed child care centers or day nurseries, provided they are located on a lot not less than ten thousand (10,000) square feet in area and have principal access on an arterial street as shown on the Thoroughfare Plan or Comprehensive Plan Maps.
- D. Any uses permitted subject to additional requirements in Section 901.3 for the RS-1, Single-Family Residential District.
- E. Accessory buildings and uses customarily incidental to the above uses when located on the same lot.
- F. Mobil Home Parks in compliance with the following Requirements:
 - 1. The applicant, upon making application for a Zoning Clearance Permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determination required herein. Livability space shall be provided in common areas of not less than 7500 sq. ft., located so as to be conveniently accessible to the mobile homes it is intended to serve.
 - 2. The proposed site shall provide for a minimum of ten (10) mobile home spaces of five thousand four hundred forty-five (5,445) square feet per dwelling unit. Any mobile park of twenty (20) or more sites shall have a minimum frontage of one hundred (100) feet on a street designated as an arterial or collector street on the Comprehensive Plan or Thoroughfare Plan. All ingress or egress by automobile shall be on such streets.
 - 3. The mobile home park shall accommodate primarily permanent occupants, with no more than forty (40) percent of the mobile home stands devoted to solely transient purposes. These solely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.
 - 4. Front yards of not less than twenty (20) feet and side and rear yards of not less than ten (10) feet shall be provided on mobile home park sites. The setback from adjacent line shall be ten (10) foot minimum. The setback from adjacent buildings shall be thirty-five (35) foot minimum.
 - 5. The site shall provide one (1) off-street parking space for each mobile home stand, plus one (1) additional off-street parking space for each four (4) mobile home stands.
 - 6. The site shall provide connections for each mobile home stand to all public utilities.
 - 7. The Mobile Home Park shall at all times be constructed, operated and maintained in compliance with the Health Regulations, Chapter 14 and Mobile Home Park Regulations, Chapter 17 ½ of the City of Vernon, Texas.
 - 8. Tie-down and ground anchors shall be provided in accordance with regulations of the City of Vernon, Texas which are designed to withstand minimum gale force winds.
 - 9. Minimum all weather internal street surfacing width shall be 24 feet.

SECTION 903.4 Mobile Home Subdivisions

A mobile home park development may be subdivided to permit individual ownership of mobile home spaces, provided the resulting lots shall comply with the bulk and area requirements set out below and a subdivision plat incorporating the bulk and area requirements is submitted to and approved by the Planning and Zoning Commission and filed of record in the office of the Wilbarger County clerk.

Land Area Per dwelling Unit (Min.):	6,000 square feet
Livability Space for Dwelling Unit (Min.):	1,000 square feet
Height (Max.):	One Story
Front Yard and Any Yard Abutting A Public Street;	
(Measured from centerline: add to the distance designated in the in the column to the right ½ of the right-of-way width designated on the Land Use and Circulation Plan, or 25 feet if not designated on the LU & C Plan.) (Min.)	
Abutting an Arterial:	35 feet
Not abutting an Arterial:	25 feet
Side Yards:	
One Side:	10 feet
Other Side:	5 feet
Rear Yard (Min.):	10 feet

SECTION 903.5 Duplex

Use shall comply with the height and yard requirements for single-family use and in addition shall comply with the following requirements:

- A. Minimum lot area of 10,000 square feet;
- B. Minimum frontage of 75 feet.

SECTION 903.6 Multi-Family Development Standards

- A. Lot Width (Min.) 100 feet
- B. Lot area (Min.) 10,000 square feet
- C. Structure Height (Max. feet) 26 feet
- D. Front yard and any yard abutting a public street;
(Measured from the centerline of abutting street; add ½ of the right-of-way designated on the Land Use and Circulation Plan or 25 feet if not designated on the LU & C Plan.)
(Min. feet)

Arterial	35 feet
Not an Arterial	25 feet
- E. Rear Yards (Min. feet) 15 feet
- F. Side Yards (Min. feet) One side Yard 15 feet
Other Side Yard 15 feet
- G. Off-Street Parking (See Section 708.1 through 708.6)

SECTION 903.7 Site Plan Required

A site plan shall be submitted as required under the “PD” Planned Development District, Section 910.4 and Section 910.5. A site plan shall be submitted and approved prior to construction of C, D and E of Section 903.2.

A. Traffic and Project Access

The design of each project shall provide adequately for the safe movement of traffic flowing to and from the project site. Particular attention shall be given to the locations at which traffic enters or leaves streets adjoining the project site, and to the requirements for pedestrian movements to and from the site.

B. Drainage

The design of each project shall provide adequately for the drainage of storm waters falling on or crossing the site. The design of local drainage on hard-surfaced areas shall take into account the flow patterns inherent in the design of the total project, and shall cause minimum interference with pedestrian movements during periods of heavy runoff of storm waters. Where necessary, underground drains may be required to eliminate such interference.

C. Off-Street Parking and Loading

Off-street parking and loading shall be mandatory for all apartment projects developed under these provisions. No off-street parking area shall be located in any minimum required exterior yard. Parking spaces shall be located no more than 200 feet pedestrian travel distance from the entrance to the dwelling for which it is intended to serve and shall meet requirements set forth in Section 708.5. Additional guest parking spaces equal to ten percent (10%) of the required spaces will be provided. Guest parking spaces shall be permanently marked.

D. Refuse Facilities

Every dwelling unit shall be located within one hundred fifty (150) feet of a refuse facility. Refuse containers shall be provided and maintained in a manner to satisfy the City’s public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pick-up by refuse collection agencies.

E. Recreation Space

On site recreation activities shall be provided at the rate of not less than two hundred (200) square feet for each required off-street parking space, and shall have an area of not less than five percent (5%) of the total area of the site.

F. Emergency Access Easement

Where a building is located more than one-hundred (100) feet from a dedicated public street, there shall be provided an emergency access easement situated not further than thirty (30) feet from such building. Each emergency access easement shall allow for the rapid and safe movement of vehicles used for purposes of providing emergency health or public safety services. Such easements shall have a clear unobstructed width of twenty-four (24) feet, shall connect at each end to a dedicated public street or shall have a turn-around of eighty (80) feet in diameter; corners of emergency access easements and their intersections with public streets shall have a sufficient turning area to permit the free

movement of emergency vehicles. Emergency access easements shall be marked by permanent signs as required for designation of visitor parking spaces, and such signs shall have dimensions of not less than two (2) square feet nor greater than four (4) square feet in the face area. Emergency access easements shall be clearly posted to prohibit parking or standing of vehicles except for emergency purposes.

G. Lighting

Lighting within the apartment project shall be provided along all driveways and emergency access easements, and at parking areas, except closed door parking. The height and spacing of light fixtures shall be such as to produce an average illumination level of not less than 0.2 foot candles on all such driveways, access easements and parking areas.

SECTION 903.8 Single-Family Dwelling Regulations: Same as 902.5

SECTION 904.1 “C-C”, Convenience Commercial District – Purpose

The C-C, Convenience Commercial District is intended for a unified grouping in one or more buildings of retail shops and stores and personal services that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening.

SECTION 904.2 Uses Permitted

Within the C-C district, the following uses are permitted:

- Artist’s supplies and hobby shop
- Ambulance service offices or garage
- Automobile service station
- Bakery shop
- Barber and beauty shops
- Billboards with compliance to the following:
- Boat Sales
- Book Store
- Bowling alleys
- Bus terminal
- Clothing or wearing apparel shops
- Dairy products store
- Delicatessen
- Drive-in restaurant
- Drugstore
- Financial institutions
- Florist shop
- Funeral parlor
- Garden stores
- Gift shop
- Grocery store
- Hardware store
- Heating and plumbing sales and service
- New and used automobile sales and services and public garages
- Hospital for small animals
- Hotel
- Ice Plant
- Jewelry shop

Kennel
 Key shop
 Laundry and dry cleaning pickup stations, Laundromat
 Laundry
 Lumberyard
 Medical facility
 Mini-storage warehouse
 Office, professional and/or general
 Pawnshop
 Pet shop
 Pharmacy
 Printing plant
 Restaurants
 Retail leather shop
 Roller skating rink
 Self-service laundries
 Service station
 Shoe repair shop or
 Sign painting shop
 Sporting goods store
 Storage Warehouse
 Tailor shop
 Theater
 Toy store
 Variety store
 Wholesale distributing center
 Any use permitted in Section 903.2. Item E. excepted (HUD-code manufactured home)
 Any other commercial use deemed by the Planning and Zoning Commission to be of a similar nature to those listed above.

Accessory buildings and uses customarily incidental to the above uses, provided that there shall be no manufacturing of products other than such as are, customarily incidental to retail establishments.

SECTION 904.3 Special Exception Uses

The following uses may be established only when authorized by the Planning and Zoning Commission and City Commission after a public hearing by each body:

Any of the uses permitted in Section 901.3.

SECTION 904.4 District Regulations

Minimum Lot Area:	12,000 square feet
Minimum Lot Frontage:	100 feet
Maximum Percentage Coverage:	50 % (Ordinance 1480)
Maximum Height	50 feet
Minimum Front Yard Setback:	10 feet (Ordinance 1480)
Minimum Side Yard Setback:	20' adjacent to Residential District
Minimum Side Yard Corner Lot:	20 feet
Minimum Rear Yard Setback:	10 feet

- A. The parcel of land on which a convenience commercial center is located shall not be less than twelve thousand (12,000) square feet.
- B. Each lot shall have a frontage of not less than one hundred (100) feet.

- C. No more than fifty (50) percent of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.
- D. No improvement or structure shall exceed fifty (50) feet in height above the mean elevation of the lot.
- E. It is intended that the grouping of buildings and parking areas be designed to protect, insofar as possible, adjacent residential areas. In no case shall the design of the shopping center provide less than the following standards:
 - 1. On the side of a lot adjoining a residential district, there shall be a side yard setback of twenty (20) feet. (Ord. 1284)
 - 2. All buildings shall be set back from the rear lot line not less than ten (10) feet.

SECTION 905.1 “C-A/R”, Automobile Commercial and Commercial Recreation District – Purpose

The C-A/R Automobile Commercial and Commercial Recreation District is established as a district in which the principal use of land is for establishments offering accommodations, supplies of services of motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments which serve the entire community but do not and should not necessarily locate in the Central Business District or the Convenience Commercial District.

SECTION 905.2 Uses Permitted

Within the C-A/R, Automobile Commercial and Commercial Recreation District, the following uses are permitted:

- A. Any use permitted in the C-C, Convenience Commercial District.
- B. Other uses, including:
 - Amusement enterprises
 - New and used automobile sales and service, new and used machinery sales and service, and public garages.
 - Automobile service station
 - Billboards with compliance to the following:
 - Boat Sales
 - Bowling alleys
 - Bus terminal
 - Dance Hall
 - Drive-in theater or restaurant
 - Electric Transmission station
 - Feed and fuel store
 - Garden Stores
 - Golf course, miniature or practice range
 - Heating and plumbing sales and service
 - Hospital for small animals
 - Ice Plant
 - Key shop
 - Kennel
 - Laundry
 - Motels
 - Night Club
 - Novelty

- Pawnshop
- Pet shop
- Printing plant
- Public uses
- Recreation center, private
- Roller skating rink
- Sign painting shop
- Tavern (only if not in conflict with other City ordinances)
- Mobile home sales
- Travel trailer park and sales
- Wholesale distributing center

- C. Buildings, structures and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

SECTION 905.3 Special Exception Uses

The following uses may be permitted by the Planning and Zoning Commission and City Commission after a public hearing, provided they meet the requirement noted for each use in addition to all other regulations applicable:

- A. Wholesale businesses if no outdoor storage is located on the property in this district.

SECTION 905.4 District Regulations

Minimum Lot Area:	12,000 square feet
Minimum Lot Frontage	100 feet
Maximum Percentage Coverage	50% (Ordinance 1480)
Maximum Height	35 feet
Minimum Front Yard Setback	10 feet (Ordinance 1480)
Minimum Side Yard Setback	2'/1' adjacent to residential District.
Minimum Rear Yard Setback	20 feet

- A. The parcel of land on which any commercial use is located shall not be less than twelve thousand (12,000) square feet.
- B. Each lot shall have a frontage of not less than one hundred (100) feet.
- C. Not more than fifty (50) percent of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.
- D. No improvement or structure shall exceed thirty-five (35) feet in height above the mean elevation of the lot.
- E. It is intended that the grouping of buildings and parking areas be designed to protect, insofar as possible, adjacent residential areas. In no case shall the design of the shopping center provide less than the following standards.
 - 1. All buildings shall be set back from all street right-of-way lines not less than ten (10) feet.
 - 2. On the side of a lot adjoining a residential district, there shall be a side yard setback of two (2) feet for each one (1) feet of height.

3. All buildings shall be set back from the rear lot line not less than twenty (20) feet.

SECTION 905.5 Signs – Must conform to the provisions of the City Ordinance pertaining to Signs.

SECTION 906.1 “C-G”, General Commercial District – Purpose

The C-G, General Commercial District is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the Central Business District or areas of mixed business enterprises. It will not normally be applied in the case of new commercial areas.

SECTION 906.2 Uses Permitted

Within the C-G, General Commercial District, the following uses are permitted:

- A. Any use permitted in a C-C district.
- B. Other retail, personal service, business service, or professional use other than uses listed in the C-A/R district regulations.
- C. Any public or quasi-public buildings or uses.
- D. Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing or products other than such as are customarily incidental to retail establishments.

SECTION 906.3 Special Exception Uses

Special exception uses are the same as in Section 905.3.

SECTION 906.4 District Regulations

Minimum Lot Area:	None
Minimum Lot Frontage:	None
Maximum Percentage Coverage:	None
Maximum Height:	None
Minimum Front Yard Setback:	None
Minimum Side Yard Setback:	None
Minimum Rear Yard Setback:	None

There are no area or height regulations in the C-G District.

SECTION 907.1 “I-L”, Light Industrial District – Purpose

The purpose of the I-L, Light Industrial District is to provide a location for industries, which do not by nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit non-industrial uses. Because of the traffic generated and other potentially objectionable influences created in this District, a buffer or setback area between this District and any other zoning district except I-H is required.

SECTION 907.2 District Standards

Any use constructed, established, altered, or enlarged in the I-L, Light Industrial District, after the effective date of this ordinance shall be so operated as to comply with the following standards:

- A. No building shall be used for residential purposes except that a watchman may reside on the premises or as authorized by Special Exception Use. (Ord. 1362)
- B. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use. Taverns are hereby expressly excluded in the I-L District.
- C. No Operation or activity shall cause or create noise in excess of the sound levels prescribed below.

In the I-L District, at no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use, operation, or activity exceed the maximum permitted decibel levels for the designated octave bands as set forth in Tables I and II below:

TABLE I, PREFERRED FREQUENCIES

Center Frequency, Cycles Per Second	Maximum Permitted Sound Pressure Level Decibels
31.5	76
63	74
125	68
250	63
500	57
1,000	52
2,000	45
4,000	38
8,000	32

TABLE II, OCTAVE BANDS

Octave Band, Cycles Per Second	Maximum Permitted Sound Pressure Level Decibels
20-75	75
75-150	70
150-300	64
300-600	59
600-1,200	53
1,200-2,400	47
2,400-4,800	40
4,800-10 KC	34

Method of Measurement: For the purpose of measure intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound level meter, shall be measured with the impact noise analyzer.

Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960, Preferred Frequencies for Acoustical Measurements) shall be used with the Table I. Octave band analyzers calibrated with pre-1960 octave band (American Standards Association Z24.10-1954, Octave band Filter Set) shall use Table II.

For impact sounds measured with the impact noise analyzer, the sound pressure levels set forth in Tables I and II may be increased by six (6) decibels in each octave band.

Exemptions: The following uses and activities shall be exempt from the noise level regulations:

1. Noises not directly under the control of the property user.
2. Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.
3. The noises of safety signals, warning devices, and emergency pressure relief valves.
4. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

D. No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located.

E. Earth carried vibration shall be limited so that detection by seismograph at any property line of an industrial establishment shall not exceed a value measured and computed as follows:

Method of Measurement: Measurement shall be made at the property line; vibration displacements shall be measured with an instrument capable of measuring in three mutually perpendicular directions.

Maximum permissible displacements: The following formula shall be used in computing the maximum displacements permitted in the I-L District:

$$D = \frac{K}{F}$$

Where: D = displacement in inches
K = .01
f = the frequency of the vibration transmitted through the ground in cycles per second

F. Exterior lighting fixtures, wherever necessary, shall be shaded to avoid casting direct light upon property located in any residential district.

G. The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

H. No outside storage of equipment and/or material except equipment in daily use, shall be permitted in such a location where it can be viewed from any public street.

- I. Any operation that produces intense glare or heat shall be adequately shielded or be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

SECTION 907.3 Uses Permitted

Within the I-L, Light industrial District, the following uses are permitted:

- A. Building material sales
- B. Commercial radio and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.
- C. Compounding, processing and blending of chemical products, but not including any materials which decompose by detonation or pollute the area.
- D. General and administrative offices
- E. Machine shops and metal products manufacture and tool and die shops.
- F. Wholesale mail-order houses.
- G. Manufacturing and assembling (or any combinations of such processes) of products from wood, cork, glass, leather, fur, plastic, felt, and other textiles, but not including as a principal operation the processing of any raw materials.
- H. Manufacturing and assembling of electrical and electronic products and equipment.
- I. Printing and binding plants.
- J. Research laboratories.
- K. Warehouse and storage facilities.
- L. Accessory uses incidental to and on the same zoning lot as a principal use.
- M. Any use permitted in a C-A/R, Automobile Commercial and Commercial Recreation District, or a C-G, General Commercial District except for any type of residential uses, i.e. mobile home, manufactured housing, single-family dwelling, duplex dwelling or multifamily dwelling, unless provided for elsewhere in the I-L or I-H district regulations.

SECTION 907.4 Special Exception Use

The following may be established only when authorized by the Planning and Zoning Commission and City Commission, after a public hearing.

- A. Any use similar to those listed above and which is not listed in the section "Uses Permitted" in the Heavy Industrial District (I-H) of this ordinance.
- B. Criminal justice halfway house. (Ord. 1362)

SECTION 907.5 District Regulations

Minimum Lot Area:	None
Minimum Lot Frontage:	None
Maximum Percentage Coverage:	40%
Maximum Height:	None
Minimum Front Yard Setback:	50 feet
Minimum Side Yard Setback:	50 feet*
Minimum Rear Yard Setback:	50 feet*

* (minimum of 2' of setback for each 1' of height when adjacent to residential district)

- A. There are no area requirements in an I-L District.
- B. There are no lot frontage requirements in and I-L District.
- C. Not more than forty (40) percent of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this provision.
- D. There are no height requirements in an I-L District.
- E. No structure shall be erected, commenced or maintained which has a front yard of less than fifty (50) feet.
- F. When adjacent to a residential district, a side yard of fifty (50) feet or two (2) feet for each one (1) foot of height, whichever is greater, shall be provided.
- G. When adjacent to a residential district, a rear yard of fifty (50) feet or two (2) feet for each one (1) foot of height, whichever is greater, shall be provided.

SECTION 908.1 "I-H", Heavy Industrial District – Purpose

The purpose of the I-H, Heavy Industrial District, is to provide a location for industries, which may by their nature create nuisances. The intent is to preserve this land especially for such industry in locations with access to arterial streets as designated on the Comprehensive Plan and/or the Thoroughfare Plan Maps of the City, as well as locations generally accessible to railroad transportation. Because of the nuisances or other objectionable influences that may be created in this District, a buffer or setback strip between this District and other zoning districts except I-L is required.

SECTION 908.2 District Standards

Any use constructed, established, altered or enlarged in the I-H, Heavy Industrial District, after the effective date of this ordinance shall be so operated as to comply with the following standards. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the applicable standards hereinafter for the I-H District.

- A. No building shall be used for residential purposes, except that a watchman may reside on the premises or as allowed by Special Exception use. (Ord. 1362)
- B. No retail sales or services shall be permitted except as incidental to or accessory to a permitted use. Taverns are hereby expressly excluded in the I-H District.

- C. No storage, manufacture, or assembly of goods shall be conducted out of a building unless the nearest point of said activity is more than one hundred (100) feet from the boundary of any zoning district.
- D. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
- E. All manufacturing, fabricating, assembly, disassembly, repairing, storing cleaning, servicing and testing of goods, water and merchandise shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odors, glare, heat, fire or explosive hazards.
- F. No activities involving storage, utilization, or manufacture or use of explosive materials shall be permitted.

SECTION 908.3 Uses Permitted

Within the I-H, Heavy Industrial District, the following uses are permitted:

- A. Any use permitted in the I-L District.
- B. Automobile wrecking and junkyards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight (8) feet in height.
- C. Other Uses:

Blacksmith, tinsmiths and sheet metal shops,
 Bottling works
 Bulk fuel sales and service
 Canning or preserving factories
 Cold storage plant
 Ice cream production and distribution
 Laundry and dry-cleaning plants
 Machinery rental, sales and service
 Machine shops
 Manufacturing, fabricating, assembling, repairing, storing and cleaning. Servicing, or testing of any of the following materials, goods or merchandise:

- Apparel
- Beverages (non-alcoholic), processing and bottling
- Building materials specialties
- Clothing
- Compounding and packaging of chemicals
- Cosmetics and toiletries
- Dairy products
- Drugs and pharmaceutical products
- Electrical and acoustical products and components
- Food products (except fish, sauerkraut, vinegar and yeast)
- Furniture
- Glass products
- Ice, dry and natural
- Jewelry
- Medical laboratory supplies, equipment and specialties
- Musical instruments
- Metal products and utensils

- Optical goods
- Paper products, including boxes and containers, radios, phonographs, records and television sets and parts
- Textiles
- Toys and children's vehicles
- Trailers and carts
- Wood products, including wooden boxes and containers
- Milk, bottling and distribution
- Monumental stone cutting
- Motor freight terminals
- Pattern shops
- Printing plants
- Railroad yards and switching areas, including lodging and sleeping facilities for transient railroad labor
- Sign painting
- Soldering and welding shops
- Spar painting and mixing

D. Adult Business (Ord. 1362)

SECTION 908.4 Special Exception Uses

The following may be established only when authorized by the Planning and Zoning Commission and City Commission, and after public hearing:

- A. Asphaltic or concrete batching plant, for a period of not more than two (2) years, subject to renewal.
- B. Automobile or livestock auction house.
- C. Extractive industries including sand and gravel mining and processing.
- D. Open storage of products and commodities.
- E. Slaughter house or packing plant for meat and poultry products.
- F. Animal pound, clinic, or hospital with outside runs.
- G. Facilities for outdoor amusements and sports, including fairgrounds, rodeo grounds, circus and tracks for road racing and automobile testing.
- H. Electric energy generating plant.
- I. Sewage treatment plant.
- J. Manufacture or storage of explosives and flammable liquids or gases.
- K. Manufacturing, processing or storage for resale in bulk of insecticides or fertilizers.
- L. Manufacturing, processing and/or fabrication when conducted partially or completely outside an enclosed building.
- M. Criminal justice halfway house. (Ord. 1362)

SECTION 908.5 District Regulations

- A. There are no requirements for minimum lot area or frontage in the I-H District.
- B. Front, rear and side yard requirements in the I-H District are the same as those set forth in Section 907.5 for the I-L District.
- C. Buildings shall not cover more than fifty (50) percent of the site on which the use is located.

SECTION 909.1 “C-F”, Community Facilities District – Purpose

The “C-F”, Community Facilities District is designed to permit those institutional and, related uses, which are established in response to the educational, safety and welfare needs of the community.

SECTION 909.2 Principal Uses

In this District, no building or land shall be used and no building shall be hereafter erected, reconstructed or structurally altered or enlarged except for one or more of the following principal uses:

- A. Public kindergartens, elementary and secondary schools, and private kindergartens, elementary and secondary schools whose curricula satisfy the requirements of the State Public School Laws and the regulations of the State Department of Education.
- B. Higher education institutions: Junior and senior colleges, universities, conservatories and seminaries, offering curricula recognized by collegiate, academic and professional organization accrediting boards.
- C. Museums, libraries, fine arts centers, and similar cultural facilities sponsored, operated or maintained for the benefit of the general public.
- D. Golf courses (except commercially operated miniature golf courses and commercially operated golf driving ranges) on a site containing a total area of not less than forty (40) acres; parks, playgrounds, community center and country clubs.
- E. Institutions, rehabilitation and training centers offering non-academic programs, when operated or sponsored by chartered educational, religious or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.
- F. Public safety facilities: Civil defense operational centers, police and fire stations and training facilities.
- G. Religious institutions: Churches and facilities for worship, fellowship and education.

SECTION 909.3 Accessory Uses

Any use may be established as-an accessory use to any permitted principal use when it complies with the Standard Conditions for accessory uses as previously set forth in Section 800.2.

SECTION 909.4 Special Exception Uses

The following uses may be established only when authorized by the Planning and Zoning Commission and City Commission. Any use accessory to the following may be permitted without

specific Board approval provided it complies with the limitations of Section 909.3. Other special exceptions shall be permitted by the Board after public hearing together with such other conditions as the Board may impose.

- A. Utility buildings and structures: power sub-stations, water tanks and reservoirs.
- B. Crematory for the disposal of human dead or of domestic pets.
- C. Radio, Television, micro-wave broadcast, relay, receiving towers and transmission and retransmission facilities.

Conditions: The tower shall be set back from all property lines a distance equal to three fourths of the height of the tower.

- D. Day Care Center

Conditions: The outdoor play area shall be screened along all abutting properties used for dwelling purposes by a solid wall or fence or by a dense evergreen hedge, and such wall, fence or hedge shall have a height of not less than six (6) feet.

- E. Medical Care Facilities: Nursing and care homes; hospitals with their related facilities and supportive retail and personal services used, operated by or under the control of the hospital primarily for the convenience of patients, staff and visitors.
- F. Helistop area for loading and unloading of passengers and air express.

SECTION 909.5 Rezoning after Discontinuance of Use

Areas indicated on the Zoning Map as “C-F”, Community Facilities District shall not be used for any purpose other than that designated; when this use is discontinued, it shall automatically be zoned to the most restricted adjoining district until such time as the City Commission, acting on the recommendation of the Planning and Zoning Commission and in accordance with procedures set out in Article IV of this ordinance, shall approve inclusion of such property in another district or districts.

SECTION 909.6 District Regulations

Lot Area	Lot Width	Buildable Area	Front Yard	Interior Yard	Extra Yard per ft of Bldg. Over 40' high	Floor Area Ratio
32,000	160	40%	30'	10'	2' for each	15%
16,000	100	40%	30'	10'	ft. of height	20%
8,000	60	40%	30'	10'		25%
4,000	50	40%	25'	10'*		30%

No Maximum Height Requirement.

* In lieu of the normal yard width, the structure housing a non-residential use may be placed not less than one foot from the property line if the adjoining property is vacant or in non-residential use.

SECTION 910.1 “P-D”, Planned Development – Purpose (Ord. 1488)

The “P-D”, Planned Development District is designed to encourage a create flexibility and the opportunity for a higher standard of land development than is permitted under conventional regulations. The tract must be under common ownership or control and a detailed plan (an outlined development plan) must be submitted for commission review. A Planned Development District must be approved by the City Commission as a prerequisite to development. As such it makes feasible the application of planning concepts dealing with the planned development of areas such as residential areas, planned shopping centers, planned industrial parks, mixed-use developments, medical centers, community recreation centers, office complexes, and development or redevelopment of areas of historical significance as defined by the comprehensive plan. Improvements in a “P-D” district are subject to conformance with a site plan approved by the City Commission on the Planning and Zoning Commission’s recommendation and after public hearing thereon.

SECTION 910.2 Effects of “P-D” Classification

When property is rezoned as “P-D” Planned Development District so designated by the letters “P-D”, it contains its own set of regulations and displaces the underlying zone.

SECTION 910.3 Special Regulations

- A. When the “P-D” District is to be used for a nonresidential purpose, the tract shall have a gross area of at least **two (2)** acres. In addition to the Development Controls for non-residential uses, special attention shall be given to the potentially adverse effects of the proposed development on adjacent residential properties. The Planning and Zoning Commission shall not recommend for City Commission approval any site plan which it finds will create unnecessary traffic congestion on local streets in such residential area, will create a potential hazard to such properties by reason of water ponding or by intensifying water flows, or will other wise be operated in such manner as to be detrimental to the health or safety of occupants of adjacent land.
- B. When the “P-D” classification is to be used for a residential purpose, the tract shall have a gross area of at least **five (5)** acres. The Yard Requirements for residential uses shall apply only to the total site and to individual blocks within the site; in lieu of the Minimum Lot Area-Lot Width requirements and the Bulk Controls of the district in which the property, or part thereof, is located shall apply.
- C. When the “P-D” classification is to be used for mixed (residential and commercial) development purposes, the tract shall have a gross area of at least **two (2)** acres. Special attention should be given to the potentially adverse effects of the proposed development on adjacent residential properties. Proposed Development Controls must be included for review in the outlined development plan / site plan.

SECTION 910.4 Site Plan Approval Required

A site plan approved by the City Commission shall be prerequisite to issuance of building permits and certificates of occupancy for any property in the district other than those that are entitled to same by reason of other provisions of this ordinance.

SECTION 910.5 Information to be shown on Site Plan and Application

The site plan shall show all pertinent information as necessary to accompany an application for building permit and such other information pertinent to the site and surrounding area, including a schedule of proposed improvements both on-site and off-site.

An application for a Planned Development shall be filed with the Planning and Zoning Commission. The application shall be accompanied by a fee in accordance with the established fee schedule. The application shall be in such form and content as the Planning and Zoning Commission may by resolution establish, provided that (3) copies of an outline development plan shall accompany the filing of the application. The outline development shall consist of maps and text which contain:

- A. A Site Plan reflecting:
 - 1. The legal description of the land included in the site plan and the lot, with the name of the owner/s, developer, and designer;
 - 2. The boundary lines of the area included in the site plan, a north arrow, scale and the lot area of the land included in the site plan.
 - 3. Utility location, easements, and drainage.
 - 4. Proposed location of uses, including off-street parking, open spaces and public uses;
 - 5. Development standards for location, height, setbacks, lot coverage, and size of lots, buildings and other structures;
 - 6. Public and private vehicular and pedestrian circulation;
 - 7. The approximate intensity of residential uses expressed in number of dwelling units and the approximate intensity of non-residential uses expressed in floor area, allocated to each identifiable segment of the planned ~~Unit~~ development;
 - 8. Proposed location, height, and size of proposed screening, lighting, fencing, ground signs, and landscaping;
 - 9. Sufficient surrounding area to demonstrate the relationship of the P-D to adjoining uses, both existing and proposed.
 - 10. Each individual lot or parcel shall have direct vehicular access to a public street or alley or to a community drive to be provided and maintained within a community open space and thereby connect with a public street. Where access to lots or parcels is to be provided by community open space rather than public streets or alleys, adequate provisions shall be made for emergency and other service vehicles.
- B. Existing topographic character of the land including identification of floodplain areas, treed areas, slope analysis at one-foot contour intervals, and soil analysis.
- C. An explanation of the proposed uses of the P-D.
- D. The expected schedule of development.

- E. In addition to the above requirements, the Planning and Zoning Commission and City Commission may also require the following:
 - 1. Architectural drawings detailing the design and materials, shape, height, size and floor area of all proposed structures.
 - 2. Other development and protective requirements considered necessary to create a reasonable transition to and protection for adjacent property.

SECTION 910.6 Public Hearing and Planning and Zoning Commission Action

A request for site plan approval shall be processed in accordance with the same review and hearing procedure as a proposal for zoning district change. A site plan approval request may be heard concurrent with or subsequent to a zoning change request, but not before. The Planning and Zoning Commission, upon the filing of an application for the “P-D” district designation, shall set the matter for public hearing and give 15 days notice thereof by publication in a newspaper of general circulation. Within 60 days after the filing of an application, the Planning and Zoning Commission shall conduct public hearing and shall determine:

- A. Whether the P-D is consistent with the Comprehensive Plan.
- B. Whether the P-D harmonizes with the existing and expected development of surrounding areas.
- C. Whether the P-D is a unified treatment of the development possibilities of the project site.
- D. Whether the P-D is consistent with the stated purposes and standards of this Section. (910.1)

The Planning and Zoning Commission shall forward its recommendation, the application, and the outline development plan to the City Commission for further hearing s provided in Section 910.7.

SECTION 910.7 City Commission Action

Upon receipt of the application, outline development plan, and Planning and Zoning Commission recommendation, the City Commission shall hold hearings, review the outline development plan and approve, disapprove, modify, or return the outline development plan to the Planning and Zoning Commission for further consideration. Upon approval, the zoning shall be amended to reflect the “P-D” designation, and the applicant shall be authorized to process a subdivision plat (if required) incorporating the provisions of the outline development plan.

SECTION 910.8 Planned Development Subdivision Plat

A Planned Development (P-D) subdivision plat shall be filed with the Planning and Zoning Commission and shall be processed in accordance with the Subdivision Regulations, and, in addition to the requirements of the Subdivision Regulations shall include:

- A. Details as to the location of uses and street arrangement.
- B. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Commission.

- C. Such covenants as will reasonably insure the continued compliance with the approved outline development plan. The Planning and Zoning Commission may require covenants which provide for detailed site plan review and approval by said Commission prior to the issuance of any building permits within the P-D. In order that the public interest may be protected, the City of Vernon shall be made beneficiary of covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, and access. Such covenants shall provide that the City of Vernon may enforce compliance therewith, and shall further provide that amendment of such covenants shall require the approval of the Planning and Zoning Commission and the filing of record of a written amendment to the covenants, endorsed by the Planning and Zoning Commission.

SECTION 910.9 Issuance of Building Permits (P-D Subdivision Plat)

After the filing of an approved P-D subdivision plat and notice thereof to the Building inspector, no building permits shall be issued on lands within the P-D except in accordance with the approved plat.

SECTION 910.10 Amendments

Minor changes in the P-D may be authorized by the Planning and Zoning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the outline development plan and the purposes and standards of the P-D provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original Planned Development.

SECTION 910.11 Abandonment

Abandonment of a Planned Development shall occur when (1) the developer / owner voluntarily abandons the project and signs an affidavit confirming its abandonment; or (2) the project is not completed within four years from the City Commission's final approval of the planned development site plan. In both instances, the Special Services Director shall file a signed affidavit in the Official Public Record at the Wilbarger County Clerks Office verifying the abandonment of the planned development. Upon official abandonment of a planned development site the zoning designation shall automatically revert to the property's previous zoning designation. Upon final action authorizing the abandonment of the planned development, no building permit shall be issued except in accordance with the restrictions and limitations of the property's zoning classification prior to "P-D" designation.

SECTION 910.12 Waiver of Area Regulations

The City Commission, after recommendation by the Planning and Zoning Commission, may grant a waiver to the minimum requirements such as minimum acreage, lot area, lot width, lot depth, lot coverage, and front, side, and rear yards when the overall development is in keeping within the requirements of the zoning regulations.

SECTION 910.13 Numbering of Districts; Register and File; Inclusion on Zoning Map.

Planned Development (P-D) Districts shall be sequentially numbered. The Special Services Director shall maintain a register and file of all P-D Districts which shall contain a site plan, a copy of the ordinance creating the P-D district, and all other information concerning the P-D Districts as set forth on the Zoning Map.

SECTION 911.1 “FD”, Floodway Supplemental District

An FD, Floodway Supplemental District set forth below is hereby established.

SECTION 911.2 Flood Hazard Area Maps Adopted

In addition to the establishment of the “FD” Floodway Supplemental District, the City of Vernon adopts the flood hazard area maps prepared by HUD, dated January 16, 1976. The adoption of the flood Hazard Area Maps is essential for the protection of health, safety, and general welfare of the public. Such Flood Hazard Area Maps shall be made available for public inspection in the offices of the Vernon Planning and Zoning Commission, City Engineer and Building Inspections. The following requirements shall be met before a building permit is issued within a flood hazard area, as depicted on said Flood Hazard Area Maps:

No Building Permit may be granted in a “FD”, floodway Supplemental District until the Planning and Zoning Commission has recommended approval of the permit and the City Commission has reviewed and approved the same.